



## **GAIA FUND MANAGERS (PTY) LTD PROCEDURE MANUAL FOR COMPLAINT RESOLUTIONS**

## **1. Access**

A hard copy of this manual is available during business hours at the offices of Gaia Fund Managers (Pty) Ltd.

## **2. Procedure for lodging a Complaint**

- 2.1 Lodge the complaint in writing at the offices of Gaia Fund Managers (Pty) Ltd, marked for attention: The Key Individual;
- 2.2 Ensure that the complaint contains all relevant information relating to the complaint;
- 2.3 Ensure that copies of documentation relevant to the complaint are attached to the complaint.

## **3. Gaia Fund Managers (Pty) Ltd Procedures upon receipt of a Complaint**

- 3.1 Promptly acknowledge receipt of the complaint in writing and if necessary, provide contact details for any staff member/s other than the compliance officer that will be involved in the complaint resolution, if any;
- 3.2 Record the date of receipt of the complaint and the contents of the complaint and decide if any other staff member needs to assist in the resolution of the matter. If so, the key individual will forward the details of the complaint to the relevant staff member as soon as possible. The key individual will ensure that the relevant staff member is adequately briefed/trained, with sufficient knowledge of the provisions of the relevant Acts, the Rules and the Code of Conduct for Authorized Financial Service Providers;
- 3.3 After proper consideration, present his/her findings to the Key Individual for a final decision within three (3) weeks of receipt of the complaint.
- 3.4 Inform the client of the outcome of the decision of the Key Individual within six (6) weeks after receipt of the complaint, provided that;
  - 3.4.1 where the complaint is resolved in favour of the client, Gaia Fund Managers (Pty) Ltd will make full and appropriate redress to the client without any delay;
  - 3.4.2 where the outcome is not favourable to the client, Gaia Fund Managers (Pty) Ltd will furnish comprehensive written reasons to the client and advise the client that he/she may within six (6) months from date of receipt of such notification refer the matter to the Ombud for Financial Service Providers.

## **4. Recording and avoidance of recurrence procedures**

- 4.1 Gaia Fund Managers (Pty) Ltd will properly record complaints together with an indication whether or not such complaints were resolved;
- 4.2 Keep record of complaints for a period of 5 years after receipt thereof;

4.3 Have internal follow-up procedures to ensure avoidance of occurrences giving rise to complaints, or to improve services and complaints systems and procedures;

**5. The Ombud for Financial Service Providers and procedures for taking matters to the Ombud**

5.1 Office of the Ombud for Financial Services Provider and how to complain to the Ombud

Contact details for the Ombud for Financial Services Providers are:

| Physical Address  | Postal Address                             | Customer Contact Division  |
|---|--|--|
| FAIS Ombud<br>Eastwood Office<br>Park<br>Baobab House<br>Ground Floor<br>Lynnwood Ridge<br>0081 | P.O.Box 74571<br>Lynnwood<br>Ridge<br>0040 | 0860FAISOM (0860324766)<br>Telephone: +27 12 470 9080<br>Facsimile: + 27 12 348 3447<br>E-mail address: info@faisombud.co.za<br>Website: www.faisombud.co.za |

5.2 What will a client need to lodge a complaint with the Ombud?

Complete a complaint form.

5.3 How do clients obtain a complaint form?

The form can be requested and posted to your preferred address; faxed through.

5.4 The objective of the Ombud

5.4.1 The Objective of the Ombud is to consider and dispose of complaints in a procedurally fair, informal, economical and expeditious manner and by reference to what is equitable in all the circumstances, with due regard to -

5.4.1.1 The contractual arrangement or other legal relationship between the complainant and any other party to the complaint; and

5.4.1.2 The provisions of the FAIS Act and the Ombud Rules.

5.5 Subject matter of Complaints

5.5.1 The complaint must fall within the ambit of the FAIS Act and the Ombud Rules;

5.5.2 The person against whom the complaint is made must be subject to the Ombud Rules;

5.5.3 The act or the omission must have occurred at a time when the Ombud Rules were in force;

- 5.5.4 The respondent must have failed to address the complaint satisfactorily within six (6) weeks of its receipt.

## 5.6 Receipt of complaints, prescription, jurisdiction and investigation

- 5.6.1 Official receipt of a complaint by the Ombud suspends the running of prescription in terms of the Prescription Act, 1969 (Act No. 68 of 1969), for the period after such receipt of the complaint until the complaint has either been withdrawn, or determined by the Ombud or the board of appeal, as the case may be.

- 5.6.2 The Ombud will not proceed to investigate a complaint officially received, unless the Ombud -

- has in writing informed every other interested party to the complaint of the receipt thereof;
- is satisfied that all interested parties have been provided with such particulars as will enable the parties to respond thereto; and
- has provided all interested parties the opportunity to submit a response to the complaint.

The Ombud -

- may follow and implement any procedure (including mediation) which the Ombud deems appropriate, and may allow any party the right of legal representation;
- must, in the first instance, explore any reasonable prospect of resolving a complaint by a conciliated settlement acceptable to all parties;
- may, in order to resolve a complaint speedily by conciliation, make a recommendation to the parties, requiring them to confirm whether or not they accept the recommendation and, where the recommendation is not accepted by a party, requiring that party to give reasons for not accepting it: Provided that where the parties accept the recommendation, such recommendation has the effect of a final determination by the Ombud, contemplated in section 28(1);
- may, in a manner that the Ombud deems appropriate, delineate the functions of investigation and determination between various functionaries of the Office;
- may, on terms specified by the Ombud, mandate any person or tribunal to perform any of the functions referred to in paragraph (d).

## 5.7 Summary dismissal of complaints by the Ombud

The Ombud may dismiss a complaint without referral to any other party if, on the facts provided by the complainant it appears to the Ombud that -

- the complaint does not have any reasonable prospect of success;

- the respondent has made an offer which is fair and reasonable and which is still open for acceptance by the complainant;
- the matter has previously been considered by the Ombud;
- the essential subject of the complaint has been decided in court proceedings;
- the subject of the complaint is pending in court proceedings; or
- the complaint or relief sought is of the nature that the Ombud can be of no assistance to the complainant;
  - the complainant fails to co-operate;
  - the complaint is pursued in a frivolous, vexatious or abusive manner

#### 5.8 Determinations by Ombud

The Ombud must in any case where a matter has not been settled or a recommendation referred to in section 27(5)(c) has not been accepted by all parties concerned, make a final determination, which may include -

- the dismissal of the complaint; or
- the upholding of the complaint, wholly or partially.