

Complaints Resolution Policy

Date : 01 October 2022
 Author : Tawona Oscar Chimbwanda
 Owner : Master Business Associates
 Intended Audience : South African and Zambia

Overview	This is the official Complaints Resolution Manual implemented for Master business Associates Risk Advisory Services.	
Purpose	<p>For compliance purposes as required by the regulators in the various jurisdictions we operate in including but not limited to South Africa, Zambia and Zimbabwe.</p> <p>This document not only provides a complaints procedure in conformance with legislative expectations but it also explains the procedure should you wish to complain about any of the financial services rendered by our brokerage, and sets out the process which our brokerage will follow in order to resolve the complaint.</p>	
Objectives	<ul style="list-style-type: none"> • To deliver a consistent, high-quality and accountable response to complaints across. • To ensure that our complaints procedure is in line with the overall regulatory requirements and Treating Customer Fairly outcomes and industry 'best practices'. 	
Services Covered	<i>Personal Lines, Commercial Lines, Funeral & Life Insurance Intermediary and Advisory Services</i>	
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Reviewed by	Board	
Next Review Date	31 July 2023	

Definitions

1. **“Complaint”** means an expression of dissatisfaction by a complainant, relating to a product or service provided or offered by the financial services provider, or to an agreement with the financial services provider in respect of its products or services and indicating that -
 - a) the financial services provider or its service provider has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the financial services provider or to which it subscribes;
 - b) the financial services provider 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 financial services provider 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.

2. **“Complainant”** means a person who has submitted a specific complaint to the financial services provider or its service provider and who –
 - a) is a customer or prospective customer of the financial services provider concerned and has
 - b) a direct interest in the agreement, product or service to which the complaint relates; or
 - c) 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”.

3. **“Customer”** of a financial services provider means any user, former user or beneficiary of one or more of the financial products or services provided by the financial services provider, and their successors in title.

4. **“Customer Query”** means a request to the financial services provider by or on behalf of a customer or prospective customer, for information regarding the financial products, services or related processes, or to carry out a transaction or action in relation to any such product or service.
5. **“Financial Services Provider”** means *Master Business Associates Risk Advisory Services*
6. **“Prospective customer”** of a financial services provider means a person who has applied to or otherwise approached the financial services provider in relation to becoming a customer of the financial services provider, or a person who has been solicited by the financial services provider to become a customer or has received marketing or advertising material in relation to the financial institution’s products or services.
7. **“Routine Complaints”** is where a customer submits an expression of dissatisfaction together with a customer query or relating to a customer query and which further can be resolved internally within a period of 15 days. Routine complaints are therefore customer queries which have been escalated by the customer previously but now the customer has become dissatisfied with the process being followed to resolve the customer query.
8. **“Serious Complaints”** are complaints that contravene regulatory requirements and are likely or may already have caused a customer to suffer financial prejudice.
9. **“Service provider”** means another person with whom the financial services provider to whose products or services the complaint relates has an arrangement in relation to the marketing, distribution, administration or provision of such products or services, regardless of whether or not such other person is the agent of the financial services provider.
10. **“Resolved”** 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 the financial services provider to assume that the complainant has so accepted. A complaint should only be regarded as resolved once any and all undertakings made by the financial services provider to resolve the complaint have been met.
11. **“TCF”** Treating Customers Fairly is an outcomes based regulatory and supervisory approach designed to ensure that specific, clearly articulated fairness outcomes for financial services customers are delivered by regulated financial service providers (FSPs). FSPs are expected to demonstrate that they deliver the required 6 TCF Outcomes to their customers throughout the product life cycle, from product design and promotion, through advice and servicing, to complaints and claims handling – and throughout the product value chain.

Process Overview

The following key steps must be followed for all customer complaints received by the Master Business Risk Advisory Services.



The requirement for each step is detailed below.

Process

1. How to lodge a Complaint

- 1.1. If you as a customer or prospective customer have a complaint against our brokerage, it must be submitted to us in **writing**. It can be submitted either by hand, post, fax or email at the contact details that appear in this document.
- 1.2. You should provide sufficient detail of the complaint including policy number or investment number details.
- 1.3. We will keep a record of the complaint and maintain such record for 5 years as required by legislation.

2. Who will handle your Complaint?

- 2.1. Once your complaint has been received it will be allocated to and dealt with by adequately trained staff.
- 2.2. The person responsible for your complaint will furnish you with his/her contact details and the reference number of your complaint (if applicable).
- 2.3. The **Complaints Manager** will have oversight over the complaints allocated to various personnel and you may direct any queries to the **Complaints Manager** whose details are recorded in this document.
- 2.4. Page 7 shows a diagram in ascending order of the available channels to handle complaints

3. Receive and Classify

- 3.1. We will ensure that all potential issues are captured and classified for escalation, review and action as required.
- 3.2. Any complaint, issue or negative customer interaction must be reduced to writing and must be logged and classified for action.
- 3.3. A third party acting on behalf of a complainant must deliver a certified or original consent or power of attorney to act on behalf of a complainant. Should such third party fail to deliver a consent or power of attorney, no further dealings will be pursued with such third party until the proper authority is obtained. The complaint will however be taken up directly with the complainant on whose behalf the complaint is made.
- 3.4. All complaints must be formally logged using the following system:

1. Manually as described in page 5.
 2. The same process via our website.

The client can complain first to the broker through the defined channels



If the complaint is not solved to the satisfaction of the client, it must be directed to the respective insurer



If both the broker and the respective insurer fail to deal with the complaint to the satisfaction of the client, the matter can be taken to the respective regulator;



Regulator Zambia – Complaints department,
+260 950 136662 .
insurance@pia.org.zm



Regulator South Africa – Complaints
department, +278 00 313 626
complaints@fsca.co

3.5. Risk

All complaints will be prioritised as follows:

3.5.1 **Risk 1 – Routine complaints, potential low business impact. This requires a response to the customer within 15 working days.**

- Routine complaints have the potential of becoming serious or official complaints should they be disregarded or ignored by a financial services provider.
- The staff member logging the complaint should review the complaint and its priority with the **Complaints Manager** before proceeding to the next step.
- The **Complaints Manager** will decide on the appropriate person(s) to carry out subsequent steps, including the investigation.

3.5.2 **Risk 2 - Urgent, serious business impact. This requires a response to the customer within 5-10 working days.**

- Serious complaints are complaints logged on media platforms, received from legal advisors or immediately evidence contravention of legislation requirements such as failure to conduct a proper needs analysis.
- These complaints from the outset may cause reputational harm to a financial services provider and/or may cause financial loss to a customer.
- These complaints should ideally be handled by the **Complaints Manager** or suitable senior person delegated to the task by the **Complaints Manager**.
- Complaints from third parties and/or legal advisors will be responded to within 24 hours, acknowledging receipt of the complaint and further requesting authority to act on the complainants behalf such as a power of attorney or consent by the complainant to deal with the complaint on the complainant's behalf.
- No information will be divulged to a third party who does not have the proper authority to act on a complainant's behalf.

3.5.3 **Risk 3 – Urgent official complaints received from regulators e.g. FAIS Ombud. The regulator usually stipulates a response time of 30 days from receipt of the complaint.**

- Official complaints should be handled by the **Complaints Manager**.
- The investigation of the complaint may be delegated to a suitable senior person selected by the **Complaints Manager** and the required draft response and attachments may be collated by such senior person.
- The **Complaints Manager** will be ultimately responsible for compiling the response to the regulator.
- The response to the Regulator should be made within the stipulated turn-around time.

3.6. Categorisation

- Complaints will be categorised according to their nature, e.g. service, product related, features, performance, advice given, etc.
- These categories are then narrowed down to the impact on customers. The impact of the complaint is measured by further categorising it according to the following TCF Outcomes:
 - **TCF Outcome 2** – These are complaints relating to the **design of a product or service**. The categories which affect TCF outcome 2 would be product features and charges.
 - **TCF Outcome 3** – These complaints relate to unsuitable or inaccurate, misleading, confusing or unclear **information provided to a customer** throughout the life cycle of a product. This could vary from advice, product information, information provided in advertising or marketing material about a product or service rendered etc.
 - **TCF Outcome 4** – These are complaints which relate to the **advice given** to a customer by an advisor which was misleading, inappropriate and/or tainted with conflicts of interest which was not disclosed. Inappropriate advice given as a result of lack of knowledge, skill or experience on the part of the advisor of the product or service being rendered, would also be included here. The failure to conduct a needs analysis and to consider the customers financial position, goals or life stage would also amount to a contravention of suitable advice requirements and any complaint in association herewith would fall into this category.
 - **TCF Outcome 5** – Complaints in this category pertain to **product performance and service-related issues**. This would include complaints relating to a customer's disappointment with limitations in a product or service performance of which they were unaware as well as the inability of a product to meet a customer's expectations. Complaints related to a product supplier's exercise of a right to terminate a product or amend its terms, would also be included in this category.
 - **TCF Outcome 6** – These complaints relate to **product accessibility, changes or switches, complaints** relating to complaints handling and complaints relating to claims would be categorised here.
- Other categories may be developed which are appropriate to this outcome and will be incorporated into the policy and attached complaint register.

4. Acknowledge

- 4.1. All complaints must be acknowledged within 24 hours of receipt.
- 4.2. Where an acknowledgement is made telephonically it will be followed up with a written response either by sms or email.
- 4.3. A complaint reference number will be despatched to the complainant on acknowledgment of the complaint.
- 4.4. The details of the person allocated to the complaint will be despatched to the complainant within 48 hours from receipt.

5. Investigate

- 5.1. The investigation will be driven by analysing the root cause of the complaint to enable the complaint to be appropriately dealt with and to avoid, if possible, its reoccurrence.
- 5.2. This may require that both internal and external key facts are identified and clarified.
- 5.3. Should a complaint relate to product features or services handled solely by a product supplier, this matter will be escalated and appropriately dealt with in conjunction with the product supplier, ensuring that the matter is resolved to the satisfaction of the complainant.
- 5.4. All areas of interaction and communication will be documented and where appropriate, consent obtained from the complainant to ensure that no personal information is divulged or processed without the complainant's knowledge or consent.
- 5.5. During the investigation process the complainant will be kept appropriately updated of the progress of the investigation.

6. Resolve and Confirm

- 6.1. Ensure that the proposed resolution meets Treating Customer Fairly Outcomes, does not prejudice the financial services provider or complainant and does not involve any unnecessary legal or financial implications.
- 6.2. The proposed action will be documented and discussed and agreed upon with the Complaints Manager and/or affected Key Individual and Representative.
- 6.3. The signed off resolution will then be discussed and reviewed with the complainant to ensure fairness and clarity and to further ensure that the resolution deals with the root cause of the complaint.
- 6.4. The review should include recognition and documentation of any underlying issues that have contributed to the complaint and recommendations for actions to prevent further occurrence.

7. Respond to Customer

- 7.1. The details of the findings and proposed resolution should be clearly explained (in written or verbal form as appropriate) to the customer - within the agreed timescales.
- 7.2. Where a complaint cannot be addressed within **three weeks** by the financial services provider, a written acknowledgment of the complaint, with contact details of the respective department within the regulator's office, must be sent to the complainant.
- 7.3. If within **six weeks** of receipt of a complaint Master Business Associates Risk Advisory Services has been unable to resolve the complaint to the satisfaction of a complainant, the complainant may:
 - refer the complaint to the Office of Registrar of Insurance if he/she wishes to pursue the matter; and
 - the complainant **MUST** do so within **six months** of receipt of such notification.

8. Follow up and Review

- 8.1. Complaints will be diarised to ensure it remains within the appropriate turnaround times.
- 8.2. Should a complaint exceed the turnaround time due to unforeseen and reasonable circumstances, the complainant will be kept appropriately informed of the reasons for the delay and a speedy resolve will continuously be sought.
- 8.3. A complainant will be kept appropriately informed throughout the complaints process of the resolution being sought.
- 8.4. Upon resolution of the complaint another follow-up will be conducted to ascertain whether the customer was satisfied with the complaints handling process and the resolution sought and whether the resolution was proper and fair.
- 8.5. Any negative responses will be actioned in the ***[monthly/bi-monthly/quarterly]*** review of complaints.

9. Quality Assurance and Close

- 9.1. The **Complaints Manager** will ensure that all employees of ***Master Business Associates Risk Advisory Services*** have access to the complaints resolution manual.
- 9.2. Customers will be made aware of the complaints resolution manual and will have access to the manual upon request.
- 9.3. All complaints will be reviewed ***[monthly/bi-monthly/quarterly]*** and will be used as TCF Management Information to improve overall TCF outcomes.
- 9.4. All complaints will be actioned with the aim of preventing re-occurrence, where feasible.

ACKNOWLEDGEMENT LETTER

Explanatory note:

We promptly acknowledge receipt of a complaint in writing with particulars of the staff involved in the resolution of the complaint as follows;

Dear Mr / Mrs ***[Name of Customer]***

We acknowledge receipt of your written complaint, received by us on ***[date]***.

We will investigate the matter and attempt to resolve the complaint within a period of ***[timeframe]***. If we are unable to resolve the complaint within this time, we will notify you of the reasons for the delay.

The staff member who will be dealing with your complaint is ***[staff member's name]***. ***[He/She]*** may be contacted at the details that appear above.

While we regret that you have cause for concern regarding our financial services rendered, be assured that we will investigate and attempt to resolve your complaint in a timely and fair manner.

Thank you for bringing this to our attention, and for your patience while we investigate this matter.

A copy of our *Complaints Resolution Manual* is available from our offices, upon request.

Yours faithfully

MBA

LETTER WHERE OUTCOME IS NOT IN FAVOUR OF CUSTOMER

Dear Mr / Mrs **[Name of Customer]**

We refer to your written complaint that was received by us on **[date]**.

Thank you for your patience whilst we conducted a thorough investigation into the matter.

We unfortunately regret to advise that we were unable to resolve the complaint in your favour. Our decision is based on the following reason(s):

- 1.
- 2.
- 3.

We hereby advise that should you wish to pursue the matter further, you may refer the complaint to the Regulator, This should be done within **six months** of receipt of this letter.

Further steps available to you include seeking legal advice from an Attorney or you may refer the matter to arbitration.

Yours faithfully

MBA

LETTER WHERE OUTCOME IS IN FAVOUR OF CUSTOMER

Dear Mr / Mrs ***[Name of Customer]***

We refer to your written complaint which was received by us on ***[date]***.

Thank you for your patience whilst we conducted a thorough investigation into the matter.

It gives us pleasure to advise that the complaint has been resolved in your favour. The decision is based on the following reasons:

- 1.
- 2.
- 3.

We would like to offer you the following redress:

- 1.
- 2.
- 3.

Kindly advise whether this is acceptable to you, so that we can confirm our agreement in writing.

Once again, our sincere apologies for the cause which led to this complaint. We hope that we can still be of service to you in the future.

Yours faithfully

MBA