



**BRENTHURST WEALTH (PTY) LTD**  
**FSP NO: 7833**

## **COMPLAINTS POLICY AND PROCEDURE**

**Responsible Person:**

**Brian Butchart**

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**Compliance Officers:**

**Freddie Eilers (External)**

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**Malissa Anthony (Internal)**

[malissa@brenthurstwealth.co.za](mailto:malissa@brenthurstwealth.co.za)

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## INTRODUCTION

As provided by the Financial Advisory and Intermediary Services Act (“FAIS”) FSP’s are required to establish a formal internal complaint resolution system and procedure (“complaints procedure”).

This document therefore constitutes the complaints policy and internal complaint resolution system and procedure of Brenthurst Wealth Management (Pty) Ltd as is in accordance with the FAIS requirements.

### Definition of Complaint in terms of FAIS

**Complaint means:** a complaint that specifically relates to a financial service rendered by the FSP or its key individual/representative to the complainant, in which it is alleged that the FSP or representative: -

- a) has contravened or failed to comply with a provision of the FAIS Act and 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.

It is important to note that a complaint must **NOT** relate to the investment performance of a financial product, unless such performance was guaranteed expressly or implicitly or where it appears that such performance was deficient resulting in a *prima facie* presumption of misrepresentation, negligence or mal-administration on the part of the FSP or its representatives/key individuals.

## POLICY OBJECTIVE

This document serves to ensure that all complaints are handled in a timely, professional and fair manner and that such complaints are investigated and responded to promptly, and that an appropriate level of redress is offered to the complainant where the complaint is resolved in their favour, without delay.

## COMPLAINTS POLICY

The FSP is committed to an internal complaint resolution system and procedure that is based on the following principles: -

- To maintain and remain committed to an efficient internal complaint resolution system with adequate resources;
- Transparency and visibility by ensuring that clients have full knowledge of the procedures for resolution of their complaints;
- Accessibility of facilities by ensuring the existence of easy access to such procedures at any of the FSP's business premises open to clients, and through ancillary postal, fax, telephone and/or electronic means;
- Fairness by ensuring that the resolution of a complaint will be effected in a manner which is fair to both clients, the FSP and staff; and
- Adequate training of all relevant staff including imparting and ensuring full knowledge of the provisions of legislation with regard to the resolution of complaints.

## INTERNAL COMPLAINT RESOLUTION SYSTEM

1. The FSP must nominate a Complaints Officer who is responsible for managing and overseeing the effective resolution of complaints and compliance with this complaints policy and procedure.
2. All employees must be aware of the Complaints Policy and Procedure, in which responsibility is placed on the internal compliance officer and all line managers to ensure that employees are fully aware of this policy and that they understand the contents of this policy.
3. All clients must be advised in writing that the FSP has a complaints policy and procedure and such communication is to contain the FSP's contact details.
4. Clients must be provided access to this complaints policy and procedure at all business premises as well as through ancillary postal, fax, telephone and/or electronic means.
5. Any employee who receives a complaint from a client must report all complaints to the Complaints Officer and Compliance Officer of the FSP by making use of the Complaints Reporting Form (Annexure A), as well as provide the complainant with the contact details of the Complaints Officer and Compliance Officer.

The contact details for the Complaints Officer and the Compliance Officer is as follows:

**Manager: Brian Butchart**

Tel: +27 21 418 1236

Email: [brianb@brenthurstwealth.co.za](mailto:brianb@brenthurstwealth.co.za)

**Compliance Officer: Malissa Anthony**

Tel: +27 21 882 8706

Email: [malissa@brenthurstwealth.co.za](mailto:malissa@brenthurstwealth.co.za)

6. Upon receipt, the complaint must be lodged in the complaints register which is held by the Compliance Officer of the FSP. Complaints will also be reported to all Senior Heads of the FSP.
7. The Complaints Officer may delegate the resolution of the complaint to an appropriate person.

Non-routine serious complaints must be handled at an appropriate level and by staff with adequate expertise.

8. Complaints must be investigated and responded to promptly.
9. Complaints must be handled in a timely and fair manner.
10. All complaints must be resolved within 6 (six) weeks of receipt thereof.
11. Should a complaint not be resolved to the satisfaction of the complainant, the complainant must be notified thereof within 6 (six) weeks of receipt of such notification, as well as be advised of any other legal remedies it may have.
12. The notification after dismissal of a complaint must include the name, address and other contact particulars of the Ombud.
13. If an outcome is not favourable to the client, full written reasons must be furnished to the client.
14. Where the complaint is resolved in favour of the client, a full and appropriate level of redress must be offered to the client without any delay.

15. All complaints must be followed-up to ensure avoidance of occurrences giving rise to complaints and/or improve services and systems and procedures, where necessary.
16. The Compliance Officer of the FSP will inspect the complaints register from time to time and exercise effective management control to ensure effective control and supervision of the complaints process.
17. Records must be kept for a minimum period of 5 years together with an indication whether or not such complaint has been resolved, cases of non-compliance with the legislation and the reasons for such non-compliance.

### PROCEDURE FOR LODGING A COMPLAINT

1. Any client who wishes to lodge a complaint against the FSP or any other employee must lodge such complaint in writing. It can be submitted either by hand, post, fax or email to the Complaints Officer whose contact details are furnished in point 3 below.
2. The complaint must provide sufficient details regarding the following: -
  - The full names, ID/registration number and contact details of the complainant;
  - The full names, ID/registration number and contact details of the client (if different from the complainant);
  - Full details of the investment or investment number, where applicable;
  - Specific details regarding the nature and extent of the complaint;
  - Any documentation in support of the complaint.
3. **All complaints must be addressed to: -**

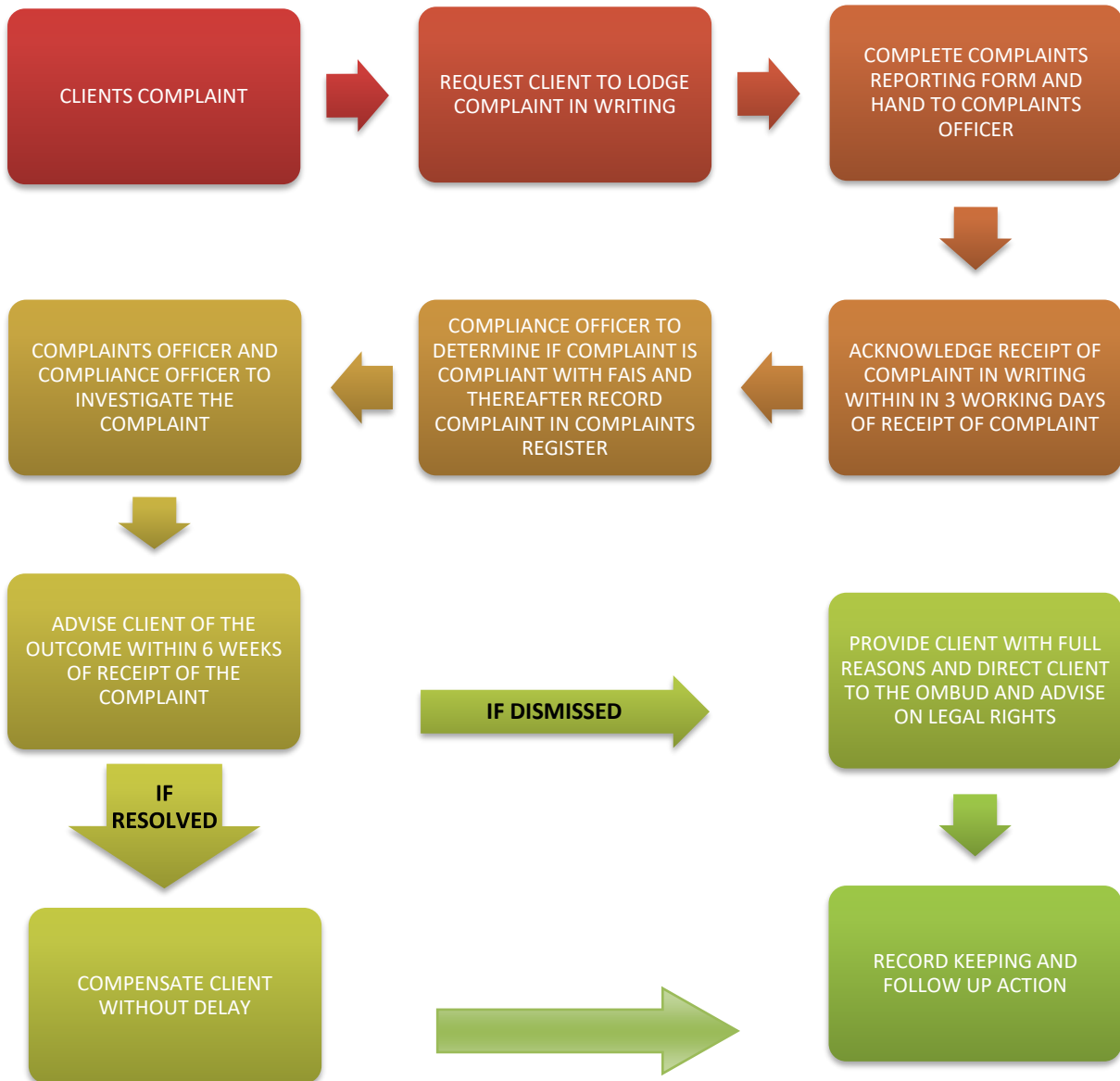
<b>Complaint's Officer:</b>	Brian Butchart
<b>FSP Name:</b>	Brenthurst Wealth Management (Pty) Ltd
<b>Telephone:</b>	+27 21 418 1236
<b>Email:</b>	<a href="mailto:brianb@brenthurstwealth.co.za">brianb@brenthurstwealth.co.za</a>

4. Such complaint will then be forwarded to the Compliance Officer who will determine whether or not the complaint is compliant with FAIS. Thereafter, the FSP will acknowledge receipt of the complaint in writing within 3 (three) working days of receipt, and record same in our Complaints register.
5. In the event that the complaint is compliant with FAIS, the Complaints Officer will then investigate the complaint and endeavor to respond promptly to the complainant.
6. In the event that a complaint cannot be resolved, we will provide the complainant with written reasons as to why the complaint could not be resolved and advise on further steps that are available to the complainant no later than 6 (six) weeks following the complaint.
7. In the event where the complaint could not be resolved to the complainant's satisfaction within 6 (six) weeks of lodging such complaint, the complainant may have recourse by referring the matter to the Ombud of Financial Services Providers within 6 (six) months of receiving notification regarding the resolution/dismissal of the complaint, or of the FSP's failure to deal with the complaint.

<b><u>FAIS OMBUD OFFICE</u></b>	
<b>Physical Address:</b>	125 Dallas Avenue Menlyn Central Waterkloof Glen Pretoria 0010
<b>Postal Address:</b>	P O Box 74571 Lynwood Ridge 0040
<b>Telephone:</b>	+27 12 762 5000
<b>Email:</b>	<a href="mailto:info@faisombud.co.za">info@faisombud.co.za</a>
<b>Website:</b>	<a href="http://www.faisombud.co.za">www.faisombud.co.za</a>

8. Should the complainant not lodge the complaint with the Ombud, the complainant may pursue any other avenue of law which is available to it.

## SUMMARY OF COMPLAINTS PROCESS



## SUMMARY OF THE POWERS AND PROCEDURES RELATING THE OFFICE OF THE OMBUD

The FAIS Ombud operates as an informal dispute resolution mechanism for complaints that have been submitted by clients of an FSP in respect to advice and intermediary services rendered by them or its key individuals/representatives.

The Ombud is required to act independently and objectively in this regard and will only proceed to investigate an officially received complaint once he/she has notified all interested parties of the particulars of the complaint in writing and is satisfied that all such parties have been provided with the opportunity to submit a response.

### Jurisdiction of the Ombud

- The complaint must have arisen following the implementation of FAIS, therefore, the Ombud's authority is not retrospective.
- Where the complainant has a monetary claim, there must have been financial prejudice to the complainant.
- A monetary claim cannot exceed R 800 000, unless the claimant abandons the balance of the claim or the respondent has agreed to the limitation being exceeded.
- The complaint cannot relate to investment performance of the financial product unless performance was guaranteed or appears to be so deficient so as to raise a prima facie presumption of misrepresentation, negligence or maladministration.

### Rights of the Complainant

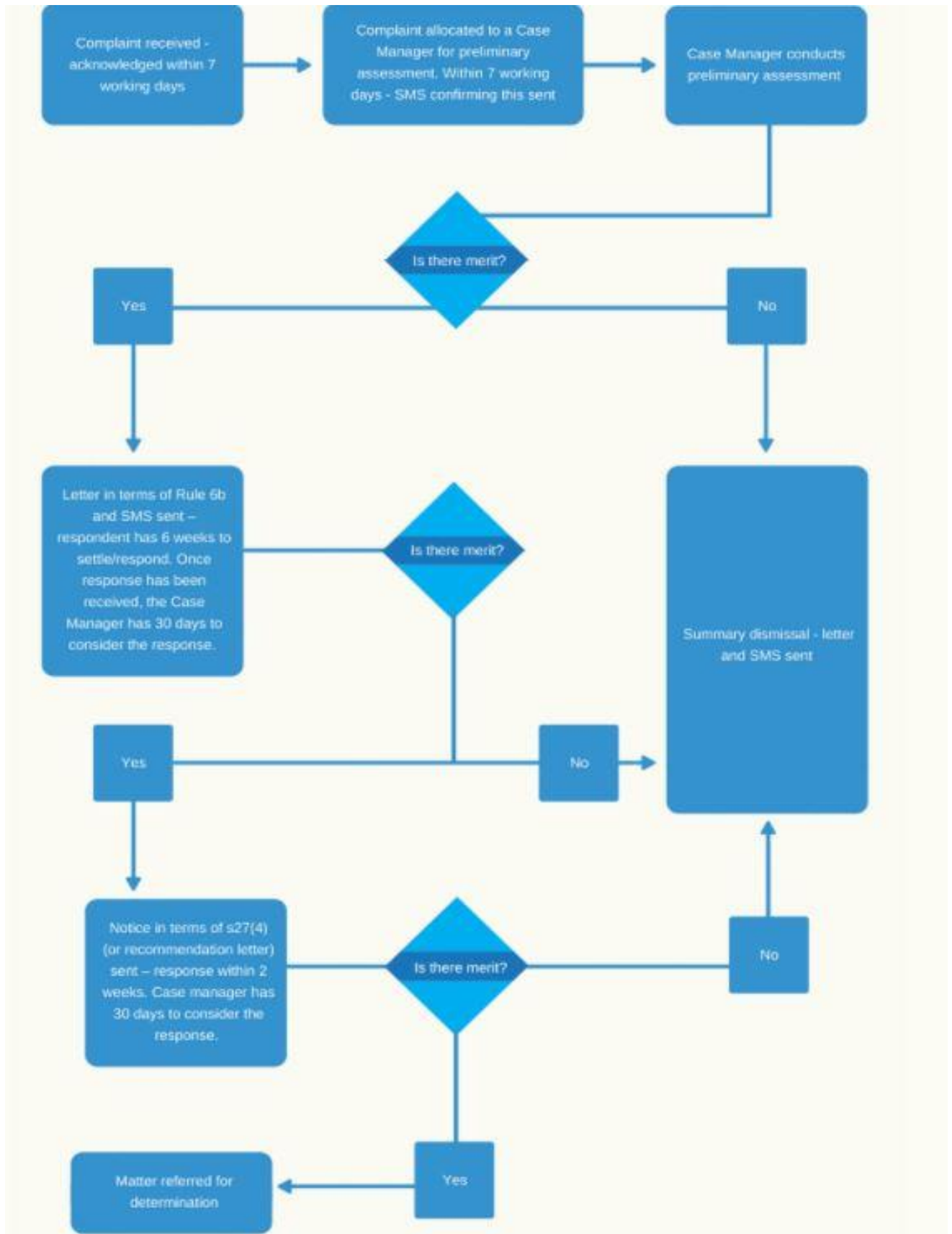
- The complainant must first attempt to resolve the complaint with the respondent, before approaching the Ombud.
- The complainant has 6 (six) months following the receipt of the final response ("resolution") of the respondent, to submit their complaint with the Ombud.
- Such complaint must be submitted in writing and be accompanied with supporting documentation that is in the complainant's possession.
- The complainant will then be advised of the response by the respondent and whether the Ombud will proceed with the complaint lodged.

In disposing of the complaint, the Ombud may grant costs in favor of the complainant or the respondent or even in favor of the office of the Ombud.

Where a determination has been made by the Ombud against either party, such party may apply to the Ombud for leave to appeal.



## FAIS OMBUD COMPLAINT HANDLING PROCESS



**ANNEXURE A****COMPLAINTS REPORTING FORM**

<b>Complainant's Full Name and Surname:</b>	
<b>Complainant's ID Number:</b>	
<b><u>Complainant's Contact Details</u></b>  Telephone Number: Fax Number: Email Address: Postal Address:	
<b>Name of Financial Adviser:</b>	
<b>Summary of Complaint:</b>	
<b>Date complaint received:</b>	
<b>Date reported to Complaints Manager and Compliance Officer:</b>	