

# **COMPLAINTS RESOLUTION POLICY & PROCEDURE**

## 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 provider’s 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
  - b) has 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. **“FAIS”** means the Financial Advisory and Intermediary Services Act No. 37 of 2002 which was designed to protect customers of financial services providers; regulate the selling and advice-giving activities of FSP (FSPs); ensure that the consumers are provided with adequate information about the financial product they use and the people and institutions who sell these financial products and establish a properly regulated financial services profession.
6. **“FAIS Ombud”**. The FAIS Ombud deals with complaints submitted to the Office by a specific customer against a financial services provider.
7. **“Financial Services Provider”** and/or **“FSP”** means Unum (see below definition).
8. **“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.
9. **“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 (fifteen) 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.
10. **“Serious Complaints”** are complaints that contravene regulatory requirements and are likely or may already have caused a customer to suffer financial prejudice.
11. **“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.
12. **“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.

13. **“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.
14. **Unum Capital Group Holdings” and or “Unum”**: means the Unum Capital Group of companies including Unum Capital, a company with registration number 1999/008361/07, FSP No.: 564 incorporated in accordance with the company laws of South Africa, and any of its authorised juristic representative, subsidiary, sub-subsidiary, company of Unum Capital Group.

## COMMITMENT

15. In terms of the FAIS Act, Unum has established a formal internal complaints resolution policy & procedure.
16. Unum is fully committed to:
  - Ensuring easy access for all Clients to the complaints resolution policy & procedure.
  - Ensuring that sufficient staffing and resources are available for the prompt resolution of complaints.
  - Analyse complaints to enable us to identify and then eradicate recurring problem areas.
  - Delegate responsibilities and empower staff to ensure that routine complaints are timeously resolved.
  - Ensure escalation of serious complaints to senior management.
17. The Internal Compliance Manager / Key Individual will ensure that all employees of **Unum** have access to the complaints resolution policy & procedure.
18. Customers will be made aware of the complaints resolution policy & procedure and will have access to the document upon request. A copy of this Unum Capital Complaints Resolution Policy & Procedure is available on request or on the Unum website.

## PROCESS OVERVIEW

The following key steps will be followed for all customer complaints received by Unum.

### 1. How to lodge a complaint?

- 1.1. The complaint against the FSP, must be submitted in **writing** (as per contact details below) and all relevant information as provided for in Annexure A must be provided with such a complaint.
- 1.2. It can be submitted either by hand, post, or email at the contact details that appear in this document.
- 1.3. You should provide sufficient detail of the complaint including client account / reference details.
- 1.4. 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.
- 1.5. No information will be divulged to a third party who does not have the proper authority to act on a complainant's behalf.

### 2. Who will handle your complaint?

- 2.1. Once your complaint has been received it will be allocated to and dealt with by an appointed staff member.
- 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 Client Services Manager will have oversight over the complaints allocated to various personnel and you may direct any queries to the Client Services Manager whose details will be furnished to you when you are informed of the staff member that will handle your complaint.

### 3. Receiving and Acknowledgement of receipt

- 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. All complaints must be formally logged on the The Kotive System, Complaints register.

- 3.4. All complaints must be acknowledged within 48 hours of receipt.
- 3.5. Where an acknowledgement is made telephonically it will be followed up with a written response by email.
- 3.6. A complaint reference number and the details of the person allocated to the complaint will be despatched to the complainant on acknowledgment of the complaint.

#### **4. Classifying Complaints**

##### 4.1. Risk

All complaints will be prioritised as follows:

##### Routine complaints

*This requires a response to the customer within 15 working days.*

- Routine complaints have a potential low business impact however 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 Client Services Manager before proceeding to the next step.
- The Client Services Manager will decide on the appropriate person(s) to carry out subsequent steps, including the investigation.

##### Serious complaint

*This requires a response to the customer within 7 working days.*

- Serious complaints have a potential high business impact, and typically complaints logged on media platforms, received from legal advisors or immediately evince contravention of legislation requirements.
- These complaints from the outset may cause reputational and/or financial harm to the Financial Services Provider and/or may cause financial loss to a customer.
- These complaints should ideally be handled by the Internal Compliance Officer/Key Individual or suitable senior person delegated to the task by the Internal Compliance Officer/Key Individual.

##### Official complaint received from regulators e.g. FSCA, SARB & FAIS Ombud.

*The regulator usually stipulates a response time from receipt of the complaint.*

- Official complaints should be handled by the Internal Compliance Officer/Key Individual.
- The investigation of the complaint may be delegated to a suitable senior person selected by the Internal Compliance Officer/Key Individual and the required draft response and attachments may be collated by such senior person.
- The Internal Compliance Officer/Key Individual 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.

## **4.2. Categorisation**

Complaints will be categorised according to its impact on the customer/complainant according to the following TCF Outcomes. The categories are not exhaustive and are merely a guideline. Other categories may be developed and will be incorporated into the policy and Annexure A.

### **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. These disclosures would include the conflict of interest disclosures required by the General Code of Conduct of FAIS (Code); Section 4 and 5 of the Code or any other disclosure requirements in terms of the Code or any other legislation.

### **TCF Outcome 4**

These are complaints which relate to the **advice given (if advice was given)** to a customer by an authorised representative of the FSP 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 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 or changes, complaints** relating to complaints handling and complaints relating to claims would be categorised here.

## **5. Investigation**

- 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/platform supplier, this matter will be escalated and appropriately dealt with in conjunction with the product/platform 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 Confirmation**

- 6.1. Unum will ensure that the proposed resolution meets Treating Customer Fairly Outcomes, does not prejudice the financial services provider or the 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 Internal Compliance Officer, Client Service 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.
- 6.5. A complainant will be kept appropriately informed throughout the complaints process of the resolution being sought.
- 6.6. Complaints will be diarised to ensure it remains within the appropriate turnaround times.
- 6.7. Should a complaint exceed the turn-around 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.

## **7. Response to Complainant / Customer**

- 7.1. The details of the findings and proposed resolution will be clearly explained (in written or verbal form as appropriate) to the complainant / customer.
- 7.2. 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.
- 7.3. Regulations allow an FSP to respond to a complaint within 6 (six) week. Unum will endeavour to address complaints within **3 (three) weeks/ 15 (fifteen) working days**.
- 7.4. As soon as reasonably possible after receipt of the complaint from a complainant, Unum will send to the complainant a written acknowledgment of the complaint with contact references of the individual who will be attending to the Complaint.
- 7.5. If within **3 (three) weeks/ 15 (fifteen) working days** of receipt of a complaint, **Unum** has been unable to resolve the complaint to the satisfaction of a complainant, the complainant may:
  - refer the complaint to the Office of the FAIS Ombud if he/she wishes to pursue the matter; and
  - the complainant **MUST** do so within **6 (six) months** of receipt of such notification.

## **8. Record keeping and Quality Assurance**

- 8.1. The FSP will keep a record of the complaint and maintain such record for 5 years as required by legislation.

- 8.2. All complaints will be reviewed monthly and will be further utilised as TCF Management Information to improve overall TCF outcomes.
- 8.3. The complaint register will be reviewed by the executive management of the FSP on a quarterly basis, i.e. at the end of March, June, September and December.
- 8.4. All complaints, where feasible, will be actioned with the aim of preventing reoccurrence.

## 9. IMPORTANT CONTACT DETAILS

### Unum Capital (Pty) Ltd

Business Address : Unit 1, Village Corner,  
57 via Latina Crescent,  
Irene Corporate Corner,  
0178

Postal Address : Postnet Suite #233  
Private Bag X04  
Menlo Park  
0102

Tel : +27 11 384 2900

Email : [complaints@unum.co.za](mailto:complaints@unum.co.za)

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

### Ombudsman’s Contact Details:

	<b>FAIS Ombud</b>	<b>Long Term Insurance Ombud</b>	<b>Short Term Insurance Ombud</b>
<b>Postal Address:</b>	P.O Box 74571 Lynnwood Ridge 0040	Private Bag X 45 PO Box 32334 Claremont	P.O Box 32334 Braamfontein 2017
<b>Telephone:</b>	+27 12 762 5000 / +27 12 470 9080	+27 21 657 5000 / +27 86 010 3236	+27 11 726 8900
<b>Fax:</b>	27 86 764 1422 / +27 12 348 3447	+27 21 674 0951	+27 11 726 5501
<b>Email:</b>	<a href="mailto:info@faisombud.co.za">info@faisombud.co.za</a>	<a href="mailto:info@ombud.co.za">info@ombud.co.za</a>	<a href="mailto:info@osti.co.za">info@osti.co.za</a>
<b>Website:</b>	<a href="http://www.faisombud.co.za">www.faisombud.co.za</a>	<a href="http://www.ombud.co.za">www.ombud.co.za</a>	<a href="http://www.osti.co.za">www.osti.co.za</a>



## **10. Obligation by employees**

All employees have an obligation to promote the compliance culture as well as adhering to the provisions of this policy. Disregard for the compliance philosophy, compliance culture and failure to comply with any provisions of the legislation or this policy will result in remedial and/or disciplinary action being taken.

## **11. Implementation**

This policy will be made available and distributed to all employees and representatives working in or on behalf of the organisation. Executive Management is responsible to ensure that this policy is communicated, observed and that it remains appropriate on an ongoing basis.

## **12. Endorsement**

This policy is approved and endorsed by Executive Management.

## **13. Review of policy**

This policy will be reviewed by Executive Management on at least an annual basis or more frequently in the event of material amendments to the regulatory environment and may be altered and improved at any time and will be enforceable with immediate effect. All changes and amendments will be communicated and distributed to all stakeholders who will be required to adhere to such changes without delay.

## 19. OWNERSHIP & ACCOUNTABILITY

This policy is owned by **Unum Capital (PTY) LTD**, an authorised financial services provider in terms of the Financial Advisory & Intermediary Services Act (37 of 2002) and subordinate legislation.

As Key Individual of the Provider, I, **Mark Weetman** hereby confirm the adoption of the policy on behalf of the governing body of the Provider.

I hereby accept responsibility for the successful training of employees and successful implementation of this Policy.

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Signature

Wednesday, 22 July 2020  
Date

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## Annexure A

Minimum information we require to process a complaint adequately:

- Full names of client/s
- Email of client and/or contact details
- Client account / reference details
- If the complaint relates to an external product / platform provider, details of Product supplier
- Name of Representative(s) against whom the complaint is made
- Full Details of Complaint, including dates
- Expression of dissatisfaction by a complainant
- Documents pertaining to the complaint E.g. audio recordings, transcripts, email correspondence, supporting documentation, etc.
- Acknowledgement that Client has read and understood Unum's Complaints Resolution Policy and Procedure.
- Third party consent or power of attorney to lodge complaint on behalf of a client, if any.