

Report on outcomes: Fairness Jurisdiction Project



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Deputy Chief Ombudsman's message

AFCA's Rules describe a jurisdiction which requires AFCA to do what is fair in all the circumstances, in the handling and determination of complaints. This includes delivering a fair process and fair outcomes for all parties to a complaint.

AFCA's jurisdiction is unique in that sense. AFCA is not a court of law. It is an independent external dispute resolution scheme, designed to ensure informal, flexible, fair, efficient and effective resolution of financial services complaints between consumers and AFCA members.

As a new organisation which commenced operation in 2018, AFCA and its new staff base needed to understand its jurisdiction and the scope and nature of its remit, to clearly describe and explain that jurisdiction to its stakeholders, including parties to a complaint, and to apply the jurisdiction consistently and predictably in the handling and determination of complaints.

Our stakeholders also reiterated the importance of these objectives in their submissions to AFCA's Independent Review in 2021.

AFCA's Fairness Jurisdiction Project was a strategic initiative undertaken to deliver a framework and key artefacts that would assist AFCA to meet these objectives.

We recognise that fairness as a concept means different things to different people. AFCA's project did not set out to define what is fair or unfair in the provision of financial services or create new standards of conduct for financial services firms. AFCA's role is to apply the law, codes of practice and regulatory guidance in place at the time the conduct complained about occurred.

We did set out however to ensure that AFCA and its staff understood its jurisdiction, could readily and clearly explain that jurisdiction and could consistently and transparently apply it to any complaint we received, across the broad range of financial services and products delivered by AFCA members.

AFCA's project described and benchmarked our fairness jurisdiction both domestically and internationally, built a framework to assist AFCA staff to consistently apply the fairness jurisdiction in our complaint handling, articulated how the parties should engage with each other and AFCA to ensure a fair process, explained our approach to delivering fair outcomes and designed systems to calculate and capture fair outcomes once achieved.

I want to thank our external stakeholders, who consulted with us on this project and readily shared their insight, knowledge and wisdom in the development of a robust and comprehensive framework.

Dr June Smith
Deputy Chief Ombudsman

Purpose

The purpose of this document is to report on the outcomes of AFCA's Fairness Jurisdiction Project conducted during 2019 to 2021. It sets out what we did, how we did it and what was achieved by AFCA. It must be read subject to the AFCA Rules and Operational Guidelines.

As one of AFCA's first strategic projects, it has set AFCA apart from its predecessor schemes by embarking on a project solely focused on the central tenant of the ombudsman service: our fairness jurisdiction and how we operate within it.

The aim of the project was to create a framework for AFCA to ensure that we operated within our fairness jurisdiction, making decisions and providing our dispute resolution services in a fair, independent and consistent way.

It should be noted that AFCA currently operates and delivers two technical and separate jurisdictions: the jurisdiction which covers superannuation complaints which is embodied in legislation and the non-superannuation jurisdiction covering all other types of financial complaints. Both jurisdictions are set out in AFCA's Rules. For the purposes of this document however, unless otherwise described, we refer to AFCA Rules more generally.

Focus of the project



Understanding and applying AFCA's jurisdiction



Ensuring consistency of experience



Delivering a fair process



Providing a fair outcome

This detailed focus heralds a new transparency in the operation of ombudsman schemes and fosters an openness and engagement with our stakeholders and the broader community including government and regulators. The framework we have developed is based on an exchange of ideas, which allows AFCA to learn, innovate and continue to grow towards being a world class ombudsman scheme.

Creating a fairness framework for AFCA

Our aim was to create a framework for how we would operate within our fairness jurisdiction, making decisions and providing our dispute resolution in a fair, independent and consistent way.

The fairness jurisdiction framework

We have created a framework within which to understand, explain, interpret and apply the AFCA Rules and AFCA's fairness jurisdiction. This framework brings together 10 elements that operate to ensure that we deliver on our mandate of providing fair, efficient and consistent dispute resolution.

The table below describes the 10 elements of the framework against their focus area.

Focus	Element	Description
Understanding and explaining AFCA's jurisdiction	1. AFCA's fairness jurisdiction	Understand and explain AFCA's discretionary fairness jurisdiction for superannuation and non-superannuation products. Our focus was on independent, impartial complaint handling and decision making which assists both parties to co-operate and engage in an informal, flexible and efficient process.
	2. The fairness tests	Applying the two fairness tests within the AFCA Rules. Describing fair service, fair conduct, fair treatment and fair remediation through the application of the law and equity, good industry practice and code of practice obligations.

Focus	Element	Description
Ensuring consistency of experience	3. The fairness navigation tool	A tool to guide engagement between the parties and AFCA about the identification, investigation and assessment of issues in dispute.
	4. AFCA’s approach roadmap	A library of guidance documents, approach documents, fact sheets, information bulletins and published decisions that explain how AFCA will approach complaint handling and decision making for particular types of complaints.
Delivering a fair process	5. AFCA’s Engagement Charter	Articulating how the parties should engage within a fairness jurisdiction, with each other and with AFCA. This includes what constitutes reasonable co-operation by the parties, accountability and consequences for non-compliance with AFCA processes or member obligations and meeting AFCA’s service standards.
	6. Delivering fair process	Delivering a fair process in an informal, flexible, external dispute resolution setting.
	7. Procedural fairness	Meeting AFCA’s obligation to be independent and impartial.
Providing a fair outcome	8. Achieving fair outcomes	Delivering substantive fairness. Clearly explaining reasons for decision. Revising templates and engaging in Plain English Writing.
	9. Fair remediation	How AFCA will assess and calculate loss, contribution, mitigation and apportionment if unfair practice occurs.
	10. Documenting fair outcomes	Resolving complaints to achieve fair outcomes. Capturing fair outcomes in terms of settlement. Clear articulation of reasons for decision and why it is fair.

Engagement and consultation with stakeholders

This was a significant strategic project for AFCA. As a result, we engaged extensively with stakeholders about the development of the framework and its 10 elements. Our engagement was open and transparent. The thoughtful feedback and insight provided during this process helped shape our work.

Internal engagement

Led by a steering committee sponsored by the Deputy Chief Ombudsman, all of AFCA was engaged in creating and testing the framework and the materials developed to support it. A cross business working group ensured that expertise from across AFCA was leveraged to design and develop the framework.

Areas of the business consulted included:

- decision makers
- case workers
- front line staff
- People and Culture
- Learning and Development
- shared services including legal, risk and membership services
- communications and engagement teams
- AFCA's Senior and Executive Leadership teams
- the AFCA Board.

External engagement

We engaged across all sectors of the financial services industry as well as with Treasury, regulators, AFCA members and consumer advocates. Many of our stakeholders were navigating the impacts of the Hayne Royal Commission report in early 2019, so our stakeholders were very interested and engaged with AFCA about this work. The feedback given was open, considered and helped to shape our thinking and the final framework. Overwhelmingly, there was strong support and interest in AFCA's work in this area and the aims of the project.

Stakeholders engaged throughout 2019 to 2021 included:

- AFCA member financial firms
- industry and professional peak bodies
- AFCA's industry liaison groups
- regulators
- Government and Treasury
- other ombudsman schemes
- consumer advocates and legal representatives
- AFCA's independent assessor
- Code Compliance Committees.

Events attended and hosted included:

- round table discussions
- individual meetings
- member forums, webinars and liaison group meetings
- industry forums
- external finance conference presentations
- individual financial firm engagement.

We used a number of techniques in our consultation processes, including formal and informal engagement, use of round tables, consultation papers, written submissions and surveys.

Given the importance and significant support for an Engagement Charter, we prepared a formal consultation paper about this element of the fairness framework. We released the consultation paper to our 40,000 members, as well as consumer representative organisations from our consumer advisory network, relevant regulators and Treasury. We received 21 detailed written submissions from industry peak bodies and financial firms, as well as significant informal feedback from other stakeholders. This feedback was very rich and was incorporated into the final Engagement Charter publicly released by AFCA on 1 September 2021.



Understanding and explaining AFCA's jurisdiction

Our journey started by understanding the fairness jurisdiction outlined in our Rules

Element 1 – AFCA's fairness jurisdiction

Academic research

We commissioned leading expert, Professor Jeannie Patterson of Melbourne University School of Law and Business. Professor Patterson and her team undertook legal and consumer research and benchmarked AFCA's fairness jurisdiction against other ombudsman schemes and tribunals in Australia and internationally, many of which also exercise a fairness jurisdiction. The research identified the key elements of the jurisdiction, how it should operate in practice and how it is different to the jurisdiction exercised by courts.

The research also:

- considered the judicial interpretation of our jurisdiction and predecessor schemes
- set out the key elements required to build a robust framework so AFCA can meet its remit
- identified a model to allow AFCA to assess fairness through the lifecycle of the customer relationship with a financial firm
- helped AFCA to understand and then explain how its fairness jurisdictions operate in practice.

This research informed the model framework described above on pages 5 and 6.

Judicial interpretation of AFCA's fairness jurisdiction

There are now a number of court decisions about the application and interpretation of AFCA's jurisdiction and its predecessor schemes. In these decisions, the courts have been clear that AFCA has a fairness jurisdiction.

This is not new. Many ombudsman schemes across the world including Australia have been operating fairness jurisdictions for many years.

These court decisions have affirmed that AFCA can apply a fairness approach in determining complaints. Having regard to relevant legal principles and the law is important, but these are not the only factors AFCA may consider under its Rules.

Element 2 – The fairness tests in the AFCA Rules

There are two fairness tests found in AFCA’s Rules that AFCA staff must apply when assessing complaints:

In our general jurisdiction

In assessing and determining complaints, an AFCA Decision Maker must do what they consider is fair in all circumstances having regard to:

- a) legal principles
- b) applicable industry codes or guidance
- c) good industry practice
- d) previous relevant Determinations of AFCA or Predecessor Schemes (but these are not binding)

This is the first of two “fairness tests” in AFCA’s Rules.

In our superannuation jurisdiction

When determining a superannuation complaint, the AFCA Decision Maker:

- a) may refer a question of law to the Federal Court in accordance with *section 1054C of the Corporations Act*
- b) must apply the approach specified in *section 1055 of the Corporations Act*.

Application of the fairness test in superannuation complaints

Section 1055 of the Corporations Act sets out an approach where AFCA must affirm a decision or conduct of a superannuation trustee or other decision maker (except a decision relating to the payment of a death benefit) if AFCA is satisfied that the decision, in its operation in relation to the complainant, or the conduct, was fair and reasonable in all the circumstances.

AFCA must affirm a decision relating to the payment of a death benefit if AFCA is satisfied that the decision, in its operation in relation to the complainant and any person joined as a party to the complaint, was fair and reasonable in all the circumstances.

AFCA cannot make a determination in a superannuation complaint that would be contrary to law, the governing rules of the superannuation fund or the terms and conditions of a relevant insurance policy.

When an AFCA decision maker determines a superannuation complaint, AFCA has all the same powers, obligations and discretions of the trustee, insurer, retirement savings accounts provider or other decision maker whose decision or conduct is being reviewed.

AFCA can refer a question of law to the Federal Court, and a party to a superannuation complaint may appeal to the Federal Court, on a question of law, from our determination.

How the fairness tests are applied in the general jurisdiction

We did not seek to define what “fairness” means in our framework.

Rather, we are very much guided by the law and equity in our assessment of complaints at AFCA and within the framework. Fairness is found everywhere in law, including unfair contract terms, fiduciary duties, misleading and deceptive and unconscionable conduct obligations and the obligation of licensees to be efficient, honest and fair.

We also acknowledge that the financial services regulatory environment continues to evolve with many new service providers and products and with the recent commencement of product design and distribution obligations, amongst other changes.

The framework has been designed to be product and technology neutral to accommodate a changing market and regulatory environment.

The University of Melbourne research helped us to also examine the current lifecycle of the relationship between a customer and financial firm to better understand established legal, equity and commercial principles such as fair dealing, fair treatment, fair service and fair remediation. This helped to guide our approach to how we might consistently apply the fairness tests to the many different product and service types AFCA sees in its dispute resolution work.

Interestingly, these four principles are also articulated in different forms in relevant industry and professional codes of practice. This includes how financial firms will engage with customers experiencing vulnerability, the timeliness and fairness of claims and complaints handling practice and the ethical and professional values that underpin the delivery of financial services, financial advice and financial products to Australian consumers.



Ensuring consistency of experience

AFCA applies the legal and commercial standards that existed at the time of the conduct complained of.

AFCA's fairness jurisdiction is mandated by statute and supported by regulatory guidance. It reflects long-standing and familiar principles of law and equity.

Since the commencement of our operations, we have spent time and significant resources talking about our jurisdiction both internally and externally.

As part of the fairness jurisdiction project, we developed and delivered robust training to all complaint handling staff, including adjudicators and ombudsmen, focusing on the operation and application of our jurisdiction and AFCA's decision-making powers set out in our Rules.

We have also integrated our fairness jurisdiction into our operations, culture and systems, including in our:

- leadership capability framework
- operational KPIs
- case management systems
- complaint handling, conciliation and decision-making processes
- knowledge management resources
- templates
- approach documents, fact sheets and other guidance
- service complaint handling processes.

This work has been particularly important given the rapid growth of AFCA in our first three years of operation and the volume of complaints we have handled.

Our staff's understanding of our jurisdiction and how it operates in practice has been enhanced and deepened through this important training and embedding of knowledge.

Element 3 – The fairness navigation tool

With the assistance of the University of Melbourne research, we developed an internal navigation aide to help ensure consistency of approach and understanding of AFCA’s role in the dispute resolution process. This aide is designed to assist AFCA staff and the parties to identify and discuss the key issues in a complaint against the primary legal, regulatory and codified obligations of a financial firm.

The development of the navigation tool was also informed by AFCA’s experience of over 270,000 complaints in its first three years of operation and significant consultation with stakeholders.

Clarity of the issues to be assessed and determined at an early stage in the process is a critical part of AFCA’s ability to deliver a fair process and a fair outcome and bring finality to a complaint.

The tool was developed to reflect the 10 key issues predominantly raised by consumers in AFCA complaints, across all financial product areas.

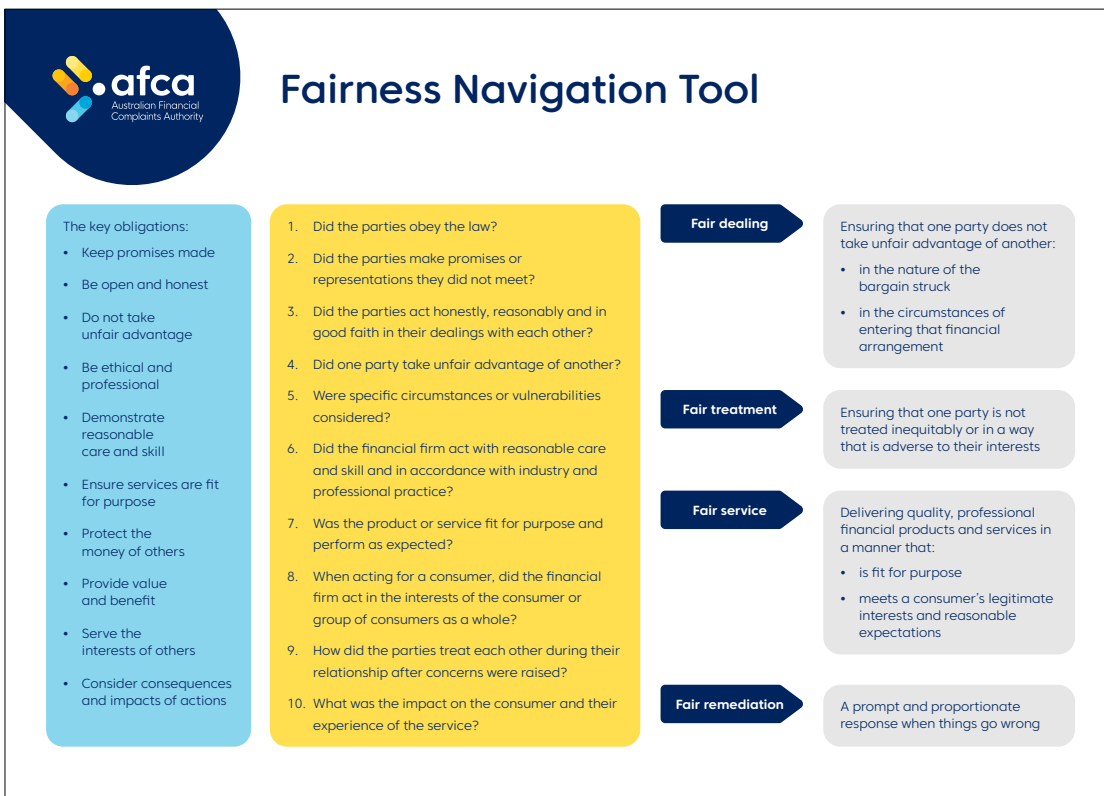
The tool then links those issues to the 10 primary legal, regulatory and code obligations applying to financial firms and individual practitioners in the provision of financial products and services.

The tool has a series of 10 framing questions to assist staff link the typical issues we see in complaints to those obligations.

The questions were mapped against the relevant law, regulatory guides and code obligations within the financial services sector to ensure relevance and alignment to the AFCA Fairness Tests.

The tool then describes how AFCA will explore what is fair in all circumstances in the context of the dealings the parties have had, the conduct and services provided, the way in which the parties have engaged and treated each other and what might constitute fair remediation in all of the circumstances, if that analysis is required.

We tested the tool with our stakeholders and received significant support for the development of this resource. Indeed, many stakeholders have also sought to develop their own similar internal tools to assist in their decision-making frameworks.





What the fairness navigation tool does

- Provides support as a navigation aide to assist AFCA staff and the parties to a complaint.
- Provides clarity of the issues to be assessed and determined at an early stage in the AFCA process.
- Has been mapped against the relevant law, regulatory guides and code obligations
- Supports AFCA to describe how it will consider what is fair in all the circumstances.
- Guides parties and AFCA to have conversations, in simple language, about the key issues to be explored.
- Helps AFCA deliver a fair process and a fair outcome.



What the fairness navigation tool does not do

- Set a new standard of conduct for financial firms.
- Reverse the onus onto financial firms to satisfy AFCA they have acted in accordance with their obligations.
- Consumers must still satisfy AFCA that the financial firm has breached its obligations which has in turn caused loss.
- The tool does not encompass every issue that might arise or refer to every question that may need to be asked and answered by the parties in assessing the merits of a complaint.



Element 4 – AFCA’s approach roadmap

It is important that AFCA is clear about how it will approach resolution of particular types of complaints within its jurisdiction. In its first three years of operation, AFCA published 85 approach documents, fact sheets and other guidance. Many of these were adopted from predecessor schemes and were well known to stakeholders.

As part of this project, all 85 documents have been revised to ensure they are aligned to the framework and re-published. Many required only minor amendment.

These documents describe how we may approach the resolution of certain types of complaints based on our experience. They give the parties to a complaint real insight into what they can expect during our process and the types of submissions they should make in support of their case.

All 85 documents form the initial section of our Roadmap, which will grow over time. This continues a long-established practice of external dispute resolution schemes across Australia and internationally.

This library of material is available on the AFCA website and our member portal.

In response to the recent Independent Review of AFCA, we are also developing a formal consultation process for the development of Approach documents in the future. This will ensure stakeholders help AFCA build guidance on matters that require greater clarity, assist in areas where AFCA has seen increasing volumes of complaints, explain our approach to particularly challenging legal or procedural matters, or assist the parties to reach resolution themselves.



85 published resources

33 approach documents

26 fact sheets

4 brochures

22 EDR response guides

These resources are designed to promote consistency and efficiency in our dispute resolution as well as ensuring that AFCA is transparent about the approach it will adopt to complaint handling and decision making.

Delivering a fair process

AFCA is a values-based organisation. We live our values, including to be fair and independent, transparent and accountable, honest and respectful, proactive and customer focused. The Engagement Charter supports our values and outlines the behaviours we expect from financial firms, complainants and AFCA employees when resolving complaints.

Element 5 – AFCA’s Engagement Charter

What is it?

The AFCA Engagement Charter outlines the behaviour we expect from financial firms, complainants and AFCA employees when resolving complaints. It also outlines AFCA’s obligations to be fair, independent and impartial, as stated in AFCA’s Rules.

It is a living document that describes the roles, responsibilities and expectations of each party to ensure that everyone engages in conduct that will facilitate a fair process. AFCA’s expectation is that all parties will engage with each other and AFCA in a way that is transparent, honest, respectful, fair, efficient and cooperative.

The Charter also sets out how AFCA will respond to financial firms and complainants that do not engage in this way. As stated in the AFCA Rules, AFCA can, at its discretion, stop engaging with a party in exceptional circumstances. This includes circumstances of aggressive, bullying and harassing behaviour or in a manner which hinders fair process through undue delay, non-disclosure of relevant material, misleading and deceptive conduct.

AFCA will call out and act on behaviour it considers inconsistent with the principles in the Charter.

Where to find it?

www.afca.org.au/engagement-charter

Addressing unfair engagement

The Engagement Charter explains what happens and the steps AFCA may take if the parties do not engage in a way that facilitates fair process and fair outcomes.

We have created internal processes to identify inappropriate behavior and conduct by parties and to escalate and manage AFCA’s response where the conduct is undermining AFCA’s ability to ensure fair process and outcomes. This includes an assessment of whether or not to continue providing dispute resolution services to the parties. Our processes also allow us to monitor and track inappropriate conduct to ensure that our staff are working in a safe environment.

AFCA will also report inappropriate conduct by financial firms in the external dispute resolution process, to relevant regulators.

Element 6 – Delivering fair process

AFCA focuses on delivering a fair process ensuring that we engage in procedural fairness and balance the need for the scheme to also be informal, efficient and flexible. Our process and systems are designed to deliver on our obligations.

What is a fair process?

The delivery of a fair process is a key element in ensuring that AFCA meets its obligations under the AFCA Rules. AFCA describes fair process as one that:

- is efficient
- assists the parties to identify and resolve the key issues in dispute
- ensures the right tools are used to resolve the complaint
- is accessible to all and ensures reasonable opportunities to participate
- is predictable and easy to understand
- delivers procedural fairness.

As part of the development of the AFCA framework, we have sought to ensure that fair process is embedded in our operations by:

- providing enhanced investigations and procedural fairness training to staff to build capability and competency
- developing revised investigation reasoning tables to ensure the key issues in dispute are consistently assessed in accordance with our approach
- increasing the focus on telephone conciliation and use of mediation techniques to ensure a clear understanding of the issues, and allow an opportunity to clarify, be heard and make submissions in an informal forum
- enhancing processes for dealing with challenging behaviour
- focusing on the accessibility of our services to consumers who may be experiencing vulnerability
- clarifying our approach to granting extensions of time and delay
- revising our approach to the application of Rule A8.3 to unmeritorious complaints.

Element 7 – Procedural fairness

Within the AFCA framework we have paid particular attention to the application of procedural fairness in the AFCA Rules. The key elements of AFCA’s procedural fairness obligations are:

Key requirements

As part of the AFCA framework, AFCA has established some key considerations to ensure it delivers on procedural fairness while balancing the need to engage in informal, efficient, and flexible dispute resolution:

The notice rule



Adequate notice of the issues in complaint.
Opportunity to access the process, present the case and engage meaningfully.

1. Did the parties understand the issues in dispute?
2. Did any party need help to access, understand or engage in the process?
3. Were the parties given a fair opportunity and reasonable time to present and respond to information?
4. Was the case manager or decision maker impartial and did AFCA manage actual or perceived bias?
5. Did AFCA undertake reasonable consideration and assessment of the material before it?
6. Was the process managed in a way that produced a fair outcome?

The bias rule



Decision making that is independent of the parties and impartial.
A fair and unbiased hearing by AFCA.

AFCA has now included these criteria in its Quality Assurance processes to ensure it is meeting its obligations to deliver a fair process in its complaint handling and decision making.

The hearing rule



Reasonable consideration and assessment of the evidence.

Providing a fair outcome

Our focus is to deliver fair, consistent and predictable outcomes in the resolution of financial complaints.

Element 8 – Fair outcomes

In reviewing the University of Melbourne research and in assessing recent court decisions about our jurisdiction, we identified the following key considerations to help us deliver fair outcomes in our decision making:

- Were the relevant issues properly identified and assessed?
- Did the decision address the key assertions made by the parties?
- Did the decision clearly set out the relevant facts?
- Did the decision take into account relevant law, regulatory guidelines, industry practice, and AFCA's approach?
- Was the outcome fair in all the circumstances?
- Was the decision accessible, clear and persuasive?

- Was the decision one that a decision maker acting reasonably would make?
- Did the determination bring finality to the complaint?

These matters now form the basis of our Quality Assurance Framework when reviewing outcome and reasons in our decisions.

We have also revised decision templates to specifically call out and explain why a decision is fair. This may be as simple, for example, as saying a decision is fair because the financial firm has or has not met its legal obligations to the complainant.

These initiatives promote the delivery of consistent fair outcomes.

Element 9 – Fair remediation

Our focus is to ensure that fair remediation is achieved where liability is established.

AFCA's role is to compensate for loss suffered by a complainant as a result of the financial firm's error or breach. AFCA's role is not to punish or penalise a financial firm. Our approach to remediation is to compensate the complainant for their direct financial and non-financial loss caused by the financial firm's conduct, if it is fair to do so.

AFCA has a wide range of remedies at its disposal set out under Section D of our Rules.

We focus on providing the most appropriate remedy for the circumstances of the complaint.

We compensate for the loss suffered such that the remedy is tailored to the circumstances.

We have current Approach documents that outline how AFCA will assess and compensate loss for different types of complaints and we clearly articulate the remedy awarded in decisions to minimise ambiguity and subsequent disputes between the parties. We have however identified the need to update our guidance on our approach to financial and non-financial loss in addition to issues of contribution, mitigation and apportionment. This work will form part of AFCA's work on its approach library going forward.

Element 10 – Documenting fair outcomes

Once a complaint is resolved, the parties may enter into terms of settlement to capture the outcome.

We have revised our **Approach to Terms of Settlement** and developed guidance for stakeholders to capture fair outcomes and provide certainty to the parties to the dispute.

This may be of particular assistance to many of our unrepresented complainants and smaller AFCA members.

Our guidance sets out our approach to settlement documents and to interpreting terms of settlement by outlining:

- what governing principles should inform the terms of settlement
- what the terms of settlement should cover
- what to consider when drafting non-standard terms
- how terms of settlement can affect a further or current complaint with AFCA.

Our guidance helps the parties to accurately document the resolution of a complaint and in particular provides guidance to:

- the complainant before signing the terms of settlement
- the financial firm when drafting any terms of settlement.

AFCA has an obligation under *section 1052E of the Corporations Act* and *ASIC Regulatory Guide 267* to report concerns about any unfair terms of settlement to the relevant regulator.

Other initiatives

There are a number of other initiatives we have undertaken to support consistent and fair process and outcomes as part of this project.

Other initiatives AFCA has undertaken as part of this project include:

- creating a significant decision library
- developing specialist teams with subject matter expertise in some complaint areas like small business, scams and financial difficulty
- four external reviews of AFCA decision making since November 2018. Reviews have indicated that AFCA is applying its fairness jurisdiction consistently and clearly to deliver a fair process and a fair outcome in the overwhelming majority of the 70,000 cases it handles each year and the more than 5,500 decisions published annually.

Next steps

Fairness is at the heart of what we do. We will continue our work to explain, interpret and apply AFCA's Fairness jurisdiction in a consistent, fair, independent and efficient way while balancing the need to be informal, flexible and co-operative, in accordance with our mandate.

The 2021 Independent Review Report of AFCA also provides an opportunity to further improve our service. As part of AFCA's response to this report, we will focus on a number of areas, including:

- creating a uniform framework for consultation when developing AFCA Approach documents
- developing a forward-looking mechanism to review AFCA approaches
- further enhanced systems, processes and tools to drive efficiency in process and reduce complaint handling times
- greater clarity about AFCA's role to assist the parties during the process, including the accessibility of AFCA's services
- clarifying our jurisdiction in relation to sophisticated investors
- revising our approach to fee paid representatives and ensuring efficient management of complaints.