

**ENDORSEMENT TO THE MODEL BINDING AUTHORITY AGREEMENT
FOR CANADIAN COMPLAINTS - NO AUTHORITY**

(For use with LMA Binding Authority Agreements)

The provisions of this endorsement are to be read in conjunction with Section 22 (Complaints or Proceedings).

The Coverholder has no authority to handle Complaints against Underwriters or to offer redress to resolve Complaints.

1. Process

Upon receipt of a Complaint against Underwriters from a Complainant below, the Coverholder must comply with the procedures as set out below.

- 1.1. The Coverholder does not have authority to handle Complaints against Underwriters.
- 1.2. If the Coverholder is in any doubt as to whether or not it is a Complaint, the Coverholder shall treat it as a Complaint.
- 1.3. The Coverholder must immediately pass the Complaint, along with all relevant documentation, to Underwriters using the following email address: **{Insert Underwriters' email address}**
- 1.4. If Underwriters request any further information the Coverholder must provide this promptly.
- 1.5. The Coverholder will assist Underwriters where Lloyd's are involved.
- 1.6. Upon receipt of a Complaint which does not fall within the definitions at Section 5.1 and 5.2 below, the Coverholder must **{Insert instructions here}**
- 1.7. The Coverholder is solely granted authority to acknowledge the Complaint. The format of the acknowledgement must be in the format found at www.lloyds.com/complaintshandling/international, and as agreed with underwriters. **[Delete if not applicable]**

2. Additional Responsibilities:

In addition to the above the Coverholder will:

- 2.1. Ensure that all members of staff that may receive Complaints in relation to any operations under this Binding Authority Agreement are trained in complaint identification to a level appropriate to their position and role within the organisation and are aware of the above procedure;

3. Record Keeping

- 3.1. The Coverholder shall maintain a register of all Complaints.
- 3.2. The register should include the following information:
 - a) Name of complainant and policyholder (if different);
 - b) Name of complainant's representative (if applicable);
 - c) Address of complainant;
 - d) Address of complainant's representative (if applicable);
 - e) Date Complaint received;
 - f) Date referred to Underwriters;
 - g) Policy number;
 - h) Claim reference (if applicable);
 - i) Unique market reference (UMR);

3.3. The Coverholder must provide a copy of the register to Underwriters, or their representatives, promptly upon request.

4. Additional Guidance

4.1. In the event additional guidance is required please contact Underwriters on: **{Insert Underwriters contact details here}**

4.2. Lloyd's also provides further guidance at: www.lloyds.com/complaintshandling. Or, the Coverholder could contact Lloyd's directly on: complaints-enquiries@lloyds.com or +44(0)20 7327 5696.

5. Definitions

5.1. The definition of a 'Complaint' is:

The expression of at least one of the following elements that persists after being considered and examined at the operational level capable of making a decision on the matter:

- A reproach against an organization;
- The identification of a real or potential harm that a consumer has experienced or may experience;
- A request for remedial action.

Complaints are generally expressed in writing through correspondence, e-mail, fax or other form that allows a Complaint to be kept on file. Where a consumer makes a Complaint by phone or in person and the Complaint is handled and examined by the person responsible for the examination of Complaints and designated as such in the organisation's policy, the Complaint must be documented so that it can be kept on file.

The initial expression of dissatisfaction by a consumer, whether in writing or otherwise, will not be considered a Complaint where the issue is settled in the ordinary course of business. However, in the event the consumer remains dissatisfied and such dissatisfaction is referred to the person who is responsible for the examination of complaints and designated as such in the organisation's policy, then it will be considered as a Complaint.

However, organisations must refrain from any undue delay in referring a matter to a higher level solely for the purpose of avoiding reporting requirements.

Where a consumer remains dissatisfied after a reasonable attempt has been made to settle the issue, organisations without a multilevel Complaint examination structure are then considered to have received a Complaint.

5.2. A Complainant is defined as :

All current and prospective customers of insurance products (known under Canadian law as a Consumer), who makes a Complaint.

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