

# COMPLAINTS RESOLUTION POLICY

**Afken Wealth Management (Pty) Ltd & Afken Risk Management (Pty) Ltd**

**It is important to note that the Act stipulates that before a complainant may submit a complaint to the Ombudsman, the complainant must endeavor to resolve the complaint with the Financial Services Provider.**

**It is further important to note that this policy only relates to complaints relating to noncompliance with the Act.**

## **1. POLICY & PROCESS**

### **1.1 APPLICABILITY**

This policy will apply in all instances where a complaint arises out of a financial service rendered by a representative or a Financial Services Provider in terms of the Act. These complaints refer to:

- Contraventions of the Act
- Failing to comply with any provisions contained in the Act
- Unfair treatment
- Causing damage or is likely to cause prejudice or damage

### **1.2 REQUIREMENTS**

Records need to be maintained for complaints received pertaining to any financial service rendered, including advice given. Additional requirements:

- Complaints must be lodged in writing
- Records of complaints must be kept for a minimum of 5 years
- FSP's must handle complaints from clients in a fair and timely manner
- Take steps to investigate and respond promptly, follow principles of transparency, visibility, accessibility and fairness
- If the complaint cannot be resolved to the client's satisfaction, the client must be advised of any further steps that can be taken.

### **1.3 GENERAL PRINCIPLES TO BE FOLLOWED**

Whenever a complaint arises out of a financial- services rendered, a client will be required to lodge such a complaint in writing and be submitted via one of the following:

Post: PO Box 3667, Dainfern, 2055

E-mail: [info@afken.co.za](mailto:info@afken.co.za) or [Debbie@afken.co.za](mailto:Debbie@afken.co.za)

- The client should also attach copies of relevant related information/documentation to the specific claim
- Receipt of the complaint has to be acknowledged in writing

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- The complaint should be forwarded to the relevant staff member depending on the type and seriousness of the complaint. Serious complaints should be handled by staff with adequate expertise
- Internal follow up procedures are in place to ensure avoidance of occurrences giving rise to complaints and for improving our services
- Each client has to be informed of the results of the investigation of the complaint within 6 weeks of receipt of the complaint
- If the complaint is not resolved within 6 weeks, the client may refer the matter to the Ombudsman within 6 months
- Where a complaint has been resolved in favour of the client, a full redress has to be offered to the client without delay.

#### 1.4 REFERAL TO THE OMBUDSMAN

If a complaint has not been resolved within 6 weeks by Afken Wealth Management (Pty) LTD or Afken Wealth Management (Pty) Ltd, or where the complaint has been dismissed or where the client is not satisfied with the results of the investigation into the complaint, the client may, within 6 months, refer the complaint to the Ombudsman whose details are as follow:

The FAIS Ombudsman Address:

PO Box 74571, Lynwood Ridge, 0040

Tel: (012) 470 9080

- The Ombudsman will decline to investigate a complaint if a period of more than 3 years has expired since the act or omission which resulted in the complaint, or 3 years since the complainant became aware of the occurrence of such an act / omission
- The Ombudsman will decline to investigate a complaint, if proceedings have been instituted by the complainant in any court relating to the complaint
- The Ombudsman may decline to investigate a complaint if there is reasonable grounds to believe that a more appropriate dispute resolution process is available or in cases where it will be more appropriate to deal with the complaint in Court
- The Ombudsman will only proceed to investigate a complaint if it has informed every other interested party of the receipt of such complaint, has provided particulars of such complaint to those parties and has provided those parties with the opportunity to respond
- The Ombudsman may follow and implement any procedure which it deem fit and may allow any party the right of legal representation
- The Ombudsman may make recommendations to the parties and if accepted by the parties, such recommendation will have the effect of a final determination
- The Ombudsman will in any case, where a matter has not been settled or a recommendation has not been accepted by the parties, make a final determination which may include dismissal of the complaint or upholding of the complaint. If a complaint is upheld:
  - The complainant may be awarded compensation
  - The financial services provider may be ordered to take certain steps;
  - or The Ombudsman may make any other order which a Court may make.

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