



FAIS COMPLAINTS POLICY

SENWES LIMITED

REGISTRATION NUMBER 1997/005336/06

AUTHORISED FINANCIAL AND INTERMEDIARY SERVICES PROVIDER

**FAIS Complaints Policy in terms of the Financial and Intermediary Services Act, No 37
of 2002 ("FAIS")**

1 INTRODUCTION

Senwes Limited (Senwes) is an approved Financial Services Provider (FSP Licence No. 13963) as defined in FAIS and is licenced to:

1. Act as as a financial intermediary for trading in share and derivative securities and instruments; and
2. Provide advice regarding derivative securities and instruments

The Key Individual and Compliance Officer in terms of FAIS is the Company Secretary of the Senwes Group.

In terms of FAIS, Senwes is required to have an internal complaints policy and procedure, which is accessible to all Clients at all times.

A copy of this complaints procedure is available on our website (www.senwes.co.za). It is important to note that FAIS stipulates that before a complainant may submit a complaint to the Ombud, the complainant must endeavour to resolve the complaint with the Financial Services Provider (Senwes) itself. This policy covers complaints related to the financial services provided by Senwes to a client.

2 POLICY AND PROCESS

2.1 Application

This policy will apply in all instances where a complaint arises out of a financial intermediary or advisory services rendered by a Financial Services Provider in terms of the FAIS Act.

2.2 Definitions

A “**complaint**” is defined as a specific complaint relating to the financial services rendered by a financial services provider (Senwes) to the complainant where it is alleged that Senwes has:

- contravened or failed to comply with the provisions of FAIS and as a result the complainant has suffered or is likely to suffer financial prejudice or damage;
- has wilfully or negligently rendered a financial service to the complainant which has caused prejudice or damage or
- has treated the complainant unfairly.

3 DUTIES OF SENWES IN HANDLING YOUR COMPLAINT

3.1 Whenever a complaint arises out of a financial advisory or intermediary service rendered, you will be required to lodge such a complaint in writing.

3.1.1 All supporting documentation must accompany the complaint.

3.1.2 The complaint may lodged as follows:

- faxed for the attention of the Key Individual and Company Secretary on +27 086 673 3041; or
- posted to Senwes Limited, PO Box 31, Klerksdorp, 2570; or
- e - mailed to elmarie.joynt@Senwes.co.za.

3.1.3 We will log your complaint and deal with it for resolution. We will monitor your complaint to ensure that it is responded to within a reasonable time.

3.1.4 Receipt of the complaint has to be acknowledged in writing.

3.1.5 Immediate steps must be taken to investigate and respond promptly to each complaint.

- 3.1.6 The complaint should be handled timeously and in a fair manner and should receive proper consideration.
- 3.1.7 Internal follow up procedures are in place to ensure avoidance of occurrences giving rise to complaints and for improving our services.
- 3.1.8 Where the complaint is resolved in your favour we will ensure that a full and appropriate level of redress is offered to you without delay.
- 3.1.9 If the complaint is not resolved within 6 weeks, you may refer the matter to the Ombud within 6 months.
- 3.2.10 Records of complaints will be maintained by Senwes for 5 years.

4 REFERRAL TO THE FAIS OMBUD

- 4.1 If a complaint has not been resolved within 6 weeks by Senwes, or where the complaint has not been resolved to your satisfaction, you may, within 6 months, refer the complaint to the Ombud. The Ombud's contact details are as follows:

The FAIS Ombud

PO Box 74571

Lynnwood Ridge

0040

Telephone number 0860 324 766

- 4.2 The Ombud will decline to investigate a complaint if a period of more than 3 years has expired since the act or omission which resulted in the complaint, or 3 years since the complainant became aware of the occurrence of such an act/omission.
- 4.3 The Ombud will decline to investigate a complaint, if proceedings have been instituted by the complainant in any court relating to the complaint.
- 4.4 The Ombud may decline to investigate a complaint if there are reasonable grounds to believe that a more appropriate dispute resolution process is available or in cases where it will be more appropriate to deal with the complaint in Court.

- 4.6 The Ombud has the power to determine whether or not a complaint falls within the ambit of the Act and the Rules and may reject a complaint, which falls outside such ambit.
- 4.7 The Ombud will only proceed to investigate a complaint if the Ombud has informed every other interested party of the receipt of such complaint, has provided particulars of such complaint to those parties and has provided those parties with the opportunity to respond;
- 4.9 The Ombud may follow and implement any procedure which he deems fit and may allow any party the right of legal representation;
- 4.10 The Ombud may make recommendations to the parties and if accepted by the parties, such recommendation will have the effect of a final determination;
- 4.11 The Ombud will in any case, where a matter has not been settled or a recommendation has not been accepted by the parties, make a final determination which may include dismissal of the complaint or the upholding of the complaint.

5 RIGHTS OF COMPLAINANTS IN CONNECTION WITH COMPLAINTS SUBMITTED TO THE OMBUD

- 5.1 Before submitting a complaint to the Ombud, the complainant must endeavour to resolve the complaint with the respondent.
- 5.2 The complainant has six months after receipt of the final response of the respondent, or after such response was due, to submit a complaint to the Ombud.
- 5.3 On submitting a complaint to the Office, the complainant must satisfy the Ombud of having endeavoured to resolve the complaint with Senwes Limited and must produce the final response (if any) as well as the complainant's reasons for disagreeing with the final response.
- 5.5 A complaint must, where necessary, be accompanied by available documentation in the Complainant's possession.

- 5.6 The complainant must be advised by the Ombud of Senwes' response to the extent necessary to react to such response and to decide whether the complaint should be proceeded with, and must thereafter within two weeks advise the Ombud of such reaction and decision.
- 5.8 Subsequent to lodging a complaint with the Ombud, the complainant is entitled to submit further facts, information or documentation in connection with the complaint and must do so, to the extent possible, if requested by the Ombud.

6. OTHER MATTERS

Senwes is committed to treat all Clients fairly and equitably and Clients are invited to contact the Company Secretary at Tel no (018) 464 7102 with regards to any matter relevant herein.

Visit us at: www.senwes.co.za