

**COMPLAINTS HANDLING POLICY,
COMPLAINTS RESOLUTION SYSTEM AND PROCEDURES**

1. Application (scope)

This policy applies to all employees, which are deemed to include:

- Director(s)
- Permanent staff

2. INTRODUCTION

In the spirit of promoting the highest level of professional and ethical conduct, this internal complaints & resolution of complaints policy was adopted by the board of **TOPTRANS UNDERWRITING MANAGERS PTY LTD.**

3. DEFINITIONS AND TERMINOLOGY

Definition of a complainant: Complainant – is a **person/ someone acting on their behalf**, who has a **direct interest** in the agreement, policy or service, and includes a –

- **policyholder** or their successor in title;
- **beneficiary** or their successor in title;
- person whose **life is insured** under a policy;
- person that **pays a premium**;
- **member of a group scheme** or; and

- **potential policyholder or potential member of a group scheme** - whose dissatisfaction relates to the relevant **application, approach, solicitation, advertising or marketing** material.
- **Complaint:** an **expression of dissatisfaction** to an insurer / their service provider (to the knowledge of the insurer) relating to a policy or service which indicates / alleges, that –
 - The insurer or their service provider failed **to comply with an agreement, a law, a rule, or a code of conduct;**
 - The insurer or their service provider’s maladministration or wilful / negligent action or omission, caused the person **harm, prejudice, distress or substantial inconvenience;**
 - the insurer or its service provider has **treated the person unfairly;**
 - **regardless** whether submitted **together with or in relation to a policyholder query.**
 - **Rejected:** means that a **complaint was not upheld** – Insurer regards the complaint as **finalised** after advising the complainant that it **does not intend to take any further action to resolve the complaint** – Incl. complaints regarded as **unjustified or invalid** / where the **complainant does not accept or respond to proposals to resolve** the complaint.
 - **Compensation payment:** to compensate a complainant for a **proven or estimated financial loss** incurred as a result of the **insurer’s wrongdoing - insurer accepts liability** for having caused the loss concerned – **excluding: goodwill** payment;
 - payment **contractually due** in terms of a policy; or
 - **refund** of an amount which **was not contractually due.**

- **Goodwill payment:** a payment (monetary or in the form of a benefit or service as an **expression of goodwill** aimed at **resolving a complaint**, where the insurer does **not accept liability** for any financial loss to the complainant.
- **Reportable complaint: any complaint** (as per the definition above) unless–
upheld immediately by the person who initially received the complaint;
- upheld within the insurer’s **ordinary processes** for handling policyholder queries, provided that such process does **not take more than five business days** from the date the complaint is received; or
- submitted to or brought to the attention of the insurer in such a manner that the insurer does **not have a reasonable opportunity to record** such details of the complaint.
- **Upheld:** that a complaint has been finalised **wholly or partially in favour of the complainant** and –
- the complainant has **explicitly accepted that the matter is fully resolved**; or
- it is reasonable for the insurer to **assume that the complainant has so accepted**; and all **undertakings** made by the insurer to resolve the complaint **have been met** or the complainant has explicitly **indicated its satisfaction** with any arrangements.
- Ensure that all **terminology is aligned**.

4. WHAT CONSTITUTES A REPORTABLE COMPLAINT?

A “Reportable complaint” means an expression of dissatisfaction by a person to a provider or, to the knowledge of the provider, to the provider’s service supplier relating to a financial product or financial service provided or offered by that provider which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a client query, that –

- the provider or its service supplier has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the provider or to which it subscribes;
- the provider or its service supplier’s maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
- the provider or its service suppliers has treated the person unfairly;

The following categories will apply to **reportable complaints**:

- design of a policy or related service (incl. premiums or other fees or charges);
- information provided to policyholders;
- advice;
- policy performance;
- service to policyholders (including complaints relating to premium collection or lapsing of policies);
- policy accessibility, changes or switches;
- complaints handling;
- complaints relating to insurance risk claims, including non-payment of claims; and
- other complaints.

5. WHAT CONSTITUTES A NON REPORTABLE COMPLAINT?

TOPTRANS UNDERWRITING MANAGERS is committed and dedicated to delivering a high standard of service to its clients and for this reason has decided that NON REPORTABLE complaints by clients need to be recorded and tracked for quality control purposes.

The following are examples of NON REPORTABLE complaints:

- Failure to or lack of proper and regular follow-up with product providers regarding instructions submitted;
- Failure to perform client instructions;
- Delay in turnaround times for processing of client's instructions;
- Poor attitude of servicing staff

6. BASIC PRINCIPLES OF THE COMPLAINTS RESOLUTION SYSTEM.



TOPTRANS UNDERWRITING MANAGERS is committed to maintain an internal complaint resolution system and procedures based on the following:

- (a) Maintenance of a comprehensive complaints policy that outlines the FSP's commitment to, and system and procedures for internal resolution of complaints;
- (b) Transparency and visibility, ensuring that clients have full knowledge of the procedures of their complaints;
- (c) Accessibility of facilities, ensuring the existence of easy access to such procedures at the office of the FSP, or through ancillary postal, fax or telephone; and
- (d) Fairness, ensuring that a resolution of a complaint can during and by means of the resolution process be affected which is fair to both clients and **TOPTRANS UNDERWRITING MANAGERS** and its staff.

7. HOW TO LODGE A COMPLAINT?

Any client who feels that he/she has been treated inappropriately or unfairly **may do so in writing if they wish or by contacting the FSP by phone or by calling at the office of the FSP in person and speaking to the Non Reportable complaints officer** who will record the complaint and ensure that it is resolved to the satisfaction of the client.

- All complaints lodged with the Ombudsman of Long-term / Short Term Insurance or the FAIS Ombud and all legal proceedings in respect of the Insurer, the Policies and/or the Insurance Business must be dealt with exclusively by Guardrisk.
- The binder holder and intermediaries/registered FSP must give all assistance and co-operation to Guardrisk in respect of any of the above and promptly furnish all documents / information and give all representations required in order to enable Guardrisk to defend any such legal proceedings, claims, potential claims, complaints or potential complaints.
- The binder holder and intermediaries/registered FSP must, at its costs, within 24 (twenty-four) hours of receipt of a complaint, a notification from the Ombudsman for Long Term / Short Term Insurance or the FAIS Ombud's; or any other legal document pertaining to Guardrisk, the Insurance Business and/or the Policies, provide a copy of such documents and any supporting documents to Guardrisk

 E-mail us	elbie@toptrans-uma.co.za tammy@toptrans-uma.co.za
 Contact Us	011 622 0142

8. INTERNAL PROCEDURE FOR RESOLVING A COMPLAINT

Escalation process

Once a written and/or Telephonic complaint is received from a client it is to be directed to the COMPLAINTS OFFICER (as indicated in **annexure A**) who will be responsible to act as follows:

- (a) **Record** the complaint in the online Guardrisk COMPLAINTS REGISTER
- (b) **Acknowledge receipt** of the complaint in writing to the client as per prescribed **Template A within 2 days** of receipt of the complaint;
- (c) **Delegate** the complaint to an appropriate person (if applicable);
- (d) **Investigate** and consider the complaint;
- (e) **Supervise and control** the consideration process;
- (f) **Resolve** the complaint successfully and to the satisfaction of the client **within 15 days** informing the client of the favourable outcome as per prescribed **Template C**;
- (g) **Offer** a full and appropriate level of **redress** to the client without delay;
- (h) **Update** COMPLAINTS REGISTER accordingly;

Should the complaint fail to be resolved in favour of the client the officer must act as follows?

- (i) **inform** the client that the complaint could not be resolved in his/her favour as per prescribed template B;
- (j) **Furnish** the client with **full written reasons**;
- (k) **Update** COMPLAINTS REGISTER accordingly

Insurer Details

Non-Life Ombud complaints : ombudsman@guardrisk.co.za
Repudiation requests : claimsrejection@guardrisk.co.za
FAIS complaints – Non-Life : compliance@guardrisk.co.za

The Ombud details are as follows:

FAIS Ombud

The Customer Contact Division

Sussex Office park, ground Floor, Block B

473 Lynnwood Road, Lynnwood, Pretoria,0081

Telephone No : (012) 470-9080

Email : info@faisombud.co.za

Short term Ombud details:

The Ombudsman for Sort-Term Insurance

Sunnyside Office Park,5t Floor, Building D

32 Princess of Wales Terrace, Parktown 2193

Telephone No : (011) 726-8900

Email : info@osti.co.za

9. INTERNAL PROCEDURE FOR RESOLVING A NON REPORTABLE COMPLAINT

Escalation process as follows

When a client contacts the office of **TOPTRANS UNDERWRITING MANAGERS** telephonically or calls at the premises wishing to complain about any matter that is listed in section 3) of the policy or similar matter, such client must be referred or directed to **Tammy Gonsalves** (as indicated in **Annexure A**) who will be required to deal with such complaint as follows:

- (a) Listen carefully to the complaint by client;
- (b) Empathize with the client (where appropriate);
- (c) Judge whether the complaint has merit;
- (d) If so, offer an apology to the client;
- (e) If not, ensure that misunderstanding that might exist is removed by explaining Material issues to the client for instance where the complaint has arisen as a result of circumstances beyond the administrator's control;
- (f) Record the complaint in the NON REPORTABLE complaints register
- (g) Review procedures that have given rise to the complaint in conjunction with the relevant lines of supervision and ensure that processes are improved as far as possible to prevent similar occurrence in the future.

TEMPLATE A

[Individual/Company Name]
[Postal Address]
[Suburb]
[City]
[Postal Code]
Dear client
RE:

We hereby acknowledge receipt of your written complaint. We are required to investigate the complaint, attempt to resolve it and inform you of the outcome within six weeks from the date of receipt thereof.

DEFINITION OF A COMPLAINT

A “complaint” means an expression of dissatisfaction by a person to a provider or, to the knowledge of the provider, to the provider’s service supplier relating to a financial product or financial service provided or offered by that provider which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a client query, that –

1. the provider or its service supplier has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the provider or to which it subscribes;
2. the provider or its service supplier’s maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
3. the provider or its service suppliers has treated the person unfairly;

We will be responding in due course.

Yours Faithfully

Tammy Gonsalves
Director (Key Individual)

TEMPLATE B

[Individual/Company Name]
[Postal Address]
[City]
[Postal Code]

Dear client

DETAILS OF COMPLAINT:

DETAILS OF PRODUCT:

OUTCOME OF COMPLAINT LODGED

After careful consideration of your complaint, we regrettably are unable to resolve this complaint in your favour.

REASON FOR DISMISSAL OF COMPLAINT

1. You have the option of lodging a complaint with the Ombudsman for financial service providers within **Six months** of this response. You also have the right to pursue any other avenue of law, should you wish to do so.

We hereby present to you the contact details as follows:

OMBUD FOR FINANCIAL SERVICES PROVIDER
POSTAL: P O Box 74571, Lynwood Ridge, 0040.
E-MAIL: reception@faisombud.co.za
TEL: (012) 470 9080
FAX: (012) 348 3447

We trust you will find the above is in order

Yours faithfully

Tammy Gonsalves
Director (Key Individual)

TEMPLATE C

[Individual/Company Name]
[Postal Address]
[Suburb]
[City]
[Postal Code]

Dear Client

DETAILS OF COMPLAINT:

OUTCOME OF COMPLAINT LODGED:

After careful consideration we are glad to inform you that we are able to resolve your complaint in your favour and will be in contact to offer you a full and appropriate level of redress without delay.

Yours Faithfully

Tammy Gonsalves
Director (Key Individual)

ANNEXURE A

DETAILS OF COMPLIANCE OFFICER:

Name: Craig Ormrod
Contact Number: (011) 678 2533
E-mail Address: craig@associatedcompliance.co.za

DETAILS OF COMPLAINTS MANAGER:

Name: Tammy Gonsalves
Contact Number: +27 (0) 11 6220412
E-mail Address: tammy@toptrans-uma.co.za

COMPLAINTS REGISTER

TOPTRANS UNDERWRITING MANAGERS

1 November 2018 to 31 January 2019

Date complaint recorded	Client name	Client contact details	Method used to complain	Date complaint received	Person responsible for handling complaints	Details of complaint	Resolved? YES/NO	Date client Was Informed	Reported to OMBUD? YES/NO

Name	Position	Signature	Date
Tammy Gonsalves	Key Individual		
Craig Ormrod	Compliance Officer		

