

COMPLAINTS POLICY

Policy Area		Complaints
Approved Date		31/07/2019
Approved By		Christia de Villiers
Responsible Manager		Ricardo Rossouw
Effective Date		01/08/2019
Current Version		01/08/2019

This policy is intended to guide customers and staff to meet the organisation's complaints management process. To ensure that our customers are treated fairly, and to ensure that our complaints management procedure is effective, efficient, transparent and accessible, any customer who lodges a complaint shall be provided with a written copy of this policy and details of the procedure which we follow when a complaint is received.

SCOPE

This policy covers all individuals working at all levels and grades, including managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual staff and volunteers (collectively referred to as staff or employees)

All staff are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All staff should ensure that they take the time to read and understand their roles and responsibilities in respect of it. Breach of this policy will be dealt with under our Disciplinary Procedure and may be treated as gross misconduct which could result in dismissal.

REVIEW OF THIS POLICY

The policy shall be reviewed annually to ensure that it meets legal requirements and reflects best practice. All staff are to be trained in respect of this policy and understand their roles and responsibilities in respect of it.

DEFINITION OF A COMPLAINT

A complaint can be defined as an event where you are of the opinion that we or any of our Representatives provided financial advice or intermediary services and you feel:

- that we or our representatives did not comply with FAIS and that you suffered/ will suffer financial prejudice or damage as a result
- that we intentionally or negligently gave financial advice or rendered an intermediary service which caused you prejudice or damage or is likely to cause damage; or
- that we treated you unfairly

OUR COMMITMENT

- Our Complaints Policy and Procedures will be made available to you on request
- We will attend to, and resolve any complaint timeously and fairly.
- All relevant staff will be trained with regard to the resolution of complaints in accordance with the relevant provisions of FAIS.
- Records of all complaints will be kept for a minimum period of 5 years. Please note that this is a statutory recordkeeping requirement in terms of FAIS, and as such, all your personal information (as per the Protection of Personal Information Act – POPI) submitted will similarly be held for this period. The information will be made available to/ processed by our staff where required, as well as our compliance practice for audit purposes, the Regulator (FSB) and any Ombud who has jurisdiction. It is our business practice to retain records indefinitely so that we can identify possible trends and avoid similar complaints going forward, therefore we will keep this information in accordance with our internal policies.
- Corrective measure will be taken to ensure that problems and shortcomings identified will not happen again

Obligations of our Representatives

- Our Representatives must adhere to our internal requirements, as well as the requirements of FAIS at all times; and
- Our Representatives must ensure that all complaints received are forwarded to our complaints officer

PROCEDURE WHEN SUBMITTING A COMPLAINT

All complaints must be in writing and can be sent by email to:

E-mail Address: complaints@mercuryins.co.za

The following information must be provided in order for us to assist:

- Your name, surname and contact details;
- A complete description of your complaint including details of the person, area or institution;
- Details of when and where the transaction took place;
- The name of the person who provided you with the financial service;
- All documentation relating to your complaint; and
- Method of preferred communication.

Procedure when we have received your complaint

When we receive your complaint, we will:

- Acknowledge receipt, in writing, within 48 hours and add your complaint to our internal complaints register
- Your complaint will be allocated to an appropriate person for further investigation. This will not be the person against whom the complaint is being lodged.
- We may ask for additional information if needed; if you need further assistance from us, in order to clarify your complaint, we are happy to help.
- We will investigate, attempt to resolve and respond within 21 days of receiving your complaint, or after receiving any additional information we require;
- If we require further time to investigate the complaint, this will be communicated to you in writing
- We will let you have our response in writing with full reasons. Please note that certain decisions may have to be approved by the governing authority of the organisation. In such a case, we will communicate that fact to you, as well as the date on which a decision will be taken.
- In the event of us not being able to resolve the complaint or if you are not satisfied with our response, the complaint may be pursued, within a six (6) month's period, with the FAIS Ombud, or any other Ombud who has jurisdiction, contact details below. Alternatively, you may approach your own legal counsel.

NOTE: We are required to be provided with a six week period within which to resolve any complaint, before the FAIS Ombud will have jurisdiction

Ombud complaints

- The FAIS Ombud will not adjudicate in matters in excess of R800 000
- If you already instituted action in a court of law in respect of this complaint the Ombud will not consider the complaint
- If the complaint was not resolved through conciliated settlement, the Ombud may make a determination which has the same legal status of a civil court judgement.
- An award of costs may be made against the person complained against.
- An award of costs may be made against a complainant if the conduct of the complainant was improper or unreasonable, or if the complainant caused an unreasonable delay in the finalisation of the investigation

The FAIS Ombud Telephone No: 0860 FAISOM (0860 324 766) E-mail: info@faisombud.co.za
www.faisombud.co.za

Short Term Ombud Tel. 011 726-8900 | Fax. 011 726-5501 | Share call: 0860 726 890 |
E-mail. info@osti.co.za

In the event of us not reverting to you within the time periods indicated above, kindly contact Ricardo Rossouw at ricardor@mercuryins.co.za for an explanation as to why we have not yet communicated with you.

Please do not accept any communication from any person until it has been confirmed in writing.

“The FSP” or **“we”** refers to The Financial Services Provider.

“Data Subject” means any person (whether a natural or juristic person) who has provided us with information, or from whom we have collected information.

“Personal Information” or **“Information”**, for the purposes of this policy, means any information that we collect from you. Please see clause 4 for more details on the information that we collect.

“Processing” means any operation or activity of the FSP, whether automatic or otherwise, including to the collection, storage, updating or use of information.

“IO” or **“Information Officer”** means the person designated to handle complaints and requests in terms of this policy or any of the information that The FSP processes, so mandated in terms of Clause 11 of this policy.