

Document Name: Complaints and Appeals Procedure
Document No: E – OP 05/4
Version No: 04
Effective date: 29 September 2009
Compiler: Mr. Tshepo Phakathi/Mr. Bonginkosi Mzila
Approved by: Mr. Tshepo Phakathi
Confidentiality: Empoweryst.
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1. Scope

1.1 This procedure outlines the process of formally recognising, accepting, investigating, handling and resolving all Complaints, Appeals and Disputes of whatever nature and however caused.

2. Purpose

2.1 The purpose of this procedure is to ensure that the policy objectives set out in **E – PS 05** are achieved.

3. Responsibility and Authority

3.1 The Complaints, Appeals and Disputes (CAD) committee is responsible for the establishment and maintenance of the CAD procedure and official documents pertaining to CAD's.

3.2 The CEO is responsible for elevating CAD's to the CAD committee and implementing the resolutions taken by this committee.

3.3 All staff, external analysts and experts are responsible for ensuring strict adherence to this procedure.

4 References

4.1 Complaints Appeals and Disputes Policy Statement **E – PS 05**

4.2 SANAS **R47-02**

5 Procedure

5.1 All complaints, appeals and disputes, herein after referred to as CAD's, must be formalised by way of written submission and by completion of a CAD form to be recognised as CAD's. The Verifications Manager must also make this procedure and clear definitions of CAD's available on www.empoweryst.co.za and also on **E – LD 06**.

5.2 CAD's must be addressed to the CEO or the CAD Committee. Upon receipt of telephonic, facsimile, registered letter and/or any other form of oral or written CAD submission, the CEO must be notified immediately.

5.2.1 The CAD committee must be completely independent from the CAD itself and it is the responsibility of the CEO to ensure this provision.

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- 5.2.2 The CEO must chair the CAD committee, which must also constitute our independent Accountant, Attorneys and the Verification Manager, where he/she is not the subject of such CAD in the first place.
- 5.2.3 If the CEO himself is subject to the CAD, then the Independent Attorney will chair the committee and also assume the role normally undertaken by the CEO during CAD handling.
- 5.3 The CEO must respond telephonically and in writing within 48 hours of receipt of such CAD. Form **E – LD 04** and a separately written CAD process summary, must accompany the CEO's response.
- 5.4 Upon receipt of a completed **E – LD 04** and all supporting documents requested therein, the CEO shall formally acknowledge receipt of the CAD and regard the CAD as having been formally served. This day will be known as the official date of service of such CAD, provided it was served before midday on that day otherwise the next workday will be considered the official day of service of CAD.
- 5.5 The CEO must then advise members of the CAD committee within 24 hours of official service of a CAD notice. The Verifications Manager shall also ascertain that all facts, records, information and documents related to or about the CAD are provided to each member of the CAD committee at-least 24 hours prior to convening the meeting.
- 5.6 The CAD committee must convene within 72 hours of notice receipt from the CEO. If upon evaluation, the CAD committee resolves that further investigations are necessary, then the CEO, on behalf of the CAD committee, shall notify the complainant, appellant or disputant in writing within 24 hours of such resolution.
- 5.7 If the facts presented to the CAD committee are adequate for the committee to take a resolution, then such resolution shall be taken impartially and consistently with the fiduciary duty as required by the constitution (**E – LD 05**) of the CAD committee and all affected parties shall accordingly be advised in writing within 48 hours of such decision being made. The CAD committee shall minute all their discussions and resolutions pertaining to each Complaint, Appeal or Dispute and thereafter the CEO, on behalf of the CAD committee, shall notify the complainant, appellant or disputant in writing within 24 hours of such resolution, the necessary corrective actions to be taken and the timeframe of such actions.
- 5.8 The CEO shall be responsible for ensuring that all subsequent actions are taken till the CAD is resolved.

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5.9 The CAD committee must Act in line with its constitution when investigating and acting upon the facts surrounding a CAD or interviewing “respondents” to determine a correct resolution to the presented CAD. The committee must reach a quorum to deliberate facts surrounding a CAD and resolutions must be taken by mutual agreement based on the facts presented. If the committee fails to agree on a resolution, then a process of arbitration must be followed. A report must be provided, by the CEO, to the CAD committee with 7 days of resolution, stating the actions that have been taken and their effectiveness.

5.10 The CAD committee must document all CAD’s and resolutions taken during its seating. A management report analysing the general nature, trends and possible root-causes of such CAD trends must be submitted quarterly to the management committee. The Management Committee shall debate, brainstorm and review the report and implement appropriate corrective actions to rectify and uproot the fundamental cause of the CAD trends.

5.11 The CAD committee is the highest decision making body within the company and can preside over all issues related to verifications services and verification personnel. Members of the committee are appointed and removed by the CEO based on experience, impartiality and their ability to add value to the company.

6 Records

6.1 E – LD 04 Complains Appeals and Disputes Form

- 6.1.1 Valid indefinitely
- 6.1.2 Controlled by the CAD committee
- 6.1.3 Updated periodically on Management Review or Internal Audit

6.2 E – LD 05 CAD Committee Constitution

- 6.2.1 Valid indefinitely
- 6.2.2 Controlled by the Management Committee
- 6.2.3 Updated periodically on Management Review or Internal Audit

Amendments to the Procedure/Policy

Amended by:	Date of Amendment:	Amendment Made:
B Mzila	29 September 2009	Substituted Verifications manager with CEO Point 3 – 5.8