

COMPLAINTS POLICY & PROCEDURE

Applies to all members

The Institute of Bankers in South Africa ("IOBSA") commits to: -

- handling all complaints submitted to it in a professional manner;
- respecting the dignity of those involved in the complaint;
- thoroughly investigating any alleged misconduct committed by its members;
- ensuring that all confidential information is protected to the best of its ability;
- resolving and/or addressing any complaints submitted, if possible, in an expeditious manner.

1. SUBMISSION OF COMPLAINTS AGAINST IOBSA MEMBERS: -

- 1.1. Complaints which are submitted should not be in respect of incidents which have occurred more than 6 (six) months prior to the submission of the Complaint.
- 1.2. Any person wishing to lodge a Complaint against an IOBSA member must do so in the form of a sworn Affidavit, signed by a Commissioner of Oaths. (See Appendix A)
- 1.3. The Affidavit needs to specify the allegations against the said member in as much detail as possible, and must where possible, include dates, places, and the names of witnesses, in support of the allegations made. Proof of improper action should also be supplied, if available, in the form of supporting documentation. This will be referred to as the "Complaint".
- 1.4. The Complaint, together with any supporting documentation, must be addressed to the Chairman of the Board of Directors of the IOBSA, and must be placed in a sealed envelope, marked "Private and Confidential". It should be delivered to the physical address of the Institute being 23 Fricker Road, Illovo, Johannesburg, 2196. Initial documents or communication can be done via the email address of the Chairman, available from the office of the IOBSA on request.
- 1.5. Receipt of the Complaint will be acknowledged by the Chairman of the Board of Directors as soon as reasonably possible.
- 1.6. The Complaint will be thoroughly investigated, and the Complainant may be asked to provide further details of the alleged event, and or information, and may further be interviewed by the Disciplinary Committee, if required.
- 1.7. Should it be concluded, once the investigation is complete, that the conduct of the member of the IOBSA against whom the Complaint has been lodged, constitutes a breach of the IOBSA's Code of Professional Conduct, the IOBSA's Disciplinary Code and Procedure will be applicable.
- 1.8. The Complainant will be notified, in writing, of the outcome of the investigations, and any hearing which is held.

2. DISCIPLINARY POLICY AND PROCEDURE IN RESPECT OF MEMBERS OF THE IOBSA

Where the Board of Directors is made aware, by the submission of a Complaint, of any transgressions of the Code of Professional Conduct, or it has dealings with a member who in its estimation has transgressed the Code of Professional Conduct, it will follow the procedure set out below.

- 2.1. Once a Complaint has been received, and acknowledged by the Chairman of the Board of Directors, the Disciplinary Committee shall decide, subsequent to an investigation, whether the Complaint indicates a prima facie contravention of the Code of Professional Conduct.
- 2.2. Should the Complaint emanate from the Board of Directors, the same procedure will be followed.
- 2.3. If it is decided that there has been a prima facie contravention of the Code of Professional Conduct, the person against whom the complaint is lodged, shall be notified that a Complaint has been lodged, together with the details of the Complaint, in so far as the contents of the Complaint is not confidential or of a sensitive nature, and in a format which the Board approves.
- 2.4. The identity of the Complainant shall be protected in so far as is possible, unless the Complainant has authorised the Board of Directors, in writing, to disclose his/her/its identity.
- 2.5. The member, against whose conduct a complaint has been laid, shall be afforded a period of 14 (fourteen) calendar days to respond to the Complaint, which response must be submitted in writing to the Chairman of the Disciplinary Committee.
- 2.6. Once the Disciplinary Committee has received a response from such member to the Complaint regarding his/her conduct, it shall determine what action is appropriate, which may be as follows: -
 - 2.6.1. Issue a written warning to the member, which shall be valid for a period of 12 (twelve) months);
 - 2.6.2. Temporarily, and for a period to be determined by the Board, suspend the member's membership;
 - 2.6.3. Immediate cancellation of the member's membership of the Institute, without refund of any pro rata membership fees for the year, with the proviso that the member be allowed to apply to be a member again after the lapse of a period of time, as determined by the Board of Directors;
 - 2.6.4. Immediate cancellation of the member's membership of the Institute, without refund of any pro rata membership fees for the year, with the stipulation that the member may never again be a member of the IOBSA.

2.7. Should a member's membership be either temporarily suspended or permanently cancelled, they may not use the IOBSA's designations during their period of suspended membership, or after the cancellation of their membership, from the date of notification of the decision to either suspend or terminate the membership.

2.8. In the case of points 2.6.1 to 2.6.4 being applied, the Disciplinary Committee may call the member before it, in order that the member may present reasons why his/her membership should not be temporarily or permanently cancelled.

2.9. This Disciplinary and Appeal policy will be reviewed from time to time by the Board of Directors but no less than every two years. Changes may be implemented from time as deemed necessary. Members will be advised of any changes via the website and if the change is material via electronic communication.

3. APPEAL PROCESS

- 3.1. A member who has been disciplined in terms of the above policy and has not been called to appear before the Disciplinary Committee, may submit a written appeal ("the Appeal") to the Chairman of the Board of Directors, but which Appeal must be submitted within 7 (seven) calendar days of the communication of the decision of the Disciplinary Committee.
- 3.2. A date for an Appeal will be set by the Board of Directors and the member will be given 14 (fourteen) calendar days' notice of the date.
- 3.3. Such Appeal requested by the member must clearly set out the grounds for the Appeal. 4
- 3.4. A hearing will be convened to hear the member's Appeal, which Appeal shall be presided over by the Chairman of the Board, and no less than 3 (three) Directors of the IOBSA and in such case referred to as the Appeal Committee.
- 3.5. A decision taken by the Disciplinary Committee is final and binding on the member, if they do not submit an Appeal. If they submit an Appeal, the decision made subsequently by the Appeal Committee is final and binding.
- 3.6. If the member does not appear at the Appeal hearing, the Appeal will continue in absentia and the decision taken will be final and binding on such member. This applies to any Appeal which has been called and where the process stated in points 3.1 to 3.5 has been followed.

ANNEXURE A – GUIDELINES FOR THE COMPLAINT AFFIDAVIT

The following information must be set out in the Affidavit submitted in respect of a Complaint: -

1. The Affidavit must set out the full name, surname and identity number of the Complainant, and the full details of the member whose conduct is being complained of, where they are known. Where such details are not known, the Complainant must set out as much detail as to the identity of the member as possible, in order that the Board of Directors may identify the member.
2. The Affidavit must set out the allegations of improper conduct in as much detail as possible, and must include dates, times, places and the names of witnesses, where known.
3. Any and all supporting documentation must be referred to in the Complaint, and annexed thereto.
4. Should any supporting documentation contain sensitive information, which is not relevant to the Complaint, this may be blanked out. Where email evidence is being included, copies can be attached to the document.
5. Should the Complainant wish to annex e-mails to the Affidavit, but does not have the facilities to print the e-mails, these may be e-mailed to the Chairman of the Board of Directors, using the email address: info@iob.co.za or any other email address advised by the Chairman at the time of receipt of the Affidavit. The title of the e-mail should be "Complaint – Confidential". These emails should only be sent once the Affidavit has been submitted, and receipt thereof has been confirmed.
6. The Affidavit must be properly commissioned by a Commissioner of Oaths. This entails ensuring each page of the Affidavit, and the annexures thereto, are initialled by both the Commissioner of Oaths and the Complainant. The last page of the Affidavit must also be signed in full.
7. Unsigned, vague or anonymous complaints will not be considered.
8. As an Affidavit is a statement made under oath, it ought only to contain factual allegations and not spurious rumours