



# Client Complaints Management Procedure

Version 1.0

1	Introduction .....	3
2	Scope .....	3
3	Glossary of terms .....	3
4	Objective.....	6
5	Key principles .....	7
6	Responsibilities .....	8
7	Performance standards and remuneration in relation to complaints management .....	8
8	Procedure review and updates .....	8
9	Categorisation of complaints.....	8
10	Prompt attention .....	8
11	How to lodge a complaint.....	9
12	Client complaints management process.....	9
13	Complaints management .....	11
14	Record keeping .....	11
15	Reporting.....	11
16	The ombudsman .....	11
17	Service suppliers.....	11
18	Training.....	12
19	Client awareness.....	12
20	Disclaimer.....	12

## 1 Introduction

- 1.1 This document sets out the Procedure of the South African entities within the Apex Group Ltd. ("Apex") with respect to management of client complaints ("the Procedure").
- 1.2 Apex aims to provide an efficient and transparent Procedure, to ensure the prompt handling of complaints is implemented and maintained throughout the organisation.

## 2 Scope

- 2.1 The Apex entities should abide by their local regulatory requirements concerning client complaints.
- 2.2 This document sets out the requirements that the South African entities within Apex must follow when managing a client complaint.
- 2.3 This document has been formulated in accordance with the provisions of the Collective Investment Schemes Control Act, 45 of 2002 ("CISCA"), the relevant provisions contained in the Financial Advisory and Intermediary Services Act, 37 of 2002 ("FAIS"), as well as the principles embodied in the "Treating Customers Fairly" ("TCF") as published by the Financial Sector Conduct Authority ("the Authority" or "FSCA").
- 2.4 This Procedure applies to all South African staff and entities (hereinafter referred to as "Apex South Africa") which includes, but is not limited to, the following entities:
  - 2.4.1 Apex Fund Services South Africa Limited
  - 2.4.2 Apex Fund and Corporate Services SA (Pty) Ltd
  - 2.4.3 FundRock Management Company (RF) (Pty) Ltd
- 2.5 Staff includes staff, contractors, temporary staff, Directors (Executive and Non-Executive), and Board members.

## 3 Glossary of terms

Term/Abbreviation	Description
"Client query"	means a request to Apex or Apex's service supplier by or on behalf of a client, for Information regarding the provider's financial products, financial services or related processes, or to carry out a transaction or action in relation to any such product or service;

Term/Abbreviation	Description
"Client/Customer"	Of Apex means a natural person or legal entity that uses the professional services provided by Apex, or is the successor in title of such person or the beneficiary of such services.
"Compensation payment"	<p>means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of Apex to a complainant to compensate the complainant for a proven or estimated financial loss incurred as a result of Apex's contravention, non-compliance, action, failure to act, or unfair treatment forming the basis of the complaint, where Apex accepts liability for having caused the loss concerned, but excludes any –</p> <ul style="list-style-type: none"> <li>a) goodwill payment;</li> <li>b) payment contractually due to the complainant in terms of in terms of the financial product or financial service concerned; or</li> <li>c) refund of an amount paid by or on behalf of the complainant to Apex where such payment was not contractually due; and includes any Interest on late payment of any amount referred to in paragraphs (b) or (c);</li> </ul>
"Complainant"	<p>means a person who submits a complaint and includes a-</p> <ul style="list-style-type: none"> <li>(a) client;</li> <li>(b) person nominated as the person in respect of whom a product supplier should meet financial product benefits or that persons' successor in title;</li> <li>(c) person whose life is insured under a financial product that is an insurance policy;</li> <li>(d) person that pays a premium or an investment amount in respect of a financial product;</li> <li>(e) member;</li> <li>(f) person whose dissatisfaction relates to the approach, solicitation marketing or advertising material or an advertisement in respect of a financial product, financial service or related service of the provider, who has a direct interest in the agreement, financial product or financial service to which the complaint relates, or a person acting on behalf of a person referred to in (a) to (f)</li> </ul>

Term/Abbreviation	Description
"Complaint"	<p>means an expression of dissatisfaction made to Apex, to the knowledge of Apex, or to Apex's service supplier relating to a product or service provided or offered by Apex which indicates or alleges, regardless of whether such expression of dissatisfaction is submitted together with or in relation to a customer query, that</p> <p>a) Apex or its service supplier has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on Apex or to which it subscribes and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;</p> <p>b) Apex or its service supplier's maladministration or wilful or negligent action or failure to act, has caused the individual or entity harm, prejudice, distress, or substantial inconvenience and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage; or</p> <p>c) Apex or its service supplier has treated the individual or entity unfairly.</p>
"Goodwill payment"	<p>means a payment, whether in monetary form or in the form of a benefit or service by or on behalf of Apex to a complainant as an expression of goodwill aimed at resolving a complaint, where Apex does not accept liability for any financial loss to the complainant as a result of the matter complained about;</p>
"Prospective client"	<p>of Apex means an individual or entity who approaches or applies to Apex to become a client, an individual or entity Apex solicits to become a client or an individual or entity who receives marketing or advertising material regarding Apex's products, services or capabilities directly from Apex or an authorised representative thereof;</p>
"Rejected"	<p>in relation to a complaint means that a complaint has not been upheld and Apex regards the complaint as finalised after advising the complainant that it does not intend to take any further action to resolve the complaint and includes complaints regarded by Apex as unjustified or invalid, or where the complainant does not accept or respond to Apex's proposals to resolve the complaint;</p>

Term/Abbreviation	Description
"Reportable complaint"	<p>means any complaint other than a complaint that has been –</p> <p>(a) upheld immediately by the person who initially received the complaint;</p> <p>(b) upheld within Apex’s ordinary processes for handling customer queries in relation to the type of financial product or financial service complained about, provided that such process does not take more than five business days from the date the complaint is received; or</p> <p>(c) Submitted to or brought to the attention of Apex in such a manner that Apex does not have a reasonable opportunity to record such details of the complaint as may be prescribed in relation to reportable complaints.</p>
"Service supplier"	<p>means any person (whether or not that person is the agent of the Apex), other than a representative, with whom Apex has an arrangement relating to the marketing, distribution, administration or provision of financial products, financial services or related services;</p>
"Upheld"	<p>means that a complaint has been finalised wholly or partially in favour of the complainant and that –</p> <p>(a) the complainant has explicitly accepted that the matter is fully resolved; or</p> <p>(b) it is reasonable for Apex to assume that the complainant has so accepted; and</p> <p>(c) all undertakings made by Apex to resolve the complaint have been met or the complainant has explicitly indicated satisfaction with any arrangements to ensure such undertakings will be met by Apex within a time acceptable to the complainant.</p>

## 4 Objective

Apex is committed to providing a professional efficient service in all areas of its business at all times. The main objectives of the Procedure are to:

- 4.1 Ensure Apex is in compliance with the relevant laws and legal or regulatory guidance regarding client complaints;

- 4.2 Protect Apex from the possible consequences of being or being perceived to be unreceptive or unresponsive to client complaints;
- 4.3 Ensure that clients have access to a formal and transparent complaints procedure should they become unhappy with the service they receive; and
- 4.4 Ensure that client complaints are assessed fairly, promptly and impartially, and in line with the relevant legal and regulatory requirements with an emphasis on fairness to customers in accordance with Treating Customers Fairly outcomes;
- 4.5 Use complaints constructively in the planning and improvement of all services.

## 5 Key principles

- 5.1 Apex deems complainant feedback and complaints resolution to be of utmost importance in terms of its client-centric approach to business and takes responsibility for a quality service to clients based on accountability and transparency. Accordingly, Apex is committed to:
  - 5.1.1 Informing complainants of their right to complain and how complaints can be made;
  - 5.1.2 Resolving complaints in a timely and fair manner, with each complaint receiving proper consideration;
  - 5.1.3 Managing complaints promptly, fairly, openly and effectively;
  - 5.1.4 Providing transparency regarding the rights complainants have as well as the handling of complaints.
  - 5.1.5 Informing complainants of any rights they may have to refer their complaints to a local regulatory authority, Ombudsman or equivalent if a complaint cannot be resolved to their satisfaction; and
  - 5.1.6 Maintaining a register of complaints and records of complaints received for a minimum period of five years from the date of the complaint in accordance with legislative requirements.
- 5.2 Apex will not impose unreasonable barriers for clients or prospective clients who wish to provide feedback or complaints and will not impose a charge for complainants utilising the process.

## **6 Responsibilities**

- 6.1 In accordance with the client complaints management process in place, it is the responsibility of one or more specified members of staff to oversee, implement and monitor complaints within each entity. Procedures are in place for the escalation of matters where appropriate.
- 6.2 The allocated staff member/s are required to have the appropriate level of authority, competence and resources to ensure the process is adhered to in a fair, objective and transparent manner.
- 6.3 Any conflict of interest that arises whilst handling complaints will be managed in accordance with Apex's Conflict of Interest Policy and Handbook. Only staff members who are not directly involved in the matter, are not the subjects of the complaint and are free from any influence in relation to its resolution will be involved in the investigation of a complaint.

## **7 Performance standards and remuneration in relation to complaints management**

Apex is committed to the provision of appropriate standards and remuneration and reward strategies for complaints management to ensure objectivity and impartiality.

## **8 Procedure review and updates**

This Procedure will be reviewed by the Local Compliance Officer and approved by the Board of Directors on an annual basis. Any material changes will be documented.

## **9 Categorisation of complaints**

All complaints will be managed and categorised according to relevant regulations, as underpinned by the Treating Customers Fairly outcomes.

## **10 Prompt attention**

Apex has in place a complaints management process to ensure that all complaints received are identified and handled promptly and in accordance with regulatory requirements.

Apex will acknowledge the complaint with the complainant as soon as possible and will regularly inform the complainant of the progress made in finalising the complaint. Refer Complaints Procedure Guidance – South Africa, annexed hereto, for the applicable timelines.



## 11 How to lodge a complaint

- 11.1 A complaint must be submitted in writing to Apex either by hand, post or email. Apex's contact details are provided in Complaints Procedure Guidance – South Africa, annexed hereto.
- 11.2 Apex will acknowledge receipt of complaint in writing within 5 working days of receiving such complaint. If the complaint is not resolved within 3 weeks Apex will respond outlining the current status of the complaint, expected date of resolution and reasons as to why the issue remains unresolved.
- 11.3 The complaint should contain sufficient details and must include:
  - 11.3.1 The name of the client and details of the client's investment, where applicable, or the full name, identity number and contact details of the complainant as well as proof of authority to act on behalf of the client;
  - 11.3.2 Client number/investor number;
  - 11.3.3 Details of your complaint; and
  - 11.3.4 Supporting documents to enable Apex to deal with the complaint quickly and fairly.

## 12 Client complaints management process

- 12.1 Apex has implemented a complaints management process that makes provision for Apex to undertake the following steps in accordance with regulatory requirements:
  - 12.1.1 acknowledge receipt of the complaint and inform the complainant of the applicable complaints handling process and resolution timeline;
  - 12.1.2 investigate the complaint competently, diligently and impartially, obtaining additional information as necessary;
  - 12.1.3 assess fairly, consistently, and promptly:
    - (a) the subject matter of the complaint;
    - (b) whether the complaint should be upheld or rejected;
    - (c) what remedial action or redress (or both) may be appropriate; and
    - (d) if appropriate, whether Apex has reasonable grounds to be satisfied that another party may be solely or jointly responsible for the matter alleged in the complaint; and

(e) Ensure that plain language is used in all communications with a complainant.

- 12.2 Following the steps per preceding clause 11.1, Apex will:
  - 12.2.1 explain to the complainant promptly and, in a way that is fair, clear and not misleading, Apex's assessment or investigation of the complaint;
  - 12.2.2 indicate its decision in relation to the complaint with reasons for the decision and provide possible recourse available for the complainant regarding the decision where the complaint is rejected;
  - 12.2.3 offer redress or remedial action when appropriate (always seeking to put the complainant back in the position they were in before the cause of complaint occurred) and notify the complainant of the options available to them if they are still dissatisfied, notifying complainants of their right to approach the appropriate Ombudsman or Authority; and
  - 12.2.4 Comply promptly with any offer of remedial action or redress accepted by the complainant.
- 12.3 The factors that Apex will consider in the investigation and assessment of a complaint include:
  - 12.3.1 all the available evidence and the circumstances of the complaint;
  - 12.3.2 similarities with other complaints received by Apex; and
  - 12.3.3 Relevant guidance published by the FSCA, other regulatory authorities, as applicable and the Ombudsman.
- 12.4 Each entity will document its complaints management roles and responsibilities, escalation, decision-making, monitoring, oversight and review processes for its particular entity.
- 12.5 The respective entities' complaints escalation procedures will provide the applicable internal escalation of complex or unusual complaints, including the allocation of persons of appropriate seniority and expertise to ensure that the complainant is appropriately managed and resolved in accordance with the timelines as stipulated.
- 12.6 The respective entities will further determine the circumstances under which the extension of timeframes may be permitted as part of its complaint's management processes and procedures, and in accordance with regulatory requirements.
- 12.7 Complaints information will be recorded, scrutinised and analysed on an ongoing basis and will be utilised to:
  - 12.7.1 proactively identify and manage conduct risks;
  - 12.7.2 effect improved outcomes and processes for its clients; and

12.7.3 Prevent reoccurrences of poor outcomes and errors.

## 13 Complaints management

Apex's Board of Directors is ultimately responsible for effective complaints management and approves and oversees the effectiveness of the implementation of this Procedure.

## 14 Record keeping

Apex retains records of all complaints received in accordance with its regulatory obligations and applicable policies.

## 15 Reporting

- 15.1 The entities have procedures in place to report on all client complaints received within their areas in order to enable identification of risks and trends and actions taken in response thereto in order to facilitate the monitoring and analysis of the effectiveness of the complaints management framework.
- 15.2 All reportable complaints will be reported to the FSCA in accordance with reporting requirements as applicable.

## 16 The Ombudsman

- 16.1 Any complaints received from the Ombudsman or Authority will be reported to the Board of Directors and dealt with in accordance with the timelines as directed.
- 16.2 Apex is required to maintain open and honest communication and co-operation between itself and any Ombudsman with whom it deals.
- 16.3 Any determinations, publications and guidance issued by any relevant Ombudsman will be monitored by the Local Compliance Officer with a view to identifying any potential fallings or risks in our own policies, services or practices.

## 17 Service suppliers

Where applicable, Apex will ensure that any Service Supplier that Apex contracts with has in place its own Complaints Management Policy that complies with the regulatory requirements for dealing promptly and fairly with complaints. In such instances, Apex will review the Service Supplier's complaints management framework to ensure the following:

- 17.1 the Service Supplier has adequate complaints management processes in place to ensure fair treatment of complainants;
- 17.2 there are provisions for the monitoring and analysis of aggregated complaints data in relation to complaints received by the Service Supplier and related outcomes;
- 17.3 an effective referral process will be enabled between Apex and the Service Supplier to cater for the handling and monitoring of complaints that are submitted directly to Apex and to facilitate referral to the other for resolution; and
- 17.4 That there are processes in place that ensure that complainants are appropriately informed of the process being followed, the progress and the outcome of the complaint.

## 18 Training

The dedicated staff members receive regular training on the applicable client complaints handling processes and the importance of complying with the spirit of this Procedure.

## 19 Client awareness

This Procedure will be published on the Apex website to ensure client awareness of Apex's complaints management policy and complaints handling processes.

## 20 Disclaimer

- 20.1 Nothing in this Procedure will amount to a delegation to Apex or an assumption by Apex to perform such duties as otherwise described within the contractual agreement between Apex and its Client(s).
- 20.2 Please note that this information is intended solely for the use of the intended recipient(s). It is for your general information only and Apex is not soliciting any action based upon it. Before acting on anything contained in this material, you should consider whether it is suitable for your particular circumstances and, if necessary, seek professional advice. This material has been prepared based upon information that Apex believes to be reliable; however, Apex does not represent that that this material is accurate, complete and up to date and accepts no liability if it is not.

### Compliance

Apex Group

15 June 2023

## SCHEDULE 1

### Complaints Procedure Guidance – South Africa

#### 1. Introduction

- 1.1 Apex is committed to providing a professional efficient service in all areas of its business at all times. We acknowledge that standards may not always be reached or may fall beneath those generally expected of us.
- 1.2 Where such cases arise we endeavour to resolve related complaints promptly. Where the complaint cannot be resolved within 24 hours we will adopt the following procedure to ensure effective resolution of the complaint. We are also committed to communicating how we are dealing with the complaint throughout the process.

#### 2. Our response

- 2.1 All staff are required to apply the Complaints Procedure which sets out timescales in order to acknowledge, investigate and resolve complaints.
- 2.2 In addition to seeking to resolve complaints, Apex is required to record complaints made against the Group which will be used to assist us in enhancing our procedure and control environment and to mitigate against the possibility of identified matters re-occurring.

#### 3. Complaints timeline

24 hours	Resolve informal complaints
5 days	Acknowledge all written complaints
3 weeks	Issue written communication outlining the current status of the complaint, expected date of resolution and reasons as to why the issue remains unresolved.
6 weeks	Notify you of the outcome of the investigation and of any action taken.

#### 4. Submission of your complaint

Complaints must be submitted in writing, must contain all relevant information, and copies of the relevant documentation must be attached.

#### 5. Investigation of your complaint

Complaints will be investigated by a Senior Manager and reported to the Compliance Officer who will record and monitor its progress and resolution. The Manager is to acknowledge receipt of the complaint in writing within five business days of receiving the written complaint, notify the client that the Manager is responsible for dealing with the matter, and provide his / her contact details and details regarding how the Complaints Procedure can be accessed.

- 6. If you are not satisfied
  - 6.1 In South Africa where the complaint qualifies as a complaint as defined in the Financial Advisory and Intermediary Services Act, No 37 of 2002 (“the FAIS Act”) and is not resolved to your satisfaction within 6 weeks of its receipt, the Local Compliance Officer will provide you with written notification of your right to seek legal redress by referring the complaint to the Office of the Ombud for Financial Services Providers.
  - 6.2 The FAIS Ombud will not consider your complaint in the following circumstances:
    - 6.2.1 If the amount claimed is greater than R800,000.00.
    - 6.2.2 If the complaint relates to an act or omission which occurred prior to the date of commencement of the FAIS Act being November 2002.
    - 6.2.3 If the matter is under litigation.
    - 6.2.4 If the complaint was not referred to the FAIS Ombud within 6 months of Apex’s final written response.
- 7. Contact details for the Ombudsman

Office of the Ombud for Financial Service Providers:

Phone: +27 (0)12 762 5000 / +27 (0)86 066 3274	
Physical Address: Menlyn Central Office Building 125 Dallas Avenue Waterkloof Glen Pretoria 0010	Postal Address: PO Box 41 Menlyn Park 0063
Email: <a href="mailto:info@faisombud.co.za">info@faisombud.co.za</a>	Website: <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>

8. Contact details for the Authority

Complaints related to FundRock Management Company (RF) (Pty) Ltd may be addressed to the Authority

Telephone: +27 12 428 2017

Email: CIS.complaints@fsca.co.za

Website: www.fsca.co.za

9. Contact details to submit your complaint

Apex will endeavour to resolve any complaint without delay.

All complaints related to FundRock Management Company (RF) (Pty) Ltd or Apex Fund and Corporate Services SA (Pty) Ltd may be addressed to:

Head of Compliance

Phone	+27 21 402 1600
Physical address	Apex, 11th Floor, Pier Place Heerengracht Street, Foreshore, Cape Town, 8001
Email address	complianceteamsa@sannegroup.com

All complaints related to Apex Fund Services South Africa Limited may be addressed to:

Head of Compliance

Phone	+27 21 681 8000
Physical address	Apex, River Park Gloucester Road, Mowbray, 7700
Email address	ComplianceCT@maitlandgroup.co.za

## SCHEDULE 2

### Client Complaints Management Procedure – South Africa

#### Roles and Responsibilities

Governing Body/Function	Responsibilities
All staff	<ul style="list-style-type: none"> <li>• Must notify the Entity Director/Country Head and the local Compliance and Risk Officers about any new complaints within 24 hours of the complaint being received.</li> </ul>
Entity Director/Country Head	<ul style="list-style-type: none"> <li>• Must have oversight and review all new complaints within 24 hours of being received and assess what action and/or escalation is required.</li> <li>• The Entity Director (or nominated employee) must log all complaints into the relevant system within 2 working days of receiving the complaint.</li> <li>• Must engage with Compliance and Risk within 2 working days of the complaint being received to classify the severity of the complaint, the appropriate level of escalation, response and reporting requirements.</li> <li>• Acknowledge receipt of complaint submitted by Complainant within 5 working days of receiving such complaint.</li> <li>• Allocate a suitable person in the division to complete any investigation or action that is required.</li> <li>• Respond to the Complainant within 3 weeks outlining the current status of the complaint, expected date of resolution and reasons as to why the issue remains unresolved.</li> <li>• Must notify Compliance if the complaint is not going to be resolved within 6 weeks to determine what regulatory actions are required.</li> </ul>
Risk Team	<ul style="list-style-type: none"> <li>• Must have oversight over any escalated complaints to validate that appropriate actions are being/have been taken.</li> </ul>



	<ul style="list-style-type: none"> <li>• Will complete periodic analysis to on recorded events to identify systemic control gaps or failures.</li> <li>• Will provide reporting to the appropriate risk committee on trends and emerging risks.</li> </ul>
Risk Committee	<ul style="list-style-type: none"> <li>• Must have oversight of all complaints to ensure appropriate actions are being/have been taken.</li> <li>• Must identify complaints that could potentially be escalated to the Regulatory Authority and consider whether any insurance notifications are required.</li> </ul>
Compliance	<ul style="list-style-type: none"> <li>• Must have oversight over any escalated complaints to validate that appropriate actions are being/have been taken.</li> <li>• Must notify the Regulatory Authority, Group Head of Compliance and/or Board of any non-compliance that are likely to breach the required regulations in terms of complaints handling.</li> <li>• Must provide guidance to staff to assist them in understanding this Procedure and their obligations thereto.</li> </ul>
Internal Audit	<ul style="list-style-type: none"> <li>• Provide an independent assessment of the adequacy and effectiveness of the complaints handling process.</li> <li>• Has the authority to independently determine the scope and extent of work to be performed, as mandated by the Audit Committee.</li> </ul>
Audit Committee	<ul style="list-style-type: none"> <li>• Must have an overview of the compliant Procedure and must have sight of all complaints logged and actions taken to resolve such complaints.</li> </ul>
Board of Directors	<ul style="list-style-type: none"> <li>• Maintains overall responsibility for this Procedure, which may be delegated to the relevant stakeholders for implementation.</li> <li>• Must receive regular updates on complaints from the Risk team.</li> </ul>