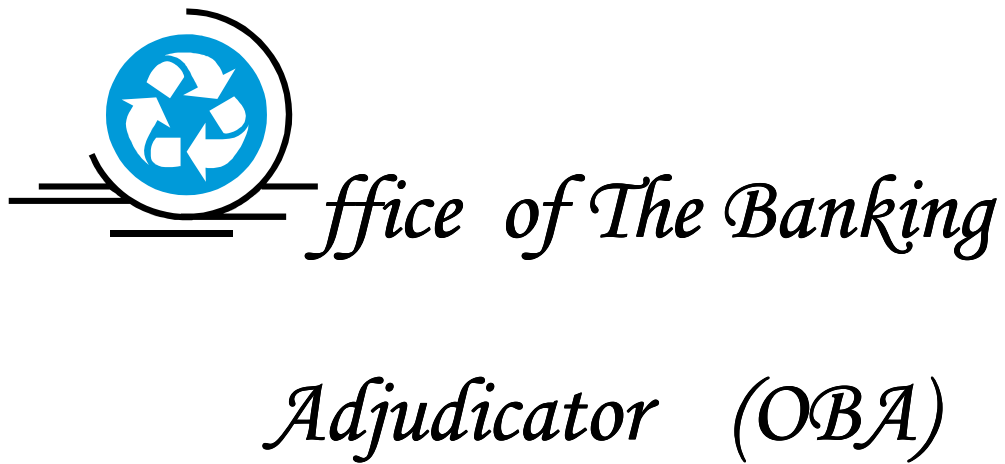


WHEN YOUR NEED A PEACE OF MIND!!



*Independence, Impartiality, Integrity, Confidentiality, Accessibility, and
Timeliness.*

Introduction:

This brochure provides you with important information about the Office of the Banking Adjudicator; an independent body that exists to resolve legitimate complaints between you and your bank.

The Banking Adjudicator acts independently and objectively in resolving dispute and is not influenced by anybody in making decisions. All complaints receive the highest priority, and are handled confidentially and sensitively.

What Role Does The Banking Adjudicator Play?

The Banking Adjudicator exist to provide individual member customers with a fair, quick and effective dispute resolution process, **but** only after the customer has made full use of the complaints procedure of the concerned bank. Resolve disputes using the criterion of (i) the law; (ii) good banking practise (iii) bankers' Code of Conduct (iv) banking practise in other jurisdictions; (v) fairness in all the circumstances.

NO Charges: The services of the Banking Adjudicator are free to eligible bank customers.

Who Can Complain To Us

A bank customer who is:

- (i) An individual and
- (ii) Business (including a company, corporation an association, a partnership or a trust) with a turnover for the last financial year of P2 million or less.

Essential Checklist:

What we can help you with:

You complaint must;

- Be against a bank that is a member of the Bankers' Association of Botswana.
- Be against your own bank, regarding its products and services or fees.
- Relate to a claim of less than P 250,000.00
- Relate to mal-administration on the part of the bank that has caused you some loss, distress or inconvenience that is not of a trivial nature.
- Relate to an incident that happened two years ago or less.
- Refer to misleading advertising.

What you cannot complain to us about:

- The exercise by a bank of its commercial judgements on lending policy or interest rates. You can not complain about a bank's failure to give you a loan, unless there was failure to follow the correct procedure and this prejudiced you.
- Matters that should more appropriately be dealt with by a court of law or other process.
- Matters where legal action has been started or where the customer wishes to be accompanied by an attorney.
- Generally something that happened more than two years ago (there may be other grounds for refusing your complaint).

We do not deal with general or systematic problems such as the length of queues.

What The Office Can Do:

1. The bank is given a 'last chance' to resolve or sort out the problem. The Office of The Banking Adjudicator (OBA) can attempt to facilitate or mediate a mutually agreeable settlement of the dispute between a bank and its customer.
2. In the event that a settlement cannot be reached in the early stages of a dispute, the OBA is entitled to request from either of the parties all relevant information pertaining to the case to enable it to arrive at a decision.
3. Once the facts of the matter have been properly assessed, the OBA can make a recommendation or determination, based on the appropriate laws of the land or relevant provisions in the Code of Banking Practice.

In terms of a recommendation, the OBA suggests how, a specific matter should be dealt with by the bank and its customer. While the bank may accept or ignore such a recommendation, it is important to note that almost without exception the banks follow the OBA's recommendation.

If a bank fails to do so its name may be published.

In most cases if the facts of a case and the law are clear, the OBA make a binding determination against a bank.

It is not the function of the Banking Adjudicator to provide general information about the banking industry, bank services or bank policy or procedures. Your bank probably has a customer care line to deal with these matters.

The Banking Adjudicator may not be subpoenaed to testify in court by either of the parties to a dispute considered by the Banking Adjudicator.

Filing A Complaint With The OBA.

9 Ways To Get A Peace Of Mind:

If you not satisfied with the outcome of the bank's attempt to solve your complaint, you may approach this office. You should ask for a **complaint reference number** which would be required to complete our **Application For Assistance Form**, (authority to act on your behalf) available from our office.

We can post, fax or e-mail a copy to you.

- (1) Before approaching the OBA you must give your bank sufficient opportunity to resolve the problem (usually a maximum of **15 business days**).
- (2) On presentation of your complaints we will determine whether they fall within our rules, after carefully considering all the information provided by you . Unfortunately it is not possible to make such a decision over the phone.
- (3) Your complaint will be referred back to your bank to give the bank a further opportunity to resolve the matter.
- (4) If the bank and you do not resolve the matter within the time period(not more than 15 business days) set down by this office, your complaint will be regarded as ' accepted' by this office.
- (5) Accepted complaints are investigated by obtaining information from the bank and, where necessary, yourself. Our aim is to complete most investigations within 3 weeks.
- (6) To protect confidentiality, we may not send each party copies of everything that we receive from the other.
- (7) Unlike a Court, we will not call for evidence given under oath and no hearing will be held.
- (8) Where it is possible to arrive at a conclusion, the OBA will make a recommendation ruling. If it is in your favour and you accept it, your claim against the bank will fall away after you have received an apology or payment that is due to you from your bank. If the decision is in favour of your bank, you retain the right to institute legal proceedings against the bank.
- (9) We will keep you informed of developments on an ongoing basis.

Bankers' Association of Botswana Members:

**African Banking Corporation of Botswana Ltd
Bank Gaborone
Bank of Baroda (Botswana) Ltd
Barclays Bank of Botswana Ltd
First National Bank of Botswana Ltd
Kingdom Bank of Botswana Ltd
Stanbic Bank of Botswana Ltd
Standard Chartered Bank of Botswana Ltd**

**Contact: The Banking Adjudicator
Plot 767 Tati Road : Life and General Building
(between Trinity Church & Brackendene Lodge-
Main Mall)
Tel: 3935409 Fax: 3935406 Cell: 71326282
E-mail : bankadjud@info.bw
Mail : Private Bag 00404, Gaborone.**