

## **Complainants Procedure**

### **PURPOSE OF THIS DOCUMENT**

Khwezi Financial Services is an authorised Financial Services Provider, and as such we have certain specific duties towards you – our valued client. One of these duties is the establishment of a formal complaint management and resolution framework, which will enable you to exercise your rights as provided for in the Financial Advisory and Intermediary Services Act.

The purpose of this document is to inform you of the procedure which will be followed in order to provide a resolution for the complaint which you have submitted.

### **COMPLAINT MUST BE RELEVANT**

In terms of the FAIS Act, a “complaint” means, a specific complaint relating to a financial service rendered by a financial services provider or representative to the complainant on or after the date of commencement of this Act, and in which complaint it is alleged that the provider or representative -

- has contravened or failed to comply with a provision of this Act and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;
- 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
- has treated the complainant unfairly;

The financial services environment is complex. We will endeavour to address all reasonable requests from our clients, but may also refer you to a more appropriate facility. Where the complaint relates to any aspect of our service, or any disclosures that ought to be made by us, we will endeavour to address those complaints in writing, within the timeline explained below.

In instances where the complaint relates to any matter that is not within our control, such as product information or investment performance, we will forward the complaint to the product supplier concerned.

**NB: Please be advised that we reserve the right to recover costs or damages that we may suffer as a result of clients making frivolous, vexatious or unreasonable claims.**



## PROCEDURE

Our internal complaints resolution process is intended to provide for the fair and effective resolution of complaints. The time periods set out in this procedure will be adhered to as strictly as possible but may be varied if necessary. The following step by step guideline sets out the procedures we will adopt and demonstrates how a complaint will be dealt with, once received by us:

- Your complaint and all communications in connection with your complaint must be in writing. All verbal communications made in connection with the complaint must be confirmed in writing within **3 (three) working days** of the communication.
- Please indicate the following information:
  - Your name, surname and contact details;
  - A complete description of your complaint and the date on which the financial service which led to your complaint was rendered;
  - The name of the person who furnished the financial advice or rendered the intermediary service that led to your complaint; and
  - How you would prefer to receive future communications regarding your complaint (i.e. via SMS or email).
- The complaint will be entered into our Complaints Register on the same day that it is made and written confirmation of receipt will be forwarded to you. We will keep record of the complaint, and maintain such record for **5 (five) years** as required by legislation. Please take into consideration that the method of communication chosen by you will determine how quickly we will respond to your complaint.
- The complaint will immediately be brought to the attention of the Complaints Officer (Monty Barnard, monty@khwezifs.co.za) in charge of the relevant department for allocation to a trained and skilled person who is able to properly respond to your complaint.
- The complaint will be investigated and we will revert to you with our preliminary findings **within 7 (seven) working days** from the date of receipt of the complaint. In all instances we will advise you of the reasons for our decisions.
- The preliminary findings will be discussed with all internal parties concerned, and a proposed solution will be communicated to you **within 14 (fourteen) working days of receipt**. In all instances we will advise you of the reasons for our decisions.
- If you are not satisfied with our solution, you may refer the complaint to the Complaints Committee of our Business. The Complaints Committee may amend the solution or confirm it. Please be informed that certain decisions may have to be approved by the management committee of the FSP. In such a case we will communicate that fact to you, as well as the date on which a decision relating to your complaint will be taken.
- If, after having referred the complaint to the Complaints Committee, you are still not satisfied with the outcome, we will regard the complaint as being unsatisfactorily resolved. In such a case, you may approach the office of the Ombud for Financial Services Providers or take such other steps as may be advised by your legal representative.



- In instances where we have not been able to arrive at a resolution **within 6 (six) weeks** after you have submitted your complaint, you may refer the matter to the **Ombud**. The **Ombud** acts independently and objectively and has jurisdiction in respect of complaints relating to advice or intermediary services, which has arisen after 15 November 2002.
- Unresolved complaints may be reported directly to the **Ombud** (contact details below) who is appointed by the Financial Services Conduct Authority (the “FSCA”) to act as an adjudicator in disputes between clients and financial services providers. The referral to the offices of the **Ombud** must be done in accordance with the provisions of section 27 of the Financial Advisory and Intermediary Services Act 2002 and the rules promulgated in terms of that section.
- You must, if you wish to refer the matter to the **Ombud**, do so **within 6 (six) months** from the date of the notice in which we inform you that we are unable to resolve your complaint to your satisfaction. The **Ombud** will not adjudicate in matters exceeding a value of R800 000.
- The **Ombud** may be contacted at his/her offices in Pretoria at the following address:

**Physical Address:**

Kasteel Park Office Park

Orange Building

2<sup>nd</sup> Floor

Cnr of Nossob and Jochemus Street

Erasmuskloof

Pretoria

**Telephone:** +27 12 762 5000 / +27 12 470 9080

**Facsimile:** +27 12 470 9097 / +27 12 348 3447

**Postal Address:** P.O. Box 74571, Lynwood Ridge, 0040

**E-mail Address:** info@faisombud.co.za

**Website:** www.faisombud.co.za