vitallegal

Because every case is vital

lifesaver

to your rescue

Complaints Resolution Policy

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8001

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E hello@vitallegal.co.za

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BELLVILLE

Canal Edge
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Reg. No. 2013/150097/07 | Vital Legal Services (Pty) Ltd is an authorised Financial Services Provider, FSP No. 40817
Vital Legal Services (Pty) Ltd products are underwritten by GuardRisk Insurance Company, a licensed non-life insurer and authorised Financial Services Provider, FSP No. 75

GUARDRISK TAILORED RISK SOLUTIONS
AUTHORISED FSP (75) AND A LICENSED NON-LIFE INSURER. AUTHORISED FSP 40817

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1. INTRODUCTION

This document outlines the process and purpose of the COMPLAINTS RESOLUTION POLICY for VITAL LEGAL SERVICES PTY LTD.

The Financial Services Conduct Authority (FSCA) regards complaints as a very important source of management information that would reveal where customers are experiencing poor customer outcomes. The fair treatment of customers and how to achieve them have now been embedded in the current regulatory framework through amendments to the Policyholder Protection Rules (PPR's), Rule 18 of the Long-Term and Short-Term PPR's specifically. These rules will form part of the Conduct of Financial Institutions Act (COFI), which will repeal the Long-Term and Short-Term Insurance Act respectively as well as the FAIS Act.

With effect from December 2018, all insurers have to ensure that they have a documented complaints management policy that is aligned with Rule 18 of the PPR's. Where any functions are outsourced (which is always the case with a cell captive insurer such as Guardrisk), the Insurer must have agreements, policies and procedures in place to ensure that our outsourced business partners are also compliant with the rules relating to the complaints management and reporting.

2. DEFINITIONS

Advice means, subject to subsection (3)(a) of the FAIS Act, any recommendation, guidance or proposal of a financial nature furnished, by any means or medium, to any client or group of clients.

Business Day means Monday to Friday, excluding Saturday and Sundays.

After Hours: Means after working hours of Monday to Friday 8am to 4:30pm, including Saturdays and Sundays.

Complaint: means an expression of dissatisfaction by a person to an insurer or, to the knowledge of the insurer, to the insurer's services provider relating to a policy or service provided or offered by the insurer which indicates that;

- The insurer or the service provider failed to comply with an agreement, a law, a rule or a code of conduct; or
- The insurer or their service provider's maladministration or wilful/negligent action or omission caused the person harm, prejudice, distress or substantial inconvenience
- The insurer or its service provider has treated the person unfairly.

Complainant: means a person who submits a complaint, and includes a

- Policyholder or their successor in title;
- Beneficiary or their successor in title;
- Person whose life is insured under a policy;
- Person that pays a premium
- Member of a group scheme or; and
- Potential policyholder or potential member of a group scheme - whose dissatisfaction relates to the relevant application, approach, solicitation, advertising or marketing material.

Compensation payment means to compensate a complainant for a proven or estimated financial loss incurred as a result of the insurer's wrongdoing - insurer accepts liability for having caused the loss concerned- excluding

- Goodwill payments; or
- Payments contractually due in terms of a policy; and or
- Refund of an amount which was not contractually due.

Goodwill payment means a payment (monetary or in the form of a benefit or service as an expression of goodwill aimed at resolving a complaint, where the insurer does not accept liability for any financial loss to the complainant.

Rejected means that a complaint was not upheld - Insurer regards the complaint as finalised after advising the complainant that it does not intend to take any further action to resolve the complaint, incl;

- Complaints regarded as unjustified or invalid; or
- Where the complainant does not accept or respond to proposals to resolve the complaint.

Reportable complaint: means any complaint (as per the definition above) unless;

- Upheld immediately by the person who initially received the complaint; or
- Upheld within the insurer's ordinary processes for handling policyholder queries, provided that such process does not take more than five business days from the date the complaint is received; or
- Submitted to or brought to the attention of the insurer in such a manner that the insurer does not have a reasonable opportunity to record such details of the complaint

Upheld means that a complaint has been finalised wholly or partially in favour of the complainant and;

- The complainant has explicitly accepted that the matter is fully resolved; or
- It is reasonable for the insurer to assume that the complainant has so accepted; and
- All undertakings made by the insurer to resolve the complaint have been met or the complainant has explicitly indicated its satisfaction with any arrangements.

Evidence means the information Vital Legal Services Pty Ltd has obtained in order to review, adjudicate and resolve a complaint.

- FAIS complaint: means a specific complaint, submitted by a Complainant to the FAIS Ombudsman.

Intermediary services means, subject to subsection (3)(a) of the FAIS Act, any act other then furnishing of advice, performed by a person for or on behalf of a client or product supplier.

Non-Complainants means a customer who has been treated fairly and who did not submit a complaint.

OSTI refers to the Ombudsman for Short-Term Insurance

NFO refers to National Financial Ombud

Outsourcing Agreement means any arrangement of any form between Vital Legal Services Pty Ltd and another person or entity, whether that person or entity is regulated or supervised under any law or not.

3. OBJECTIVES

The Complaint Management Risk Policy of Vital Legal Services Pty Ltd has been put together to provide its policyholders with the correct information and processes with regards to complaints.

The objective is to ensure that our standards set out in this policy is met in order to;

- Ensure fair outcomes
- Protect Vital Legal Services Pty Ltd reputation
- Allow for effective reporting
- Achieve effective and timely resolution of complaints
- Stay within our turn-around times
- Provide guidelines with regards to complaint acknowledgment
- To improve on Vital Legal Services Pty Ltd effectiveness through learning from an complainant feedback
- Ensure all complaints are effectively managed
- Ensure effective communication between the complainant and complaintive
- Ensure standards are met
- Ensuring that all policyholders and or complainants are treated with respect and all complaints are attended to within the turn-around times set out in this policy and legislation.

This policy will be reviewed annually and presented to the board of Vital Legal Services Pty Ltd for approval.

4. SCOPE

This policy applies to the following entities and any of their subsidiaries that are domiciled in South Africa:

VITAL LEGAL SERVICES PTY LTD

and to include product underwritten by;

- GuardRisk Insurance Company LTD

5. KEY PRINCIPALS & STANDARDS FOR EFFECTIVE COMPLAINT MANAGEMENT

The following key principals set out will comply with the complaint management process within Vital Legal Services Pty Ltd;

- Listen and Understand;
- Empathise;
- Investigate;
- Accessibility;
- Offer a Solution;
- Objective decision-making;
- Confidentiality of client information;
- Timely resolution;
- Accuracy of record-keeping;
- Communication before, during and after complaint;
- Execute the Solution;
- Quality assurance;
- Provide accurate feedback;
- Improvement based on outcome of complaint.

6. SUBMITTING YOUR COMPLAINT TO VITAL LEGAL SERVICES PTY LTD

Complaints can be submitted to us using the most appropriate and available means to our client, which include but is not limited to;

Email
complaints@vitallegal.co.za

By letter or registered letter
Canal Edge 2
Entrance A Ground Floor,
Unit 7 Tyger Waterfront
Bellville
Cape Town
7530

Per Telephone
0861 555 119

In person at our office
Canal Edge 2
Entrance A Ground Floor,
Unit 7 Tyger Waterfront
Bellville
Cape Town
7530

The following must be included:

- Relevant details of the complainant and the subject matter of the complaint;
- Copies of all relevant evidence, correspondence and decisions;
- The complaint categorisation

7. KEY PRINCIPALS & STANDARDS FOR EFFECTIVE COMPLAINT MANAGEMENT

The following is a step-by-step guideline of how a complaint will be dealt with, once received by Vital Legal Services Pty Ltd;

- The complaint will be lodged in our central complaints register on the same day received and confirmation of receipt will be communicated with the complainant.
- The complaint is immediately brought to the attention of the Key Individual of Vital Legal Services Pty Ltd for allocation to a trained and skilled employee who specialises in that type of complaint
- The complaint will be investigated and we will revert to you with our findings within 14 (fourteen) working days
- In the event that you are not satisfied with our solution, you may refer the complaint to the Board of Executives of Vital Legal Services Pty Ltd. The Board of Executives may amend the solution or confirm it.

For policies underwritten by GuardRisk, you can direct the complaint to GuardRisk Insurance Company LTD, for further review and processing. Their details for submission of complaints:

Telephone
0860 333 361

Email
compliants@guardrisk.co.za

Address
The Marc Tower 2
129 Rivonia Road
Sandton
2146

P.O. Box 786015
Sandton
2146

GuardRisk Ombudsman
Ombudsman@guardrisk.co.za

Repudiation request
claimsrejection@guardrisk.co.za

If, after having referred the complaint to the Board of Executives, GuardRisk you are still not satisfied with the outcome, we will regard the complaint as being unsatisfactorily resolved. In such case, you approach the office of the NFO - National Financial Ombud for Financial Services Providers or take such other steps as may be advised by the legal representative. The referral to the office of the NFO must be done in accordance with the provision of section 21 of the FAIS Act and the rules promulgated in terms of that section. In instances where we have not been able to arrive at the resolution within 6(six) weeks after you have lodged your complaint, the matter may automatically be referred to the NFO.

You must, if you wish to refer a matter to the NFO, do so within a period of 6(six) months. The NFO will not adjudicate in matters exceeding a value of R800 00.00.

In the event of us not reverting to you within the time periods indicate above, kindly contact complaints@vitallegal.co.za for an explanation as to why we have not yet communicated with you.

8. PROCESS FOR COMPLAINTS RELATING TO AN OUTSOURCED AGREEMENT

- Vital Legal Services Pty Ltd will ensure that each outsource agreement clearly state what our minimum requirements are for the complaint handled and reporting;
- Vital Legal Services Pty Ltd will ensure that each outsourced business partner has the adequate complaints management process in place;
- Complaints received by Vital Legal Services Pty Ltd will be referred to the outsourced business partners for resolution within 48 business hours after receipt;
- Vital Legal Services will aggregate and analyse complaints reports received from outsourced business partners on a monthly basis. Findings on identified risk will be address and brought to the attention of the executive board.

9. ENGAGEMENT WITH THE OMBUD

- Vital Legal Services Pty Ltd clearly transparently communicated the availability and contact details of the relevant NFO to customers on all applicable disclosure documentation
- Where appropriate, we also display information regarding the availability and contact details of the relevant NFO services on our website
- Although Vital Legal Services Pty Ltd cannot control when a client will escalate a complaint to the respective NFO's, Vital Legal Services Pty Ltd will always:
  - Maintain an open an honest communication
  - Endeavour to resolve a claim
  - Monitoring determination
  - Maintaining specific records and carry our specific analysis of complaints referred to the NFO.

THE NFO's new contact details are as follows:

Telephone
0860 800 900

Email
info@nfosa.co.za

Website
nfosa.co.za

NFO Johannesburg Office
110 Oxford Rd
Houghton Estate
Johannesburg
Gauteng
2198

NFO Cape Town Office
Claremont Central Building
6th Floor
6 Vineyard Road
Claremont
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