



# SMIT AND KIE

# COMPLAINTS POLICY

*National strength. Local signature.*

## 1. PURPOSE

1.1. Smit and Kie Brokers Pty(Ltd). is a group of short-term Intermediaries and

Authorised Financial Service Providers ('FSP's). The Group shares an internal Compliance Function and related Policies.

- 1.2. The Group's is committed to ensuring fair, proper and effective procedures are followed when complaints are made, by or on behalf of a complainant.
- 1.3. Complaints means complaints as defined in Section 1 (1) the Financial Advisory and Intermediary Services Act of 2002 ('FAIS') and set out in this Policy.
- 1.4. The Group commits itself and all its corresponding employees' to its internal resolutions regarding complaints. The Group guarantees its commitment to resolving complaints fairly and to ensuring the proper recording of complaints.
- 1.5. This Policy sets out the systems and procedures that The Group will take in the event of a complaint, and also sets out the manner in which a complainant may lodge a complaint. This policy will be updated annually.
- 1.6. It is in the interest of both the complainant and the Group to resolve complaints at an internal level, and thus, The Group undertakes to conduct itself in a fair, honest, professional and objective manner. This Policy as a result, will be made available to all of The Group's clients through any of the following mediums:
  - 1.6.1. any office or branch of The Group;
  - 1.6.2. post;
  - 1.6.3. fax;
  - 1.6.4. e-mail; and
  - 1.6.5. Via The Group's websit [www.smitk.co.za](http://www.smitk.co.za)
- 1.7. The Complainant is not obliged to resolve the complaint with the FSP first and may approach the Ombud immediately.

## **2. COMPLAINTS DEFINED**

2.1. As defined in the FAIS Act in Section 1(1), a complaint means, subject to section

26 (1) (a) (iii):

*“a specific complaint relating to financial services rendered by a Financial Services Provider (“FSP”) or its Representative to the complainant on or after the date of commencement of this Act, and in which complaint it is alleged that the Provider or Representative -*

- a. has contravened or failed to comply a provision of this Act and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;*
- b. has wilfully or negligently rendered a financial service to the complainant or which is likely to result in such prejudice or damage; or*
- c. has treated the complainant unfairly.”*

2.2. A Complainant means: *“subject to Section 26 (1) (a) (iii), a specific client who submits a complaint to the Ombud.”*

2.3. Section 26 (1) (a) (iii) reads as follows:

1. *“The Board may, after consultation with the Advisory Committee, make rules , including different rules in respect of different categories of complaints or investigations by the Ombud, regarding –*
  - a. the type of complaint justifiable by the Ombud, including a complaint relating to a financial service rendered by a person not authorised as a financial services provider or a person acting on behalf of such first-mentioned person.”*

2.4. In summary a complaint will qualify as a complaint for purposes of FAIS whereby one of the Company’s Registered Representatives, Administration staff or Key Individuals fails to comply with a provision of the Act and as a result the complainant has suffered or is likely to suffer a financial loss, prejudice or damage. A complaint will also qualify as a complaint for the purposes of FAIS if the board decides it is justifiable by the Ombud or where it relates to an FSP or Representative that is not authorised by the Financial Services Board (‘FSB’).

### **3. COMPLAINTS PROCEDURE**

3.1. In order for The Group to properly deal with complaints, a complaint must be submitted to the relevant branch in writing. All branch details are provided on our website and may also be obtained through head office whose details are available at the end of this Policy.

3.2. Should a complaint be received telephonically, the complainant must reduce the complaint in writing within a reasonable period of time. Where it is **impossible** for the Complainant to submit the complaint in writing, an alternative **may** be arranged.

3.3. In order to properly resolve a complaint, it must contain all relevant information such as:

- the full names, ID and, and contact details of the complainant and client (if different to the Complainant);
- where Complainant differs from the Client details of their relationship with one another and their relationship with The Group and the Insured;
- full details of the Insurer, insurance product and policy details;
- specific details as to the nature of the complaint and any supporting documentation should be attached;
- details of all the parties who were/are involved in the complaint;
- details as to the loss suffered and/or the potential loss that may result;
- correspondence between the Complainant and the branch and the Insurer (where applicable); and
- any other information which may assist in effectively dealing with the complaint.

3.4. The complaint may be transmitted by e-mail, by fax, by hand or by post.

3.5. The complaint **should** be marked for the attention of the Complaints Officer whose details are available at the bottom of this Policy, however complaints marked for the Company's attention will be accepted.

3.6. Once the Complaint is received by the Complaints Officer or the relevant branch all personnel involved will be notified.

3.7. Within 3 (three) working days of receipt of the complaint it will be lodged in the branches central complaints register and acknowledged by the receiver.

- 3.8. The Group guarantees that the complaint will receive proper consideration and that proper management controls are available to exercise effective control and supervision of the consideration process.
- 3.9. The Complaints Officer will oversee all correspondence and meetings involved between the FSP personnel involved in the complaint.
- 3.10. The Complainant will be notified within 6 (six) weeks of the findings of the complaint and where no resolution is possible the complainant will be advised that they can approach the Ombud of Financial Service Providers ('Ombud') whose details can be found at the end of this Policy.
- 3.11. Should the complainant be unsatisfied with The Group's proposed solution (where one has been proposed) the complainant may refer his/her concerns to the Directors of the branch who will amend or confirm the proposed solution. Should the complainant remain unsatisfied, the branch will regard the complaint as unresolved and the complainant will be advised of his/her right to approach the Ombud or alternatively, to seek legal advice.
- 3.12. Where the complaint is resolved in favour of the complainant and the complainant is satisfied with the proposed solution, the FSP will ensure the redress takes place without delay.
- 3.13. A complaint must be referred to the Ombud within a period of six months of notification that the claim is unresolvable, the complainant must be made aware that the Ombud will not adjudicate on matters exceeding the value of R 800 000.00 (Eight Hundred Thousand Rand).
- 3.14. A record of all relevant complaints will be kept by each branch for a period of five years as required by legislation.

#### **4. NON-FAIS COMPLAINTS PROCEDURE**

4.1. In line with the Company TCF Policy (Treating the Customer Fairly) we guarantee that all complaints and not just FAIS related complaints (as discussed above) will be dealt with in a fair and professional procedure.

4.2. The procedure with regard to non-FAIS related complaints will be the same procedure followed with regard to non-FAIS related complaints with the exception that these FAIS complaints will be logged in a separate complaints register for ease of reference in addition all procedures in relation to the FAIS Ombud will not be followed.

## 5. CONTACT DETAILS

5.1. Contact Details of The relevant Smit and Kie branches' details can be found on our website and the FSB website:

5.1.1. Website: [www.smitk.co.za](http://www.smitk.co.za) – at the very bottom of the page under 'Access to information';

5.1.2. FSB website: [www.fsb.co.za](http://www.fsb.co.za) – click FAIS in the top right hand corner, scroll down to 'Searches' click 'Search for Authorised Financial Services Provider' enter FSP number as reflected in Annexure A below. The Branches details will then come up – click on contact details.

5.2. Head Office Details:

### **Physical Address**

10 Winsor Str.  
Tzaneen  
0850

### **Postal Address:**

P.O. Box 3314  
Tzaneen  
0850

**Telephone Number:** (015) 307 5587

**Fax Number:** 086 670 6536

**E-mail address:** [info@smitk.co.za](mailto:info@smitk.co.za)

5.3. The Smit and Kie Complaints Officer details:

### **Physical Address**

48 Matroosbergweg  
Pretoria  
0081

**Postal Address:**

P.O. Box 856  
Howard Place  
7450

**Telephone Number:** 012 424 3400

**Fax Number:** 082 749 2657

**E-mail address:** [jjacobs@masthead.co.za](mailto:jjacobs@masthead.co.za)

5.4. The FAIS Ombud may be contacted at their offices in Pretoria:

**Physical Address:** Baobab

House  
Eastwood Office Park  
Lynnwood Ridge  
0040

**Postal Address:**

P O Box 74571  
Lynwood Ridge  
0040

**Telephone Number:** +27 12 470 9080

**FAX number:** +27 12 348 3447

**E-mail address:** [info@faisombud.co.za](mailto:info@faisombud.co.za)

**Website:** [www.faisombud.co.za](http://www.faisombud.co.za)

5.5. The Short-Term Insurance Ombud may be contacted at their offices in Parktown:

**Physical Address:**

Sunnyside Office Park  
5<sup>th</sup> Floor  
Building D  
32 Princess of Wales Terrace Parktown

**Postal Address:** P O Box 32334

Braamfontein  
2017

**Telephone Number:** +27 11 726 8900 **FAX**

**number:** +27 11 726 5501

**E-mail address:** [info@osti.co.za](mailto:info@osti.co.za)

**Website:** [www.osti.co.za](http://www.osti.co.za)