



# **COMPLAINTS MANAGEMENT FRAMEWORK**

Make Capital Ltd

Registration: 15900

License Number: L15900/MC

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## 1. Introduction

Make Capital Ltd is a Financial Services Provider regulated by the Autonomous Island of Anjouan with Union of Comoros offshore finance authority. Section 17 of The General Code of Conduct for Financials Services Providers and Representatives (GCoC) requires Financial Service Providers to devise and implement a complaint handling process.

The Complaints Management Framework is a guiding principle on the handling, processing, and escalation of complaints to ensure fair outcomes, manage business risk and conform to regulatory obligations. The process seeks to align with the concept of treating customers fairly in support of the Financial Sector Conduct Authorities mandate.

## 2. Definitions

**Client query** - means a request to the provider or the provider'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.

**Complainant** means a person who submits a complaint and includes a—

- a. client;
- b. person nominated as the person in respect of whom a product supplier should meet financial product benefits or that persons' successor in title;
- c. person whose life is insured under a financial product that is an insurance policy;
- d. person that pays a premium or an investment amount in respect of a financial product;
- e. member;
- 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);

**Complaint** means an expression of dissatisfaction by a person to a provider or, to the knowledge of the provider, to the provider's service supplier relating to a financial product or financial service provided or offered by that provider which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a client query, that—

- a. the provider 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 the provider or to which it subscribes;
- b. the provider or its service supplier's maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
- c. the provider or its service suppliers has treated the person unfairly.

**Compensation payment** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of a provider to a complainant to compensate the complainant for a proven or estimated financial loss incurred as a result of the provider's contravention, non-compliance, action,

failure to act, or unfair treatment forming the basis of the complaint, where the provider accepts liability for having caused the loss concerned, but excludes any—

- a. goodwill payment;
- b. payment contractually due to the complainant in terms of the financial product or financial service concerned; or
- c. refund of an amount paid by or on behalf of the complainant to the provider where such payment was not contractually due;

and includes any interest on late payment of any amount referred to in (b) or (c);

**Goodwill Payment** means a payment, whether in monetary form or in the form of a benefit or service, by or on behalf of a provider to a complainant as an expression of goodwill aimed at resolving a complaint, where the provider does not accept liability for any financial loss to the complainant as a result of the matter complained about;

**Member** in relation to a complainant means a member of a—

- a. pension fund as defined in the Pension Funds Act 52 of 1956;
- b. friendly society as defined in of the Friendly Societies Act 25 of 1956;
- c. medical scheme as defined in of the Medical Schemes Act 131 of 1998) or
- d. group scheme as contemplated in the Policyholder Protection Rules made under section 62 of the Long-term Insurance Act, 1998, and section 55 of the Short-term Insurance Act, 1998;

**Rejected** in relation to a complaint means that a complaint has not been upheld and the provider 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 the provider as unjustified or invalid, or where the complainant does not accept or respond to the provider's proposals to resolve the complaint;

**Reportable Complaint** means any complaint other than a complaint that has been—

- (a) upheld immediately by the person who initially received the complaint;
- (b) upheld within the provider's ordinary processes for handling client 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
- (c) submitted to or brought to the attention of the provider in such a manner that the provider does not have a reasonable opportunity to record such details of the complaint as may be prescribed in relation to reportable complaints; and

**Upheld** means that a complaint has been finalised wholly or partially in favour of the complainant and that—

- (a) the complainant has explicitly accepted that the matter is fully resolved; or
- (b) it is reasonable for the provider to assume that the complainant has so accepted; and
- (c) all undertakings made by the provider to resolve the complaint have been met or the complainant has explicitly indicated its satisfaction with any arrangements to ensure such undertakings will be met by the provider within a time acceptable to the complainant.

### 3. Purpose

The objective of the complaints process is to uphold the principle of fairness, transparency and accountability when engaging with complainants and complaints. This will promote the integrity and good standing of the organisation and ensure fair outcomes to clients. It is the view of the governing body and management that all complainants must be treated fairly, respectfully, and expeditiously. Therefore, the FSP's purpose of establishing the framework is to:

- To provide processes for redress where the provider or its service provider has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the provider or to which it subscribes;
- To provide processes for accountability, responsibility and redress where the provider or its service supplier's maladministration or wilful or negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience.
- To embed a process that is appropriate and commensurate with the nature, scale and complexity of the business and its risk
- provide complainants with a simple and accessible complaints handling procedure
- ensure that all staff understand how and when to handle a complaint
- ensure that complainants understand the process of lodging a complaint
- ensure that complaints are handled fairly, expeditiously, respectfully and with the required level of sensitivity
- To ensure impartiality and objectivity in the handling of complaints
- Ensure that the complaints process is clear, transparent, and properly documented
- To ensure that complaints are monitored to improve service delivery and increase confidence in our business
- To provide for a clear procedure detailing time frames, escalation processes, monitoring, review, and oversight
- To identify risks, trends and actions taken in response to complaints
- To analyse and document the effectiveness and outcomes of the complaints management framework.

The complaints framework will be updated according to any legal determinations, publications and guidance issued by the **ombudsman**, as and when necessary, based on the stipulated timelines as advised by legislation or the **ombudsman**, or at least annually in the absence of the above.

### 4. Our Policy

Make Capital Ltd is committed to providing the highest standard of service to its clients and customers. All complaints are taken seriously and resolved as soon as reasonably practical and as closely as possible to the allocated time frames. The governing body/senior management is responsible for the establishment, maintenance, and operation of an adequate and effective complaints management framework that is commensurate with the scale and complexity of our business. The framework is designed to coincide with our business processes, model and our client offering. Our policy is to endeavour to:

- handle all complaints fairly and ensure that all complainants receive the assistance they require without unreasonable barriers to the complaints process.
- The complaints process is open to all clients who use our services, have complaints about representatives, products, or other related services.
- All complaints will be addressed according to the procedure detailed herein and given the level of confidentiality they deserve subject to any laws that may preclude such right.

- A register of complaints will be maintained and monitored according to the detail provided herein.
- The complaints procedure will be monitored regularly to ensure that it is fair and non-discriminatory.
- All staff and management will familiarise themselves with the complaints and the contents of this document and ensure compliance with the processes therein.

## 5. Responsibility

The board of directors, the governing body, or the key individual of the provider, excluding a representative, is responsible for effective complaints management and must approve and oversee the effectiveness of the implementation of the provider's complaints management framework. Persons responsible for making decisions or recommendations in respect of complaints generally or a specific complaint will be:

- adequately trained;
- have an appropriate mix of experience, knowledge and skills in complaints handling, fair treatment of customers, the subject matter of the complaints concerned and relevant legal and regulatory matters;
- not be subject to a conflict of interest; and
- suitably empowered to make impartial decisions or recommendations.

## 6. The Complaints Process

The process is established in consideration of the complainant; no internal process must cause frustration and any delays to the resolution. Any instances of delay must be managed by the complaints manager and discussed with executive management to facilitate a review or replacement of such process.

### 6.1 Submission of complaints

Complaints may be submitted to the product supplier or **Make Capital Ltd** according to the nature of the complaint.

You have a right to lodge a complaint should you feel that any representative of **Make Capital Ltd** has contravened or failed to comply with a provision of this Act, and that as a result thereof you have suffered or are likely to suffer:

- financial prejudice or damage;
- or if any representative of **Make Capital Ltd** has willfully or negligently rendered a financial service to you which has, or is likely to cause prejudice or damage to you;
- or where you believe you have been treated unfairly.

Your complaint must be lodged in writing with the internal compliance officer or compliance department of the **Make Capital Ltd** or product supplier and follow the internal complaints and escalation processes.

The governing body of **Make Capital Ltd** is responsible for the formulation, adoption, and implementation of the internal complaints processes. Complaints are handled by a suitably qualified person.

The following information must be provided with the complaint: Name

Surname

Contact number  
Details of the complaint or query  
Reference number or policy number

## 7. Complaints Review and Escalation

### 7.1 Acknowledgement of receipt

Make Capital Ltd will ensure that the complainant receives acknowledgement of the complaint using email communication within 48 hours of receipt of complaint. The email will indicate that a formal response will be provided within 7 days of the initial 48hour communication. Depending on the complexity of the matter the response may extend to 14 days. Upon receipt of the response the complainant will have 7 days within which to respond to the communication from Make Capital Ltd. The Make Capital Ltd will endeavour to resolve all complaints within 6 weeks, failure of which the complaint may approach the ombudsman for determination. The complainant may also approach our statutory compliance officers for an alternative view prior to contacting the ombudsman. Complaints lodged with the ombudsman must be submitted within 6 months from the date the FSPs final response.

### 7.2 Review and escalation

- All complaints received via any medium, will be handled internally by a representative of the complaints department.
- Should the representative fail to resolve the complaint to the satisfaction of the complainant, the complaint will be escalated to the Complaints manager.
- The complaints manager will exercise reasonable care and skill to ensure that the complaint is resolved amicably and within reasonable time.
- The complainant will be kept informed during the process.
- The Manager will ensure that the complaint is attended to and resolved within 6 weeks as per legislation.
- In the event there is a delay in the resolution feedback, this must be communicated to the complainant and managed within the correct time frame.

### 7.3 Final Decision

- The final decision and outcome for the complaint will be officially communicated to the complainant.
- The details for all regulatory bodies' escalation channels will be provided to the complainant together with the outcome/resolution of the complaint such as the details of the compliance officer of Make Capital International Ltd, product supplier and that of the ombudsman.

## 8. Categorisation of Reportable Complaints:

The organisation will categorise its complaints according to the categories below and will in addition include any other relevant categories unique to its product offering, business, and industry. This will allow for the appropriate recording, documentation, reporting and analysis of trends for the purpose of grouping complaints received by Make Capital International Ltd and appropriate formulation of responses and remediation processes. The complaints will be categorised in the following manner in accordance with the GCoC and in conformity

with the product provisions of Make Capital International Ltd and business activities. These will be outlined in a register of complaints relating to:

- to the design of a financial product, financial service or related service, including the fees, premiums or other charges related to that financial product or financial service.
- to information provided to clients.
- to financial product or financial service performance.
- to a service to clients, including complaints relating to premium or investment contribution collection or lapsing of a financial product.
- to financial product accessibility, changes or switches, including complaints relating to redemptions of investments.
- to complaints handling
- to insurance risk claims, including non-payment of claims; and

These complaints will be handled by Make Capital International Ltd or channeled to the relevant product supplier for investigation and feedback and the complainant will be informed accordingly. Make Capital International Ltd has no influence or contribution to any decision making around complaints escalated to the product supplier. The product supplier has full discretion to share responses in relation to these complaints. Make Capital International Ltd may take necessary action against any representative found guilty of such a complaint, this must be shared with the product supplier and authorities.

## 9. Record Keeping, monitoring and analysis of complaints

### 9.1 Record keeping and monitoring

The categorisation of complaints will also determine the nature of the risk and risk exposure of the FSP and inform the processes of risk management on an ongoing basis. The complaints will assist with data recording and compilation in compliance. The information obtained will be analysed and reported to the risk committee/executive management to allow for a holistic review of the process and to reduce the number of valid or reportable complaints received by the business. Make Capital Ltd will also conduct an audit of the repository of reportable complaints received to determine and ensure the accuracy, efficiency of the record keeping process which may include the following information extracted from the complaints register:

- number of complaints received.
- number of complaints upheld.
- number of rejected complaints and reasons for the rejection.
- number of complaints escalated by complainants to the internal complaint's escalation process.
- number of complaints referred to an ombud and their outcome.
- number and amounts of compensation payments made.
- number and amounts of goodwill payments made; and
- total number of complaints outstanding.
- recordings for telephonic conversations, and emails confirming electronic communication.
- Where complaints were received in hard copy, such evidence must be scanned and saved to cloud.

### 9.2 Analysis and tracking of complaints

- All complaints must be categorised correctly within the business, to allow for further analysis and decisions to eradicate certain complaints within the control of Make Capital Ltd. Where complaints result from actions taken by the product supplier, such analysis with suggestion can be shared with the product supplier for their review and change.

- The report must differentiate the complaints resolved within timelines from those that exceeded the timeline. Where complaints exceed the timeline for resolution such complaint must include feedback on the actual cause for the delay in the resolution. The risk committee will have to implement further processes with the relevant internal stakeholder to eradicate and avoid delays in timeline to resolve such complaints.
- To facilitate the above the internal complaints resolution policy must be up to date with legislation. The policy must ensure that all processes used during the complaints resolution, can categorize the complaints correctly, for the complaint to receive the required attention without any delays. All time frames in terms of feedback to the complainant must be managed without causing frustration to the complainant or authorities involved in the process.
- The Complaints management policy clearly depicts the procedures to be followed when handling of complaints. The resource dealing with the compliant must ensure that the correct processes are followed for complaints escalations, and decisions to resolve the compliant.
- The Complaints Manager is required to identify risks and place mitigating actions in place to reduce, manage, or avoid such risks. If there are trends evident from complaints, such trends must be documented and mitigated. The risk mitigation actions, any trends identified, and responses to complaints must be included in the Complaints report submitted to the risk committee and relevant stakeholders and board.
- Where Make Capital International Ltd is a sole proprietor or is a small entity, complaints will not be escalated as the Key individual of the entity will be responsible for managing complaints and will ensure that all complaints receive the required attention without any delay. Where assistance is required from another person other than the resource dealing with the compliant, the complaint must be resolved timeously, and any delay due to the nature and severity of the compliant must be managed with the complainant.
- Any compliant lodged with Make Capital International Ltd through a client, or the ombudsman must be tracked, documented, and stored for safe keeping in line with legislation to ensure that such complaint can allow for Make Capital International Ltd to implement further processes to alleviate such complaints in future.
- A Complaints Risk tracker will track against possible risk, based on the current and foreseeable complaints to be dealt with in by the business. The tracker must be updated as and when new risks/issues are dealt with. This will be looked at holistically against other business risks.
- The Complaints tracker must be continuously analysed to identify its appropriateness to Make Capital International Ltd business model, policies, services, and clients. Such analysis will be shared with the risk committee, who will engage with relevant stake holders to ensure the framework is relevant.
- Risk tracking will allow for the executive management to continuously review the framework in its entirety, to continuously improve the framework where possible, to provide for a seamless complaints resolution policy that will ensure that proper investigations are carried out on all complaints. All information gathered during the process is factually correct, without treating the complainant unfairly.

## 10. Resourcing the Complaints' Function

The Complaints Manager must be adequately resourced, to be able to deal with the ombudsman without any delay in providing all information required for the compliant to be dealt with. Make Capital International Ltd has processes in place that support the complaint manager to discharge this duty effectively. The manager can meet reporting requirements to the Authority and public in accordance with the Act.

## 11. Obtaining information from external sources

### 11.1 Obtaining information

Make Capital Ltd complaints process provides mechanisms to assist the manager to obtain information required to resolve the complaint. This entails dealing with both internal and external stakeholders in obtaining information required, within timelines that do not exceed the legal time frame allocated for resolution.

Make Capital Ltd must ensure that processes are set up correctly, with reasonable timelines between internal and external stakeholders for complaints feedback without affecting the complainant negatively. This process must align to TCF principles.

The Manager must have the ability to report on complaints and outcomes for resolution of the complaint. Such reports must be readily available to the executive management for review and risk assessment and to the authorities as and when requested.

The referral process between product suppliers and Make Capital Ltd must clearly define the time for feedback between organisations to ensure that no timeline in the resolution process is affected. The standard process is that each organisation must provide the requested information within 48hrs from receipt of such request.

This will enable each party to work on a complaint's resolution within 7 days.

Make Capital Ltd must ensure that complainant is aware of any request for information outside of the organisation to resolve a complaint. The representative must inform the complainant regarding such requests and the expected time to receive the information before a resolution can be concluded. In the event of any delays for such information requested, the complainant must be kept informed, and expectations managed during the process.

### 11.2 Reviewing the complaints policy and framework

Make Capital Ltd must ensure that during any review of the Complaints Management Framework, all changes are tracked and documented during each update. There must be a high-level summary depicting the changes during the review and update of the policy.

## 12. Decisions Relating to Complaint.

### 12.1 Upholding complaints

Where a complaint is upheld, any commitment by the provider to make a compensation payment, goodwill payment or to take any other action must be carried out without undue delay and within any agreed time frames.

### 12.2 Rejection of complaints

Where a complaint is rejected, the complainant must be advised on further steps that they can take in the event they are dissatisfied with the outcome. The details for the ombudsman must be given to the complainant should they decide to pursue the complaint further. The time limits in which to report a complaint to ombudsman must be clearly communicated to the complainant.

### 12.3 Obtaining information relating to a complaint

Make Capital Ltd will ensure that the process of obtaining information relating to a complaint is efficient. The information will be scrutinised and analysed by a provider on an ongoing basis and utilised to manage conduct risks and effect improved outcomes and processes for its clients, and to prevent recurrences of poor outcomes and errors. Make Capital International Ltd will ensure that information is secure and accurate. Information to be recorded in respect of each reportable complaint:

- all relevant details of the complainant and the subject matter of the complaint.
- copies of all relevant evidence, correspondence, and decisions.
- The category of complaint progress and status of the complaint, including whether such progress is within or outside any set timelines.

### 13. Communication with Complainants

The representative must ensure that the complainant is informed upon receipt of a complaint and ensure that the complainant understands the information required to assist with the resolution together with process of supplying such information. The Make Capital Ltd representative must correspond with the complainant regarding the intended time or delays to resolve a complaint, and manage expectations with the complainant until the complaint is finalised.

Make Capital Ltd representative must provide all details below to the complainant, during all interaction with the complainant.

#### Contact details for Complaints department of:

##### Make Capital Ltd

**Address:** Hamchako, The Autonomous Island of Anjouan, Union of Comoros

**Email:** [services@makecapital.com](mailto:services@makecapital.com)

#### Contact details for External Compliance department of:

**Your complaint should be raised with the authorised MEF who rendered the service. If the dispute is not resolved satisfactorily, refer your complaint to the Ombud. The contact details for the Anjouan Offshore Finance Authority (AOFA) are as follows:**

**Mail:** P.O. Box 439  
Moroni  
Union of the Comoros

**Street:** Government Building,  
Rue de la Mosquee  
Mutsamudu  
Anjouan  
Union of the Comoros

**Phone:** +269 771 0006

**Fax:** +269 771 0007

**Website:** [www.anjouanoffshore.com](http://www.anjouanoffshore.com)

**Email:** [compliance@anjouanoffshorefinancialauthority.org](mailto:compliance@anjouanoffshorefinancialauthority.org)

## 14. Engagement and Reporting to Authorities

A provider must have appropriate processes in place to ensure compliance with any prescribed requirements for reporting information relating to complaints to any relevant designated authority or to the public as may be required by the Registrar.

- All complaints lodged and resolved must be tracked using the Complaints tracker and readily accessible to the complaints manager for risk mitigation and analysis and reporting purposes to the authorities.
- All written communication during the complaint's resolution process must include the details for the financial services ombudsman.
- The resource dealing with telephonic communication with a complainant must furnish the complainant with details of the financial services ombudsman during all calls.
- In the event the complaint has been attended to on behalf of a Product supplier, the relationship between Make Capital International Ltd and the Product supplier must be shared with the complainant.
- The Complaints manager will adhere to honest and reasonable communication with the ombudsman, ensure they cooperate with the ombudsman, product supplier and client. This includes acting fairly being fairly, and without prejudice when dealing with complaints, as to not delay the process or the outcome of the complaint in any way. Make Capital International Ltd will endeavour to resolve a complaint before a final determination or ruling is made by an ombud, or through its internal escalation process, without impeding or unduly delaying a complainant's access to an ombud.
- The decisions of the ombudsman are binding on Make Capital International Ltd/product supplier but not the complainant
- The ombudsman decisions may be based on law or equity.
- The service of the ombudsman is free to insured persons
- The ombudsman does not provide legal advice.
- Where a report or analysis was provided by the ombudsman, Make Capital International Ltd complaints manager must ensure that findings and suggestions are implemented in the business process as required.

**ANNEXURE A**

**Categorisation of Complaints**

<b>NO</b>	<b>Category</b>	<b>Number</b>
1	Complaints relating to the design of a financial product, financial service or related service, including the fees, premiums or other charges related to that financial product or financial service.	
2	Complaints relating to information provided to clients.	
3	Complaints relating to advice.	
4	Complaints relating to financial product or financial service performance.	
5	Complaints relating to a service to clients, including complaints relating to premium or investment contribution collection or lapsing of a financial product.	
6	Complaints relating to financial product accessibility, changes or switches, including complaints relating to redemptions of investments.	
7	Complaints relating to complaints handling.	
8	Complaints relating to insurance risk claims, including non-payment of claims; and	
9	Any other complaints	

**ANNEXURE B**

**Complaints Register**

Number	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
No. of complaints received												
No. of complaints upheld												
No. of complaints rejected and reasons												
No. of escalated complaints in the internal process												
No. of complaints referred to ombud and outcome												
No. and amounts of compensation												
No. and amounts of goodwill payments												
No. of complaints outstanding												