



# COMPLAINTS HANDLING PROCEDURE



## COMPLAINTS HANDLING PROCEDURE

### 1. Introduction

XM ZA (Pty) Ltd is an authorised Financial Services Provider and as such we have certain specific duties to you, our client. One of these duties is the establishment of a formal Complaints Handling procedure, which will enable you to exercise your rights as provided for in the Financial Advisory and Intermediary Services Act ("FAIS").

The purpose of this document is to inform you of the procedure that must be followed in order to submit a formal complaint with us. Please be advised that our internal complaints resolution procedure may be amended or cancelled by us at any time.

Our Complaints Officer is Mr. Johan Van Zyl and can be contacted on (010) 003 0730 or [johan@outsourcedcompliance.co.za](mailto:johan@outsourcedcompliance.co.za).

### 2. Complaint has to be relevant

In terms of the FAIS Act, a "complaint" means a specific complaint relating to a financial service rendered by the FSP or a representative of the FSP, to the complainant on or after the date of commencement of the FAIS Act, and in which complaint it is alleged that the FSP or representative:

- has contravened or failed to comply with a provision of the FAIS Act and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage; or
- has wilfully 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
- has treated the complainant unfairly

The financial services environment is complex. We will endeavour to address all reasonable requests from our clients. Where the complaint relates to any aspect of our service, or any disclosures that ought to be made by us, we will endeavour to address those complaints in writing, within seven (7) days.

In instances where the complaint relates to any matter that is not within our control, such as product information, transactions performed with the product supplier or investment performance, we will forward the complaint to the product supplier. Please be advised that we reserve the right to recover costs or damages that we suffer as a result of clients making frivolous, vexatious or unreasonable claims.

### 3. Complaint must be in writing

In order for a complaint to receive the attention that it deserves, we request that your complaint be submitted to us in writing.

### 4. Procedure

Our internal complaints resolution process is intended to provide fair and effective resolution of complaints. The time periods set out in this procedure will be adhered to as strictly as possible but may be varied if necessary. The following step-by-step guideline sets out the procedures we will adopt and shows how a complaint will be dealt with, once received by us:

- Your complaint and all communications in connection with your complaint must be in writing. All verbal communications made in connection with the complaint must be confirmed in writing within three (3) days of the communication.
- Please indicate the following information:
  - Your name, surname and contact details

#### XMZA (Pty) Ltd

Regulated by the Financial Sector Conduct Authority (FSCA)

FSP No.: FSP49976 | Email: [support@xmza.com](mailto:support@xmza.com)

Address: Office 1101D, 11th Floor, 4 Bree Street, Portside Building, Cape Town, 8000, South Africa

XM ZA (Pty) Ltd acts solely as a direct marketer/intermediary in terms of the FAIS Act, rendering only an intermediary service (no market making) in relation to derivative products (CFDs) offered by XM Global Limited.



- A complete description of your complaint and the date on which the financial service that led to your complaint was rendered
  - The name of the person who rendered the intermediary service that led to your complaint
  - How you would prefer to receive future communications regarding your complaint i.e. by e-mail, fax, etc.
- The complaint will be entered into our complaints register on the same day that it is made, and written confirmation of receipt will be forwarded to you. We will keep record of the complaint and maintain such record for five (5) years as required by legislation. Please take into consideration that the method of communication chosen by you will determine how quickly we will respond to your complaint.
  - The complaint will immediately be drawn to the attention of the senior employee in charge of the relevant department for allocation to a trained and skilled person who is able to properly respond to your complaint or to the attention to the product supplier, if applicable (i.e., if the complaint relates to product information, or services offered by the product supplier).
  - The complaint will be investigated, and we will revert to you with our preliminary findings within seven (7) working days from the date of receipt of the complaint. In all instances we will inform you of the reasons for our decisions. If the complaint was forwarded to the product supplier for investigation, you will be informed accordingly and asked to contact the product supplier directly regarding your complaint.
  - The preliminary findings will be discussed with all internal parties concerned, and a proposed solution will be communicated to you within a further seven (7) working days. In all instances we will inform you of the reasons for our decisions.
  - If you are not satisfied with the outcome, we will regard the complaint as being unsatisfactorily resolved. In such a case, you may approach the office of the Ombud for Financial Services Providers or take such other steps as may be advised by your legal representatives.
  - The Ombud acts as an adjudicator in disputes between clients and financial services providers. The referral to the office of the Ombud must be done in accordance with the provisions of section 21 of the Financial Advisory and Intermediary Services Act 2002 and the rules promulgated in terms of that section.
  - In instances where we have not been able to arrive at a resolution within six (6) weeks after you have submitted your complaint, the matter may automatically be referred to the Ombud. The Ombud acts independently and objectively and has jurisdiction in respect of complaints relating to advice or intermediary services, which has arisen after 15 November 2002.
  - You must, if you wish to refer a matter to the Ombud, do so within six (6) months from the date of the notice in which we inform you that we are unable to resolve the complaint to your satisfaction. The Ombud will not adjudicate in matters exceeding a value of R3,500,000.
  - The Ombud may be contacted at their offices in Pretoria at the following address:

**Physical address:**

Menlyn Central Office Building, 125 Dallas Avenue,  
Waterkloof Glen, Pretoria 0010

**Postal address:**

P O Box 41, Menlyn Park, 0063

**Tel:** 012 762 5000

**Sharecall:** 086 066 3247

**Email:** [info@faisombud.co.za](mailto:info@faisombud.co.za)

**Website:** [www.faisombud.co.za](http://www.faisombud.co.za)

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