

PART D

APPENDICES

APPENDIX II

(SLC 1.4.4 of Part B.1 of the Pension Rules for Service Providers)

Complaints Procedure

- A.1 In the event of receiving a complaint, the Scheme Administrator shall follow the procedures outlined below. It is recommended for the Scheme Administrator to also refer to the procedures lodged on the MFSA's website at <https://www.mfsa.mt/consumers/consumer-awareness/consumer-rights/?service=how-to-complain>:
- a) retain a record of each complaint as soon as it is received and of the action taken in that regard;
 - b) within seven business days, acknowledge receipt of any complaints received;
 - c) where a complaint is made orally, make a summary of the complaint and ask the complainant to confirm in writing the said summary;
 - d) the letter of acknowledgement should confirm that:
 - i. the Scheme Administrator will investigate the complaint;
 - ii. on completion of the investigation, the Scheme Administrator will write to the complainant concerning the outcome; and
 - iii. if within two months after receipt of the complaint the investigation has not been completed, the Scheme Administrator must inform the complainant in writing;
 - e) in respect of (d)(ii) above, the Scheme Administrator should send the complainant a letter explaining the outcome of the investigation. If the Scheme Administrator considers it appropriate to take remedial action, the proposed course of action should be described fully in the letter. The Scheme Administrator must also inform the complainant that the complainant may refer the complaint to the Office of the Arbiter if (s)he is not satisfied with the manner in which the complaints has been handled by the Scheme Administrator;
 - f) if within two months after receipt of the complaint, the investigation has not been completed, the Scheme Administrator shall so inform the complainant in writing within seven business

days of the end of that period. The letter should explain clearly that the Scheme Administrator will continue with the investigation of the complaint and that if the complainant is not satisfied with the progress of the investigation, (s)he may refer the matter to the Office of the Arbiter.

MFSA encourages the Scheme Administrator to promote the services offered by the Office of the Arbiter. However, the Scheme Administrator should not overlook arbitration as a means of settling a dispute that has otherwise proved to be insoluble.

In cases where the services offered by the Office of the Arbiter are not available (for example, where the complainants are not individuals), it is advisable that the Scheme Administrator offers alternative means of settling a dispute, such as arbitration or a tribunal where appropriate.