

# Ombudsman for Banking Services

Formerly known as the Banking Adjudicator, the Ombudsman for Banking Services (OBS) offers a free service to customers, displaying impartiality, fairness and confidentiality. It is supported by all major banking institutions, including Access Bank SA, and the Ombudsman for Banking Services is Advocate Clive Pillay.

## Structure of the OBS

Banks who are members of the Banking Association, agreed to be bound by the jurisdiction of the OBS on a voluntary basis. In other words, there is no law that requires banks to belong to the OBS scheme. However, if a bank does not want to be subjected to the OBS, the said bank may not be a member of the Banking Association. The OBS Office is an independent and impartial Section 21 company (not for gain). The OBS Office reports to the OBS Board - not to the Banks.

## Independence of the OBS

The Ombudsman acts independently and objectively in resolving disputes and is not influenced by anybody in making decisions.

## Power of the OBS

The OBS resolves disputes by using the following criteria:

- The law
- Applicable industry codes or guidelines
- Good banking practice
- Banking practice in other jurisdictions
- Fairness in all the circumstances

## Procedure to resolve complaints

The OBS may make use of the following to resolve a complaint:

- Assessment of the merits of the case
- Mediation between the parties
- A written recommendation describing how the matter should be resolved and the reasons for the recommendation
- The OBS may personally make a binding written determination, based on the law or the Code in a case where a recommendation has not been accepted by all the parties concerned

## Jurisdiction of the OBS The OBS can handle a complaint if:

- The complainant is a customer of the bank
- The complainant - if a small business, partnership, association, trust or close corporation - does not have a turnover exceeding R10 million per annum
- The claim is for R2 million or less
- The complainant has, without success, raised the complaint with the bank
- The complainant has obtained (or tried to obtain) a complaint reference number from the bank
- The complaint concerns the bank's own products or services, or advice given by the bank's own staff regarding its own (or another institution's) products
- There has been mis-administration on the part of the bank leading to some significant loss, distress or inconvenience

## The OBS cannot handle a complaint if:

- The claim is (or has been) subject to legal action
- The case would be more appropriately handled by a court (e.g. evenly balanced disputes of fact, third party involvement and complex issues)
- The bank has exercised its commercial judgment (e.g. called in a loan or increased administration fees)
- The cause of the complaint arose over three years ago
- The claim has prescribed (i.e. is older than the legal time limit)
- The complaint is pursued in a frivolous, vexatious, offensive, threatening or abusive manner.