

# COMPLAINTS RESOLUTION POLICY

JUNE 2024

Prepared by: Compliance

Approvers: Mellisa Pillay – Head of Claims and Compliance



**Document owner: Compliance**



## 1 PURPOSE

- 1.1 Legal & Tax Services (Pty) Ltd (Hereinafter referred to as “Legal&Tax”) is an authorised Financial Service Provider, FSP No. 28566. Legal&Tax is the direct marketer and non-mandated intermediary of life insurance benefits underwritten by the product supplier Centriq Life Insurance Company Limited, and non-life insurance benefits underwritten by Centriq Insurance Company Limited (“Centriq”) a licensed insurer and authorised Financial Services Provider.
- 1.2 The purpose of the Complaint Resolution Policy is to ensure compliance with the Short- and Long-Term Insurance Act, Insurance Act, Financial Advisory and Intermediary Services (FAIS) Act, the Policy Holder Protection Rules (PPR) (LTI and STI), TCF (Treating Customers Fairly) and any other applicable legislation or directives.
- 1.3 This document explains the procedure, should you wish to inquire or complain about any of the financial, helpline and value-added services administered and rendered by Legal&Tax, and sets out the process that Legal&Tax will follow in order to resolve a complaint.

## 2 DEFINITIONS

- 2.1 **complainant** means a person who submits a complaint and includes a –
  - (a) policyholder or the policyholder’s successor in title;
  - (b) beneficiary or the beneficiary’s successor in title;
  - (c) person whose life is insured under a policy;
  - (d) person that pays a premium in respect of a policy;
  - (e) member of a group scheme; or
  - (f) potential policyholder or potential member of a group scheme whose dissatisfaction relates to the relevant application, approach, solicitation or advertising or marketing material, who has a direct interest in the agreement, policy or service to which the complaint relates, or a person acting on behalf of a person referred to in paragraphs (a) to (f);
- 2.2 **complaint** means an expression of dissatisfaction by a person to an insurer or, to the knowledge of the insurer, to the insurer’s service provider relating to a policy or service provided or offered by that insurer which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a policyholder query, that -
  - (a) the insurer 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 insurer or to which it subscribes;
  - (b) the insurer or its service provider’s maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
  - (c) the insurer or its service provider has treated the person unfairly;
- 2.3 **compensation payment** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of an insurer to a complainant to compensate the complainant for a proven or estimated financial loss incurred as a result of the insurer’s contravention, non-compliance, action, failure to act, or unfair treatment forming the basis of the complaint, where the insurer accepts liability for having caused the loss concerned, but excludes any –
  - (a) goodwill payment;
  - (b) payment contractually due to the complainant in terms of a policy; or
  - (c) refund of an amount paid by or on behalf of the complainant to the insurer where such payment was not contractually due;and includes any interest on late payment of any amount referred to in paragraphs (b) or (c);
- 2.4 **goodwill payment** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of an insurer to a complainant as an expression of goodwill aimed at resolving a complaint, where the insurer does not accept liability for any financial loss to the complainant as a result of the matter complained



about;

- 2.5 **policyholder query** means a request to the insurer or the insurer's service provider by or on behalf of a policyholder, for information regarding the insurer's policies, services or related processes, or to carry out a transaction or action in relation to any such policy or service;
- 2.6 **rejected** in relation to a complaint means that a complaint has not been upheld and the insurer regards the complaint as finalised after advising the complainant that it does not intend to take any further action to resolve the complaint and includes complaints regarded by the insurer as unjustified or invalid, or where the complainant does not accept or respond to the insurer's proposals to resolve the complaint;
- 2.7 **upheld** means that a complaint has been finalised wholly or partially in favour of the complainant and that –
  - (a) the complainant has explicitly accepted that the matter is fully resolved; or
  - (b) it is reasonable for the insurer to assume that the complainant has so accepted; and
  - (c) all undertakings made by the insurer to resolve the complaint have been met or the complainant has explicitly indicated its satisfaction with any arrangements to ensure such undertakings will be met by the insurer within a time acceptable to the complainant.

### 3 WHAT COMPLAINTS ARE DEALT WITH IN TERMS OF FAIS

- 3.1 A complaint is defined in the FAIS Act as a specific complaint relating to financial services rendered by an FSP or its representative, either being advice or an intermediary service, which has been rendered on or after 1 October 2004 and where the complainant alleges that the FSP:
  - 3.1.1 Has contravened a provision of the FAIS Act and as a result the complainant has suffered or is likely to suffer financial prejudice or damage;
  - 3.1.2 Has wilfully or negligently rendered a financial service to the complainant which has caused or is likely to cause prejudice or damage to the complainant; or
  - 3.1.3 Has treated the complainant unfairly.

### 4 WHAT COMPLAINTS ARE DEALT WITH BY THE NATIONAL FINANCIAL OMBUD SCHEME

- 4.1 All complaints previously dealt with by the Ombudsman for Short Term Insurance;
- 4.2 All complaints previously dealt with by the Ombudsman for Long Term Insurance.

### 5 RESPONSIBLE PERSONS

- 5.1 The persons mentioned below are responsible for ensuring that complaints are dealt with in accordance with this policy:

DEPARTMENT	NAME
Customer Services	Marlon van Wyk
Servicing	Michael Visser
Claims	Mellisa Pillay
IO	Darren Cohen
KI	Benjy Porter

### 6 HOW TO SUBMIT A COMPLAINT

- 6.1 A complaint should be submitted to Legal&Tax in writing or telephonically within 30 (thirty) days of a dispute arising. Please address your written complaints to the Complaints Officer: [complaints@legalandtax.co.za](mailto:complaints@legalandtax.co.za). It can also be submitted either by hand, post, or fax to the contact details that appear in the below footer of this page. The complaint should contain sufficient detail regarding:
  - 6.1.1 The full names, ID/Passport number and contact details of the complainant;
  - 6.1.2 The full names, ID/Passport number and contact details of the policyholder (if different from the complainant);
  - 6.1.3 Full details of the policy or policy number where applicable;  
Specific details about the nature of the complaint which would include sufficient facts, dates and supporting documentation and the outcome desired to enable us to deal with the complaint quickly and fairly.



## 7 WHAT WILL HAPPEN ONCE A COMPLAINT IS MADE

- 7.1 The following is a step-by-step guideline of how a complaint will be dealt with, once received by us:
- 7.1.1 The complaint will be acknowledged within 24 (twenty-four) hours of receipt;
  - 7.1.2 It will be assessed and logged into our central complaints register;
  - 7.1.3 The complaint will be allocated to our trained and skilled Complaint's Officer;
  - 7.1.4 The Officer will investigate and revert within 5 (five) to 10 (ten) business days;
  - 7.1.5 You may be requested to provide additional information before a final resolution can be provided;
  - 7.1.6 If the Officer requires further time to investigate the complaint, it will be communicated;
  - 7.1.7 Full reasons for a final determination will be provided in writing or verbally with full reasons.
- 7.2 Legislation requires that a complainant be notified in writing within 6 (six) weeks of receiving a complaint, if the complaint cannot be resolved and the reason(s) why the complaint could not be resolved. In the event that the complaint cannot be resolved, the complainant may have recourse to the following, whichever is applicable:
- 7.2.1 Refer the matter to the Insurer, being Centriq Insurance Company Limited (Legal) and Centriq Life Insurance Company Limited (Funeral and Healthcare) if related to the financial product;
  - 7.2.2 Refer the matter to the FAIS Ombud within 6 (six) months of notification that a complaint relating to advice or an intermediary service, cannot be resolved or within 6 (six) months of the FSP's failure to deal with a complaint;
  - 7.2.3 Refer a claim complaint, to the National Financial Ombud Scheme South Africa, if appropriate and within their jurisdiction, within 6 (six) months of notification that a complaint cannot be resolved or within 6 (six) months of the FSP's failure to deal with a complaint.
  - 7.2.4 Refer any complaint to the FSCA;
  - 7.2.5 Seek legal advice from an attorney regarding any legal action that may be taken;
  - 7.2.6 Refer the matter to arbitration or mediation.
- 7.3 Should a complainant wish to dispute a repudiation:
- 7.3.1 the complainant may lodge a complaint within 90 (ninety) days to
    - The FAIS Ombud
    - The National Financial Ombud Scheme of South Africa
    - The FSCA
  - 7.3.2 The complainant has 180 (one hundred and eighty) days from the expiry of the above 90 (ninety) day period to institute legal action to dispute any decision, failing which they may no longer have any claim.

PARTICULARS OF INSURER	
Name	Centriq / Centriq Life Insurance Company Limited
Postal address	PO Box 55674, Northlands, 2116
Physical address	The Oval, Second Floor, West Wing, Wanderers Office Park, 52 Corlett Drive, Illovo, 2196
Telephone number	+27 (11) 268 6490
Fax number	+27 (11) 268 6495
Email	<a href="mailto:info@centriq.co.za">info@centriq.co.za</a>
Website	<a href="http://www.centriq.co.za">www.centriq.co.za</a>
Details of complaints department <i>All complaints can be lodged in writing or telephonically and any of our Representatives will be able to provide you with a copy of our complaints procedure on request.</i>	In the event of a complaint, please contact the Insurer on the details below: Email: <a href="mailto:faiscomplaints@centriq.co.za">faiscomplaints@centriq.co.za</a> <a href="mailto:complaints@centriq.co.za">complaints@centriq.co.za</a> Telephone number: +27 (11) 268 6490



PARTICULARS OF NATIONAL FINANCIAL OMBUD SCHEME	
Name	The National Financial Ombud Scheme
Physical address	Johannesburg: 110 Oxford Rd, Houghton Estate, Johannesburg, Gauteng, 2198  Cape Town: Claremont Central Building, 6th Floor, 6 Vineyard Road, Claremont, Western Province, 7700
Telephone number	0860 800 900
Email	info@nfosa.co.za
Website	<a href="https://nfosa.co.za/">https://nfosa.co.za/</a>

PARTICULARS OF THE FAIS OMBUD	
Name	The Office of the Ombud for Financial Services Providers
Postal address	P O Box 41, Menlyn Park, 0063
Physical address	Menlyn Central Office Building, 125 Dallas Avenue, Waterkloof Glen, Pretoria 0010
Telephone number	012 762 5000
Sharecall	086 066 3274
Email	info@faisombud.co.za
Website	<a href="http://www.faisombud.co.za">www.faisombud.co.za</a>

PARTICULARS OF THE FSCA	
Name	Financial Sector Conduct Authority
Postal address	PO Box 35655, Menlo Park, 0102
Physical address	Riverwalk Office Park, Block B, 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads), Ashlea Gardens, Extension 6, Menlo Park, Pretoria, 0181
Telephone number	+27 (12) 428 8000
Fax number	+27 (12) 346 6941
Email	<a href="mailto:info@fsca.co.za">info@fsca.co.za</a>
Website	<a href="http://www.fsca.co.za">www.fsca.co.za</a>

## 8 RECORD KEEPING AND ROOT CAUSE ANALYSIS

8.1 The following information must be recorded on our complaints register in respect of all complaints:

8.1.1 All relevant details of the complainant, and the subject matter of the complaint;

8.1.2 Copies of all relevant evidence, correspondence and decisions;

8.1.3 The complaint categorisation in line with TCF and PPR;

8.1.4 Progress and status of the complaint, including whether such progress is within or outside any set timelines.

8.2 Legal&Tax maintains a complaints register to assist with conducting a root cause analysis and to identify trends from all of the complaints received. This assists us in developing methods to improve our service levels, processes



and client experience.

8.3 To conduct a root cause analysis on complaints received, the following data must be recorded in relation to complaints, on an ongoing basis:

- Number of complaints received;
- Types of complaints received;
- Number of complaints upheld;
- Number of rejected complaints and reasons for rejections;
- Number of complaints referred to an Ombud and their outcome;
- Number of amounts of compensation payments made;
- Number and amounts of goodwill payments made;
- Total number of complaints outstanding.

## 9 TRAINING AND COMPETENCE

- 9.1 Legal&Tax ensures that all employees who are responsible for handling and making decisions on complaints are provided with adequate training and refresher training on our internal policies and procedures as well as relevant legislation.
- 9.2 The responsibility for handling specific complaints are delegated to staff or managers who are adequately trained and have an appropriate level of experience, knowledge and skill in complaints handling in the relevant complaints subject matter.
- 9.3 Legal&Tax's organisational structure ensures that staff and managers responsible for complaints related decision making are not conflicted and are empowered to make objective decisions or recommendations.

## 10 OUR COMMITMENT

- 10.1 Legal&Tax has embedded the principles of TCF (Treating Customers Fairly) into its culture and they form the foundation of our commitment to customers. Legal&Tax has adopted a values-based approach where the spirit of the legislation is embraced and it subscribes to all 6 (six) outcomes in accordance with our TCF Policy.
- 10.2 We are further committed to:
- 10.2.1 Resolve complaints by means of a fair and practical resolution process;
- 10.2.2 Take steps to investigate and respond promptly to the complaint;
- 10.2.3 Deal with complaints in a timely and fair manner, with each complaint receiving due consideration in a process that is managed appropriately and effectively;
- 10.2.4 Ensure that a full and appropriate level of redress is offered to the complainant, without delay, where the complaint is resolved in favour of the complainant.

### Signature of Key Individual

Benjy  
Porter  
**CEO**

Please contact compliance for further information on any aspect/s of this policy document. Copies of associated policies can be requested at [compliance@legalandtax.co.za](mailto:compliance@legalandtax.co.za).