

APPLICATION FOR ASSISTANCE FORM

PO Box 5728
Johannesburg
2000

Reference number:
(Official use only)

☎: (011) 838 0035 / 0038 / 0039
Share-call: 0860 800 900
Fax: (011) 838 0043
E-mail: info@obssa.co.za
Website: www.obssa.co.za

STEP 1

Process for lodging a complaint

Have you lodged a formal written complaint with the bank's dispute resolution department yet?

We can only accept a complaint if you have first lodged a written complaint with the bank's specialised dispute resolution department (or the bank's general complaints department if they do not have a specialised dispute resolution department). This is the department of the bank that we deal with on a daily basis and they know how we approach complaints. They have 20 working days to respond to your complaint.

We understand that you may have lodged your complaint with various bank staff members already and that you may be frustrated. Our experience has however shown that this process facilitates a quick resolution of complaints that have substantial merit.

If no – please lodge a formal written complaint with the bank first

The major banks are listed below. For banks not listed below you can phone our call centre on **0860 800 900**. We cannot accept your complaint unless you have followed this process. Please contact us first if you are unsure whether you have followed this process or not.

	Telephone no.	Fax no.	E-mail
ABSA	011 350 7870	011 350 7733	resolve@absa.co.za
African Bank	011 564 6643	011 207 3862	lungisa@africanbank.co.za
Capitec	021 941 2058	0860111129	clientdispute@capitecbank.co.za
FNB	011 283 8023	011 632 2317	care@fnb.co.za
Nedbank	011 295 5497	011 295-0287	preadr@nedbank.co.za
Standard Bank	0860 101 101	011 636 2911	ecru@standardbank.co.za

If yes –

Have 20 working days expired?

If 20 working days have expired with no response from the bank or the bank has responded to your complaint but you are still dissatisfied then please proceed to complete our application form.

NB – Please attach a copy of the complaint you sent to the bank and the bank's written response to it.

STEP 2

Jurisdiction checklist

Please complete the following to confirm that your complaint is something we can deal with. If your complaint does not comply with all of these conditions please contact us first before sending the form.

(Make a cross in each appropriate block to confirm that your complaint meets all these requirements.)

My complaint –

- is lodged against a bank which falls under the jurisdiction of the Ombudsman for Banking Services (OBS) (most banks in South Africa are under our jurisdiction but please see our website for the list of members)
- was formally lodged in writing with the bank's dispute resolution department and not resolved
- involves the service, advice and/or products rendered, given and/or provided by my bank
- does not involve a claim in excess of R1 000 000.00 (approximate amount: R.....)
- originated within the past three years
- has caused me loss and/or considerable distress and inconvenience
- is not the subject of any legal proceedings
- has not been dealt with by a dispute-resolving body/arbitration yet

If the complainant is a company (partnership, company, close corporation, trust or association) –

- I hereby confirm that the annual turnover of the company that I represent is less than R5 m
(If turnover exceeds R5 000 000.00 – sorry, we cannot help you, we can only accept complaints from businesses with a turnover of less than R5 000 000.00.)
- I have attached the written complaint I sent to the bank and the bank's response (if received)

STEP 3

Personal information

Name of the person lodging the complaint:

If you are lodging the complaint on behalf of someone –

Name of person or organisation bringing the complaint on behalf of the complainant:

If you are lodging the complaint on behalf of a company –

Name of company lodging the complaint:

Name of representative of the company:

Company type (CC, trust, partnership, association, etc)

Capacity of representative (partner, director, member, etc):

Postal address *(We prefer corresponding with you by e-mail or fax. Only complete if no other means of corresponding with you is possible.):*

Tel:

Fax:

Cell:

E-mail:

Identity Number:

Bank against whom the complaint is lodged:

Account number:

Account type (credit card, bond, etc):

How I learnt about the Ombudsman for Banking Services:

Word of mouth

TV

My bank

Newspaper

Magazine

Radio

Referred by:

Other:

What I/we want from the bank

Briefly state what outcome you hope to achieve.

(For example: *I would like the bank to refund/reverse the amount of R1 000.00.*)

What happens if we open a file on your complaint?

- a) On receipt of your application we will first assess it to determine if we have jurisdiction and whether you have followed the complaints process mentioned above. If you have followed the process correctly we will open a file, send your application to the bank for a response and send you letters advising you of the reference number for the complaint. If you have not heard from us within five working days after sending your application please contact us. We will send your application to the bank even if you have attached a copy of the bank's response as the bank may provide us with additional information necessary to evaluate the merits of the matter. The bank is granted 15 working days to reply to your complaint (the bank may request an extension if necessary). After receiving the bank's response we assess the evidence to determine whether we need to investigate further or whether we are unable to assist. The file is then allocated to an adjudicator to either start the investigation process or prepare an assessment report for you which sets out why we are unable to assist you. The OBS will strive to ensure that you hear from the adjudicator assigned to your case within 30 working days after lodging the complaint. You will be granted an opportunity to make submissions throughout the process.
- b) The process of evaluating or investigating your complaint may take some time depending on its complexity and other factors. The majority of files are closed within approximately two months after we have opened a file but some may take much longer. The OBS will strive to inform you in writing of the progress of your complaint every 15 working days while it is being investigated. Please do not phone staff members to determine the progress – rather write to us if necessary.

General information

(The following serves as a summary of some of the OBS's Terms of Reference – a copy is available on request or on our website.)

- a) The OBS offers a free service to bank clients to try and resolve their complaints through informal processes such as mediation or the making of recommendations. This service, however, is not the same as that rendered by an attorney and the OBS does not provide legal advice. You therefore cannot hold the OBS or any of the staff members liable for any loss or damage – whether contractual, owing to a delict or any other nature – that you may suffer as a result of the OBS accepting and dealing with your complaint.
- b) We evaluate complaints objectively and impartially – we are not consumer advocates.
- c) The service provided to clients by the office is free: no charge can be claimed from you for this service nor can anyone charge a fee for supplying you with an application form. It is not necessary to consult any professional person or body as the OBS will guide you through all the procedures.
- d) You are entitled to withdraw your complaint or to institute legal action at any time while your complaint is being investigated by the OBS. If you were to make such a decision, please inform the OBS thereof in writing so that we can close the file.
- e) If, as a result of lodging this complaint with the OBS, you were to accept an amount of money from the bank in settlement of your claim, you will have no right to claim further amounts from the bank in respect of the complaint. The amount accepted by you would be in full and final settlement of your claim.

- f) The OBS may dismiss your complaint if you fail to provide information when requested, fail to reply to letters from the office within a reasonable time or if you are vexatious, abusive or insulting when communicating with the OBS.
- g) During or after the investigation of your complaint, it may emerge that the matter is very complicated, involving many complex legal issues or requires oral evidence by witnesses. In such a case we will inform you as soon as possible and refer you to a more appropriate forum such as a court of law.
- h) You remain legally obliged to continue making payments on any debt owed to the bank. The OBS generally recommends that you continue paying the debt even if the OBS is investigating your complaint. Rather seek independent legal advice before stopping such payments.
- i) The acceptance of your complaint by the OBS does not mean that any pending legal action against you is automatically suspended.
- j) Do not publish any of the details of your complaint in any form of media after the OBS has accepted it. This does not promote the resolution of a dispute by informal means. The Ombudsman may, in his sole discretion, decline to continue any investigation if, in his opinion, such publication were detrimental to the investigation in any way.
- k) Your complaint and the documents you submit to the OBS are deemed confidential. The same applies to the documents sent by the bank. The OBS has the right to decide which of the documents received to disclose to the bank and to you. Should you submit a document that you do not want the bank to see, please mark it "CONFIDENTIAL".
- l) Should your complaint become the subject of a court case or any other dispute-resolving process, you or your legal representative cannot subpoena the documents in your file or the Ombudsman or any member of his staff. You or your representative cannot order that any of these documents be discovered in terms of any rules of court.
- m) By your signature you authorise your bank to disclose any information it may have that the OBS may require to investigate your complaint.

By my signature below, I hereby agree that my complaint be dealt with by the Ombudsman on the above terms and conditions (as referred to above and as contained in the Terms of Reference). The information provided by me in this form is, to the best of my knowledge, true and correct. I understand that the submission of a false claim may constitute the crime of fraud.

If you have not fully completed all the relevant fields on the form and signed it at the end we will probably not accept the complaint or we may send the form back to you to complete fully.

Date

**Complainant or person authorised to act
on the complainant's behalf**
(Power of attorney must be enclosed)