



# COMPLAINTS RESOLUTION PROCEDURE

Version 1  
November 2023

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Appendix 1 - Complaints Form

## 1. Introduction

- 1.1. This document constitutes the complaints policy and internal complaint resolution procedures in terms of Part XI of the General Code of Conduct for Authorised Financial Services Providers and Representatives.

## 2. Purpose

- 2.1. Riza Financial Pty Ltd. ("the Company") trading under the brand Next Trade is a Company incorporated in the Republic of South Africa, with Company registration number 2021/910163/07 and registered address at OFFICE 029 1ST FLOOR 101 ISAIAH NTSHANGASE RD STAMFORD HILL DURBAN KWA-ZULU NATAL 4001. **NextTrade** is regulated and authorized by the International Financial Sector Conduct Authority ("FSCA") in the Republic of South Africa as a Financial Service Provider (FSP No.52855 ) and is authorised to provide advice and intermediary service on derivative instruments. The Company acting in its capacity as a Financial Service Provider and in accordance with the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) is required to have in place appropriate procedures to manage possible conflicts of interest and provide to its Clients relevant disclosures as described in this document.

## 3. Definitions

- 3.1. For purposes of this policy, the following words and/or phrases are defined herein:

*"Complaint"* as defined by Law means a specific complaint relating to a financial service rendered by a Financial Services Provider (the "Provider") and/or his representative to the complainant and in which complaint it is alleged that the Provider and/or his representative:

- a. Has contravened or failed to comply with a provision of the Law and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;
- b. 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 prejudice of damage; or
- c. Has treated the complainant unfairly.  
The term "complainant" is used to describe a natural or legal person who has opened an account with the Company, as per the terms and conditions set in the Account Opening Agreement and/or any other legal documentation of the Company and to whom the Company offers financial services and is eligible for lodging and/or who has already lodged a complaint a complaint against the Company.

*"Internal Complaint Resolution System and Procedures"*, in relation to a provider and a client, means the system and procedures established and maintained by the provider in accordance with this Code for the resolution of complaints by clients;

*"Ombud"* means the Ombud for Financial Services Providers referred to in section 20(2) of the Act;

*“Resolution”, or “Internal Resolution”, in relation to a complaint and a provider, means the process of the resolving of a complaint through and in accordance with the internal complaint resolution system and procedures of the provider;*

*“Rules” means the Rules on Proceedings of the Office of the Ombud for Financial Services Providers, 2002.*

#### **4. Rules for Handling a Complaint:**

##### **4.1. NextTrade must:**

- a) Request that any client who has a complaint against Next Trade lodge such a complaint in writing;
- b) Maintain a record of such a complaint for a period of five years;
- 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 Act or any other law.

#### **5. Client procedure for lodging a complaint**

**5.1.** If a client feels that any key individual and / or representative of Next Trade provided them with financial advisory or intermediary services that do not comply with the Act or if they suffered financial losses because of negligent or intentional error, the client is entitled to lodge a complaint.

**5.2.** To lodge a complaint the client must send their complaint by submitting the Complaints Form (please refer to Appendix 1) in writing to Next Trade or email it to [complaints@nexttrade.com](mailto:complaints@nexttrade.com) or [support@nexttrade.com](mailto:support@nexttrade.com) with the following information:

- a) Client name, surname and contact details;
- b) Client trading account number
- c) A complete description of the complaint
- d) The name of the key individual and/or representative that provided the client with the financial services;
- e) The date on which the matter occurred;
- f) All the supporting documentation relating to the client’s complaint; and
- g) Preferred method of communication (i.e. email/ post or fax ).

#### **6. Next Trade procedure for receiving a complaint**

**6.1.** 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.

- 6.2.** 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).
- 6.3.** 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.
- 6.4.** If you are not satisfied with the outcome, we will regard the complaint as being unsatisfactory resolved. In such 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.
- 6.5.** The Ombud acts as an adjudicator in disputes between clients and financial service 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 of 2002 and the rules promulgated in terms of that section.
- 6.6.** 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 be automatically 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 the 15<sup>th</sup> of November 2002.
- 6.7.** As soon as Next Trade receives the complaint, we will acknowledge receipt thereof in writing. We will investigate the complaint to ensure that it is resolved within six (6) weeks from receipt thereof.
- 6.8.** If we are unable to resolve the client's complaint within six (6) weeks, or should the client find our final response issued no later than those six (6) weeks not being to their satisfaction, the client has the right to refer the complaint to the office of the FAIS Ombud appointed specifically for this purpose.
- 6.9.** 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 R800 000.

**6.10.** The contact details of the FAIS Ombud are as follows:

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  
Website: [www.faisombud.co.za](http://www.faisombud.co.za)  
Email: [info@faisombud.co.za](mailto:info@faisombud.co.za)

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## **7. Type of complaints justiciable by Ombud**

**7.1.** For a client complaint to be submitted to the Office of the Ombud for Financial Services Providers (“the Office”):

- a) the complaint must fall within the ambit of the Act and the rules of the Ombud as listed hereunder;
- b) the person against whom the complaint is made must be subject to the provisions of the Act (hereafter referred to as “the respondent”);
- c) the act or omission complained of must have occurred at a time when these rules were in force; and
- d) the respondent must have failed to address the complaint satisfactorily within six weeks of its receipt.

**7.2.** A client may seek any relief relating to the subject matter of the complaint, but a complaint constituting a claim for a monetary award, must relate to the redress of financial prejudice or damage suffered or likely to be suffered by the client.

**7.3.** The complaint must not constitute a monetary claim more than R800 000.00 for a particular kind of financial prejudice or damage, unless the respondent has agreed in writing to this limitation being exceeded, or the client has abandoned the amount in excess of R800 000.00.

**7.4.** The Ombud may also entertain a complaint relating to a financial service rendered by a person not authorised as a financial services provider or by a person acting on behalf of such person.

**7.5.** When the Ombud receives a referral from the registrar, the Ombud must in writing notify the client concerned thereof and require the client to inform the Ombud whether the client wishes to pursue the complaint in accordance with the provisions of Part I of Chapter VI of the Act.

- 7.6. The complaint must not relate to the investment performance of a financial product which is the subject of the complaint, unless such performance was guaranteed expressly or implicitly or such performance appears to the Ombud to be so deficient as to raise a prima facie presumption of misrepresentation, negligence or maladministration on the part of the person against whom the complaint is brought, or that person's representative.

## **8. Training**

- 8.1. For purposes of effective and fair resolution of complaints all relevant staff of Next Trade will receive adequate training, including imparting and ensuring full knowledge of the provisions of the Act, the Rules on Proceedings of the Office and the FAIS General Code regarding resolution of complaints on a yearly basis.

## **9. Rights of client in connection with complaints**

- 9.1. The client must qualify as such in terms of the Act & within this Complaints Resolution Procedure.
- 9.2. Before submitting a complaint to the Office, the client must endeavour to resolve the complaint with the respondent.
- 9.3. The client has six months after receipt of the final response of the respondent, or after such response was due, to submit a complaint to the Office.
- 9.4. On submitting a complaint to the Office, the client must satisfy the Ombud of having endeavoured to resolve the complaint with the respondent, and must produce the final response (if any) of the respondent as well as the client's reasons for disagreeing with the final response.
- 9.5. A complaint must be submitted to the Office in writing or, in circumstances deemed appropriate, the Ombud may receive a complaint in any other manner which conveys the complaint in comprehensible form.
- 9.6. A complaint must, where necessary, be accompanied by available documentation in the client's possession.
- 9.7. The client must be advised by the Ombud of the response of the respondent to the extent necessary to react to such response and to decide whether the complaint should be proceeded with, and must thereafter within two weeks advise the Ombud of such reaction and decision.
- 9.8. After lodging a complaint with the Ombud, the client is entitled to submit further facts, information or documentation in connection with the complaint and must do so, to the extent possible, if requested by the Ombud.

## **10. Administrative and procedural matters**

- 10.1. The Ombud may decline to investigate a complaint, or may suspend the investigation, when to the knowledge of the Ombud the client intends proceeding to or has already embarked on litigation.
- 10.2. Information provided to the Ombud is confidential and may only be disclosed by the Ombud to the registrar or to another party to the complaint to the extent necessary to resolve the complaint, or where required under the Act or any other law.

- 10.3.** The Ombud is not liable to be subpoenaed to give evidence on the subject of a complaint in any proceedings.
- 10.4.** The Ombud may take such steps as deemed expedient to advise the public on the existence of the Office, the procedure for submitting a complaint to the Office, or on any other aspect concerning the Office to facilitate the submission or disposal of complaints.

## **11. Appeal**

- 11.1.** A party against whom the Ombud has made a determination may apply to the Ombud for leave to appeal against the determination.
- 11.2.** Such application must be in writing, must be submitted to the Ombud within one month of the date of the determination, and must set out the grounds on which the application is made.
- 11.3.** In weighing the application, the Ombud must consider the factors set out in section 28 (5) (b) of the Act, and may request and consider submissions by any other party to the complaint concerning the merits of the application.
- 11.4.** If the Ombud refuses leave to appeal, the applicant must be advised in writing and given reasons for such refusal.
- 11.5.** The applicant may within one month of such refusal apply to the chairperson of the board of appeal for leave to appeal against the determination, and advise the Ombud in writing accordingly.
- 11.6.** The application referred to in paragraph (e) must be submitted to the secretary of the board of appeal and must thereafter be dealt with as directed by the chairperson of that board.
- 11.7.** On receipt of the written advice referred to in paragraph (e), the Ombud must transmit to the secretary of the board of appeal all the records concerning the complaint together with a copy of the determination and the Ombud's reasons therefor, and the Ombud's reasons for refusing leave to appeal.
- 11.8.** If the Ombud grants leave to appeal, the applicant must be advised accordingly and the provisions of paragraph (g) apply with the necessary amendments, in which case the Ombud must also transmit the reasons for granting leave to appeal (if any).
- 11.9.** When granting or refusing leave to appeal, the Ombud must advise the other party to the proceedings of the outcome of the application for leave to appeal.
- 11.10.** If the board of appeal becomes seized with the appeal, the appeal must be dealt with in terms of the rules applicable to that board, with the necessary amendments, and, unless requested by the board of appeal, the Ombud shall not take part in the appeal proceedings and the appeal will continue between the parties to the complaint.
- 11.11.** On receipt of the final decision of the board of appeal the Ombud must forward the decision to the clerk or registrar of the court as contemplated in section 28 (4) of the Act.



**Appendix 1- Complaints Form:**

This is the form you need to fill in if you wish to submit your complaint to Scope Riza Financial Pty Ltd (the "Company"). Complete, up to date as well as accurate information is required to be provided to the Company for the proper investigation and evaluation of your complaint.

Please note that the below Complaint Form is only indicative and not exhaustive. The Company may request further information and/or clarifications and/or evidence as regards your complaint.

**CLIENT INFORMATION:**

Date:	
Name:	
Surname:	
ID or Passport Number:	
Country of Nationality:	
Legal Entity Name (if the client is a Legal Person)	
Account Trading Number:	
Preferred Method of Communication:	

**CONTACT DETAILS OF THE CLIENT:**

Postal Address:	
City/ Province	
Code:	
Country:	
Telephone Number:	
Email:	

## DETAILS OF THE COMPLAINANT

Date when the complaint was created:	
Employee who offered the services to the Client (if applicable):	
Description of the Complaint:	

I hereby certify and confirm that to the best of my knowledge, the information furnished above is true, accurate, correct and complete.

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### FOR OFFICIAL USE ONLY:

**Received on:**

**Received by:**

**Assigned to:**

**To reply by:**