

## POLICY: COMPLAINTS RESOLUTION

Policy number:	4.1
Version:	4
Date of approval by Board:	[14 May 2018]

---

### Purpose of this policy:

This policy sets out the procedures implemented by TBI Investment Managers Proprietary Limited (“TIM”) to handle and respond to clients’ complaints.

### Legislation that requires this policy:

Section 17 for the General Code of Conduct for Authorised Financial Services Providers and Representatives, Board Notice 80 of 2003 (General Code), promulgated in terms of the Financial Advisory and Intermediary Services Act, 2002 (FAIS), requires authorised Financial Services Providers (FSPs) to maintain a comprehensive complaints policy for the resolution of complaints by clients.

### Legislation relevant to this policy:

- FAIS.
- General Code, specifically sections 16 to 19.
- Rules on Proceedings of the Office of the Ombud for Financial Services Providers, Board Notice 81 of 8 August 2003.

## 1. RECEIVING AND HANDLING COMPLAINTS

TIM is committed to attend to complaints received from clients promptly and effectively, with a view to resolve such complaints internally to the satisfaction of the client. To this end, TIM:

1. requests that clients who wish to lodge a complaint against TIM, to lodge such a complaint in writing;
2. shall endeavour to handle complaints from clients as soon as possible;
3. shall handle and resolve as far as possible complaints in a manner which is fair to the client and to TIM, with each complaint receiving due consideration in a process that is managed appropriately and effectively;
4. shall endeavour to be transparent towards each client by explaining to the client how the complaints procedures within TIM work and by providing regular feedback to the client on the progress in respect of his/her specific complaint;
5. shall take steps to investigate and respond promptly to such complaints;
6. shall ensure that full and appropriate redress is offered to the client, without delay, where a complaint is resolved in favour of the client; and
7. where the client indicates that a particular complaint has not been resolved to the client's satisfaction, shall advise the client of any further steps which may be available to the client in terms of FAIS or any other law.

To ensure that the complaints procedure of TIM is readily available to clients, this policy is made available on TIM's website or on request via email to Jonathan Whittaker at [support@tbi.co.za](mailto:support@tbi.co.za) or telephone call to 021 948 0322.

## 2. COMPLAINTS CONTEMPLATED IN FAIS

In terms of FAIS, TIM is required to deal with complaints relating to a financial service that TIM or a representative of TIM has rendered. TIM is therefore unable to deal with a complaint relating to a financial product, the rejection of any claim, poor investment performance or administrative service received from a product supplier. These complaints must be directed to the complaints department of the relevant product supplier. If a client wishes to lodge a complaint, he/she may contact TIM on the details provided in paragraph 3 below for assistance.

FAIS further requires that a complaint should allege that TIM or its representative:

1. has contravened or failed to comply with a provision of FAIS and that as a result the complainant has suffered or is likely to suffer financial prejudice or damage;
2. has wilfully or negligently rendered a financial service to the complainant or which is likely to result in such prejudice or damage; or
3. has treated the complainant unfairly.

## 3. CLIENT'S PROCEDURE FOR LODGING A COMPLAINT

If a client considers that any key individual and/or representative of TIM has provided them with financial advisory or intermediary services that do not comply with FAIS as described above, the client is entitled to lodge a complaint.

To lodge a complaint the client must send his/her complaint in writing to one of the following addresses:

<b>Physical:</b>	TBI Investment Managers (Pty) Ltd 35 Willie van Schoor Avenue 3 <sup>rd</sup> Floor FedGroup Place Bellville 7530	<b>Postal:</b>	PO Box 21168 Parow 7499
		<b>Email:</b>	directors@tbi.co.za

### The complaint must include:

1. The client's full name and contact details;
2. A complete description of the financial services provided by TIM;

3. A detailed description of the client's complaint, which should be accompanied by all relevant documentation which relate to or support the complaint, and which should include sufficient facts and dates to enable TIM to deal with the complaint timeously;
4. The name of the key individual and/or representative who rendered the financial services;
5. The date on which the matter giving rise to the complaint occurred; and
6. The client's preferred method of communication i.e. fax, email or post.

#### 4. TIM'S PROCEDURE FOR HANDLING AND RESOLVING A COMPLAINT

##### General

TIM will ensure that adequate resources are available to handle and, where possible, assist with the resolution of client complaints. In this regard, members of staff are specifically trained to handle complaints in accordance with this policy and to have the required knowledge of the applicable provisions of FAIS and the General Code.

##### Process

Each complaint received by TIM will be acknowledged in writing within three working days. The complaint will be noted in the TIM complaints register on the same day that it is received.

The complaint will immediately be brought to the attention of a director of TIM who will allocate the matter to an appropriate member of staff to resolve without delay. Complaints of a routine nature will generally be dealt with by members of the distribution team, with the support of other staff where necessary. Non-routine or serious complaints received will generally be handled by members of staff with the appropriate seniority and the necessary knowledge of the applicable legislation and the product or product supplier. The guidance and input of the key individual of TIM will be sought where necessary.

Complaints are followed up internally by TIM's compliance manager on a regular basis to ensure prompt resolution.

In the event that the complaint has not been resolved to the satisfaction of the client within six weeks of receiving the complaint, TIM will notify the client of the full reasons for the outcome and will provide the contact details of the Ombud for Financial Services Providers (Ombud) and a summary of the provisions of FAIS which are applicable if the client wishes to pursue the matter before the Ombud.

In the event that the complaint cannot be resolved, the complainant may have recourse to the following, whichever is applicable:

1. refer the matter to the Ombud within six months of notification that the claim cannot be resolved or within six months of TIM's failure to deal with the claim;
2. seek legal advice from an attorney regarding any legal action that may be taken;
3. refer the matter to arbitration or mediation, which requires the consent of TIM.

#### 5. RECORD KEEPING

The TIM compliance manager keeps a record of all complaints received in the complaints register and indicates in such register whether such complaints were successfully resolved. Records of complaints will be kept for at least 5 years from the date on which the complaint was received from the relevant client.

Should a client have any further questions or concerns, please contact TIM.

## 6. IMPORTANT CONTACT DETAILS

**TBI Investment Managers** – see paragraph 3 above

- Website: [www.tbi.co.za](http://www.tbi.co.za)

### **FAIS Ombud office**

- **Postal address:** PO Box 74571  
Lynwood Ridge  
0040
- **Tel:** 012 470 9080 / 012 762 5000
- **Fax:** 012 348 3447 / 012 470 9097 / 086 764 1422
- **Email:** [info@faisombud.co.za](mailto:info@faisombud.co.za)
- **Website:** [www.faisombud.co.za](http://www.faisombud.co.za)

### **National Consumer Commission**

- **Physical address:** Building C - South African Bureau of Standards Campus,  
1 Dr. Lategan Road,  
Groenkloof, Pretoria
- **Tel:** 012 428 7000 or (for the Western Cape Province) 0800 007 081
- **Email:** [complaints@thenc.org.za](mailto:complaints@thenc.org.za) or (for the Western Cape Province) [consumer.protector@westerncape.gov.za](mailto:consumer.protector@westerncape.gov.za)
- **Website:** [www.thenc.org.za](http://www.thenc.org.za)