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## GENERAL NOTICE

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### NOTICE 281 OF 2015

I, Noluntu Nellisa Bam, Ombud for the Office of the Ombud for Financial Service Providers (FAIS Ombud) hereby publish the FAIS Ombud's Draft Language Policy in terms of section 4(2)(h) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012) for public comment.

Members of the public are invited to submit written comments within 30 (thirty) days after the publication of this notice to the following address:

**By hand:** Sussex Office Park

c/o Lynnwood Road and Sussex Avenue

Lynnwood

Pretoria

0081

**By email:** [hestie@faisombud.co.za](mailto:hestie@faisombud.co.za)

Any enquiries in connection with the draft policy can be directed to the above email.

**NB:** Comments received after the closing date will not be considered



# LANGUAGE POLICY

Reviewed by RCS Committee on 24 March 2015 and approved by EXCO on 26 March 2015

Reviewed and Approved by EXCO:

Date: 27 March 2015



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Ombud: NN Bam

Reviewed by RCS Committee on 24 March 2015 and approved by EXCO on 26 March 2015

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## 1. DEFINITIONS AND INTERPRETATION

1.2 The following words and expressions shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings:

1.2.1	<b>“Board”</b>	means the Board of the Financial Services Board;
1.2.2	<b>“Business Purpose”</b>	means for the purpose of resolving complaints in terms of the FAIS Act;
1.2.3	<b>“Complainant”</b>	means any person who lodges a complaint with the FAIS Ombud in terms of section 26(1)(a)(ii) of the FAIS Act;
1.2.4	<b>“FAIS Act”</b>	means the Financial Advisory and Intermediary Services Act, 37 of 2002;
1.2.5	<b>“FAIS Ombud”</b>	means office of the Ombud for Financial Service Providers;
1.2.6	<b>“Government Purpose”</b>	means for the purpose of communicating with other government institutions;
1.2.7	<b>“Language Unit”</b>	means a language unit established in terms of section 7 of the Act;
1.2.8	<b>“Language Policy”</b>	means this Policy; and
1.2.9	<b>“Official Language”</b>	means an official language contemplated in section 6(1) of the Constitution.

1.3 Words importing the masculine gender include the feminine gender and *vice versa*; the singular includes the plural and *vice versa*.

## 2 INTRODUCTION

The Use of Official Languages Act 12 of 2012 (**“the Act”**) was promulgated in light of the Constitution of the Republic of South Africa Act 108 of 1996 (**“the Constitution”**) which recognises the 11 (eleven) official languages of South Africa. The Act recognises the historically diminished use and status of indigenous languages and requires of the State to take practical and positive measures to elevate the status and advance the use of these languages.

The Act provides for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of language policies by national departments, national public entities and national public enterprises and the establishment of language units for national departments, national public entities and national public enterprises.

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The FAIS Ombud adopts this Language Policy in terms of the Act.

### **3 PURPOSE OF THE LANGUAGE POLICY**

The purpose of the Language Policy is to outline how the FAIS Ombud will comply with the provisions of the Act and use the official languages to share information regarding its mandate and services, to complainants in particular and South African citizens in general.

### **4 NATURE AND MANDATE OF THE BUSINESS OF THE FAIS OMBUD**

The Office of the FAIS Ombud was established by the FAIS Act. The FAIS Ombud's role is to resolve disputes between financial services providers and their clients in a procedurally fair, informal, economical and expeditious manner. The FAIS Ombud's jurisdiction is limited to violations which occurred on or after 30 September 2004 and to claims not exceeding R800 000.00.

The FAIS Ombud is independent, impartial and performs its functions without fear, favour or prejudice. The FAIS Ombud's services are free and accessible to all consumers.

Since 1 April 2005, the FAIS Ombud was granted the authority to act as Statutory Ombud under the Financial Services Ombud Schemes Act, 37 of 2004 ('FSOS Act'). This means that the FAIS Ombud can deal with complaints against financial institutions, which do not fall within the jurisdiction of any other Ombud scheme or where there is uncertainty over jurisdiction.

### **5 SCOPE AND APPLICATION**

The provisions of this Language Policy are applicable to all employees of the FAIS Ombud and anyone performing any functions on behalf of the FAIS Ombud.

### **6 USE OF OFFICIAL LANGUAGES BY THE FAIS OMBUD**

The Act requires that the Language Policy identify at least 3 (three) official languages that the institution will use when communicating with the public. The FAIS Ombud adopts all the official languages subject to clauses 6.1, 6.2 and 6.3 of this Policy.

The description of which languages will be used for business purposes, as distinguished from government purposes, and the manner in which such languages will be used is set out herein below:

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6.1 Business Purposes

The FAIS Ombud adopts English as a medium of communication in relation to its business purpose - to communicate with its various stakeholders in accordance with its mandate and in respect of internal communication.

6.2 Government Purposes

The FAIS Ombud adopts English as a medium of communication in relation to its communications with government departments and/or Parliament.

6.3 Adoption of other Official Languages

The FAIS Ombud shall use interchangeably English and/or any other official languages, as appropriate and determined on a case by case basis, for the following purposes:

- a) communication with members of the public, both orally and written - i.e. *inter alia*, public notices and announcements, public information signs, signage identifying facilities and services;
- b) communication with the media (e.g. print, radio, television, web) - depending on purpose and platform;
- c) official publications and correspondence;
- d) other stakeholder engagement activities; and
- e) any other official proceedings.

6.4 With reference to the abovementioned instances and in determining which official language to use, the FAIS Ombud shall be guided in each instance by, *inter alia*, the following factors:

- a) practicability;
- b) associated costs;
- c) geographic location;
- d) interests of the stakeholders; and
- e) the capacity of the FAIS Ombud.

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**7 ESTABLISHMENT OF A LANGUAGE BUSINESS UNIT**

7.1 The FAIS Ombud obtained the necessary exemption from establishing the Language Unit as required by the Act.

7.2 Whereas the FAIS Ombud will not establish the Language Unit, such functions will be performed by the Risk Department.

**8 ACCESS TO THE LANGUAGE POLICY**

The Policy shall be made available through any of the following means:

- the FAIS Ombud website: [www.faisombud.co.za](http://www.faisombud.co.za);
- the FAIS Ombud intranet; and
- the FAIS Ombud public drive.

**9 COMPLAINTS PROCEDURE**

Any person who is dissatisfied with the use of official languages in terms of this policy by the FAIS Ombud may lodge a complaint addressed to the Risk Department of the FAIS Ombud.

9.1 A complaint must be lodged as follows:

- a) in writing within three months of dissatisfaction;
- b) any complaint lodged must state the following details: name and surname and contact information of the person lodging it; and
- c) the complainant must provide a detailed description of the complaint.

9.2 The FAIS Ombud will consider the complaint and respond in writing, no later than 1 (one) month after the complaint was received.

**10. REVIEW AND APPROVAL OF THE POLICY**

This Policy shall be reviewed every two years.

Reviewed by RCS Committee on 24 March 2015 and approved by EXCO on 26 March 2015











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