



**RAND
MERCHANT
BANK**

A division of FirstRand Bank Limited

CLIENT COMPLAINTS PROCEDURE with respect to FAIS

FINANCIAL ADVISORY and INTERMEDIARY SERVICES
ACT – CLIENT COMPLAINTS PROCEDURE

For Queries: RMB Central Compliance Department on 011-282 4654
or modester.dube@rmb.co.za

Definitions:

1. **FAIS** means the FINANCIAL ADVISORY and INTERMEDIARY SERVICES ACT no 37 of 2002.
2. **COMPLAINT** means, subject to section 26(1)(a)(iii) of FAIS, a specific complaint relating to a financial service rendered by a financial services provider or 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 with 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 willfully or negligently rendered a financial service to the complainant which has caused prejudice or damage to the complainant or which is likely to result in such prejudice or damage; or
 - (c) has treated the complainant unfairly.
3. **COMPLAINANT** means the client themselves, or
 - (a) a client's lawful successor in title, and/or
 - (b) a nominated beneficiary of the original client
4. **FAIS COMPLIANCE OFFICER**, means the person who is responsible and competently trained within Rand Merchant Bank to attend to all matters of legal compliance with FAIS. For the period, as from 01 October 2004, Russell Humphreys is the licensed compliance officer.

Procedure:

FAIS requires that Rand Merchant Bank (RMB) has a formal complaints procedure, which is set out herein.

1. Where a complainant wishes to lodge a formal complaint about services rendered in terms of FAIS by RMB, the complainant should be advised to record the complaint in writing and together with supporting documentation address the complaint to:

The FAIS Compliance Officer,

Physical address:

RMB Central Compliance
5th floor, 1 Merchant Place
Cnr Fredman Drive and Rivonia Road
Sandton
2146

Per fax:

011-282 4502

Per email:

Russell.Humphreys@rmb.co.za

2. In the event that the complainant, does not wish to not make a formal complaint, but wishes to discuss the matter with the FAIS Compliance Officer – kindly either direct the call to the FAIS Compliance Officer or request the FAIS Compliance Officer to contact the client.

3. Upon receipt of a written complaint – the FAIS Compliance Officer will promptly:

- 3.1 Acknowledge, receipt of the complaint in writing and advise the complainant of RMB's commitment to the expedient resolution of the complaint.
- 3.2 The FAIS Compliance Officer will investigate the nature, cause and effect of the complaint with all the affected and necessary parties involved.
- 3.3 The complainant will be advised in writing of any findings or possible requests for further information, as are applicable.
- 3.4 Where necessary, a tribunal will be set up to resolve the complaint and make the appropriate awards.

4. All staff of RMB are requested to familiarise themselves with this procedure, to ensure the professional management of any complaint received either verbally or in writing.

Details:

Prepared By: R Humphreys

Date: October 2004

Dept: Compliance

Approved By: RMB Risk Committee

Date: Jan 2005

Review Date:

[INSERT APPROPRIATE LOGO/LETTERHEAD]

Complaint in terms of the Financial Advisory and Intermediary Services Act No 37 Of 2002

Dear Sir/Madam

Thank you for bringing your FAIS complaint to our attention.

Kindly address your complaint in writing to **The FAIS Compliance Officer**, (address details below) who will attend to the resolution of the complaint promptly.

You are advised in terms of Rules 6(a) and (b) a provider must:

- Act fairly and reasonably, and with uncompromising integrity in order to promote trust and confidence; and
- Ensure compliance with the relevant codes of conduct in any contract concluded with a client, and any other applicable law, and make copies of this code of conduct available to clients

Failing resolution of this matter within 6 weeks you may refer your complaint to the FAIS Ombud. If your claim is dismissed, you will receive a written explanation. After dismissal you may, within 6 months refer your complaint to the FAIS Ombud.

The FAIS Ombud can be contacted at the following address:

**PO Box 74571
Lynwood Ridge
0040
Tel: 0860 324 766
Fax: (012) 348 3447
E-mail: info@faisombud.co.za**

We are committed to a speedy and transparent resolution of your complaint.

Yours sincerely,

The RMB FAIS Compliance Officer

**Physical address:
RMB Central Compliance
3th floor, 3 Merchant Place
Cnr Fredman Drive and Rivonia Road
Sandton
2146**

**Per fax:
011-282 4502**

**Per email:
Russell.Humphreys@rmb.co.za**