



# NATIONAL PENSIONS REGULATORY AUTHORITY

## Consumer Protection Policy

<b>VERSION</b>	2017 Version 1.0
<b>APPROVING AUTHORITY</b>	Board of Directors
<b>STAMP AND DATE:</b> .....	<p>.....</p> <p><b>Signed by:</b> .....</p> <p><i>For and On behalf of the Board of Directors</i></p>

*January, 2018*

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## **1. INTRODUCTION**

The National Pensions Act, 2008 (Act 766) as amended established the new Contributory Three-Tier Pension Scheme with a National Pension Regulatory Authority to regulate and oversee the efficient administration of the pension schemes. The contributory 3-Tier Pension Scheme comprises 1<sup>st</sup> and 2<sup>nd</sup> -Tier Mandatory Schemes and a 3<sup>rd</sup> Tier Voluntary scheme. 1<sup>st</sup> and 2<sup>nd</sup> -Tier Mandatory Schemes are mandatory for formal sector workers but optional for informal sector workers.

First Tier which is the Basic National Social Security Scheme, is managed by SSNIT, whilst the Second Tier Occupational (Or Work-Based) Pension Scheme and the Third Tier voluntary Provident Fund and Personal Pension Schemes are privately-managed by approved Trustees licensed by the National Pensions Regulatory Authority with the assistance of pension fund managers and custodians registered by the Authority.

Until the financial crisis of 2007-09, the global economy was adding an estimated 150 million new consumers of financial services each year. Rates of increase have since slowed but growth continues apace. Most new consumers are in developing countries, where consumer protection and financial literacy are still in their infancy. Particularly in countries that have moved from central planning to market economies, protecting consumers has become a prerequisite for sound, stable and competitive financial markets—and protection is needed to give new consumers’ confidence in the formal financial system. It is also in the interest of financial institutions to have an informed and confident clientele (The World Bank, 2010).

### **1.1 DEFINITION**

Financial consumer protection encompasses the laws, regulations, and institutional arrangements that safeguard consumers in the financial marketplace (The World Bank).

## **2. GOOD PRACTICES ON THE ROLE OF THE AUTHORITY IN CONSUMER PROTECTION**

This document contains the revised draft proposals for Good Practices, which served as a basis for discussions at the International Organization of Pension Supervisors (IOPS) Technical Committee meeting on 22 February, 2017 in



Runaway Bay, Jamaica. It includes comments provided by the Team members and the general Membership at the 2016 Hong Kong, China IOPS Technical Committee meeting and through the written procedure after the meeting.

Consumer protection in pension systems is also critical. Institutions offering funded and private pensions represent a special segment of the financial market. Private pensions, combining social features due to their increasing role in retirement provision and by nature being long-term financial contracts which involve a series of complex transactions, are not easy to understand and engage with. Individuals joining a pension scheme or concluding a contract with a pension provider are becoming consumers of private pension services and products (IOPS Working Papers on Effective Pensions Supervision, NO. 27, 2016). Pension Regulatory Bodies and Governments have a challenging role to help ensure that individuals will receive an adequate stream of income in retirement.

### 3. PREAMBLE

In 2011, the G20 High-Level Principles on Financial Consumer Protection were developed by the G20/OECD Task Force on Financial Consumer Protection. A set of Effective Approaches were further developed to stimulate and support the implementation of the G20 High-Level Principles (HLPs). The High-Level Principles and Effective Approaches cover matters related to consumer protection in all parts of the financial sector. Reflecting on the applicability of the Principles to different sectors, the G20/OECD Task Force on Financial Consumer Protection states that: “... *they do not address sector specific issues dealt with by the relevant international organisations and the financial standard setters [...]. Different kinds of transactions present different risk profiles. The principles may need to be adapted to specific national and sectoral contexts and should be reviewed periodically by relevant international bodies*” (IOPS Working Papers on Effective Pensions Supervision, NO. 27, 2016).

It is critically important to protect the interests of members and beneficiaries (hereafter consumers) in the field of private pensions. Based on the Project Report “The role of supervision related to consumer protection in private pension systems”, a set of draft proposals for Good Practices on supervisory



activities in the area of pension consumer protection has been developed (IOPS Working Papers on Effective Pensions Supervision, NO. 27, 2016). When elaborating these Good Practices, other existing standards and principles in the financial industry were considered to avoid duplication or overlap. For the purpose of the scope of the proposed Good Practices, the focus was put mainly on five of the G20 High Level Principles and related Effective Approaches which are considered most relevant from the pension supervisory perspective.

### **G20 High-Level Principles on Financial Consumer Protection:**

- Legal, Regulatory and Supervisory Framework
- Role of Oversight Bodies
- Equitable and Fair Treatment of Consumers
- Disclosure and Transparency
- Financial Education and Awareness
- Responsible Business Conduct of Financial Services Providers and Authorised Agents
- Protection of Consumer Assets against Fraud and Misuse
- Protection of Consumer Data and Privacy
- Complaints Handling and Redress
- Competition

#### **3.1. Application**

This Directive shall apply to all Trustees (Corporate, Individual & Independent) Pension Fund Managers, Pension Fund Custodians, Fund Administrators and Other Service Providers in the Pension Industry regulated by the National Pensions Regulatory Authority.

#### **3.2. Interpretation**

In this Directive unless the context otherwise requires, words used have the same meaning as that assigned to them in the National Pensions Act, 2008 (Act 766) as amended, Regulations, Guidelines, Administrative Directives and other applicable law or as follows:

**“Active member”** means a member of a pension scheme who is currently accruing benefits under that scheme in respect of current service.



**“Advertisement”** means any form of public notice which is an attempt to invite or induce, directly or indirectly, any person to purchase or acquire an interest in a product or service.

**“Agent”** means a person or an entity that has been contracted by a financial service provider to provide services to the end customers of the financial service provider on behalf of the financial service provider under a valid agency agreement.

**“Annual report”** means the method by which the trustees of a pension scheme communicate financial and other information about the scheme to members, employers and other interested parties. It is used in particular to describe the specific information which is required to be made available by trustees in relation to each scheme year under the Disclosure Regulations and must include a copy of the audited accounts and of the latest actuarial statement and other information specified including a financial review by the trustees and an investment report. It may contain additional information not required by the regulations.

**“Approved trustees”** means a company or an individual approved by the Board as a trustee in accordance with this Act and, when used in relation to a registered scheme that is administered by two or more approved trustees, it means the trustees jointly and severally.

**“Arbitration”** means the submission of a dispute to the Bank of Ghana whose officer(s) shall act as arbitrator(s), for the purpose of having a dispassionate hearing, after which the arbitrator(s) shall make a finding.

**“Authority”** means the National Pensions Regulatory Authority established under section 5 of this Act.

**“Beneficiary”** means a person entitled to benefit under a pension scheme or who will become entitled on the happening of a specified event;

**“Branch”** means any location where a service provider or its representatives provide any products or services to individual consumers.

**“Consumer”** means an individual, a group or a firm that uses, has used, or may be contemplating using, any of the products or services provided by a financial service provider.



**“Complainant”** means a consumer, customer, or potential customer, or a duly authorised representative of a customer who presents a complaint to a financial service provider.

**“Complaint”** means any oral or written expression of dissatisfaction about the provision of, or failure to provide, a financial product or service:

- a) Which is made to a financial service provider by, or on behalf of, a consumer; and
- b) Which alleges that as a result of an act or omission by or on behalf of the financial service provider, the consumer has suffered or may suffer:
  - (i) financial loss;
  - (ii) inconvenience; or
  - (iii) distress.

**“Contributory scheme”** means a scheme to which both employers and employees contribute. Under certain contributory plans participants may be required to contribute as condition of eligibility.

**“Chief Executive”** means the Chief Executive Officer of the Authority appointed under section 16 (1) of the National Pensions Act, 2008 (Act 766) as amended.

**“Corporate trustee”** means a company which acts as a trustee.

**“Custodian”** means a person whose business it is to keep custody of cash, securities and documents of title to assets belonging to others.

**“Court”** means the systems of judicature within Ghana.

**“Customer” means** an individual, group or an entity that maintains an account and/or has a business relationship with the financial service provider.

**“Dependants”** include

- a) members of the family of a member as specified in the registration form, and
- b) other persons who the member is obliged to maintain under the Children’s Act, 1998 (Act 560) or otherwise and who were dependent on the earnings of the member at the time of death of the member.





**“Duly authorised representative”** means a person with proven mandate to act on behalf of the consumer.

**“Electronic money or e-money”** means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions, and which is accepted by a natural or legal person other than the e-money issuer.

**“Fiduciary duties”** means duties owed by one person to another to whom the first person the fiduciary, stands in a position of trust. The fiduciary is not permitted to profit from the fiduciary’s position and owes undivided loyalty to the other party and must avoid conflicts of interest unless otherwise authorised by the other party after full disclosure.

**“Member”** means a person who has been admitted to membership of a pension scheme and is entitled to benefit under the scheme.

**“Premises”** means any building, structure, or any other place occupied by a financial service provider for the purpose of providing services for the consumer.

**“Scheme”** means the Contributory Three-tier Pension Scheme established under section 1 of this Act.

**“Service provider”** in relation to an occupational pension scheme or provident fund scheme, includes an investment manager, custodian of scheme assets or other person appointed or engaged by the trustee of the scheme to provide services for the purpose of the scheme, and a person to whom the provision of those services is delegated by the manager, custodian or other person, but does not include a person appointed or engaged as an auditor, solicitor or actuary.

**“Worker”** includes a person who is employed for salary in any kind of work, manual or otherwise, in or in connection with the work of an establishment, and who gets his salary, directly or indirectly from the employer, and any person employed by or through a contractor in or in connection with the normal work of the establishment, who is:

- a) employed in this country but not as a member of the crew of any ship; or
- b) employed as a permanent resident of Ghana:



- (i) as a member of the crew of a ship, the owners of which have an office or agents in Ghana; or
- (ii) outside Ghana but employed by an employer in Ghana.

**“Working days”** means Monday to Friday, not including public holidays.

### 3.3. Objectives

These directives are to ensure:

- a) That contributors have access to adequate complaints handling and redress mechanisms that are accessible, independent, fair, accountable, timely and efficient;
- b) That the complaint mechanisms do not impose unreasonable cost, cause undue delay or impose a burden on contributors;
- c) That contributors and members of schemes are protected through the promotion of fair and transparent transactions by service providers;
- d) The fostering of public confidence and trust in the pension industry and thus promote growth and efficiency in the industry for the benefit of contributors;
- e) That the public is educated and sensitized on their right to redress in order to promote fairness in the pension industry.

## 4. PRINCIPLES

The following principles shall govern Service Providers in their compliance with this directive or policy:

### 1. Honesty

Service Providers shall act honestly, by presenting all terms and information in a clear and accurate manner without any intent to mislead contributors and pensioners.

### 2. Fair Treatment

Service Providers shall not unfairly treat contributors, pensioners, or any other individuals, nor discriminate against them in any way, for presenting complaints to the financial Service Provider, administrators and individuals, or the National Pensions Regulatory Authority.

### 3. Access to Redress



All contributors, pensioners and scheme members shall have access to adequate complaints' handling and redress mechanisms that are easily accessible, independent, fair, accountable, transparent, timely and efficient.

#### **4. Adequate Redress Mechanisms**

Service Providers shall offer adequate internal dispute resolution mechanisms. They shall also have in place appropriate and effective procedures for receiving, considering and resolving complaints as well as for reporting complaints to the Authority. These procedures must be explicit and well documented in a brochure and made easily available to consumers.

### **5. AWARENESS AND ACCESSIBILITY**

#### **5.1. Provision of Adequate & Timely Information**

The Service Providers shall ensure that adequate and timely information on the management of the scheme is provided and clearly explained to the contributors.

#### **5.2. Recourse Material Display**

The Trustees and other Service Providers shall display a poster or signage at every branch, agent location and any other location where the Service Provider's services are found. The poster or signage shall be prominently displayed at every branch or location where the Service Provider's services are found. The information in this document shall be made in a leaflet format for contributors at no cost to the contributors and shall also be displayed on the homepage of the Service Provider's website. The Service Provider may also display the contents of the poster digitally or in any other desired form, provided the information is displayed conspicuously.

### **6. FINANCIAL EDUCATION AND AWARENESS**

- Service Providers shall promote the enhancement of contributors' awareness and provide financial education programmes as part of a wider financial Consumer Protection Policy.
- Service Providers shall make sure that financial education programmes are tailored to the needs and capacities of a targeted audience and take into consideration particular types of private pension arrangements.



- Service Providers’ websites should serve as one of the primary sources of information and guidance to contributors, while Service Providers remain responsible for the disclosure of the key information on pension services and products.
- Service Providers should make continuous efforts to assess, refine and improve the impact of their financial education efforts.

## **7. RESPONSIBLE BUSINESS CONDUCT OF PENSION SERVICES PROVIDERS AND AUTHORISED AGENTS**

- The Authority shall monitor or supervise business conduct and/or general compliance with consumer protection legal requirements by pension Services Providers, Trustees and authorised agents, including monitoring that pension providers and Trustees adhere to business conduct rules including fair treatment of pension consumers and have in place measures to avoid or mitigate conflict-of-interest situations that could negatively impact the consumers.
- The Authority shall conduct examinations as part of licensing/approval process and monitor on an ongoing basis whether board members, senior management of pension Services Providers and their agents, including pension advisers comply with fit and proper test requirements and the products and services they distribute and offer meet best interests of the consumers.
- The Authority shall be involved in monitoring marketing strategies and sales practices of Service Providers. Monitoring of marketing activities may include the power to ban certain advertising campaigns using misleading or false information.
- The Authority shall use on-site and off-site supervisory techniques and may also apply, as is already the case in some jurisdictions, other supervisory tools such as mystery shopping to monitor business practices for early detection of conduct issues to identify any problems related to distribution that may be attributed to failures or weaknesses in internal governance, controls, insufficient knowledge and preparedness of financial services providers and their agents. The supervision tools may include thematic reviews and inspections in order to identify market-wide business conduct issues.



- The Authority shall deploy effective enforcement tools to take corrective actions and/or other actions with a deterrent effect in case of non-compliance of pension Services Providers and other entities with business conduct rules in all stages of their relationship with the consumers (pre-sale, point of sale, post-sale). Such measures should be reviewed if necessary to adjust to the evolving market environment.

## **8. AVAILABILITY OF INFORMATION**

- 8.1. Service Providers shall make available to contributors, a summary of information that is accurate and up to date.
- 8.2. The Service Provider shall also inform contributors of their right to redress, in the event that the contributor is dissatisfied with a service, or in the event of a dispute between the contributor and the Service Provider.
- 8.3. The Service Provider shall inform the contributor of the various channels of redress available, both within and outside the Service Provider's structure or domain.
- 8.4. The Service Provider shall provide the required information through all its communication channels the means of accessing internal and external dispute resolution mechanisms in all their communication channels, including:
  - Websites;
  - Enrolment forms;
  - Product Disclosure forms and summary sheets;
  - Pre-agreement statements;
  - Contracts and agreements between Service Providers and contributors;
  - Account statements.

## **9. COMPLAINT CHANNELS**

Contributors may present complaints to Service Providers through the following channels:

- Verbally, in person
- Verbally, by telephone



- In writing, in person
- In writing, by post
- Any additional communication channels Service Provider offers, including websites, email and branch or agent locations.

### **9.1. Cost**

Service Providers shall not charge any cost, fee or penalties to contributors for accepting, handling and resolving complaints.

### **9.2. Third Party Agents**

Where Service Providers use independent or third party agents to provide their services, the Service Provider shall be responsible and liable for their compliance with all rules and procedures for handling contributors' complaints.

### **9.3. Acknowledgement of Complaints**

A Service Provider shall acknowledge receipt of every complaint filed by a complainant or contributor within three (3) days of receipt of the said complaint. An acknowledgement shall be rendered in the form in which the complaint was filed. The three (3) day acknowledgement shall be considered part of the fifteen (15) day resolution period stipulated in this document.

### **9.4. Reception and Resolution**

The Service Provider shall receive and resolve each complaint lodged by a complainant.

## **10. COMPLAINT HANDLING AND RESOLUTION PROCESS**

### **10.1. The Three Level Process**

The complaint handling and resolution process for a contributor to a pension scheme has three levels:

#### **10.1.1. Service Provider**

First - at the level of the Service Provider: the Service Provider shall establish an internal complaint and redress procedure that shall handle and seek to resolve all initial complaints. Where the parties are unable to arrive at a consensus, the financial Service Provider



shall refer the matter to the National Pensions Regulatory Authority in writing within **five (5)** working days of the stalemate.

10.1.2. **National Pensions Regulatory Authority**

Second - at the National Pensions Regulatory Authority: the Authority shall take up all referred unresolved complaints or disputed decisions by the Service Provider and act as Arbitrator through the Adjudication Committee between the parties and give appropriate directives where required.

10.1.3. **The Courts**

Third - at the Court: where a party is dissatisfied with the decision of the National Pensions Regulatory Authority's Adjudication Committee, the aggrieved party may seek redress in Court by instituting a legal action.

## **11. COMPLAINTS MECHANISMS INSTITUTED BY THE SERVICE PROVIDER**

### **11.1. Establishment of Written Procedures**

11.1.1 The Service Providers shall establish a written policy and have written procedures that cover the following;

- Receipt of complaints;
- Procedure to handle and resolve complaints;
- Monitoring of complaint handling and resolution;
- Reporting procedures and communication of complaint resolutions/decisions both internally and to the National Pensions Regulatory Authority;
- Communication of resolutions/decisions to consumers.

11.1.2 The Service Provider's policy shall ensure that complaints are handled courteously and impartially. The Service Provider shall also ensure that employees who handle complaints are adequately trained to do so and possess sufficient understanding of consumer/contributor protection.

11.1.3 The National Pensions Regulatory Authority shall have the authority to review Service Providers' internal consumer/contributor



protection policies and shall make recommendations for improvement where necessary.

**11.2. Requirement to Receive Complaints**

Service Providers are required to have in each branch a unit and/or function established to receive complaints from contributors and initiate the dispute resolution process. This unit and/or function are to be staffed with competent and properly trained staff member(s) on complaints handling and dispute resolution, available to consumers during all normal business hours.

**11.3. Right to Complain to the Pension Service Provider**

All contributors may complain first to the branch or agency of the Service Provider whose service is the subject of discontentment, at the location where the service was provided, or use any channel of complaint provided by the Service Provider, before consulting the National Pensions Regulatory Authority.

**11.4. Traceability of Complaints**

The Service Provider shall ensure that the complaint is traceable and to that purpose, they must assign a unique registration number upon receipt of each complaint. This unique registration number is to be provided to the complainants when they first present their complaint to the Service Provider. Staff receiving the complaint shall explain to the complainant the purpose of this number and the importance of remembering this number for all future follow-up on their case.

**11.5. Equal Treatment of Complaints**

All complaints shall be treated equally.

**11.6. Minimum Complaint Information Required**

Upon receipt of the complaint, the Service Provider must register the following minimum complaint information:

- Complaint unique registration number;
- The Scheme of the Complainant;
- The complainant’s Employee ID/Scheme ID;
- Date Service Provider received Complaint;
- Date complaint occurred;
- Channel through which contributor presented complaint;





- Staff receiving the complaint;
- Name of the complainant;
- Gender of the complainant;
- A copy of an ID card of the complainant;
- Age / Date of birth of the complainant;
- Complainant’s contact information;
- Preferred method for receiving follow-up information relevant to the case;
- Service type the complaint refers to;
- Complainant’s relation to the Service Provider;
- Account number if complaint refers to a particular product or service contracted by the complainant;
- Description of the complaint;
- Desired outcome sought by the complainant;
- Any supporting documentation provided by the complainant.

#### **11.7. Translation of Complaints**

Service Providers shall receive and translate written and verbal complaints presented in other languages into English. They shall then read and interpret what they have written to the complainant to ensure that what is written captures the essence of the complaint.

#### **11.8. Provision of Relevant Information**

The complainant shall provide all relevant information on the case requested by the Service Provider and act in good faith to facilitate the investigative process. The pension Service Provider shall also act in good faith in processing the complaint, and refrain from requesting documents or information from the complainant that is not directly relevant to the investigation and resolution of the particular complaint presented by the contributor.

#### **11.9. Confidentiality**

All information related to the complaint and complainant shall be treated confidentially. Information provided by the complainant shall be used only for the purpose for which it was obtained in accordance with Data Protection Act, 2012 (Act 843).



### **11.10. Resolution Period**

- 11.10.1. The Service Provider shall resolve the complaint and present the decision to the complainant no later than fifteen (15) working days after the date of receipt of the complaint.
- 11.10.2. Where the Service Provider is unable to resolve the complaint within the stipulated period, the Service Provider shall inform the complainant of its requirement of more time to resolve the issue.
- 11.10.3. Where the Service Provider requires more time to resolve a complaint, the Service Provider may take an additional ten (10) days.

### **11.11. Requirement for Extended Resolution Period**

- 11.11.1. If the Service Provider needs more time to resolve the complaint due to its complexity or the need for additional information, a notification shall be sent to the complainant in advance of the expiration of the fifteen (15) working days permitted to resolve the complaint, explaining the reasons for the need to extend the period for complaint resolution and specifying the length of additional time that will be required. The Service Provider is permitted up to ten (10) additional working days to render a decision, or refer the complaint to National Pensions Regulatory Authority. ***(Extension of 15 days of complaint deadline)***
- 11.11.2 The notification shall be communicated to the complainant in writing as well as in any other means of communication requested by the complainant that is included in this document. In the case of phone notification, the Service Provider must document the time, date, and phone number contacted to inform the complainant.

### **11.12. Provision of Resolution in Writing**

The Service Provider shall convey the result of their investigation into the complaint and related ruling to the complainant in writing as well as in any other means of communication requested by the complainant that is stipulated in this document. This communication shall include, at a minimum:

- The complaint's unique registration number;



- Description of the complaint;
- Desired outcome sought by the complainant;
- Decision made by the Service Provider on the complaint;
- Evidence supporting this decision; and
- Clear instructions on how to appeal this decision to the National Pensions Regulatory Authority with all contact information (including at a minimum, phone numbers, mailing address and physical address), description of the appeal process and time frame.

## **12. COMPLAINTS MECHANISMS AT THE NATIONAL PENSIONS REGULATORY AUTHORITY**

### **12.1. Right to Appeal**

- 12.1.1. A complainant may appeal to the National Pensions Regulatory Authority if the complainant has not received an answer from the financial Service Provider after fifteen (15) working days of lodging the complaint;(or after twenty-five (25) working days in the case of an extension), or if the complainant does not agree with the resolution adopted by the Service Provider.
- 12.1.2. Upon receipt of notification of the resolution of the complaint, the complainant shall have fifteen (15) working days to submit an appeal against the decision of the Service Provider to the National Pensions Regulatory Authority. This appeal can be submitted through any of the channels provided in this document. The Service Provider shall be notified by National Pensions Regulatory Authority of the appeal.
- 12.1.3. If the complainant has not presented any appeal within the time frame specified, the matter shall be considered as resolved by the Service Provider and shall be recorded as such in the complaints data to be reported by the Service Provider to the National Pensions Regulatory Authority.



### **12.2. Assignment of Same Complaint Unique Number upon Appeal**

In the case of an appeal the complainant may be assigned the same complaint unique registration number that was given to the complainant by the Service Provider as specified in this document.

### **12.3. Resolution Period for Appeals Received at the National Pensions Regulatory Authority**

Upon receipt of the appeal from the complainant, the National Pensions Regulatory Authority will have fifteen (15) working days to conduct an investigation into the matter and issue a decision. This decision shall be communicated to the complainant in writing as well as any other means of communication requested by the complainant that is in this document. The Service Provider will also be given a copy of the written notification of the decision that was sent to the complainant.

### **12.4. Resolution Notification Information Required**

The notification shall include:

- The complaint unique registration number,
- Nature of the complaint,
- Desired outcome sought by the complainant,
- Decision made by the National Pensions Regulatory Authority on the complaint,
- Evidence supporting this decision, and
- The right to seek redress at the Court.

### **12.5. Provision of Relevant Information during Investigations**

During the course of the investigation the Service Provider and complainant shall provide all relevant information to the case requested by the National Pensions Regulatory Authority, and act in good faith to facilitate the investigative process.

### **12.6. Legal Implications of National Pensions Regulatory Authority's Decision**

The decision by the National Pensions Regulatory Authority will be considered binding for the Service Provider.



### **12.7. Right to Take Legal Action**

The complainant as well as the Service Provider may take legal action if it is dissatisfied with National Pensions Regulatory Authority's decision.

## **13. MONITORING AND REPORTING**

### **13.1. Quarterly Reporting**

Service Provider shall submit reports on complaint handling and resolution directly to the National Pensions Regulatory Authority on a quarterly basis.

### **13.2. Quarterly Reporting Deadlines**

The quarterly report shall be submitted not come later than ten (10) days after the end of the reporting period.

### **13.3. Reporting Information Required**

The quarterly and annual reports shall follow the structure developed by National Pensions Regulatory Authority. Reports shall in any case contain information about the following data:

- Number of complaints received in period,
- Number of complaints resolved,
- Number of complaints pending,
- Number of cases referred to National Pensions Regulatory Authority,
- Number of complaints submitted by age and gender of complainant,
- Number of complaints submitted by branch if any,
- Number of complaints by service type,
- Number of complaints submitted by client type,
- Number of complaints submitted by nature of complaint, and
- Number of complaints submitted by channel type.

## **14. OTHER REQUIREMENTS FOR THE SERVICE PROVIDERS**

### **14.1. Training Requirements**

Service Providers shall provide adequate training on consumer/contributor protection principles, rights of contributors and complaint handling. This training is compulsory on an annual basis for



all the front desk staff of a Service Provider and encouraged for all staff of a Service Provider.

#### **14.2. Board of Directors Responsibilities**

The Board of Trustees/Directors of Service Provider shall be responsible for the institution of complaints handling and contributor dispute resolution procedures within their institutions.

#### **14.3. Senior Management Responsibilities**

The Service Provider shall appoint a Senior Management staff as responsible for the implementation of the complaints handling and contributor dispute resolution systems, as well as compliance with the requirements set forth in this directive. The designated Manager will have the following responsibilities:

- Ensure that the training programs on consumer/contributor protection for the relevant staff are provided;
- Ensure that the contributor protection procedures are followed, and where necessary, implement any corrective measures needed in the event of non-compliance or mishandling of the consumer protection procedures;
- Conduct periodic follow up on the status of complaints received;
- Prepare reports on complaints handling and dispute resolution system to be submitted to the Chief Executive Officer of the National Pensions Regulatory Authority on a quarterly basis;
- Submit quarterly and annual reports to National Pensions Regulatory Authority; and
- Make recommendations to the CEO on improvements to be made to complaints handling and dispute resolution.

### **15. OTHER DISPOSITIONS**

#### **15.1. Limitation of Period for Acceptance of Complaints**

The contributor may initiate the recourse process contained in this directive within a period of six (6) years after the occurrence of the incident which occasioned the complaint.

A complaint shall not be considered six (6) years after the occurrence of the incident which occasioned the complaint.



### **15.2. Decision of the Court**

If a complainant seeks redress in a Court of competent jurisdiction on a matter, a complaint shall not be initiated under this Directive unless the Court action is withdrawn.

### **15.3. Implications of Taking Case to Court**

If a complainant decides to take a matter to Court before a decision is reached under recourse mechanisms in this Directive all processes shall be suspended unless the Court action is withdrawn.

## **16. SANCTIONS**

The National Pensions Regulatory Authority shall supervise all internal and external dispute resolution mechanisms instituted by Service Providers and may impose an administrative fine as indicated in the Acts and Regulations of the Authority.

The National Pensions Regulatory Authority shall exercise its discretion to impose fines for non-compliance.

## **17. APPENDIX**

**Appendix I: A sample of Client Complaint Reporting Form (Attached)**





**NATIONAL PENSIONS REGULATORY AUTHORITY**

**CLIENT COMPLAINT REPORT FORM**

**SECTION A: COMPLAINANT DETAILS**

Name of Complainant:.....

Gender:

Nationality:

**Contact Details:**

Email: .....

Telephone No. ....

Address/Location

.....  
.....  
.....

**SECTION B: DETAILS**

*NB: Use additional sheet if space provided is not enough.*

**SECTION C: SUPPORTING DOCUMENTS**

*Kindly list them.*





**SECTION D: OFFICIAL USE ONLY**

**I. RESULT OF INVESTIGATION:**

**II. ACTION TAKEN:**

**III. DATE COMPLAINANT WAS CONTACTED WITH THE RESULTS OF THE INVESTIGATION AND ACTION TAKEN:**

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**NAME OF OFFICER:** .....

**SIGNATURE** : .....

**DATE** : .....

