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1. Complaints Process

In this section you will learn to deal with day to day customer complaints.

1.1. What is a Complaint

“Complaint” means an expression of dissatisfaction by a complainant, relating to a product or service provided or offered by the company, or to an agreement with the company respect of its products or services and indicating that:

- a) the company or its service providers has contravened or failed to comply with a law, or an agreement, or a rule, or a code of conduct which is binding on the company or to which it subscribes;
- b) the company or its service providers maladministration or wilful or negligent action or failure to act, has caused the complainant harm, prejudice, distress or substantial inconvenience; or
- c) the company or its service provider has treated the complainant unfairly and regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a customer query.

1.2. Definition of a FAIS Complaint

Can be defined as a specific complaint relating to a financial service rendered by a financial services provider or representative to a client 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 the FAIS Act and that as a result thereof the client has suffered or is likely to suffer financial prejudice or damage

This applies to allegation by a client against Africa Direct Life and Investment (Pty) Ltd that:

- the features of the product in question were not properly explained at point of sale;
- the client was not given enough information that would enable him or her to make an informed decision about the financial product;
- the policy documents were not delivered and received by the client;
- there's not enough information with regard to the lodging a claim or premium payment and frequency thereof; or
- doesn't recall buying the financial product

- (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

This applies to allegations that Africa Direct Life and Investment (Pty) Ltd has:

- sold an incorrect product to the client;
- acted without the client's knowledge or consent
- cancelled a policy without the client's knowledge/consent;
- effected any policy change without the client's knowledge/consent which caused

- (c) has treated the complainant unfairly;

i. This applies to allegations that:

- the client has been pushed from pillar to post without a resolution;

- representative have been rude towards the client;
- different staff provided different information when contacted about the same issue on the financial product;
- the provider promised to do one thing and then did another.

2. Submitting a Complaint

Step 1

A complaint must be submitted in writing by a complainant to complaints@africadirectlife.co.za or telephonically. The complaint must be addressed for the attention of the Complaints Officer. The complainant must give a detailed description of the event that caused them to suffer any prejudice. Where applicable the complainant will need to attached documentation in support of your allegations made against the company or a service provider and the service received.

When to report a complaint:

- when you received the complaint and all relevant details from the complainant, you should report the complaint via email to the complaints department – complaints@africadirectlife.co.za
- A complaint should be reported within 24 hours of receipt thereof
- make sure you provide full details of the nature of the complaint

Step 2

- Upon receiving complaint inform complainant how the complaint will be handled
- apologise and empathise with complainant
- complainant can expect a resolution to the complaint within 6 weeks of receipt depending on the nature of the complaint

Step 3

Follow-up

- Make sure that you keep complainant updated
- If there is no outcome after 48 hours after investigation, make sure the complainant is aware
- and every 48 hours after every other investigation

Step 4

When the complaint is resolved:

Send resolution to the complaints department after follow-up and state that complaint may be closed as we have resolved the complaint.

3. Turn Around Time

1. The expected timescale (Turn Around Time – TAT) in which the complaint will be resolved.

Notification of receipt	Within 24 working hours	Applicable to all complaints received from clients.
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Low Level	Within 24 working hours	These complaints will include, customer service, and information provided or enquiry outcome.
Medium Level	24 – 48 working hours	These may include enquiries that require investigation, product performance, advice given, financial implications.
High Level	48 – 72 working hours	These are escalated cases that require further approval from management or further investigation.

4. Internal Complaints Handling Process

4.1. How to submit a complaint

A complaint must be submitted in writing by a complainant to complaints@africadirectlife.co.za or telephonically. The complaint must be addressed for the attention of the Complaints Officer. The complainant must give a detailed description of the event that caused them to suffer any prejudice. Where applicable the complainant will need to attached documentation in support of your allegations made against the company or a service provider and the service received.

4.2. Complaints Resolution Process

A complaint will be received by the Customer care agent consultant who will acknowledge receipt to the complainant within 24 hours providing the details of the person handling the complaints and their contact details. A complaint should be resolved within 5 working days of receipt of the complaint.

5. Treat Customer Fairly (TCF)

Complaints received should be categorised according to the following:

5.1. Outcome 2: Complaints relating to the design of a product or service

This category includes complaints indicating that the service towards the complaint was unfair, inadequate, confusing or overly complex, or unsuitable for the customers at which they have been targeted. Complaints regarding unfair or confusing pricing, costs or charges will be dealt with under this category.

5.2. Outcome 3: Complaints relating to information provided

This includes complaints that any documentation provided to customers or prospective customers, or other communications with customers or prospective customers is inaccurate, unsuitable, misleading, incomplete, confusing, unclear, etc. It covers both advertising and marketing material as well as specific product or service related communications. It also covers information provided at all stages of the product life cycle. Such complaints could apply to either the content of the information, or the manner or medium in which it is provided. It will also include complaints regarding a failure to provide information, or complaints that information was provided at an inappropriate time.

5.3. Outcome 4: Complaints relating to advice

This category relates to complaints that advice provided did not take adequate account of the customer or prospective customer's needs and circumstances (including affordability), was factually incorrect or misleading, or that advice was not provided when the complainant believes it should have

been provided. Complaints indicating that the consultant was subject to a conflict of interest, or was lacking in knowledge, skill, experience or integrity are dealt with in this category.

5.4. Outcome 5(a): Complaints relating to product performance

This category includes complaints indicating a customer's disappointment in becoming aware of limitations relating to the product or service that are not in line with their expectations. Where applicable, this would include (but is not limited to) complaints indicating that the customer was not kept adequately informed during the life of the product of matters that affect the product's ability to meet expectations. Complaints regarding a product supplier's exercise of any contractual right to terminate a product or amend its terms are dealt with in this category.

5.5. Outcome 5(b): Complaints relating to customer service

Customer service complaints are those expressing dissatisfaction with the company's administration of requests and transactions (including complaints regarding the company's technological support) and complaints relating to the way in which the staff have dealt with the customer (for e.g. complaints of rudeness, incompetence or non-responsiveness). This would include complaints regarding the administrative processing of payments to or by the customer. Included are complaints relating to breaches of privacy or confidentiality. It is important to note that complaints relating to the customer service standards of third party or outsourced service providers are included in this category. Complaints arising from alleged fraudulent activity by the company or a service provider, where the customer is dissatisfied with the manner in which the company has handled the matter or with the assistance provided by the company in attempting to resolve the matter.

5.6. Outcome 6(a): Complaints relating to product accessibility, changes or switches

This category relates to complaints in respect of barriers or limitations on access to funds, or in the ability to transfer products or services to another provider, or on the ability to make changes to the product or service. Types of barriers or limitations covered would include penalties, termination charges, lengthy notice periods, complex "red tape" administrative hurdles when trying to access funds, etc.

5.7. Outcome 6(b): Complaints relating to complaints handling

This includes complaints regarding the administration of the complaints process, such as delays, poor communication regarding processes and decisions, cumbersome or inaccessible processes, failure to inform complainants of their rights regarding escalation or Ombud mechanisms, etc. It does not include dissatisfaction regarding the outcome of a complaint, which would be regarded as a continuation of the original complaint.

5.8. Outcome 6(c): Complaints relating to insurance risk claims

These complaints would include:

- (i) complaints relating to the administration of the claim process (such as delays, poor communication regarding processes and decisions, cumbersome or inaccessible processes, etc.):
- (ii) complaints relating to actual non-payment of claims and; where applicable
- (iii) complaints regarding the quality of workmanship where claim settlement entails repair or similar services.

In the case of non-payment of claims, reporting requirements in relation to this category are likely to require further sub-categories in respect of the reasons for non-payment, such as:

- Required claim documentation / evidence not submitted
- Criteria for insured event not met

- Waiting period not expired
- Exclusion applies
- Excess applies
- Non-disclosure or misrepresentation
- Policy / benefit not in force
- Claimant is not the person entitled to the benefits (beneficiary disputes)
- Dispute re quantum of claim
- Other reasons.

5.9. Other complaints

A catch-all category for any complaints not falling within one of the above TCF aligned complaints categories or sub-categories. This category should however not be treated as a “default” reporting category.

6. Investigation and Resolution of the Complaint

The complaints officer must conduct an investigation using all the information received from the complainant and from consultation with the employee(s) or the department that the complaint is laid against. The process must also take into account the customer services charter and commitments to customer service in order to arrive to a decision that may be favourable to all affected parties.

When necessary the complaints officer may delegate this function to an employee who is adequately trained and has appropriate mix of experience and skill in handling complaints and has good understanding of the business and TCF outcomes. Should the process take longer than six weeks, the complainant must be advised of the extended period.

After having consulted with the relevant personnel and considered the evidence received from all parties, the Complaints Officer must make a decision which will be communicated to the EXCO first who will review the process followed in resolving the complaint and test its objectivity. On the feedback from the EXCO, the complaints officer will then communicate the decision to the complainant.

7. Complaint outcomes

7.1. Decision to dismiss the complaint

If after the investigation it appears that the service was rendered according to the adopted processes and procedures within the company, and no fault on the conduct of an employee or the company was found, the decision will be to dismiss the complaint.

The complainant will be advised in writing within the stipulated turn-around time of the decision arrived at during the investigation process and reasons for arriving to that decision and be advised of further available recourse within the business.

The appeal process will involve the review of the evidence submitted and the processes followed when arriving at the decision to reject the complaint. Should the decision of the appeal board still be to reject or dismiss the complaint, the complainant will be advised in writing of the decision of the appeal board and be advised to submit a complaint to the Ombudsman who is available to assist the complainant.

Should the appeal board arrive at a decision to grant the complaint. This decision will be communicated to the complainant together with the commitment to make the compensation payment.

7.2. Decision to uphold the Complaint

Where a complaint is upheld, the complainant will be advised of the decision by the company and of the commitment, if any to make a compensation payment, goodwill payment within the stipulated timeframe.

7.3. Goodwill payments and Compensation payments

Goodwill payment and Compensation payments must be approved by EXCO and must be recorded with an accompanied reason.

7.4. No New information or withdrawn by client

No new information refers to when information's requested by the company from the client, however the client does not respond. The company will forward two (2) consecutive reminder requests via email, sms or telephonically with 5 working day intervals. Should the client be unreachable or withhold additional information, the complaint will be closed. The agent will inform the client via email, sms or telephonically that should the information not be received with 5 working days of the last attempt that the complaint will be closed and may be re-opened once the information's received.

A complaint withdrawn by a client must be confirmed by email, sms or telephonically recorded.

8. Feedback to the Complainant

The complainant must be given feedback on the progress on the complaint resolution process. The feedback referred to could be in a form of a SMS or a telephone call advising the complainant of the status of the complaint.

9. Record Keeping

A complaint must be recorded in the complaints register, supporting documents must be scanned and be kept for a period of five years. The complaints register must be made available for monitoring purposes.

10. Monitoring and Reporting

Complaints must be monitored for nature and root cause in order to identify the trends. The monitoring process will include complaints analysis and the categorisation of the complaint according to the TCF Outcomes as discussed above. Feedback from monitoring will be used as feedback to improve on the standard of service rendered to customers.

Complaints monitoring reports must be presented to all business forums including governance committees. The reports must include management information collected during the performance of the monitoring exercise and customer feedback surveys on complaints handling. Reports must indicate improvement from one quarter to another.

11. Complaints Relating to the Product Suppliers

Complaints against product supplier must be referred to the product supplier concerned however the company is responsible for ensuring the complaint is attended to and resolved to the satisfaction of all parties, if not that the complainant was advise of the available recourse.

Where complaints are referred to the product supplier, the complainant must be appropriately informed of the process being followed and that the company will take reasonable steps to monitor the outcome of the complaint.

12. Regulatory Complaints

Claims received by Guardrisk from the Short Term Ombudsman or the FAIS Ombuds will be forwarded to the company for assistance and investigation. The company will provide all communication, Policy wordings, schedules and an account of the policy trend as required to Guardrisk within the stipulated timeframe.

13. Referral to the Ombudsman

Should the decision not be to the satisfaction of the customer, the customer has a right to refer the complaint to either:

Guardrisk Insurance Company

Physical Address: 1st Floor, Tower 2, 102 Rivonia Road, Sandton, 2196

Postal Address: PO Box 786015, Sandton, 2146

Telephone number: 011 669 1000, Fax Number: 011 669 1931/2

Email address: complaints@guardrisk.co.za

FAIS Ombudsman Details:

If any complaint with regard to advice given or intermediary services rendered to you was not resolved to your satisfaction, you can contact the FAIS Ombudsman.

Postal Address: The Financial Services Board, PO Box 74571, Lynnwood Ridge, 0040

Telephone Number: +27 12 470 9080 Fax Number: +27 12 348 3447

Email address: info@faisombud.co.za

Short-Term Ombudsman:

Postal Address: P O Box 32334, Braamfontein, 2017-03-28

Telephone number: 011 726 8900, Fax Number: 011 726 5501

Email address: info@osti.co.za

14. Operational Requirements

1. A confirmation of the complaint must be sent to the client and an indication of the turn-around time to investigate and resolve the enquiry. TAT: 24 hours
2. Remember to log notes on the CRM system, noting the date and type of complaint received and the TCF outcome it relates to, e.g. service delivery etc.
3. In case of a delay in resolving the complaint, the customer care agent must email the client within the initial allocated turn-around time and inform the client that the matter has not been resolved due to the relevant reasons and that additional time will be required to resolve the complaint, an indication of the turn-around time to further investigate and resolve the enquiry must be noted in the email and on the CRM system.

4. Provide Outcome feedback to the client within the stipulated turn-around time by either conducting an outgoing call or by replying to the email correspondence, update CRM system with relevant notes.
5. Update the complaints register with the all complaints received and the TCF outcome linked to the type of complaint.
6. Update the Complaints and TCF monitoring system within 24 hours of action.

15. Email Templates

Acknowledgment of receipt of complaint;

Dear Mr / Mr/ Miss.....

Thank you for your recent contact with Africa Direct Life and Investment (Pty) Ltd

We hereby acknowledge receipt of your complaint, we will revert with feedback within the next 24 hours.

Should you have any further enquiries, please do not hesitate to let us know.

Kind Regards

Delay in resolving the complaint;

Dear Mr / Mr/ Miss.....

Your recent complaint with Africa Direct Life and Investment (Pty) Ltd has reference;

Kindly note that due to, your complaint has not been resolved. In order to resolve this matter adequately, an additional 2- 3 working days will be required.

Our apologies for the delay in resolving this matter and we endeavour to resolve it as soon as possible.

Kind Regards

Decision to Uphold the Complaint

Dear Mr / Mr/ Miss.....

Your recent complaint with Africa Direct Life and Investment (Pty) Ltd has reference;

Kindly note the following outcome of your complaint.

.....

We will endeavour to review processes and policies to ensure that this matter does not occur again, and we appreciate your patience and consideration in allowing us to resolve this matter.

Should you have any further enquiries, please do not hesitate to let us know.

Kind Regards

Decision to Dismiss the complaint;

Dear Mr / Mr/ Miss.....

Your recent complaint with Africa Direct Life and Investment (Pty) Ltd has reference;

Kindly note the following outcome of your complaint.

.....

Please note that you may appeal the outcome of this resolution to our internal appeal board within 10 days of this email.

Alternatively, you may appeal the outcome of this resolution to the;

Guardrisk Insurance Company

Physical Address: 1st Floor, Tower 2, 102 Rivonia Road, Sandton, 2196

Postal Address: PO Box 786015, Sandton, 2146

Telephone number: 011 669 1000, Fax Number: 011 669 1931/2

Email address: complaints@guardrisk.co.za

FAIS Ombudsman Details:

If any complaint with regard to advice given or intermediary services rendered to you was not resolved to your satisfaction, you can contact the FAIS Ombudsman.

Postal Address: The Financial Services Board, PO Box 74571, Lynnwood Ridge, 0040

Telephone Number: +27 12 470 9080 Fax Number: +27 12 348 3447

Email address: info@faisombud.co.za

Short-Term Ombudsman:

Postal Address: P O Box 32334, Braamfontein, 2017-03-28

Telephone number: 011 726 8900 Fax Number: 011 726 5501

Email address: info@osti.co.za

Should you have any further enquiries, please do not hesitate to let us know.

Kind Regards

No new information, 1st request;

Dear Mr / Mr/ Miss.....

Your recent complaint with Africa Direct Life and Investment (Pty) Ltd has reference;

Kindly provide the following information in order to effectively investigate and process your complaint.

.....

Should you have any further enquiries, please do not hesitate to let us know.

No new information, 2nd request;

Dear Mr / Mr/ Miss.....

Your complaint dated with Africa Direct Life and Investment (Pty) Ltd has reference;

Our communication dated (date of 1st request) refers, kindly note in order to investigate and resolve your complaint the following information's required.

.....

Please note that should we not received the above information within the following 5 working days that this complaint will be closed until the information's received.

Should you have any further enquiries, please do not hesitate to let us know.

No new information, 3rd request;

Dear Mr / Mr/ Miss.....

Your compliant dated with Africa Direct Life and Investment (Pty) Ltd has reference;

Our communication dated and (dates of 1st and 2nd requests) refers, kindly note that this complaint has now been closed due to insufficient information provided.

This complaint will remain closed until the following information's received.

.....

Should you have any further enquiries, please do not hesitate to let us know.

Complaint withdrawn by client

Dear Mr / Mr/ Miss.....

Your recent compliant with Africa Direct Life and Investment (Pty) Ltd has reference;

As per the communication received / As per your telephonic instruction dated (date of instruction), the following complaint has been closed and withdrawn.

.....

Should you have any further enquiries, please do not hesitate to let us know.

Kind Regards

16. Glossary

"Complainant" means a person who has submitted a specific complaint to the company or, to the knowledge of the company, to the company's service provider and who –

(a) is a customer or prospective customer of the company and has a direct interest in the agreement, product or service to which the complaint relates; or

(b) has submitted the complaint on behalf of a person mentioned in (a), provided that a prospective customer will only be regarded as a complainant to the extent that the complaint relates to the prospective customer's dissatisfaction in relation to the application, approach, solicitation or advertising or marketing material contemplated in the definition of "prospective customer".

"Compensation payment" means a payment, other than a goodwill payment, by the company to a complainant to compensate the complainant for a proven or estimated financial loss incurred as a result of the company contravention, non-compliance, action, failure to act, or unfair treatment

forming the basis of the complaint , where company accepts liability for having caused the loss concerned.

“Compensation payment” excludes -

(a) payment of amounts contractually due to the complainant in terms of the financial product or service concerned, or

(b) refunds of amounts paid by or on behalf of the complainant to the company where such payments were not contractually due but includes interest on late payment of amounts or refunds referred to in (a) or (b).

“Customer” of the company means any user, former user or beneficiary of one or more of the company’s financial products or services, and their successors in title.

“Customer query” means a request to the company by or on behalf of a customer or prospective customer, for information regarding the financial institution’s products, services or related processes, or to carry out a transaction or action in relation to any such product or service.

“Financial institution” means a financial institution as defined in the Financial Services Board Act 97 of 1990.

“Goodwill payment” means a payment by the company to a complainant as an expression of goodwill aimed at resolving a complaint, but where the company does not accept liability for any financial loss to the customer as a result of the matter complained about.

“Prospective customer of the company” means a person who has applied to or otherwise approached the company in relation to becoming a customer of the company, or a person who has been solicited by the company to become a customer or has received marketing or advertising material in relation to the company’s products or services.

“Rejected” in relation to a complaint means that the complaint has not been upheld and the company regards the complaint as finalised after advising the complainant that it does not intend to take any further action to resolve the complaint. This can arise either where the company rejects a complaint without offering to take steps to resolve it because the company regards the complaint as unjustified or invalid, or where the customer or prospective customer does not accept or respond to the company’s proposals to resolve the complaint and the complaint then advises the complainant that it does not intend to take any further action to attempt to resolve the complaint.

“Reportable complaint” means any complaint other than a complaint that has been –

(a) upheld immediately by the person who initially received the complaint;

(b) upheld within the company’s ordinary processes for handling customer queries in relation to the type of agreement, product or service complained about, provided that such process does not take more than five business days to complete from the date the complaint is received; or

(c) submitted to or brought to the attention of the company in such a manner that the company does not have a reasonable opportunity to record such details of the complaint as may be prescribed in relation to reportable complaints.

“Service provider” means another person with whom the company to whose products or services the complaint relates has an arrangement in relation to the provision of such services, regardless of whether or not such other person is the agent of the company.

“Upheld” in relation to a complaint means that the complaint has been finalised in such a manner that the complainant has explicitly accepted that the matter is fully resolved or that it is reasonable for company to assume that the complainant has so accepted. A complaint should only be regarded as upheld once any and all undertakings made by company to resolve the complaint have been met.