

1. Purpose of this document

Olive Insurance Brokers (Pty) Ltd is a licensed Financial Services Provider with the authority to provide financial advice and intermediary services in terms of the Financial Advisory and Intermediary Services Act. As such **Olive Insurance Brokers (Pty) Ltd** has certain specific duties to our clients who need to lay a complaint.

One of these duties is to offer the complainant a formal complaints resolution policy, which will enable the complainant to exercise their rights as provided for in the Financial Advisory and Intermediary Services Act. The purpose of this document is to inform any complainant about how they can use our complaints management framework to their advantage.

Note: Complaints to the FAIS Ombudsman must be dealt with in terms of this procedure. Complaints to the Short Term Insurance Ombudsman do not fall within this procedure and will be handled and tracked by the Insurer with the assistance of **Olive Insurance Brokers (Pty) Ltd** when required.

As an authorised Financial Services Provider (FSP), and in line with the FAIS Act (Financial Advisory and Intermediary Services Act) and the General Code of Conduct, **Olive Insurance Brokers (Pty) Ltd** have established a complaints management framework to ensure the effective and transparent resolution of complaints and the fair treatment of our clients and persons who are dissatisfied with our service, our staff or the products we offer.

2. How to submit a complaint

If **Olive Insurance Brokers (Pty) Ltd**, or any of its representatives provided the complainant with financial advice or any other intermediary service, and the complainant feel that we or our representatives did not comply with the Financial Advisory and Intermediary Services Act or any other legislation, and that the complainant may have suffered financial prejudice as a result, the complainant are entitled to lodge a complaint.

Complaints in terms of this procedure include service and administrative complaints, such as delays in responding to a communication, a poor outcome, or bad service.

To lodge a complaint please write to us at daneel@olivebrokers.co.za. The complaint should contain adequate detail regarding the following, to enable us to deal with the complaint promptly and fairly, and allow for a swift response:

- The name, surname, ID number and contact details of the complainant;

- Whether or not the complainant is the client or policyholder, and if not, the full name, ID number (or registration number) and contact details of the client or policyholder to which the complaint relates;
- If applicable, the Policy/Claim number
- Specific details about the nature of the complaint, including the necessary facts, dates and supporting documentation where applicable;
- The name of the person who provided the complainant with financial advice or an intermediary service;
- All supporting documentation relating to the complaint;
- How the complainant would prefer to receive communication from us regarding their complaint e.g., by e-mail or post. The complainant must then provide us with the e-mail or postal address where they would prefer to receive such communication.

3. Our Procedure when receiving your complaint

As soon as we have received the complaint, we will send an acknowledgement of receipt. The complainant must take into consideration that the method of communication chosen will determine how quickly we will receive and respond to the complaint.

- The complaint will then be allocated to an appropriate department and staff member to investigate and ensure that the complaint receives proper consideration. *(If the complaint is in respect of the conduct or administration of the insurer, it will be referred to the insurer and their complaint process will need to be followed. We will assist the complainant in this regard)*
- The complainant will be informed of the person assigned to handle their complaint, the expected turnaround times, and regular progress updates in relation to the complaint.
- We have the appropriate management controls in place to ensure the complaint is effectively controlled and supervised, and that complaints may be escalated and reviewed internally if required.
- We will inform the complainant of the results of the consideration.
- Where the complaint is resolved in the favour of the complainant, we will offer the appropriate and reasonable redress to the complainant in a prompt manner.
- If the outcome is not favourable to the complainant, we will provide full written reasons for the decision, and any further remedies which are available to the complainant.
- As required by legislation, we will keep and maintain a record of the complaint for five(5) years.



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We will investigate and attempt to resolve the complaint to the complainant's satisfaction as promptly as reasonably possible, but at most **within a maximum period of 6 weeks** of receipt of the complaint. If we are unable to resolve the complaint **within 6 weeks**, or are unable to resolve the complaint to the complainant's satisfaction, the complainant has the right to refer the complaint to:

- **the office of the FAIS Ombud** within six (6) months of notification that the complaint could not be resolved in the complainant's favour, or within six (6) months of our failure to deal with the complaint. Their contact information is:

Telephone number : 086 066 3247 | (012) 470-9080
E-mail : info@faisombud.co.za
Postal Address : P.O. Box 74571, Lynwood Ridge, 0040

The FAIS Ombud is independent and impartial and deals with disputes for all types of clients which arise out of the *provision of advice* as dealt with by the FAIS Act (for example, the way a policy was sold or how a service was provided).

- **the office of the Ombudsman for Short Term Insurance**, if appropriate and within their jurisdiction. The contact details of the Ombud are as follows:

Telephone number : 0860 103 236 or 0860 726 890
E-mail : info@insuranceombudsman.co.za
Postal Address : P.O. Box 74571, Lynwood Ridge, 0040

The complainant must refer any complaint to the Ombud **within 6 months** from the date of the notice informing the complainant that we could not resolve the complaint to the satisfaction of the complainant.

Any complainant is requested to contact us if they have any queries or need further assistance.

4. Rules to keep in mind when the complainant approaches the Ombud

4.1 What kind of complaints are considered by the FAIS Ombud?

The complaint must relate to financial advice or intermediary service rendered and must have the following content:

- a) The financial services provider contravened the Financial Advisory and Intermediary Services Act which resulted/may result in the complainant suffering financial damage.
- b) The financial services provider negligently or intentionally provided advice, or an intermediary service that caused/may cause prejudice or damage to the complainant.
- c) The complainant was treated unfairly.

Any other insurance related complaint would be considered by **The Ombudsman for Short Term Insurance**.



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4.2 Conditions applicable to complaints

- a) The complaint must be received by the Ombud **within 3 years** of the act or omission that resulted in the complaint. If the complainant was not aware of the act or omission, the 3 years starts running from the date on which the complainant became aware, or from the date on which a reasonable person in these circumstances would have reasonably become aware, whichever date is the earliest.
- b) If the complainant already instituted action in a court of law relating to the matter forming the subject of the complaint submitted to the Ombud, the Ombud will not consider the complaint.
- c) The financial services provider must have been given an opportunity to resolve the complaint first within the structure of its stated Complaints Procedure. Only if the financial services provider fails to resolve the complaint to the satisfaction of the complainant **within 6 weeks** of receipt of the complaint, then may the complainant refer the matter to the Ombud.
- d) The complainant has **6 months** following the receipt of the final response from the financial services provider to approach the Ombud.
- e) Complaints must be in writing and must be accompanied by relevant documentation.
- f) The Ombud may refuse to consider a complaint if the Ombud believes that the complaint should be dealt with in a court of law.

4.3 What must the person complained against do?

- a) Acknowledge receipt of complaint.
- b) Follow **Olive Insurance Broker's** internal complaints procedure.
- c) If unable to resolve the complaint to the satisfaction of the complainant within 6 weeks, inform the complainant of his right to refer the complaint to the Ombud, and to do this within 6 months of receipt of the notice.

4.5 Procedure followed by Ombud

- a) The running of prescription in terms of the Prescription Act is suspended from the date on which the official receipt of complaint is received by the Ombud, until:
 - the complaint is withdrawn, or
 - a determination is made by the Ombud or by the Appeal Tribunal.
- b) The person against whom a complaint is received by the Ombud may have to pay an administration fee of up to R1,000 when the Ombud officially receives a complaint.



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- c) The Ombud will commence with the investigation of the complaint only when:
- the Ombud has informed all interested parties of the complaint and of all particulars necessary to enable the parties to respond to the complaint, and
 - the Ombud has given all parties opportunity to respond.
- d) The Ombud will first attempt to resolve the complaint through conciliated settlement acceptable to all parties.
- e) The Ombud may make a recommendation to the parties to resolve the complaint.

4.6 Determinations by Ombud and its legal status

- a) If the complaint was not resolved through conciliated settlement, the Ombud will make a determination which has the legal status of a civil judgement of court.
- b) The determination can be a monetary award (not exceeding R800 000, unless the person complained against agrees to it), or any other order that can be made by a court of law.
- c) An award of costs may be made against the person complained against. An award of costs may also be made against a complainant if the conduct of the complainant was improper or unreasonable, or if the complainant caused an unreasonable delay in the finalisation of the investigation.

4.7 Appeals to Appeal Tribunal

- a) It is possible to appeal a finding of the Ombud to the Appeal Tribunal, but only if the Ombud gives leave to appeal. If the Ombud refuses to provide such leave to appeal, then the chairperson of the Appeal Tribunal can be requested for leave to appeal.
- b) Application for leave to appeal must be made to the Ombud within 1 month of the Ombud's determination, and the complainant must inform the Ombud of such application.
- c) A determination by the Appeal Tribunal has the same status as a judgement of a civil Court.

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