

**western**

RETHINK INSURANCE

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Western National Insurance Company Limited

Complaints Resolution Policy



## 1. INTRODUCTION

- 1.1 This document encompasses the Western National Insurance Company Limited ("Western") complaints resolution policy and procedures:

## 2. PROTECTION OF CONSUMERS

- 2.1 The Financial Advisory and Intermediary Services Act 37 of 2002 protects consumers by regulating the financial advice and intermediary services provided by a Financial Services Provider (FSP), ensuring that consumers are adequately informed about the products they purchase and the product suppliers, in order for them to make informed decisions.

## 3. REGULATION OF ADVICE-GIVING ACTIVITIES

- 3.1 The FAIS Act requires Western (hereafter referred to as "Western") representatives e.g. the staff whose names are listed on the Financial Services Board register to be equipped with the necessary skills, qualifications and experience ('fit and proper' requirements) to provide a financial service suited to the client's needs. The key individuals of Western must also comply with similar fit and proper requirements in order for the company to maintain its FAIS licence.

## 4. TRANSPARENCY

- 4.1 In terms of the FAIS Act, Western must:
- 4.1.1 Disclose to the client that it holds a licence to provide such service;
  - 4.1.2 Provide all the necessary information regarding the product and the supplier;
  - 4.1.3 Where appropriate and where advice was given directly to the client, provide details of remuneration.

## 5. CONSUMER PLATFORM FOR COMPLAINTS

- 5.1 The FAIS Act also provides consumers with a platform to address their complaints in a fair and procedural manner. In terms of the Act, a complaint must relate to a financial service rendered by Western to the complainant, in which it is alleged that Western:
- 5.1.1 has contravened or failed to comply with the FAIS Act and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;
  - 5.1.2 has wilfully 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
  - 5.1.3 has treated the complainant unfairly.

## 6. 5. COMPLAINT - DEFINED

- 6.1 "... 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;"
- 6.1.1 Some guidelines and examples:
- 6.1.1.1 If there are allegations that no quote or no disclosures were shown when the policy was taken out;
  - 6.1.2 Complaints about not knowing the structure of the product before taking it out;
  - 6.1.3 Complaints about not having received the policy document and therefore not knowing the features of the product;
  - 6.1.4 Allegations of mis-selling:
    - 6.1.4.1 No record of advice having been shown to the client;



- 6.1.4.2 Where appropriate, no risk analysis was done before the product was sold.
- 6.1.4.3 negligence or delay on Western's part in issuing the policy or effecting a policy change which led to financial loss;
- 6.1.4.4 Complaint about not being advised of the effect that a particular change would have on the policy;
- 6.1.4.5 Complaint that the financial adviser is no longer employed by Western and the client does not know who to deal with;
- 6.1.4.6 complaint that confidential information regarding a client was disclosed to a third party without the client's consent;
- 6.1.4.7 The client alleging that they signed or were asked to sign a blank document.
- 6.2 "... has wilfully 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;"
  - 6.2.1 Some guidelines and examples:
    - 6.2.1.1 Complaint that the incorrect product was sold to the client;
    - 6.2.1.2 Complaint that a product was sold without the client's knowledge;
    - 6.2.1.3 Complaint that Western acted without the client's knowledge/consent e.g.
      - 6.2.1.3.1 Cancelled a policy without the client's knowledge/consent;
      - 6.2.1.3.2 Effected any policy change without the client's knowledge/consent which caused prejudice to the client or ;
      - 6.2.1.3.3 Effected any change contrary to the client's instructions.
    - 6.2.1.4 Complaint that Western cannot accurately account for funds invested by the client;
    - 6.2.1.5 Complaint that Western took money from a client but did not ensure timeous investment;
    - 6.2.1.6 Western having system problems and as a result the client is prejudiced;
    - 6.2.1.7 Western not acting timeously on the reasonable instruction of the client, as a result of which the client was prejudiced.
- 6.3 "... has treated the complainant unfairly;"
  - 6.3.1 Some guidelines and examples:
    - 6.3.2 Complaints that the client has been pushed from pillar to post without resolution;
    - 6.3.3 Complaints about rude behaviour;
    - 6.3.4 Complaints that a previous complaint was not handled fairly and objectively;
    - 6.3.5 Complaints that different staff provided different information when contacted about the same issue;
    - 6.3.6 Complaints that the provider promised to do one thing and then did another.

## **7. WESTERN WILL DEAL WITH COMPLAINTS RESULTING FROM ADVICE PROVIDED BY ITS:**

- 7.1 Key individuals
- 7.2 Appointed representatives (internal staff/employees) to qualify as a FAIS complaint, the answer to one of the following questions must be "yes":
  - 7.2.1 Has Western contravened or failed to comply with any provision of the FAIS Act and that as a result thereof, the complainant has suffered or is likely to suffer financial prejudice or damage?
  - 7.2.2 Has Western wilfully 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?
  - 7.2.3 Has Western treated the complainant unfairly?
- 7.3 You will need to complete the complaint notification form, providing as much information as possible and attach copies of any relevant documentation. This must then be faxed to:
  - 7.3.1 Compliance Officer



- 7.3.2 Western National Insurance Company Limited (Legal representative under Western National Insurance Underwriters (Pty) Ltd FSP No. 9465)
- 7.3.3 Telephone number (021) 9140290
- 7.3.4 Fax number (021) 9140293
- 7.3.5 compliance@westnat.com;
- 7.4 You may expect a written response, within 48 hours of receipt of the written complaint, providing you with details of the person who will be considering your complaint and how your complaint will be handled.
- 7.5 You may expect a resolution of the complaint within 30 days.
- 7.6 You have 6 months within which to refer to the complaint to the FAIS Ombudsman.
- 7.7 Western will, on an ongoing basis, investigate the nature of complaints received and ensure that preventative measures are put in place, to avoid future occurrence of similar and other complaints.

**8. IF THE ANSWER TO ONE OF THE ABOVE QUESTIONS IS "YES", PLEASE PROCEED AS PER THE FOLLOWING PROCEDURE:**

- 8.1 Supply the following information:
  - 8.1.1 Full name
  - 8.1.2 ID Number
  - 8.1.3 Policy Number
  - 8.1.4 Your contact details:
    - 8.1.5 Tel
    - 8.1.6 Fax
    - 8.1.7 Cell
    - 8.1.8 Email
  - 8.1.9 Person:
    - 8.1.10 Name of your representative
    - 8.1.11 Company
    - 8.1.12 Details of Product
  - 8.1.13 Person(s) you have previously spoken to in
    - 8.1.14 connection with your complaint (if applicable)
    - 8.1.15 Details of complaint (please attach any supporting documentation)

**9. THE FAIS OMBUDSMAN**

- 9.1 The FAIS Ombudsman's objective is to consider and dispose of complaints in a procedurally fair, informal, economical and expeditious manner with reference to what is equitable in all circumstances. He will only proceed to investigate an officially received complaint once he has notified all interested parties of the particulars of the complaint in writing, and is satisfied that all parties are provided with the opportunity to submit a response.
- 9.2 The contact details of the FAIS Ombudsman are:
  - 9.2.1 FAIS Ombudsman:
  - 9.2.2 Charles Pillai



- 9.2.3 Financial Services Board
- 9.2.4 P O Box 35655
- 9.2.5 MENLO PARK
- 9.2.6 0102
- 9.2.7 Telephone number (012) 428-8000
- 9.2.8 Toll Free 080 011 0443
- 9.2.9 Fax number (012) 347-0221