

Complaints Resolution Policy and Procedure

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CONTENTS

1. INTRODUCTION	3
2. SCOPE	3
3. WHAT CONSTITUTES A COMPLAINT?	3
4. CATEGORISATION OF COMPLAINTS	4
4.1. GENERAL CATEGORIES.....	4
4.2. TCF RELATED CATEGORIES	5
5. SUBMISSION OF COMPLAINTS TO ALUWANI.....	5
6. SUBMISSION OF DATA-PRIVACY-RELATED COMPLAINTS TO ALUWANI	6
7. ALUWANI'S RESPONSIBILITIES AS AN FSP	6
8. LODGING OF A COMPLAINT	6
9. ONCE A COMPLAINT HAS BEEN LODGED.....	7
10. RULES ON PROCEEDINGS OF THE OFFICE OF THE OMBUDSMAN FOR FINANCIAL SERVICES PROVIDERS	8
11. MONITORING AND REPORTING.....	9
Annexure A	10

1. INTRODUCTION

The Financial Advisory and Intermediary Services Act No. 37 of 2002 ("the FAIS Act") has specific provisions in respect of the process of handling client complaints. The FAIS Act requires that each FSP must have a documented and properly maintained internal complaints resolution system and procedure.

The FAIS Act protects consumers by regulating financial advice and intermediary services provided by financial services providers ("FSP's"), ensuring that consumers are adequately informed about the products they purchase and the product suppliers in order for them to make informed decisions.

In addition to the FAIS Act, the Treating Customers Fairly (TCF) guidelines set out desired outcomes relating to complaints handling (specifically TCF Outcome #6).

This Complaints Resolution Policy and Procedure has been formulated in terms of Part XI of the General Code of Conduct for Authorised Financial Services Providers and Representatives as published in Board Notice 80 of 2003 and published in the Government Gazette dated 8 August 2003.

The object of this policy is to ensure that complaints are handled in a timely and fair manner and those complaints are investigated and responded to promptly.

2. SCOPE

This policy applies to ALUWANI Capital Partners (Pty) Limited, an authorised Financial Services Provider (FSP) with FSP No 46196.

3. WHAT CONSTITUTES A COMPLAINT?

The FAIS Act provides consumers with a platform to address their complaints in a fair and procedurally correct manner.

In terms of the FAIS Act, a formal, written complaint must relate to a financial service rendered by an FSP or its Representative/Key Individual to the complainant, and in which complaint it is alleged that the FSP or Representative/Key Individual:

- i. has contravened or failed to comply with any provision of the FAIS Act and that as a result thereof, the complainant has suffered or is likely to suffer financial prejudice or damage; or
- ii. has wilfully 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

iii. has treated the complainant unfairly.

A complaint means a formal, written complaint relating to a financial service rendered by the businesses or any of its Representatives/Key Individuals on or after the commencement of the FAIS Act, being 1 October 2004.

It occurs where a client makes a statement of dissatisfaction, in the form of an accusation, an allegation or a grievance about a specific process / procedure / advice-related event, wherein he/she feels they have been treated unfairly and/or unprofessionally treated.

The dissatisfaction can be caused by alleged:

- Administrative failure
 - Where a client is unhappy with any aspect of service that ALUWANI provides. This could include, for example, ALUWANI not following client instructions correctly or timeously, doing something administrative incorrectly, or not following up on a request.
- Communication failure
 - Where a client complains that they have not been kept up to date with respect to their portfolio. This could include, for example, the client alleging that they have not received their daily, monthly or quarterly reports and/or data, or have not had any report back meetings.
- Advice-related queries

A formal, written complaint must not relate to the investment performance of a financial product, unless such performance was guaranteed expressly or implicitly, or such performance appears to be deficient as to raise a prima facie presumption of misrepresentation, negligence or maladministration on the part of ALUWANI or its Representatives/Key Individuals.

4. CATEGORISATION OF COMPLAINTS

Complaints are to be assigned to one or more of the following categories:

4.1. GENERAL CATEGORIES

- a) Communication Complaints: occurs when clients complain that they have not been kept up-to-date with respect to their portfolio. This could also include clients alleging that they have not received their monthly or quarterly reports, daily data or had no report back meetings, etc
- b) Operational Process Complaints: this describes a client's unhappiness with any aspect of ALUWANI's service. This would include not following a client instruction properly or timeously, doing something incorrectly, not following up on a request, etc
- c) Performance Complaints: This may arise from a fund's performance vs its targets, or failure of ALUWANI to adhere to mandated restrictions, etc. Note that where errors are discovered internally, these are not considered to be complaints. However, if a complaint arises as a result of an internal discovery, it should be incorporated in the Complaints Procedure. The

complaint must be submitted in writing and should include all relevant information and all related documentation. Complaints should be addressed to the Compliance Officer.

4.2. TCF RELATED CATEGORIES

- a) Complaints relating to the design of a product or service: This includes complaints indicating that specific features of the product or service are unfair, inadequate, confusing and overly complex, or unsuitable.
- b) Complaints relating to information provided: This includes complaints that communications or documentation provided to clients (including marketing material) is inaccurate, unsuitable, misleading, incomplete, confusing, unclear, etc
- c) Complaints relating to advice: This includes complaints that advice provided was inadequate, factually incorrect or misleading.
- d) Complaints relating to product performance: These are complaints regarding perceived poor investment returns
- e) Complaints relating to Customer Service: These complaints relate to dissatisfaction with the firm's administration of requests and transactions
- f) Complaints relating to product accessibility, changes or switches: This relates to complaint in respect of barriers or limitations on access to funds or the ability to transfer products or services to another provider, or the ability to make changes.
- g) Complaints relating to complaints handling: This relates to the administration of the complaints process.
- h) Other complaints: A catch-all category for any complaints not falling within the above categories.

5. SUBMISSION OF COMPLAINTS TO ALUWANI

All complaints that are submitted must be submitted in writing. The complaint should include all relevant information relating to the complaint, and all related documentation must be attached to the written complaint.

Complaints should be addressed to the Compliance Officer, at the following contact details:

Postal Address:
ALUWANI Capital Partners (Pty) Ltd
ALUWANI House
EPPF Office Park,
24 Georgian Crescent East
Bryanston East
2152

or e-mailed to:
E-mail: regulatorycompliance@aluwani.com.

6. SUBMISSION OF DATA-PRIVACY-RELATED COMPLAINTS TO ALUWANI

Should a Data Subject wish to request access to and/or correct the Personal Information and/or object to the processing of its personal information in terms of the **Protection of Personal Information Act, 2013**, this objection must be addressed to the Information Officer (Sibusiso Mabuza) at:

Postal Address:
ALUWANI Capital Partners (Pty) Ltd
ALUWANI House
EPPF Office Park,
24 Georgian Crescent East
Bryanston East
2152

or e-mailed to:
E-mail: regulatorycompliance@aluwani.com.

7. ALUWANI'S RESPONSIBILITIES AS AN FSP

In terms of the provisions of the FAIS Act, the Codes to the FAIS Act and the Rules of the Ombudsman for Financial Services Providers, ALUWANI must:

Maintain records of complaints for a period of 5 years
Handle complaints from clients in a timely and fair manner; and
Take steps to investigate and respond promptly to such complaints.

All employees of ALUWANI must be aware of the Complaints Resolution Policy and Procedure. Responsibility is placed on all line managers to ensure that their employees are fully aware of and understand this policy.

Employees must immediately report all complaints received in writing to the Compliance Officer. Annexure "A" hereto must be used to report all complaints. The Compliance Officer will inform the relevant managers and/or employees of the complaint, and will request additional information relating to the matter, as required, until the complaint has been resolved.

8. LODGING OF A COMPLAINT

8.1. Complaints must be submitted in writing and contain all relevant information. Copies of all the relevant documentation must be attached to Annexure A

8.2. If the complaint is made via telephone, the employee must enquire from the complainant whether they wish to submit a formal complaint and request the complainant to lodge the complaint in writing (at least on an e-mail). Investigation of the complaint will only begin once the complaint has been received in writing by the business. The complainant must be advised of this by the relevant employee.

9. ONCE A COMPLAINT HAS BEEN LODGED

9.1. The relevant employee must immediately refer the complaint to the Compliance Officer once he/she has received the complaint in writing from the complainant. The employee must also provide the complainant with the contact details of the Compliance Officer.

9.2. The Compliance Officer will acknowledge receipt of the complaint in writing within one week of receipt of the complaint. The acknowledgement of receipt will include the contact particulars of staff to be involved in the resolution of the complaint.

9.3. The Compliance Officer, will record the complaint in the complaints register and will ensure that the complaint has been recorded internally by the relevant staff. The Chief Operations Officer will also report the complaint to the Executive Committee of ALUWANI.

9.4. After receipt and recording of the complaint, the Compliance Officer will forward the complaint as soon as practically possible to the relevant staff appointed to consider its resolution and ensure that:

9.4.1. The complaint receives proper consideration;

9.4.2. Appropriate management controls are available to exercise effective control and supervision of the consideration process; and

9.4.3. The complainant is informed of the results of the consideration.

9.5. The Compliance Officer must inform the complainant of the results of the consideration process within 6 (six) weeks of the date of receipt of the initial complaint from the complainant:

9.5.1. Where a complaint is resolved in favour of the complainant, ALUWANI must ensure that a full and appropriate level of redress/compensation is offered to the complainant without any delay.

9.5.2. Where the complaint is not resolved in favour of or to the satisfaction of the complainant, the Compliance Officer will send a letter to the complainant that addresses all the issues and which sets out the reasons for the decision and which states that:

- i. The complainant may refer the complaint to the Office of the Ombudsman for Financial Services Providers if the complainant wishes to pursue the complaint further, together with the contact details of the Ombudsman; and
- ii. The referral of the complaint to the Office of the Ombudsman for Financial Services Providers must:
 - a. be submitted in writing
 - b. contain all relevant information and copies of all relevant documents must be attached to it
 - c. be faxed, posted or sent via the internet/email
- iii. The complainant should do so within **6 months** of the date of notification by ALUWANI that it was unable to resolve the complaint, failing which, it will fall outside the Ombudsman's jurisdiction.

10. RULES ON PROCEEDINGS OF THE OFFICE OF THE OMBUDSMAN FOR FINANCIAL SERVICES PROVIDERS

The Financial Sector Conduct Authority (FSCA) has published the Rules on Proceedings of the Office of the Ombudsman for Financial Services Providers, 2003 and a copy of these rules and the FAIS Act is available from the FSCA and from the Office of the Ombud. The FSCA's toll free numbers are 0800 110 443 or 0800 202 087, or visit their website at www.fscsa.co.za for a copy of these rules and the FAIS Act.

The FAIS Ombudsman's objective is to consider and dispose of complaints in a procedurally fair, informal, economical and expeditious manner with reference to what is equitable in all circumstances.

The Ombudsman will only proceed to investigate an officially received complaint once he/she has notified all interested parties of the particulars of the complaint in writing, and is satisfied that all parties are provided with the opportunity to submit a response.

Contact details of the FAIS Ombudsman for Financial Services Providers are as follows:

Physical Address: Menlyn Central Office Building,
125 Dallas Avenue,
Waterkloof Glen,
Pretoria,
0010

Postal Address: P O Box 41
Menlyn Park
0063

Telephone Number: +086 066 3274 or +27 12 762 5000

E-mail: info@faisombud.co.za
Website: www.faisombud.co.za

11. MONITORING AND REPORTING

The Compliance Officer will ensure that complaints are monitored to ensure that all regulatory deadlines are met. The Compliance Officer must liaise with the office of the Ombudsman for Financial Services Providers, per the procedural rules of that office, in order to facilitate the Ombudsman's investigation and to monitor and record the outcome. Any recommendation or ruling made by the Ombudsman must be communicated to the Chief Executive Officer and the Chief Operating Officer of ALUWANI and must be tabled at the ALUWANI Audit and Risk Committee by the Compliance Officer.

ALUWANI's general policy is not to pay any claim(s) unless at the discretion of the Board. If such exceptional circumstances are determined and a payment is recommended, then authorisation for payment of that amount must be given in writing on the complaint form by an authorised signatory.

After resolution of the complaint, the Compliance Officer and the Chief Operating Officer must determine whether the complaint arose from a breach of any ALUWANI policy, procedure or business practice. If this is so, the policy, procedure or business practice must be amended or suitable controls should be implemented to ensure non-recurrence of the breach and if necessary, the amended policy or procedure escalated to the relevant committee for ratification.



Annexure A

Reporting of complaint	
Complainant's full name, ID Number and contact details <i>(to be completed by the employee)</i>	
Summary of Complaint:	
<i>(This should be received in writing and should be attached)</i>	
<i>(to be completed by the employee)</i>	
Date Received	
<i>(to be completed by the employee)</i>	
Complaint initially received by	
<i>(to be completed by the employee)</i>	
Date reported to Compliance Officer	
<i>(to be completed by the employee)</i>	
Date of Acknowledgement to Client	
<i>(to be completed by the Compliance Officer)</i>	
Date of final letter to client	
<i>(to be completed by the Compliance Officer)</i>	
Complaint resolved/dismitted or unfounded	
<i>(to be completed by the Compliance Officer)</i>	