



Discovery Group



COMPLAINTS POLICY

(Version 3 of July 2019)





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Policy Details	
Policy Owner	Group Compliance
Policy Level	Group Policy
Level of Approval	Risk and Compliance Committee
Frequency of Review	Biennially or if any material legislative or operational changes occur



1 Policy Administration

1.1 REVISION HISTORY

Revision Date	Document Version	Summary of Changes	Author
January 2017	V1	Create New document	Group Compliance
July 2018	V2	Review and update Regulatory / Ombud details	Group Compliance
July 2019	V3	Re-draft to address TCF Committee comments, business concerns and regulatory developments Transferred to new board-approved policy template.	Group Compliance

1.2 POLICY APPROVALS

This policy has been approved as follows:

Postion / Structure	Document Version	Signature	Date of Approval
Chief Compliance Officer	V3		
Risk and Compliance Committee	V3		

1.3 POLICY REFERENCES

This policy should be read in conjunction with the following documents:

Ref Nr	Document Name	Document Owner
1.	Data Management & Governance Policy	Chief Information Security Officer
2.	Data Retention and Archiving Standard	Group Compliance
3.	TCF Framework	Group Compliance



2 Introduction

The Discovery Limited (“Discovery”) Board of Directors (“the Board”) is committed to a group-wide consolidated and comprehensive complaints management framework to ensure that complaints receive the due care and management oversight in ensuring all complaints are recorded, tracked and monitored to resolution, as per the principles of this policy.

2.1 PURPOSE

Discovery must have the necessary controls, systems, support and operational processes in place to pro-actively identify market conduct risks. This assists in improving client engagements, interactions and service offering, as well as preventing reoccurrences of product, distribution and service delivery failures.

This policy sets out the minimum requirements for the establishment of a fully functional Complaints Management Framework (“CMF”). These requirements will enable fair and effective recording, handling and resolution of complaints (in a timely, efficient and standardised manner), provide for the necessary redress actions to be taken and provide for the appropriate communication and reporting structures. The CMF must also allow for the limitation of post-sale barriers for clients by providing complainants with the information and processes that will efficiently and effectively resolve their complaint in a fair and timeous manner.

2.2 SCOPE

This policy is applicable to Discovery and all its subsidiaries (collectively referred to as “Discovery” or “Discovery Group”) that provides financial services and / or provide financial products to clients.

For purposes of this policy, financial services include financial advice and services relating to financial products, and financial products include life, non-life, medical insurance, investments, loyalty programmes, wellness programmes and banking.

3 Policy Principles

Discovery commits to the following principles:

- Empowering our people with the necessary expertise, skills and knowledge to effectively deal with, manage and escalate complaints received and to ensure these are appropriately recorded;
- Ensuring the processes to lodge a complaint are visible, accessible and transparent for clients;
- Acknowledging receipt of complaints in a timely manner;
- Investigating and managing the resolution of a complaint aligned with Discovery’s values of honesty, integrity and fairness.
- Offering the appropriate redress where applicable;
- Ensuring clients are aware of internal complaints resolution processes and notifying complainants of the applicable Ombud, authority and / or regulator details should the complaint not be resolved to their satisfaction;
- Reviewing and conducting trend and root cause analysis of all complaints received within each subsidiary to:



- mitigate the risk of poor service delivery;
- avoid re-occurring complaints;
- improve systems, controls, services and operational processes where required;
- enable accurate reporting to all stakeholders including internal governance structures, the relevant Ombud and the regulators; and
- strengthen the Discovery value to dazzle clients.

4 Building on the Treating Customers Fairly (“TCF”) Framework

This policy builds on the Treating Customers Fairly (“TCF”) Framework that is part of the overall Governance Framework within Discovery. The objective of TCF is to enhance and support the efficiency and integrity of financial markets and to protect clients by promoting fair treatment by financial institutions as well as providing clients with financial education and maintaining financial stability.

The Board has adopted the following TCF outcomes:

Outcome 1	Complaints relating to the overall fair treatment of clients being central to Discovery’s culture;
Outcome 2	Complaints relating to the design of a product or service and whether these meet the identified needs of targeted consumer groups;
Outcome 3	Complaints relating to the quality and timeous delivery of communication provided to clients;
Outcome 4	Complaints relating to the suitability of advice provided to ensure the circumstances of the consumer and client had been provided for;
Outcome 5	Complaints relating to product performance as clients had been led to expect and the service offering is of an acceptable standard; and
Outcome 6	Complaints relating to unreasonable post-sale barriers to change a product, switch a provider, submit a claim or lodge a complaint.

To ensure consistency with Discovery’s TCF Framework, all reportable complaints must be (at the minimum) categorised and reported on a monthly basis, including categorisation of the TCF outcomes, as per below:

Category	TCF Outcome	Details
Discovery Culture	1	Complaints relating to the overall culture of Discovery which is deemed to be unfair or inappropriate conduct
Product design	2	Complaints relating to the design of a financial product or financial service and whether these meet the identified needs of targeted consumer groups
Servicing	5	Complaints relating to the financial service offering being of an acceptable standard
Premiums and fees payable Transactional disputes	5	Complaints relating to the accurate accounting of financial transactions



Information provided	3	Complaints relating to the quality and timeous delivery of communication provided to clients
Advice	4	Complaints relating to the suitability of advice provided to ensure the circumstances of the consumer and client had been provided for
Product performance	5	Complaints relating to the performance of the financial product that clients have been led to expect
Premium collection and lapses	5	Complaints relating to the accurate accounting of financial transactions
Rewards	5	Complaints relating to the financial service offering being of an acceptable standard Complaints relating to the accurate accounting of financial transactions in terms of rewards calculations
Third party providers	5	Complaints relating to the financial service offering being of an acceptable standard from third party providers
Complaints handling	6	Complaints relating to unreasonable post-sale barriers to make a complaint: Complaint acknowledgement, management or feedback on the status of the complaint resolution not provided in a fair and timeous manner
Claims	6	Complaints relating to unreasonable post-sale barriers to submit a claim: Claim not processed in a fair and timeous manner Claim process to dispute a repudiated claim not followed
Accessibility to switch or change a policy and / or financial product	6	Complaints relating to unreasonable post-sale barriers to switch or change a policy and / or financial product

5 Documented Complaints Management Framework (“CMF”)

Entities subject to this policy must have a documented Complaints Management Framework (“CMF”).

The CMF must:

- be proportionate to the nature, scale and complexity of Discovery’s business and risks;
- be appropriate for the business model, financial products, financial services, clients and beneficiaries;
- enable complaints to be considered after taking reasonable steps to gather and investigate all relevant and appropriate information and circumstances, with due regard to the fair treatment of complainants; and
- not pose unreasonable barriers to the complainant.

The CMF must be reviewed on an annual basis.

The CMF must provide for the following:



- a. relevant objectives, key principles and the proper allocation of responsibilities for dealing with complaints;
- b. appropriate performance standards and remuneration and reward strategies for complaints management to ensure objectivity and impartiality;
- c. documented procedures for the appropriate management and categorisation of complaints, including expected service levels, timeframes and the circumstances under which any of the timeframes may be extended;
- d. documented procedures which clearly define the escalation, decision-making, monitoring and oversight and review processes within the CMF;
- e. appropriate complaint record keeping, monitoring and analysis of complaints, and reporting to any relevant stakeholders on
 - identified risks, trends and actions taken in response thereto;
 - the effectiveness and outcomes of the CMF;
- f. appropriate communication with complainants and / or their authorised representatives on the complaints and the complaints processes and procedures;
- g. appropriate standards for engagement between Discovery and a relevant Ombud, authority and / or regulator for the resolution of a complaint where applicable;
- h. appropriate engagement with the applicable authority and / or regulator for reporting requirements and public reporting;
- i. process for managing complaints relating to Discovery's service and / or third party providers that must:
 - enable reasonable satisfaction that the service and / or third party provider has adequate complaints management processes in place to ensure the fair treatment of complainants;
 - provide for monitoring and analysis of aggregated complaints data in relation to complaints received by the service and / or third party provider and their outcomes;
 - include effective referral processes between Discovery and the service and / or third party provider for handling and monitoring complaints that are submitted directly to either of them and require referral to the other for resolution; and
 - include processes to ensure that complainants are appropriately informed of the process being followed and the outcome of the complaint; and
- j. regular monitoring of the CMF.

6 Training and Resources

Each entity must ensure that all complaints handling staff are:

- a. adequately trained;
- b. knowledgeable on the business financial products and financial services, associated legal or regulatory requirements, processes (including the recording of complaints); and
- c. must not be subject to any conflict of interest.

Each entity must also ensure proper delegation of authority, segregation of duties, adequate manpower and other resources for the complaint resolution system.



7 Complaints Escalation and review process

Each entity must establish and maintain an appropriate and simplified internal complaints escalation and review process that should:

- a. follow a balanced approach, bearing in mind the legitimate interests of all parties involved including the fair treatment of complainants;
- b. provide for the internal escalation of complex or unusual complaints where applicable;
- c. provide for complainants to escalate complaints not resolved to their satisfaction; and
- d. be allocated to an impartial, senior functionary within Discovery or appointed by Discovery for managing the escalation or review process where applicable.

8 Redress

Where a complaint is upheld, any commitment made by Discovery to make either a goodwill or ex-gratia or a compensation payment or take any other action must be fulfilled timeously as agreed with the complainant.

- a. A *goodwill or ex-gratia* payment is a gesture, not limited to a monetary payment, by Discovery to a complainant, as an expression of goodwill. It is aimed at resolving a complaint where Discovery does not accept liability for any financial loss as a result of the matter complained about.
- b. A *compensation* payment is a payment by Discovery to a complainant where Discovery accepts liability for having caused the financial loss incurred as proven by the complainant. It may include interest as a result of any action or failure by Discovery to act, or unfair treatment of that complainant. Compensation payments exclude any goodwill gestures or payments made in terms of a contract between Discovery and the complainant or any refund of an amount paid by or on behalf of the complainant to Discovery where such payment was not due (including any late payment of amounts).

9 Record keeping, Monitoring and Analysis

Discovery must ensure the accurate, efficient and secure recording of complaints and complaints related information in terms of the following:

- a. all relevant details of the complainant and subject matter of the complaint;
- b. copies of all relevant evidence, correspondence and decisions;
- c. the complaint categorisations in terms of TCF; and
- d. progress of the status of the complaint, including whether such progress was achieved within the set timeframes.

In addition, the following data in respect of reportable complaints must be maintained, where applicable, on an on-going basis to identify any specific trends or practices that need to be reviewed to ensure products, services, operational processes and advice rendered are structured correctly and performing:

- a. number of complaints received;
- b. number of complaints upheld wholly or partially;
- c. number of rejected complaints and reasons for the rejection;
- d. number of complaints escalated by complainants to the internal complaints escalation process;
- e. number of complaints referred to an Ombud, authority and / or regulator and their outcome;



- f. number and amounts of compensation payments made;
- g. number and amounts of goodwill, ex-gratia or compensation payments made;
- h. total number of complaints outstanding;
- i. average turn-around time for the resolution of complaints; and
- j. number of complaints resolved outside of agreed timeline.

This data must be processed in a reportable format that can be distributed to the appropriate stakeholders on a regular basis (see [Data Management & Governance Policy](#)).

10 Communication with Complainants

Discovery must ensure the CMF provides for a single point of contact that is easily accessible to all Discovery clients and consumers and must clearly indicate the complaints process, contact details for complaints and applicable timelines per business entity. This must be provided in clear and easily understandable language and at no cost to the complainant.

The following disclosures must be made, where applicable, to a complainant upon receipt of a complaint:

- a. the type of information required from a complainant;
- b. where, how and to whom a complaint and related information must be submitted;
- c. expected turnaround times in relation to complaints; and
- d. any other relevant responsibilities of a complainant.

At the earliest reasonable opportunity (preferably within 3 working days) after the receipt of a complaint, acknowledgement and communication regarding the process to be followed with respect to the handling of the complaint must be provided, where applicable, to the complainant including:

- a. contact details of the person or department that will be handling the complaint;
- b. indicative timelines for addressing the complaint;
- c. details of the internal complaints escalation and review process if the complainant is not satisfied with the outcome of a complaint; and
- d. details of escalation of complaints to the office of a relevant applicable Ombud, authority and / or regulator where applicable.

Discovery has a duty to keep complainants adequately informed by providing feedback timeously on:

- a. the progress of their complaint;
- b. causes of any delay in the finalisation of a complaint and revised timelines; and
- c. Discovery's decision in response to the complaint.
- d. Alternative options or redress available to clients.

11 Ombud, Authority and Regulator Engagement

In order to facilitate the appropriate level of interaction with the applicable Ombud, authority and / or regulator that is open and honest, Discovery must:



- a. have appropriate processes in place for engagement with any relevant Ombud, authority and / or regulator in relation to its complaints;
- b. clearly and transparently communicate the availability and contact details of the relevant Ombud, authority and / or regulator services to complainants at all relevant stages of the relationship, including at point of sale, in relevant periodic communications, and when a complaint is rejected or in terms of an insurance policy, when a claim is repudiated;
- c. display and/or make available information regarding the availability and contact details of the relevant Ombud, authority and / or regulator services on the Discovery website;
- d. maintain specific records and carry out specific analysis of complaints referred to them by the Ombud, authority and / or regulator and the outcomes of such complaints;
- e. monitor determinations, publications and guidance issued by any relevant Ombud, authority and / or regulator with a view to identifying failings or risks in Discovery's own financial products, financial services or practices; and
- f. endeavour to resolve a complaint before a final determination or ruling is made by an Ombud, authority and / or regulator, or through its internal escalation process, without impeding or unduly delaying a complainant's access to an Ombud, authority and / or regulator.

Please refer to Annexure C for a list of Ombuds, Authorities and regulators that regulate specific entities within the Discovery Group.

12 Retention of Records

Discovery (South African entities) have a duty to retain all complaints records for a period of at least five (5) years post termination of a policy (see [Data Retention and Archiving Standard](#)).

13 Compliance with this Policy

Discovery views any non-compliance to this policy as well as any non-compliance with its obligations in terms of legislation in a serious light. Any deliberate action by an employee to contravene the above will be subject to disciplinary action.

Compliance with this policy will be monitored by the Discovery Risk & Compliance Committee. Any breach of, or non-compliance with this policy must be communicated to the policy owner as soon as reasonably practical. The policy owner, with input from key stakeholders, will consider the appropriate action(s) required to address the non-compliance. If agreement on the appropriate action(s) cannot be reached, the matter will be escalated to the chair of the Discovery Risk & Compliance Committee. The chair of the Discovery Risk & Compliance Committee will decide whether the breach or non-compliance is sufficiently material to be escalated further, and if so, to which Board/committee/person.

All instances of non-compliance with this framework will be included within the regular compliance reporting process.



Annexure A

1. DEFINITIONS

The following definitions apply in the way Discovery identifies and manages the different types of complaints received:

“Authority” refers to a person and / or organisation having legislative, regulatory and / or administrative power and control within a defined jurisdiction.

“Client” A policyholder, member, planholder or retail financial customers (collectively referred to as “client”).

“Complainant” A person who submits a complaint and includes a:

- a) financial customer or the financial customer’s successor in title;
- b) beneficiary or the beneficiary’s successor in title;
- c) person whose life is insured under an insurance policy;
- d) person that pays any premium, contribution or money in respect of a financial product or financial service;
- e) member or member spouse of a pension fund, insurance group scheme (or other type of member based product or scheme; or
- f) potential financial customer or potential member of a pension fund, insurance group scheme or other type of member based product or scheme; and
- g) a person who has a direct interest in the agreement, financial product or financial service to which the complaint relates, or a person legally acting on behalf of such a person.

“Complaint” A written or oral expression of dissatisfaction, made to or about any entity within the Discovery Group. The expression of dissatisfaction can be made with regards to a client query and / or post the internal completion process, relating to its products, services, staff, intermediaries, unfair treatment, maladministration, contravention of any contractual arrangement or any law and negligence which has caused harm, prejudice, distress or substantial inconvenience to the complainant.

“Client Query” A written or oral request by or on behalf of a client, for information regarding Discovery’s financial products, financial services or related processes, or to complete a transaction or action in relation to it.

“Financial Service” refers to professional services involving the advice, intermediation, investment, lending, and management of money and assets in relation to a financial product including:

- a) Offering, promoting, marketing or distributing;
- b) providing advice, recommendations or guidance;
- c) providing intermediary services;
- d) operating or managing;
- e) providing administration services;
- f) provision of credit and debt collection services; and
- g) a service provided to a financial services provider through an outsourcing arrangement

“Financial Product” refers to:



- a) securities and instruments;
- b) a participatory interest in one or more collective investment schemes;
- c) a long-term or a short-term insurance contract or policy;
- d) a benefit provided by -
 - i. a pension fund organisation
 - ii. a friendly society
- e) a foreign currency denominated investment instrument, including a foreign currency deposit;
- f) a bank deposit
- g) a health service benefit
- h) a provision of credit, warranty, guarantee or credit support;
- i) short and long-term deposits; and

any loyalty or wellness programmes linked to a financial product.

“Internal Complaints Resolution Systems and Procedures” refers to the system and procedures established and maintained by Discovery for the resolution of complaints.

“Ombud” refers to an official and / or organisation appointed to investigate clients’ complaints against Discovery.

“Resolution” or “Internal Resolution” refers to the process of resolving a complaint through and in accordance with the internal complaints resolution system and procedures of Discovery.

“Reportable Complaint” A complaint other than a complaint that has been:

- a) upheld immediately;
- b) upheld within the ordinary processes for handling client queries, provided that it does not take more than five business days to complete; or
- c) submitted to or brought to the attention of Discovery in such a manner that Discovery does not have a reasonable opportunity to record the details of the complaint in the prescribed manner.

“Upheld Complaint” A complaint that has been finalised wholly or partially in favour of the complainant in such a manner that the complainant has either:

- a) explicitly accepted that the matter is fully resolved;
- b) it is reasonable for Discovery to assume that the complainant has accepted the suggested solution; and
- c) undertakings made by Discovery 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 Discovery within a time acceptable to the complainant.

“Rejected Complaint” A complaint that was not upheld. Discovery regards the complaint as finalised after advising the complainant that it does not intend to take any further steps or actions to resolve the complaint. This includes complaints regarded by Discovery as unjustified or invalid, or where the complainant does not accept or respond to Discovery’s proposals to resolve the complaint.

“Privacy Complaint” A complaint where any person either alleges interference or infringement with client information or privacy rights. Interference with the protection of information of a client consists of:

- a. Failure:
 - to comply with any of the conditions for lawful processing of personal information;



- to report to the applicable authority or and client;
- by a person acting under the authority of the applicable authority to keep any personal information in their possession confidential;
- to comply with the electronic direct marketing requirements;
- to inform a client prior to including information about them in a directory;
- automated decisions which results in legal consequences for a client which affects them in a substantial degree;
- to the cross-border transfer of personal information requirements; and

b. A breach of any provision regarding applicable data privacy legislation.

“Vulnerable Consumer” A consumer who, due to their personal circumstances, is especially susceptible to detriment, particularly when Discovery is not acting with appropriate levels of care.



Annexure B1

Annexure B1 sets out the specific legislative requirements relating to the following entities, their employees and representatives, as per the Financial Advisory and Intermediary Services Act, 2002 - General Code of Conduct for Authorised Financial Services Providers and Representatives:

- Discovery Health (Pty) Limited;
- Discovery Life Collective Investment Services (Pty) Limited;
- Vitality (Pty) Limited;
- Discovery Life Limited;
- Discovery Life Investment Services (Pty) Limited;
- Discovery Insure Limited; and
- Discovery Bank.

1. COMPLAINTS MANAGEMENT PROCESS

In order to maintain and operate an adequate and effective complaints management process, the following must be adhered to, where applicable:

- a. request that any client who has a complaint against Discovery must lodge such complaint in writing;
- b. maintain a record of such complaints for a period of five years from date of termination of the policy;
- c. handle complaints from clients in a timely and fair manner;
- d. take steps to investigate and respond promptly to such complaints; and
- e. where such a complaint is not resolved to the client's satisfaction, advise the client of any further steps which may be available to the client in terms of the Financial Advisory and Intermediary Services Act, 2002 or any other applicable law.

The complaints management process must be reviewed on an annual basis.

1.1. BASIC PRINCIPLES OF SYSTEMS AND PROCEDURES

An internal complaint resolution systems and procedures must be maintained, based on the following:

- a. Maintenance of a comprehensive complaints policy outlining Discovery's commitment to, and system and procedures, for internal resolution of complaints;
- b. transparency and visibility: ensuring that clients have full knowledge of the procedures for resolution of their complaints;
- c. accessibility of facilities: ensuring the existence of easy access to such procedures at any office or branch of Discovery open to clients, or through ancillary postal, fax, telephone or electronic helpdesk support; and
- d. fairness: ensuring that a resolution of a complaint can during and by means of the resolution process be effected which is fair to both clients and Discovery.



1.2. RESOLUTION OF COMPLAINTS

The internal complaint resolution system and procedures of Discovery must be designed to ensure the existence and maintenance of at least the following for purposes of effective and fair resolution of complaints:

- a. Availability of adequate manpower and other resources;
- b. adequate training of all relevant staff, including imparting and ensuring full knowledge of the provisions of the Financial Advisory and Intermediary Services Act, 2002 - General Code of Conduct for Authorised Financial Services Providers and Representatives with regard to resolution of complaints;
- c. ensure that responsibilities and mandates are delegated to facilitate complaints resolution of a routine nature;
- d. ensure that there is provision for the escalation of non-routine serious complaints and the handling thereof by staff with adequate expertise; and
- e. internal follow-up procedures to ensure avoidance of occurrences giving rise to complaints, or to improve services and complaint systems and procedures where necessary.

1.3. SPECIFIC OBLIGATIONS

1. In addition, the internal complaint resolution system and procedures of Discovery must contain processes that —
 - a. must:
 - i. reduce the details of the internal complaint resolution system and procedures of the provider, including all subsequent updating or upgrading thereof, to writing;
 - ii. provide that access to the procedures is at all times available to clients at any relevant office or branch of Discovery, or by electronic medium, and that such availability is appropriately made known by public press or electronic announcements or separate business communications to existing clients;
 - iii. include in the details as per point (i), a reference to the duties of Discovery, and
 - a. Where a complaint cannot within three weeks be addressed by Discovery, Discovery must as soon as reasonably possible after receipt of the complaint send to the complainant a written acknowledgment of the complaint with contact references of the complaints department.
 - b. If within six weeks of receipt of a complaint Discovery has been unable to resolve the complaint to the satisfaction of the complainant, Discovery must inform the Complainant that
 - i. the complaint may be referred to the Ombud or regulator if the complainant wishes to pursue the matter; and
 - ii. the complainant should do so within six months of receipt of such notification.
 - iv. include the escalation details which will apply whenever the client, after dismissal of a complaint, wishes to pursue further proceedings with the applicable Ombud or regulator including the name and contact details of such Ombud or regulator.
 - b. must stipulate that complaints must, if possible, be submitted in writing and must contain all relevant information, and that copies of all relevant documentation must be attached thereto;
 - c. must provide that the receipt of complaints is promptly acknowledged in writing to the client, with communication particulars of contact staff to be involved in the resolution of the complaint, and are properly internally recorded by the relevant staff for record keeping and timeous processing.
 - d. must make provision that after the receipt and recording of a particular complaint, the complaint will as soon as practically possible be forwarded to the relevant staff appointed to consider its resolution, and that—
 - i. the complaint receives proper consideration;



- ii. appropriate management controls are available to exercise effective control and supervision of the consideration process;
 - iii. the client is informed of the results of the consideration within six weeks of receipt. Provided that if the outcome is not favourable to the client, full written reasons must be furnished to the client within six weeks, and the client must be advised that the complaint may within six months be pursued with the Ombud whose name, address and other contact particulars must simultaneously be provided to the client.
2. In any case where a complaint is resolved in favour of a client, the provider must ensure that a full and appropriate level of redress is offered to the client without any delay.

Please refer to Annexure C for a list of Ombuds, Authorities and regulators that regulate specific entities within the Discovery Group.



Annexure B2

Annexure B2 sets out the specific legislative requirements relating to the following entities, their employees and representatives, as per The Guernsey Financial Services Commission - The Licensed Insurer's (Conduct of Business) Rules, 2018.

- Discovery Life Collective Investment Services (Pty) Limited.

1.1. TIMELY AND FAIR MANNER COMPLAINTS HANDLING

Discovery, as a licensed insurer, must:

- handle complaints in a timely and fair manner;
- have in operation, and ensure compliance with, a written procedure for the effective consideration and fair and proper handling of any complaints relating to Discovery's insurance business, howsoever received;
- ensure that each of its officers and employees responsible for dealing with clients is at all times aware of this procedure and of the obligation to follow it;
- make information on their financial products, financial services and procedures on complaints handling available to its clients;
- respond to complaints without unnecessary delay; complainants should be kept informed about the handling of their complaints;
- send a written final response in relation to the complaint prior to the complaint response date. A 'final response' must:
 - accept the complaint and offer any appropriate redress and/or remedy; or
 - offer redress and/or remedy without accepting the complaint; or
 - reject the complaint and give clear reasons for doing so;
- in the 'final response' also advise the complainant in writing that, if the complainant remains dissatisfied, it can refer the complaint to the Ombud and also advise the complainant that they may inform the Commission directly of the complaint;
- inform the Commission within fourteen days after the complaint response date, in the event that Discovery fails to issue a 'final response' by the complaint response date;
- the Commission within fourteen days of it first becoming aware of a significant complaint and shall also advise the complainant that it may inform the Commission directly of the complaint;
- maintain a register in which it records any complaints received, along with sufficient details to allow it to be able to demonstrate that it has dealt (or is dealing) with such complaints in accordance with these Rules and any other applicable provisions of the Law;
- analyse the complaints they receive to identify failures, trends and recurring risks and to identify, and enable them to correct, common root causes; and
- analyse complaints that they receive against intermediaries in respect of products that the intermediaries have distributed on their behalf, to enable them to assess the complete client experience and identify any issues that need to be addressed.

1.2. INTERPRETATION

In terms of Annexure B2, unless the context requires otherwise:



“Complaint Response Date” means three months from the date which the complaint is first received by Discovery or first becomes aware of the complaint (whichever date is earlier).

“Significant Complaint” means a complaint alleging a breach of the Law, mala fides, malpractice or impropriety, or repetition or recurrence of a matter previously complained of (whether significant or otherwise).

Please refer to Annexure C for a list of Ombuds, Authorities and regulators that regulate specific entities within the Discovery Group.



Annexure B3

Annexure B3 sets out the specific legislative requirements relating to the following entities, their employees and representatives as per the Consumer Protection Act, 2008:

- Vitality (Pty) Limited.

1.1. PROTECTION OF CLIENT RIGHTS

If a client has exercised, asserted or sought to uphold any right set out in the Consumer Protection Act, 2008 or in an agreement or transaction with Discovery, Discovery must not, in response:

- a. discriminate directly or indirectly against that client, compared to Discovery's treatment of any other client who has not exercised, asserted or sought to uphold such a right;
- b. penalise the client;
- c. alter, or propose to alter, the terms or conditions of a transaction or agreement with the client, to the detriment of the client; or
- d. take any action to accelerate, enforce, suspend or terminate an agreement with the client.

1.2. ENFORCEMENT OF RIGHTS BY CLIENT

A client may seek to enforce any right in terms of Consumer Protection Act, 2008 or in terms of a transaction or agreement, or otherwise resolve any dispute with Discovery, by:

- a. referring the matter directly to the Tribunal, if such a direct referral is permitted by Consumer Protection Act, 2008 in the case of the particular dispute; or
- b. referring the matter to the applicable Ombud with jurisdiction, if Discovery is subject to the jurisdiction of any such Ombud.

Please refer to Annexure C for a list of Ombuds, Authorities and regulators that regulate specific entities within the Discovery Group.



Annexure C

1. OMBUDS AND AUTHORITIES

South Africa

FAIS OMBUDSMAN	Tel: 012 762 5000 Email: info@faisombud.co.za Website: www.faisombud.co.za Physical Address: Kasteel Park Office Park, Orange Building, 2nd Floor, 546 Jochemus Street, Erasmus Kloof, Pretoria, 0048 Postal Address: PO Box 74571, Lynwood Ridge, 0040
OMBUDSMAN FOR LONG TERM INSURANCE	Tel: 021 657 5000 Toll free: 086 0103 236 Fax: 021 674 0951 Email: info@ombud.co.za Website: http://www.ombud.co.za Physical Address: Third Floor, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town, 7700 Postal Address: Private Bag X45, Claremont, Cape Town, 7735
OMBUDSMAN FOR SHORT TERM INSURANCE (OSTI)	Tel: 011 726-8900 Toll free: 0860 726 890 Fax: 011 726 5501 Email: info@osti.co.za Website: www.osti.co.za Physical Address: 1 Sturdee Avenue, 1st Floor, Block A, Rosebank, Johannesburg, 2196 Postal Address: PO Box 32334, Braamfontein, 2017
CREDIT OMBUDSMAN	Tel: 0861 OMBUDS (0861 662 837) SMS: "Help" to 44786 Fax: 086 674 7414 Email: ombud@creditombud.org.za Website: http://www.creditombud.org.za Physical Address: Fernridge Office Park, 5 Hunter Street, Ferndale, Randburg Postal Address: P.O. Box 805, Pinegowrie, 2123
OMBUDSMAN FOR BANKING SERVICES	Tel: 0860-800-900 Email: info@obssa.co.za Website: https://www.obssa.co.za Physical Address: 34 - 36 Fricker Road, Ground Floor, 34 Fricker Road, Illovo, Johannesburg



CONSUMER GOODS AND SERVICES OMBUDSMAN (CGSO)	Tel: 0860 000 272 Fax: 086 206 1999 Email: info@cgso.org.za Website: http://www.cgso.org.za Physical Address: 292 Surrey Avenue, Ferndale, Randburg Postal Address: PO Box 3815, Randburg, 2125
NATIONAL CREDIT REGULATOR (NCR)	Tel: 011 554 2600 or 0860 627 627 E-mail: complaints@ncr.org.za Website: www.ncr.org.za Physical Address: 127-15th Road, Randjespark, Midrand, Johannesburg, 1685 Postal Address: PO Box 209, Halfway House, 1685
FINANCIAL SECTOR CONDUCT AUTHORITY (FSCA)	Tel: 0800 20 3722 Switchboard: 012 428 8000 Fax: 012 346 6941 Email: info@fsc.co.za Website: www.fsc.co.za Physical Address: Riverwalk Office Park, Block B, 41 Matroosberg Road, (Corner Garsfontein and Matroosberg Roads), Ashlea Gardens, Extension 6, Menlo Park, Pretoria, South Africa, 0081
PRUDENTIAL AUTHORITY (PA)	Switchboard: 012 313 3911 Email: PA-resbank.co.za/PrudentialAuthority Website: www.fsb.co.za Physical Address: South African Reserve Bank, 370 Helen Joseph Street, Pretoria, 0002 Postal Address: P.O. Box 8432, Pretoria, 0001
NATIONAL CONSUMER COMMISSION (NCC)	Tel: 012 761 3200/3000/3400 Fax: 086 758 4990 E-mail: complaints@thncc.org.za Website: www.thncc.gov.za
COUNCIL FOR MEDICAL SCHEMES (CMS)	Tel: 0861 123 267 Fax: 086 673 2466 E-mail: complaints@medicalschemes.com Website: www.medicalschemes.com Physical address: Block A, Eco Glades 2 Office Park, 420 Witch - Hazel Avenue, Eco Park, Centurion, 0157 Postal address: Private Bag X34, Hatfield, 0028
INFORMATION REGULATOR (SOUTH AFRICA)	Tel: 012 406 4818 Fax: 086 500 3351 E-mail: infoereg@justice.gov.za Website: www.justice.gov.za Physical address: SALU Building, 316 Thabo Sehume Street, Pretoria

United Kingdom



FINANCIAL CONDUCT AUTHORITY (FCA)	Tel: +44 207 066 1000 / 0800 111 6768 E-mail: complaints@fca.org.uk / UKFCAInternationalRequests@fca.org.uk Website: www.fca.org.uk Physical address: 12 Endeavour Square, London, E20 1JN
FINANCIAL OMBUDSMAN SERVICE (FOS)	Tel: 0800 023 4567 E-mail: technical.desk@financial-ombudsman.org.uk Website: www.financial-ombudsman.org.uk Physical address: Exchange Tower, Harbour Exchange, London, E14 9SR
Guernsey	
CHANNEL ISLANDS FINANCIAL OMBUDSMAN	Tel: Jersey: +44 (0) 1534 748610 Guernsey/Alderney/Sark: +44 (0) 1481 722218 International: +44 1534 748610 Fax: +44 1534 747629 Email: enquiries@ci-fo.org Website: https://www.ci-fo.org/ Postal Address: P O Box 114, Jersey, Channel Islands, JE4 9QG