

CLIENT COMPLAINTS POLICY – SOUTH AFRICA

The Maitland Client Complaints policy has been designed for use in the event of any client complaint of a non-routine and serious nature. Specific reference is made to complaints related to the Financial Advisory and Intermediary Services Act, no 37 of 2002 (the FAIS Act). The definition of a complaint in terms of the FAIS Act is included in the policy.

1. MAITLAND CLIENT COMPLAINTS POLICY

Maitland is committed to:

- 1.1 Resolving client complaints in a timely and fair manner, with each complaint receiving proper consideration.
- 1.2 Managing client complaints appropriately and effectively.
- 1.3 Ensuring that the Maitland Client Complaints policy is accessible to clients.
- 1.4 Where a complaint qualifies as a complaint as defined in the FAIS Act, informing clients of their right to refer their complaints to the FAIS Ombud should a complaint not be resolved to their satisfaction within six weeks from the date on which the complaint is received.
- 1.5 Maintaining full records of all complaints received for a period of five years.
- 1.6 The review of procedures and systems in order to –
 - 1.6.1 Avoid repeat occurrences of the specific complaint.
 - 1.6.2 Improve services and systems and procedures where necessary.

2. COMPLAINTS PROCEDURE

Complaints are dealt with as follows:

- 2.1 On receipt of a complaint, acknowledge the concern being raised by the client and ascertain whether the complaint is of a routine nature and can be resolved immediately.
- 2.2 If the complaint is non-routine or of a serious nature, request that the complaint be submitted in writing (where a verbal complaint is received), and that it contains all the relevant information, and notify your Manager* immediately.

* The term Manager refers to the Team Leader / Line Manager / Office Head as applicable. In cases where the complaint is received in the first instance by an employee in a managerial role, the responsible Manager may be the employee in question.

- 2.3 The Manager is to log the date and details of the complaint as an incident in Xactium, selecting the option “client complaint” in the field “this relates to“. Where the complaint qualifies as a

complaint as defined in the FAIS Act, the Manager is to notify the Compliance Officer immediately once the incident has been logged.

- 2.4 The Manager is to acknowledge receipt of the complaint in writing within five business days of receiving the written complaint, notifying the client that the Manager is responsible for dealing with the matter, and provide his / her contact details and details regarding how the Maitland Client Complaints policy can be accessed.
- 2.5 The Manager is to investigate the complaint and review client file / record and relevant documentation, and attempt to resolve without delay.
- 2.6 If the complaint cannot be resolved straight away, the Manager must communicate with the client and provide a written summary of the steps to be taken to resolve the matter and the expected date of resolution thereof.
- 2.7 The Manager must convene a meeting with his / her Senior Manager or function Head for evaluation, to review the history and to reach a decision.
- 2.8 The Manager is to communicate the above decision to the client.
- 2.9 If unable to resolve a complaint within three weeks of logging the complaint in Xactium, the function Head and the Head of Risk & Compliance must be advised of the matter. The Manager must provide written notification to the client outlining the current status of the complaint and the expected date of final resolution thereof, as well as reasons as to why the issue remains unresolved. Once a final decision has been made the Manager is to communicate the decision to the client.
- 2.10 Where the complaint qualifies as a complaint as defined in the FAIS Act and is not resolved to the client's satisfaction within six weeks of its receipt, the local Compliance Officer will provide the client with written notification of his / her right to seek legal redress by referring the complaint to the Office of the Ombud within six months.
- 2.11 The Manager must review control measures and procedures and make necessary amendments.
- 2.12 The Manager must update the incident report on Xactium and file all correspondence accordingly. Records must be kept for a period of five years.

DEFINITION OF COMPLAINT IN TERMS OF THE FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT (“FAIS”) NO 37 OF 2002

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 the FAIS Act, and in which complaint it is alleged that the provider or representative—

- (a) 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;
- (b) 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
- (c) has treated the complainant unfairly

EXTRACT: RULES ON THE PROCEEDINGS OF THE OFFICE OF THE OMBUD FOR FINANCIAL SERVICES PROVIDERS

3 Category of persons qualifying as complainants

Where appropriate, a complainant includes the complainant’s lawful successor in title or a person nominated as beneficiary in terms of the financial product which is the subject of the relevant complaint.

4 Type of complaint justifiable by Ombud

- (a) For a complaint to be submitted to the Office
 - (i) the complaint must fall within the ambit of the Act and these Rules;
 - (ii) the person against whom the complaint is made must be subject to the provisions of the Act (hereafter referred to as “the respondent”);
 - (iii) the act or omission complained of must have occurred at a time when these Rules were in force; and
 - (iv) the respondent must have failed to address the complaint satisfactorily within six weeks of its receipt.
- (b) A complainant may seek any relief relating to the subject matter of the complaint, but a complaint constituting a claim for a monetary award, must relate to the redress of financial prejudice or damage suffered or likely to be suffered by the complainant.
- (c) The complaint must not constitute a monetary claim in excess of R800 000,00 for a particular kind of financial prejudice or damage, unless the respondent has agreed in writing to this limitation being exceeded, or the complainant has abandoned the amount in excess of R800 000,00.
- (d) The Ombud may also entertain a complaint relating to a financial service rendered by a person not authorised as a financial services provider or by a person acting on behalf of such person.
- (e) When the Ombud receives a referral from the registrar as contemplated in section 4(4)(c) of the Act, the Ombud must in writing notify the client concerned thereof and require the client to inform the Ombud whether the client wishes to pursue the complaint in accordance with the provisions of Part I of Chapter VI of the Act.
- (f) The complaint must not relate to the investment performance of a financial product which is the subject of the complaint, unless such performance was guaranteed expressly or implicitly or such performance appears to the Ombud to be so deficient as to raise a *prima facie* presumption of misrepresentation, negligence or mal-administration on the part of the person against whom the complaint is brought, or that person’s representative.

5 Rights of complainants in connection with complaints

- (a) The complainant must qualify as such in terms of the Act and these Rules.
- (b) Before submitting a complaint to the Office, the complainant must endeavour to resolve the complaint with the respondent.
- (c) The complainant has six months after receipt of the final response of the respondent, or after such response was due, to submit a complaint to the Office.
- (d) On submitting a complaint to the Office, the complainant must satisfy the Ombud of having endeavoured to resolve the complaint with the respondent, and must produce the final response (if any) of the respondent as well as the complainant's reasons for disagreeing with the final response.
- (e) A complaint must be submitted to the Office in writing or, in circumstances deemed appropriate, the Ombud may receive a complaint in any other manner which conveys the complaint in comprehensible form.
- (f) A complaint must, where necessary, be accompanied by available documentation in the complainant's possession.
- (g) The complainant must be advised by the Ombud of the response of the respondent to the extent necessary to react to such response and to decide whether the complaint should be proceeded with, and must thereafter within two weeks advise the Ombud of such reaction and decision.
- (h) Subsequent to lodging a complaint with the Ombud, the complainant is entitled to submit further facts, information or documentation in connection with the complaint and must do so, to the extent possible, if requested by the Ombud.

6 Rights and duties of respondent

- (a) Where a complaint cannot within three weeks be addressed by the respondent, the respondent must as soon as reasonably possible after receipt of the complaint send to the complainant a written acknowledgment of the complaint with contact references of the respondent.
- (b) If within six weeks of receipt of a complaint the respondent has been unable to resolve the complaint to the satisfaction of the complainant, the respondent must inform the complainant that –
 - (i) the complaint may be referred to the Office if the complainant wishes to pursue the matter;
 - and
 - (ii) the complainant should do so within six months of receipt of such notification.
- (c) Any respondent must be informed of the complaint submitted to the Office to the extent necessary to respond thereto fully.
- (d) The respondent is entitled to submit any fact, information or documentation in opposition to the complaint and must disclose relevant information or documentation to the Ombud.
- (e) If deemed necessary by the Ombud, the respondent must discuss the complaint with the Ombud and furnish such further relevant information as the Ombud may require.
- (f) A respondent is required to act professionally and reasonably and to co-operate with a view to ensuring the efficient resolution of the complaint.

Contact details of the FAIS Ombud	Address
<p>Ombud for Financial Services Providers</p> <p>Noluntu Bam</p> <p>Phone: +27 (0)12 470 9080 / +27 (0)12 762 5000</p> <p>Fax: +27 (0)12 348 3447 / +27 (0)86 764 1422</p> <p>Email: info@faisombud.co.za</p> <p>Website: www.faisombud.co.za</p>	<p><u>Physical:</u></p> <p>FAIS Ombud Sussex Office Park Ground Floor, Block B 473 Lynnwood Road (Cnr Lynnwood Road & Sussex Ave) Lynnwood Pretoria</p> <p><u>Postal:</u></p> <p>PO Box 74571 Lynnwood Ridge 0040</p>