

**Shaftesbury Corporate Management Services (Luxembourg) S.A.**

**Complaints Policy**

**dated September 2017**

Approved on 14 September 2017 by the Board of Directors

## 1. INTRODUCTION

### 1.1 Policy Summary

This document has been issued and approved by the board of directors (each a “Director” and collectively the “Board”) of the Company on the date hereof.

Shaftesbury Corporate Management Services (Luxembourg) S.A. (hereafter “SCMS”) is a *société anonyme* incorporated under the laws of the Grand Duchy of Luxembourg. In accordance with the CSSF Regulation N° 16-07 relating to the out-of-court dispute settlement was published by the Commission de Surveillance du Secteur Financier (“CSSF”) on 26 October 2016. The Regulation provides a framework to the processing of customer complaints. The complaint management policy details the processes and procedures in place for the fair, transparent and objective consideration and effective management of complaints. It shall also enable the identification and mitigation of any possible conflicts of interests.

### 1.2 Shaftesbury Corporate Management Services (Luxembourg) S.A. Policy

The Board of Directors of SCMS (hereafter the “Board”) is ultimately responsible for the management and resolution of complaints. The Board has appointed an officer (hereafter “Complaints Management Officer”) who is responsible for the overall management of complaints.

The objectives of the Complaints Management Policy are as follows:

- Address the client’s issues in a prompt, effective and satisfactory manner; and
- Comply with all applicable regulatory obligations.

## 2. COMPLAINTS

For the purposes of this policy, the term “complaint” is defined as a verbal or written expression of dissatisfaction by a client, shareholder or business partner which contains an actual or potential claim for compensation. A complaint can be addressed directly to SCMS or indirectly through a third party or service party that has been authorized by the complaining party. A complaint can be in relation to:

- 1) A service provided or withheld by SCMS; or
- 2) The behavior of any employee or person conducting business on behalf of SCMS.

All verbal and written complaints will be treated seriously, objectively and discretely.

## 3. MANAGEMENT OF COMPLAINTS

### 3.1 Complaint Management

#### Verbal complaints:

If a Complainant raises his/her complaint verbally, for example during a telephone call, the employee must request that the Complainant submit a formal written complaint, whether in email or letter form. The written complaint must be escalated to the Complaints Management Officer as soon as possible.

#### Written complaints:

Any employee who receives a written complaint must escalate it to the Complaints Management Officer as soon as possible. The written communication should provide clear details of the issue or matter of concern, the desired outcome and include supporting documentation or evidence, where applicable. The Complaints Management

Officer shall draft a detailed note in the complaints register on the complaint. The note must include the following information:

1. The name of the person(s) that is subject to the complaint
2. The name of the client or client company
3. The nature of the complaint
4. The date on which any relevant issues transpired
5. The desired outcome

An acknowledgement letter/email will be issued by the Complaints Management Officer to the Complainant, within **10 business days** of receipt of the written complaint, unless the complaint has been fully resolved within the intervening period. This communication to the Complainant must include the details of the complaint management process which includes but is not limited to the type of information that must be provided by the Complainant, identity and contact details of the person to whom the complaint should be directed, the indicative timeframe for handling the complaint.

Furthermore, in accordance with the CSSF Regulation 16-07, SCMS is obliged to provide the Complainant with a final response by no later than **one month** after date of receipt of the formal written complaint. Where the desired outcome cannot be provided within this period, SCMS will inform the Complainant of the causes of the delay and indicate the date at which a response is likely to be made.

Any complaints from a government or regulatory body must be immediately reported to the Complaints Management Officer who will be the sole point of contact for complaints, according to CSSF Circular 14/589.

### **3.2 Complaint Investigation**

The Complaints Management Officer will conduct an investigation and analysis into the facts and circumstances that lead to the complaint. To avoid any conflicts of interest, only employees who are not involved or related to the matter of the complaint shall be asked to assist with the investigation. Upon the finalization of the investigation, the Complaints Management Officer will make a recommendation to the Board on the appropriate recourse, if any. The recommendation to the Board may include a number of proposed remedial solutions such as an apology letter, the provision of an explanatory letter to the Complainant, financial compensation and/or remedial action against the employee who is subject to the complaint. If the complaint involves a violation of the law, regulations, circulars or any internal policy, the Complaints Management Officer may treat this matter as a compliance incident which may entail further internal investigation.

Where the outcome of the investigation is insufficient to resolve the complaint, the Board may decide to use the services of external third parties, for example lawyers or auditors.

### **3.3 Financial Compensation**

If the investigation results in a potential or actual finding of liability on the part of SCMS and the circumstances require the compensation of the Complainant, the compensation shall be assessed fairly and in proportion to the nature and seriousness of the complaint. Any compensatory payment, including the reimbursement of fees, is subject to the approval of the Board.

All compensatory payments that have been approved by the Board and paid to the Complainants shall be detailed in the Complaints Register.

### **3.4 Closing of Complaints**

The answering letter to the Complainant shall always be sent **via registered mail** with confirmation of delivery or by courier, and shall contain a statement which details when tacit acceptance of the proposed remedy will be deemed. Furthermore, the answering letter will provide the Complainant with the non-judicial alternative dispute resolution process via the CSSF.

There are two possible outcomes upon the Complainants receipt of the answering letter:

- 1) The Complainant is satisfied with the proposed remedy and has confirmed in writing his/her acceptance of thereof. Alternatively, the Complainant failed to reject the proposal in writing in the stipulated time period. The complaint will also be considered “closed” upon the Complainants express or tacit acceptance of the proposed remedy. The Complaints Management Officer will update the Complaints register accordingly.
- 2) The Complainant rejects the proposed remedy in writing. If no new factual information is provided by the Complainant with his written rejection, the complaint will most likely escalate to an external dispute resolution mechanism.

### **3.5 External Dispute Resolution**

In the case where SCMS and the Complainant are unable to agree on a satisfactory remedy, the Complainant may escalate the matter to the CSSF or the applicable court.

#### *3.5.1 CSSF – Regulation 16-07*

If a Complainant is dissatisfied with the proposed remedy to his/her complaint, the Complainant may choose to utilize the non-judicial alternative dispute resolution forum provided by the CSSF. The Complainant may only utilize this dispute resolution forum under the circumstances defined in the regulation. This dispute resolution forum is free of charge and still allows the Complainant to pursue legal action thereafter.

If the Complainant chooses to utilize the non-judicial alternative dispute resolution forum, SCMS will receive a letter from the CSSF in which the complaint is detailed. The Complaints Management Officer will be the sole point of contact for complaints, according to CSSF Circular 14/589.

#### *3.5.2 Legal action via the judicial system*

If the Complainant chooses to utilize the applicable court for the purposes of the dispute resolution, the Board will engage the services of a law firm, as soon as possible.

## **4. COMPLAINTS REGISTER**

### **4.1 Updating of the Register**

The Company’s Complaints Register is kept and updated by the Complaints Management Officer. The Complaints Management Officer shall utilize the Complaints Register to monitor and supervise the claims management processes set out in this policy.

The ultimate responsibility of guarding the register and ensuring regular updating and informing the Board will be the Complaints Management Officer.

### **4.2 Monitoring and reporting**

The Board will, at least on an annual basis, analyze the register in order to identify and address any recurring or systemic problems, as well as any potential legal and operational risks. For this purpose, the Board will:

- (i) analyze the causes of the individual complaints in order to identify the root causes common to certain types of complaints;

- (ii) consider whether these root causes may also affect other processes or services, including those to which the complaints do not relate to directly; and
- (iii) correct these root causes, when it is reasonable to do so.

#### **4.3 Communication of information to the CSSF**

The Complaints Management Officer is required to provide the CSSF with a table, on an annual basis which details the number of complaints registered by the Company classified by the type of complaints. Furthermore, a summary report of the complaints and of the measures taken to manage and resolved the complaints must be submitted to the CSSF before 1<sup>st</sup> March every year.

#### **5. REVIEW AND EVALUATION**

The review and evaluation of the Complaints Management policy will be done periodically through:

- periodical review from the Complaints Management Officer;
- annual review by the Board;
- internal annual audit.