

IMPORTANT NOTICE

This document is a template for guidance purposes only and is therefore to be used with caution. The Agent must modify it to comply with his own internal processes and specific circumstances.

INTERNAL COMPLAINT RESOLUTION SYSTEM AND PROCEDURES

1. Introduction and Scope

In conducting its business activities, we (“the Agency”) and our representative(s) are committed to render services in a professional, transparent and fair manner, in accordance with the Act and the Rules. However, complaints may arise.

We are however committed to the internal resolution of complaints and we have systems and procedures in place to ensure that the person we deal with has full knowledge of and easy access to the procedures for the effective and fair (to both clients and us) resolution of all complaints.

The aim of this policy is to provide for the management of all complaints in accordance with our internal complaint resolution system and procedures.

We undertake to act professionally and reasonably and cooperate with a view to ensuring the efficient resolution of any complaint.

Generally, the Rules (“the Rules”) made in terms of the Agricultural Produce Agents Act, 1992, (Act No. 12 of 1992) (“the Act”), complaint resolution mechanisms aim at providing speedy and cost-effective measures to save clients having to follow the costly and time consuming route via disciplinary tribunals or the courts.

This does however not preclude clients from exercising their ultimate rights to seek redress through the courts. Obviously, in complicated cases involving large amounts of damages, the latter route will always be preferable.

In terms of Part III of the Rules (rules 17-20), livestock agents (“agents”) registered with the Council are obliged to maintain an internal complaint resolution system and procedure. Notwithstanding that the current wording of Part III means that the establishment of an internal complaint resolution system corresponding to that prescribed is not obligatory for an agent, it is a specific requirement for all the employees of our Agency that they adhere to the requirements of this document as well as all the provisions of the Rules with regard to complaints.

This policy applies consistently to us and all our employees and agents. Employees are ultimately responsible for their compliance with this policy. Our CEO will have the added responsibility for administering the policy as it applies to employees and operations under his control. This includes the implementation of policies and procedures to support this policy, including coordinating these tasks with our compliance officer.

2. Definitions ¹

'Compliant' means a complaint as defined in rule 17(1) of the Rules, submitted by a producer, purchaser of fresh produce or any other person to us in respect of any person in our employment or any official of our Agency for purposes of resolution by our Agency.

A complaint means a specific complaint relating to produce sold or a service rendered by an agent or other employee of our Agency to the complainant and in which complaint it is alleged that we or the agent concerned or other employee of our Agency:

- has contravened or failed to comply with the provision of the Act or the Rules and that as a result thereof the complainant has suffered or is likely to suffer loss or damage;
- has willfully or negligently rendered a service to the complainant which has caused loss or damage to the complainant or which is likely to result in such loss or damage;
- has treated the complainant unfairly, unprofessionally or improperly; or
- has through any other act or omission conducted himself unprofessionally, improperly or disgracefully.

'Internal complaint resolution system and procedures' in relation to an agent and a client, means this system and procedures established and maintained by our Agency in accordance with the Rules for the resolution of complaints by complainants.

'Registrar' means the registrar of the Agricultural Produce Agents Council, commonly referred to as APAC, referred to in section 1 of the Act.

'Resolution' or **'Internal resolution'** in relation to a complaint means the process of resolving of a complaint through and in accordance with our internal complaint resolution system and procedures as set forth herein.

'Rules' means the Rules made in terms of the Act.

3. Process to Submit a Complaint

We, have the following processes in place when attending to a complaint:

- Once we or any of our employees become aware of a complaint, the complainant will be requested to submit such complaint, against us or one or more of our employees, in writing to our offices. We will also request that the complainant to submit any supporting documentation and/or other information with the written complaint in order to facilitate the proper handling and consideration of the complaint;
- All complaints will be entered into our formal Complaints Register and will be handled by our Complaints Officer. We will ensure that the Complaints Officer is adequately resourced and trying to ensure the effective and fair resolution of complaints;

- Non-routine serious complaints will be handled by senior staff with adequate expertise, training and experience to resolve the matter as soon as possible. The CEO will manage the process of consideration of the complaint;
- We will promptly acknowledge, in writing, to the complainant receipt of such complaint and furnish the complainant with details of the contact person at our Agency who will be involved with the investigation and resolution of the complaint;
- All complaints received from complainant's will be handled in a timely and fair manner, with each complaint receiving proper consideration in a process that is managed appropriately and effectively;
- We undertake to inform the complainant of the outcome of the investigation relating to the complaint within six (6) weeks of receipt of the initial written complaint;
- In a case where the complaint is resolved in favour of and to the satisfaction of the complainant, we will ensure that a full and appropriate level of redress is offered to the complainant without any further delays;
- In a case where the complaint is not resolved to the complainant's satisfaction, we will ensure that the complainant is made aware of their rights in terms of the Rules and the Act. This includes giving the complainant a full written report regarding the investigation of the complaint and the findings thereof, as well as contact details (physical and postal address, contact numbers, and e-mail addresses) for the Registrar of APAC where the client will be able to pursue further action at the Registrar's office;
- We undertake to maintain a record of complaints received for a period of 5 (five) years, together with an indication of whether or not such complaints were resolved;
- We further undertake to ensure that all new and existing principals are made aware of our Complaints Policy Manual and the procedures to follow should they wish to submit a complaint against us or one or more of our employees;
- After a complaint has been considered and resolved, the CEO and its board of directors will consider appropriate actions to avoid similar or potential other occurrences giving rise to complaints and ways to improve our services and the complaint resolution system and procedures, where appropriate.

In any particular case, before the Registrar enjoys jurisdiction, an aggrieved complainant must first resort to our internal complaint resolution system and procedure, such as the one we have outlined above.

4. Basic Principles of our Internal Complaints Resolution System

Our internal complaints resolution system is based on the following basic principles:

- i. The maintenance of a Complaints Policy Manual which outlines our commitment to, and the systems and procedures we employ for the, internal resolution of any complaint submitted by a complainant against us or one or more of our employees.
- ii. Our procedures for the resolution of any complaint are transparent and visible to all persons ensuring that the complainant has full knowledge thereof.
- iii. Complainants are easily able to access such procedure through any of our offices or branches which are open to everyone or through the postal system, fax, telephone and/or electronic means, including our website. This document, which sets out our internal complaints resolution system and procedures, is available on request from our Complaints Officer who may be emailed at _____.
- iv. Ensure that the resolution of the complaint is done so in a fair manner giving equal opportunities to all parties to make their submissions regarding the complaint.
- v. Ensure adequate training of all relevant staff on the procedure to follow when a complaint has been submitted by a complainant, including full knowledge of the Rules and the Act and any other relevant legislation.
- vi. All complaints will be followed-up at an operational level to ensure avoidance of similar occurrences that might give rise to complaints and to improve services, systems and procedures where necessary.
- vii. Complaints records will be maintained for a minimum period of 5 (five) years together with an indication of whether or not such complaint was resolved and all cases of non-compliance with the legislation and the reasons for such non-compliance.
- viii. The following processes, procedures and internal controls are established to ensure compliance with the policy:
 - All employees and representatives will receive appropriate training on the policy on an annual basis;
 - Regular feedback will be obtained from the compliance officer on compliance with the policy; and
 - The policy will be reviewed on an annual basis.

5. Consequences of non-compliance

Non-compliance with the policy by any of the employees or representatives will be reported to the board of directors, for appropriate disciplinary action.

6. Referral to Registrar of APAC

- i. If a complaint has not been resolved within 6 (six) weeks or where the complaint has been dismissed or where the complainant is not satisfied with the results of the investigation into the complaint; the complainant may refer the complaint to the Registrar of APAC.
- ii. The details for the Registrar are as follows:
 - ❖ **Physical address:** Benvista Office Park, Unit 5, Edgar Road, Jansen Park (Boksburg);
 - ❖ **Postal address:** Suite Number 69, Private Bag X 9, East Rand 1462;
 - ❖ **Telephone number:** 011 894 3680;
 - ❖ **Fax number:** 011 894 3761.
- iii. The Registrar will generally decline to investigate a complaint if a period of more than 6 (six) months has expired since the act or omission which resulted in the complaint.
- iv. The Registrar will generally decline to investigate a complaint, if proceedings have been instituted by the complainant in any court relating to the complaint.
- v. Should the complainant not lodge the complaint with the Registrar, the complainant may pursue any other avenue of law which is available to it.
- vi. The Registrar may decline to investigate a complaint if there are reasonable grounds to believe that a more appropriate dispute resolution process is available or in cases where it will be more appropriate to deal with the complaint in Court.
- vii. The Registrar will only proceed to investigate a complaint if she has informed every other interested party of the receipt of such complaint, has provided particulars of such complaint to those parties and has provided those parties with the opportunity to respond.
- viii. The Registrar may follow and implement any procedure (including proceedings before the Disciplinary Tribunal of the Council) which she deems fit and may allow any party the right of legal representation.
- ix. The Registrar may make recommendations to the parties with a view to settle the dispute between the parties concerned and if accepted by the parties, such recommendation will have the effect of a final determination.
- x. The Registrar will in any case, where a matter has not been settled or a recommendation has not been accepted by the parties, make a final determination which may include dismissal of the complaint or referring the matter to the Disciplinary Tribunal of APAC for a hearing.

Footnotes

1 To ensure consistency and fairness, employers should document the steps involved in a formal complaint.

The usual sequence of events is as follows:

- the complainant is interviewed and the allegations are particularised in writing
- the allegations are conveyed to the alleged perpetrator in full
- the alleged perpetrator is given the opportunity to respond and defend themselves against the allegations
- if there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered
- a finding is made as to whether the complaint has substance
- a report documenting the investigation process, the evidence, the finding and recommended outcome(s) is submitted to the appropriate decision-maker (senior management)
- the decision-maker implements the recommended outcome/s or decides on an alternative course of action.