

PART E

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:

- a) keep a record of each complaint as soon as it is received and of the measures taken for its resolution;
- b) acknowledge receipt of any complaints received and deal with such complaints expeditiously;
- 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;
- e) in respect of (d)(ii) above, in normal circumstances, the Scheme Administrator has 15 working days from the date it receives the written complaint, within which to attempt to investigate and resolve such complaint. The Scheme Administrator has to give the complainant a final response within 15 working days from receipt of the complaint. The final response should:
 - i. include a very short description of the complaint, and of the outcome of the Scheme Administrator's investigation;
 - ii. set out the Scheme Administrator's final view on the issues raised in the complaint; and
 - iii. include details of any redress that is being offered, if considered appropriate; and

in addition, in the event that the complainant does not accept the redress proposed by the Scheme Administrator or where a complaint has not been upheld, the Scheme Administrator is required to notify the complainant that he may lodge a complaint in writing with the Office of the Arbiter for Financial Services established under the Arbiter for Financial Services Act, (Cap.555). Therefore, in their final response letter, providers must give all relevant contact details of the Office of the Arbiter for Financial Services;

- f) if the Scheme Administrator cannot resolve the complaint within these 15 working days, it must inform the complainant of the anticipated time-frame within which the complaint is likely to be resolved and must inform the complainant that such complainant can refer the matter to the Office of the Arbiter for Financial Services in terms of the Arbiter for Financial Services Act, (Cap. 555); and
- g) where a complaint has been lodged with the Office of the Arbiter for Financial Services and the case has been decided, the Scheme Administrator shall immediately provide the MFSA with a copy of the Arbiter's final decision. In the event that an appeal from the decision of the Arbiter is lodged by the complainant or by the Scheme Administrator itself, in terms of the Arbiter for Financial Services Act, (Cap.555), the Scheme Administrator shall immediately notify the MFSA that such an appeal has been lodged, and once such appeal has been decided, the Scheme Administrator shall provide the MFSA with the final decision of the Court.

A.2 Notwithstanding the above, the Scheme Administrator should not overlook other means of settling a dispute that has otherwise proved to be insoluble. It is advisable that the Scheme Administrator offers alternative means of settling a dispute, such as other forms of arbitration or a tribunal where appropriate.