

**CRAIG TUNBRIDGE & ASSOCIATES  
(PTY) LTD  
T/AS  
CTA INSURANCE BROKERS**

**COMPLAINTS RESOLUTION POLICY AND  
PROCEDURES**

## **1. Purpose of the FAIS act**

### **Protection of consumers**

The Financial Advisory and Intermediary Services Act (“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.

### **Regulation of advice-giving activities**

The FAIS Act requires a FSP to be equipped with the necessary skills, qualifications and experience (“fit and proper” requirements) in order for the FSP to obtain its FAIS licence and to provide a financial service suited to the client’s needs. The key individuals and representatives of the FSP have to comply with similar fit and proper requirements in order to oversee the advisory, intermediary and other financial service activities of the FSP and its representatives/key individuals.

### **Transparency**

In terms of the FAIS Act, the FSP must:

- Disclose to the client that it holds a licence to provide such service;
- Provide all the necessary information regarding the FSP, financial service, product and the product supplier;
- Advise the product supplier of the contractual status of the financial adviser (where applicable);
- Provide details of remuneration and commission;
- Confirm all verbal advice in writing within 30 (thirty) days of having provided such advice.

## **2. Introduction**

The 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 that complaint are investigated and responded to promptly.

### **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 complaint must relate to a financial service rendered by an FSP or its representative/key individual to the complainant, in which 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 complaint relating to a financial service rendered by CTA or any of its representatives/key individuals on or after the commencement of the FAIS Act, being 1 October 2004.

Employees must report all complaints to the registered Compliance Officer of the CTA. The contact details of the registered Compliance Officer are as follows:

Manager: Regulatory Compliance

Tel: +27 11 234 5535, Fax: +27 86 659 4522 / +27 86 969 8138

Email: michelle@ctains.co.za

### **4. FSP's responsibilities**

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

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

All employees of CTA 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 Manager: Compliance. Annexure "A" hereto must be used to report all complaints. The Manager:

Compliance will request additional information relating to the matter, as required, until the complaint has been resolved.

## **5. Lodging of a complaint**

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

If the complaint is made via telephone, the employee must 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 CTA. The complainant must be advised of this by the relevant employee.

Fax: +27 86 659 4522 / +27 86 969 8138

Email: michelle@ctains.co.za

## **6. Once a complaint has been lodged**

The relevant employee must immediately refer the complaint to the Manager: Compliance 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 Manager: Compliance.

The Manager: Compliance 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.

The Manager: Compliance will record the complaint in the complaints register and will ensure that the complaint has been recorded internally by the relevant staff.

After receipt and recording of the complaint, the Manager: Compliance will consider its resolution and ensure that:

- i. The complaint receives proper consideration;
- ii. Appropriate management controls are available to exercise effective control and supervision of the consideration process; and
- iii. The complainant is informed of the results of the consideration.

The Manager: Compliance 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:

- i. Where a complaint is resolved in favour of the complainant, the company must ensure that a full and appropriate level of redress/compensation is offered to the complainant without any delay.
- ii. Where the complaint is not resolved in favour of or to the satisfaction of the complainant, the Manager: Compliance 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:
  - a. The complainant may refer the complaint to the Office of the Ombud for Financial Services Providers if the complainant wishes to pursue the complaint, together with the contact details of the Ombud; and
  - b. The complainant should do so within 6 months of receipt of such information

## **7. Monitoring and reporting**

The Manager: Compliance will ensure that complaints are monitored to ensure that all regulatory deadlines are met and will ensure that the Complaints Register is adequately maintained.

## **8. Rules on proceedings of the office of the Ombud for financial services providers**

The Financial Services Board has published the Rules on Proceedings of the Office of the Ombud for Financial Services providers, 2003 and a copy of these rules and the FAIS Act is available from the Financial Services Board and from the Office of the Ombud. The FSP's toll free numbers are 0800 110 443 or 0800 202 087, or visit their website at [www.fsb.co.za](http://www.fsb.co.za) for a copy of these rules and the FAIS Act.

Contact details of the Ombud for financial services providers:

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 Ombud 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.

### **The contact details of the FAIS Ombud are as follows:**

Name: Ms Noluntu Bam

Physical Address:           Ground Floor, Baobab House  
Eastwood Office Park  
Corner Lynnwood Road & Jacobson Drive  
Lynnwood Ridge

Postal Address:           P O Box 74571  
Lynwood Ridge  
0040

Telephone Number:       +27 12 470 9080

Fax Number:               +27 12 348 344

E-mail:                     [info@faisombud.co.za](mailto:info@faisombud.co.za)

Website:                   [www.faisombud.co.za](http://www.faisombud.co.za)

**Reporting of Complaints**

**Complaint's Details:**

Full Name and Surname \_\_\_\_\_

ID No \_\_\_\_\_

Contact Details (w) \_\_\_\_\_ (c) \_\_\_\_\_

Email \_\_\_\_\_

**Summary of the complaint:** (This should be received in writing from the Complaint and should be attached)

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Date received \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Complaint initially received by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date received by Manager \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date acknowledgement to client \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date of final letter to client \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Complaint resolution resolved / dismissed / unfounded