

APPENDIX C

TCF CLIENT COMPLAINTS PROCESS & PROCEDURES

1. INTRODUCTION

Section 27(1) of The Financial Advisory and Intermediary Services Act 2002 (“FAIS”) deals with the receipt, prescription, jurisdiction and investigation of Complaints. All FSPs are required to have the required systems and procedures in place for the purpose of timeous and efficient resolution of Complaints received within specified timeframes.

FAIS, together with Treating Customers Fairly (“TCF”) Outcomes, aims to improve the standards at which an FSP operates by ensuring that Clients should not face unreasonable barriers to submit a claim, make a Complaint or switch product providers. The FSP therefore included TCF Outcome 6 in its Complaints process to ensure the fair treatment of Clients at all times.

The 6 TCF Outcomes are noted below for ease of reference:

Outcome 1: Clients can be confident that they are dealing with firms where the fair treatment of Clients is central to the corporate culture.

Outcome 2: Products and services marketed and sold in the retail market are designed to meet the needs of identified consumer groups and are targeted accordingly.

Outcome 3: Clients are provided with clear information and kept appropriately informed before, during and after the point of sale.

Outcome 4: Where consumers receive advice, the advice is suitable and takes account of their circumstances.

Outcome 5: Clients are provided with products that perform as firms have led them to expect, and the associated service is of an acceptable standard and as they have been led to expect.

Outcome 6: Clients do not face unreasonable post-sale barriers imposed by firms to change product, switch provider, submit a claim or make a Complaint.

2. PURPOSE

An FSP is required to implement a proper Complaints Management Resolution (“CMR”) system in its business. This policy defines what a Complaint is and sets out the CMR procedures and timelines for the FSP to ensure the effective resolution of a Complaint in a courteous, timely, effective and fair manner as required in terms of the TCF outcomes.

3. DEFINITIONS

- **Complaint** means an expression of dissatisfaction by a person to a Financial Services Provider (e.g. insurer) or, to the knowledge of the FSP, to the FSP’s service provider relating to a policy or service provided or offered by that other Financial Services Provider (e.g. insurer) which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a client query, that:
 - ~ the Financial Services Provider or its service provider has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the insurer or to which it subscribes.
 - ~ the Financial Services Provider or its service provider’s maladministration or willful or negligent action or failure to act, has caused the person harm, prejudice, distress, or substantial inconvenience; or
 - ~ the Financial Services Provider or its service provider has treated the person unfairly.

- **Reference to Complaint also includes a FAIS Complaint** that means a specific Complaint submitted by a Complainant to the FSP or the FAIS Ombudsman for purposes of resolution relating to a financial service rendered by the FSP/ representatives to the Complainant on or after the date of commencement of the FAIS Act, and in which Complaint it is alleged that the FSP/ Representative has:
 - ~ contravened or failed to comply with a provision of the FAIS Act and that as a result thereof the Complainant has suffered or is likely to suffer financial prejudice or damage;
 - ~ willfully or negligently rendered a financial service to the Complainant which has caused prejudice or damage to the Complainant or which is likely to result in such prejudice or damage; or
 - ~ treated the Complainant unfairly.

- **Client** means a Customer and includes any user, former user or beneficiary of one or more of the FSP’s financial products or financial services, and their successors in life.

- **Complainant** is a person, or someone acting on a person's behalf, who has submitted a specific Complaints to the FSP or to the knowledge of the FSP, to its Service Provider and who is a Client or prospective Client of the FSP and has a direct interest in the agreement, financial product or financial service to which the Complaint relates.
- **Complaints Management** means the management of the entire lifecycle of a Complaint. This commences with the ease of process for the client to lodge Complaints and the associated communication. It includes the way Complaints are handled, recorded, resolved and quality controlled; the way people involved in Complaints management processes are managed and trained; the way decisions are made; the ways clients' trust is restored; the way the reports are compiled and analysed; and ultimately the way business learns from the feedback gleaned from Complaints and takes corrective and proactive action accordingly.
- **Escalated Complaints process** means the requirement of escalating a Complaint dispute where the Complainant is not happy with the initial outcome reached by the FSP and wants an independent review of the Complaint outcome.
- **Reportable Complaint** means any Complaint, except where the Complaint has been:
 - ~ upheld immediately by the person who initially received the Complaint; i.e. all Complaints need to be recorded on an appropriate register, even though the matter is upheld immediately. It can be closed immediately on the system but needs to be captured.
 - ~ upheld within the FSP's ordinary processes for handling customer queries in relation to the type of agreement, product or service complained about, provided that such process does not take more than 5 business days to complete from the date the Complaint is received; or
 - ~ submitted to or brought to the attention of the FSP in such a manner that the financial institution does not have a reasonable opportunity to record such details of the Complaint as may be prescribed in relation to reportable Complaints.
- **Upheld** in relation to a Complaint means that the Complaint has been finalised in such a manner that the complainant has explicitly accepted that the matter is fully resolved or that it is reasonable for the FSP to assume that the complainant has so accepted. A Complaint should only be regarded as upheld once all undertakings made by the FSP to resolve the Complaint have been met.

4. COMPLAINTS MANAGEMENT KEY PRINCIPLES AND STANDARDS

The following principles and standards shall apply to ensure the effective management of Complaints within the FSP:

- **Accessibility:** The FSP makes Complaints reporting visible to customers on all key documents provided to them as well as on its website.
- **Client-centricity:** Complaint handling staff are expected to demonstrate the right attitude toward every client.
- **Quality of investigation:** The FSP will take reasonable steps to gather and investigate all relevant information and circumstances when handling Complaints.
- **Timely resolution:** The FSP's quality standards recognise that all Complaints must be resolved in a timely manner and in line with timelines set out in this framework.
- **Consistent and objective decision-making:** The FSP will ensure that employees and decision-makers avoid bias when handling Complaints so that principles of fairness and objectivity are upheld.
- **Independent review:** The FSP will provide additional opportunities for independent review (e.g. arbitrators) of Complaints in line with the escalation and review process contained in this framework. Where required, segregation of duties and escalation procedures will be utilised to maintain and safeguard independence of employees responsible for handling Complaints.
- **Confidentiality of client information and data:** As far as possible, the FSP will maintain the confidentiality of clients' personal information and comply with the relevant legislation to ensure that internal controls are in place for safeguarding of data.
- **Accuracy of record-keeping:** Complaints must be accurately, efficiently, and securely recorded.
- **Communication before, during and after Complaint:** The FSP will provide clients with clear upfront communication concerning how they can complain and how their Complaint will be handled.

- **Quality Assurance:** The FSP will ensure that there is an appropriate level of quality assurance in place to monitor that the standards referred to in this framework are adhered to.
- **Root Cause Analysis (RCA):** The FSP is required to conduct an RCA for every Complaint received, as to understand the reason for the Complaint and to put measures in place to mitigate these risks.
- **Meaningful Management Information (MI) and Analysis:** Useful management information reports pertaining to Complaints will be developed and implemented, subject to regulatory requirements and business needs.

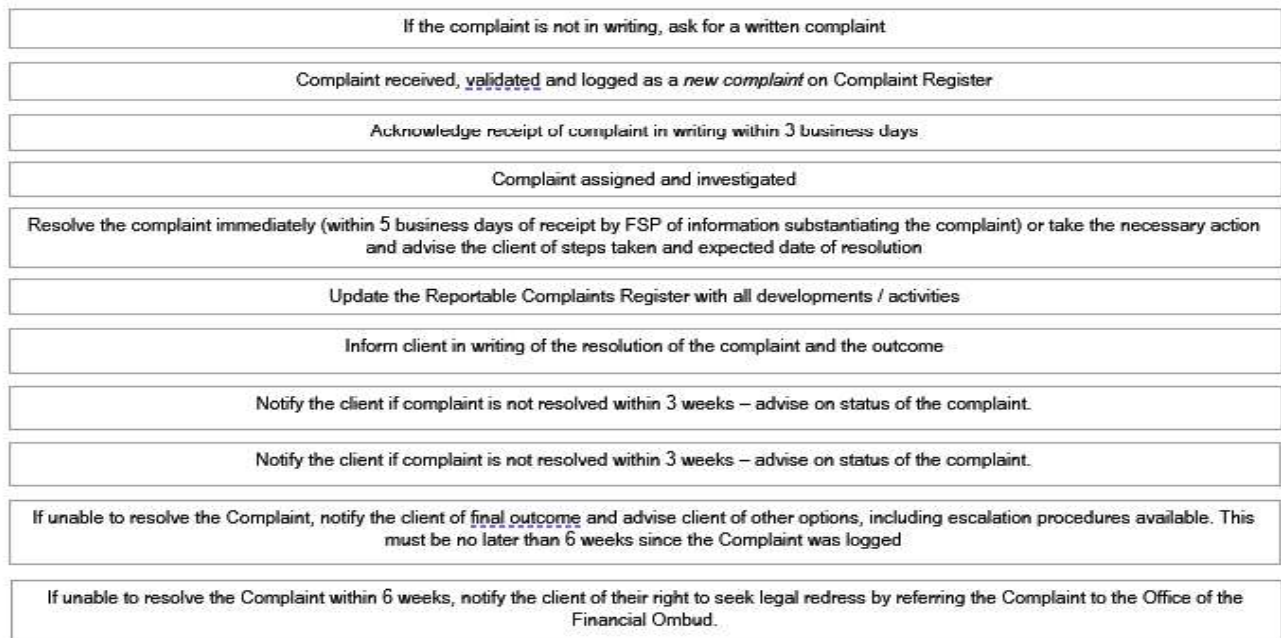
5. COMPLAINTS PROCEDURE

The following steps will be followed by the FSP when dealing with Complaints:

1. The FSP to log the date and contents of the Complaint in the Complaints Register.
2. If a Complaint is not in writing, the client to lodge the Complaint in writing as per example in Annexure A (Complaints registration form). Client to indicate clearly the main reason for Complaint on the form.
3. The Client to send the Complaint for attention: Neil Tillemans per email neil@navigatefm.co.za
4. The FSP shall acknowledge receipt of the Complaint in writing within 3 business days of receipt and give the client the name(s) and contact details of the staff responsible for the resolution of the Complaint.
5. Investigate the Complaint to ascertain whether the Complaint can be resolved immediately.
6. If the Complaint can be resolved immediately, the FSP shall take the necessary action and advise the client within 5 business days of receipt by the FSP of the Complaint accordingly.
7. If the Complaint cannot be resolved within 5 business days of receipt by the FSP of all information substantiating the Complaint, the FSP shall send the client a written summary of the steps to be taken to resolve the matter and the expected date of resolution.
8. If unable to resolve the Complaint within 3 weeks of logging the Complaint on the FSP's Complaints register, the FSP shall notify the client by means of a written acknowledgement. This will outline the current status of the Complaint and the expected date of final resolution.
9. Indicate available escalation procedures to Client (including Alternative Dispute Resolution Procedures ("ADR procedures") e.g., Mediation/ Arbitration).
10. If unable to resolve the Complaint within a further 3 weeks of the written acknowledgement (6 weeks since Complaint logged on the FSP's Complaints Register), the FSP shall notify the client giving full written reasons as to why the outcome was not favourable and advise the client of the available escalation process.
11. If Complaint not resolved, then to indicate to the clients about their right to seek legal redress by referring the Complaint to the Office of the relevant Ombud (e.g. FAIS etc.).
12. Notify the Client that he/she has 6 months of receipt of such notification to refer the matter to the relevant Ombud (e.g. FAIS). The Ombud's name, address and other contact details is on the FSP's Statutory Disclosure Letter but must be provided again to the client.
13. The FSP to update the Complaints register with all developments/activities.
14. The FSP is required to keep records of Complaints received and all communications in respect of such Complaint.
15. The FSP should monitor on a regular basis progress of Complaints to ensure within prescribed timelines.
16. Review the Complaints outcomes and address/ amend processes and documentation if necessary to prevent future similar situations.
17. Sign-off by the Key Individual on all Complaints and the Compliance Officer on Reportable Complaints.

6. SUMMARY OF THE COMPLAINTS PROCESS FLOW

Client lodges a complaint



7. HOW CLIENTS CAN LODGE A COMPLAINT

- Lodge the Complaint in writing to the FSP by completing the form in **Annexure A** – Complaint form. Please ensure that the Complaint contain the following information:
 - Client details
 - Complaint details
 - Attach documentary proof supporting the Complaint (if applicable)
- Lodge the Complaint to the FSP by using any of the following mediums:
 - Attention: Neil Tillemans
 - Physical address: 23 Main Street, Newlands, 7700
 - Postal address: 23 Main Street, Newlands, 7700
 - E-mail (preferred medium for timeous response): neil@navigatefm.co.zaFSP support regarding the Complaint:
 - Phone: 078 741 2065
 - Email: neil@navigatefm.co.za
 - Website: www.navigatefm.co.za
- Upon receipt of the above-mentioned Complaint, the Complaint will be acknowledged by the FSP who will assist in resolution of the Complaint. Where possible, the FSP endeavours to resolve the Complaint within 5 business days of receipt, taking into account the nature of the Complaint, corresponding medium and the product type.
- A full record of the Complaint received, and all subsequent correspondence will be kept on record by the FSP for such periods as prescribed by relevant legislation.
- Should the Complainant be dissatisfied with the FSP's response, the Complainant may request the FSP for review and escalation of the Complaint, and has the right to refer the Complaint to the Ombudsman.
- Contact details for the Ombudsman:

Note that the Client should preferably submit the complaint first with the FSP, to give the FSP first an opportunity to consider the Complaint.

 - Physical address: Central, 125 Dallas Avenue Menlyn, Waterkloof Glen, Pretoria, 0010
 - Postal address: PO Box 74571, Lynwood Ridge, 0040
 - E-mail: info@faisombud.co.za
 - Telephone: +27 12 762 5000/ +27 12 492 9711/ 08600663274

**ANNEXURE A - CLIENT COMPLAINTS PROCESS AND PROCEDURES
COMPLAINTS REGISTRATION FORM**

Client details:

Surname		Title	
First name(s)			
Occupation			
Identity Number:			
Address/ Email to which we may communicate with you			
Telephone daytime		Cell	

Details of the person/s against whom you are complaining:

Name of person	
Position/ role e.g. Advisor/ Admin	

Complaint details:

Financial product			
Reference/ Account no			
Indicate applicable Complaint's category/ ies with an "X" (if known)	Product unsuitable		Performance
	Person/ Rep		Payments/ collection
	Product/ Service Design		Complaints handling
	Fees/ Charges		Claims/ Non-payment
	Lack of Information		Product / Funds Accessibility
	Advice		Other

Services			
<p>Brief description of the Complaint</p>			
<p>When did you first realise the problem</p>			
<p>Did you complain before? Give date and person</p>			

Provide full details about the Complaint or attach a letter providing the following:

List in date order the phone calls meetings, or letters you have received or exchanged with the person against whom you are complaining.

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Reference of documents attached e.g. Annexures A, B etc. with descriptions

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Client name and signature

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Date signed

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