

COMPLAINTS RESOLUTION POLICY AND PROCEDURE

Complaints Policy and Commitment

- a) We, at **HYPASURANCE INSURANCE CONSULTANTS** are fully committed to:
 - i. Settling any complaint in terms of the FAIS Act in a fair and transparent manner
 - ii. Ensuring easy access for all our clients to the complaints resolution procedures
- b) **HYPASURANCE** appreciates the effort clients take in bringing problems to our attention
- c) **HYPASURANCE** will analyse the complaints received to enable us to take measures to
- d) eradicate areas of risk and poor service and avoid recurrence of similar problems
- e) **HYPASURANCE** will prioritise complaints to ensure speedy resolution and will ensure
- f) that adequate manpower and resources are available for the resolution of complaints
- g) **HYPASURANCE** will ensure that the internal complaints resolution procedure will make
- h) provision for delegation of responsibilities and mandates to facilitate resolution of routine
- i) complaints
- j) **HYPASURANCE** will ensure that there is provision for escalation of serious complaints

The FAIS Ombud's role

The FAIS Ombud does not want to replicate the rigid processes employed by courts in resolving disputes. The idea is to get to the truth of the matter without insisting on the formality that goes with court processes. However, a determination made by the Ombud will be deemed to be a judgment of a court.

Once a complaint is accepted as legitimate by the Ombud's office he will levy a case fee of R1 000 on the Financial service Provider (**HYPASURANCE**). The client will not pay to take a complaint to the Ombud unless it is vexatious or frivolous in which case the Ombud may impose a penalty

A Regulated Approach to Client Complaints

HYPASURANCE'S complaints policy is in accordance with Part XI of the General Code of Conduct for authorised financial service providers (FSP's) and representatives, as published in Board Notice 80 of 2003 and published in the Government Gazette dated 8th August 2003.

It reflects **HYPASURANCE'S** commitment to, and systems and procedures for, the internal resolution of complaints.

Our Responsibilities

In terms of the FAIS Act, the Codes to FAIS, and the rules of the Ombud for Financial Services Providers, **HYPASURANCE** will:

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

What Constitutes a Complaint

The FAIS act clearly defines what is considered to be advice under the Act. The advice must have financial consequences and have an impact on the client's budget (Charles Pillai, FAIS Ombud - November 6, 2004 in The Star).

A "complaint" is defined in the FAIS Act Section 1 (1) as:

"a specific complaint relating to a financial service rendered by a financial service provider or representative to the complainant on or after the date of commencement of the Act and in which 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."

A complaint must not relate to the investment performance of a financial product which is subject to the complaint, unless such performance was guaranteed expressly.

How to Lodge a Complaint

Rights of Complainants

- a) The complainant must qualify as such in terms of the Act and 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.

Rights and Duties of the 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) respondent.
- c) 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.
- e) Any respondent must be informed of the complaint submitted to the Office to the extent necessary to respond thereto fully.
- f) The respondent is entitled to submit any fact, information or documentation in relation to the complaint and must disclose relevant information or documentation to the Ombud. 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.
- g) A respondent is required to act professionally and reasonably and to cooperate with a view to ensuring the efficient resolution of the complaint.

Lodge Complaint in Writing

Wherever possible complete the Client Complaint Form (Annexure "A"). If, however, your written complaint addresses all the question asked you may not need to complete this form. The form will be supplied to you on request.

Time limits

- a) The FSP must acknowledge receipt of the complaint within three weeks if it cannot be resolved in that period.
- b) The FSP must resolve the complaint within 6 weeks.
- c) If after 6 weeks the complaint has not been resolved or not resolved to the client's satisfaction the client may approach the Ombud.
- d) The client must approach the Ombud within 6 months after the 6 weeks.

What Happens After Lodging a Complaint

HYPASURANCE will acknowledge receipt of the complaint in writing. The receipt will give a direct contact reference to the staff member dealing with the complaint.

Your complaint is important to us and we will endeavour to resolve your complaint quickly and fairly. The following rules apply:

- a) **HYPASURANCE** must inform you of the results within 6 weeks of receipt of your complaint.
- b) Where the complaint is resolved in your favour **HYPASURANCE** must ensure that a full and appropriate level of redress is offered to you without any delay.
- c) Where a complaint is not resolved in your favour, **HYPASURANCE** will send a letter addressing the issues and advise you that, if you wish to pursue the complaint, it may be referred to the Office of the Ombud for Financial service Providers and:

HYPASURANCE

Insurance Consultants (Pty) Ltd

- i. That you should do so within 6 months of such notification
- ii. You are entitled to receive details of the applicable sections of the Act, Code of Conduct and Rules from **HYPASURANCE**.
- iii. The letter will contain the contact details of the Ombud for Financial Services Providers

Availability of the FAIS Act

The Act is available:

- a) on the website of the Financial Services Board at www.fsb.co.za; or
- b) toll free on 0800 110 443

Contact details of the Ombud for Financial Services providers

Postal Address: PO Box 74571, Lynnwood Ridge, 0081
Telephone Number: 012 762 5000
Fax Number: 012 470 9097
Web address www.faisombud.co.za

Address the Client Complaint Form to:

The Managing Director
Hypasurance insurance consultants (Pty) Ltd
P O Box 73247
Fairland
2030

Fax to: 0866181870
E mail to: complaints@hypasurance.com

Please include the following fields:

From, Name, ID Number, Telephone Number, Fax Number, E mail Address, Client Reference Number.

I have read and understand HYPASURANCE'S Complaints policy.

SIGNATURE OF COMPLAINANT (CLIENT)

CAPACITY:

DATE:

COMPLAINTS RESOLUTION REFERENCE NUMBER:

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