

## **PROCEDURE FOR LODGING AND INVESTIGATION OF COMPLAINTS**

### ***STATUTORY REQUIREMENTS***

Any allegation of improper conduct against a debt collector must be in the form of a written affidavit, stating the date, time and particulars of the incident, the name of the debt collector and the names of any witnesses to the incident, and must be submitted to the Council as soon as practical after the incident, together with any corroborative documents, if any. [Regulation 7(2)]

In order to assist in this regard you can download the complaint form, complete and then send it through to the Council by mail, fax or in scanned format.

### ***THE PROCEDURE***

1. Once the Council has received a complaint that meets the requirements outlined above, the complaint is brought to the attention of the debt collector concerned. This has to be done within 14 days of receipt of the complaint. [Regulation 7(4)]
2. This starts the investigation process, the investigation is done by way of correspondence between the parties and correspondence received from the debt collector is forwarded to the complainant for comment.
3. Once all aspects have been canvassed and the investigation completed the matter is referred to a committee of the Council for a decision whether disciplinary proceedings should be instituted. That decision can include but are not limited to a decision to charge the debt collector, to close the file, or to continue with the investigation on aspects that the committee would like resolved.
4. Once a decision has been taken both parties are informed of the decision.
5. Should the decision be to proceed with disciplinary proceedings, the debt collector is informed of the charges to be answered and the date and time to attend the inquiry. This inquiry is heard by members of the Council for Debt Collectors other than those members who made the initial decision to have the debt collector charged or by a person or persons appointed by

the Council to conduct such an inquiry. The complainant is also instructed to attend the proceedings and give evidence when necessary.

6. Should the result of the inquiry be a guilty verdict, the committee determines a suitable sentence as provided for in section 15(3) of the Act.

## **NOTES**

Should you have any queries please contact 012 804 9808 and ask for assistance from the legal department.(Adv. Cornelius, Adv Gildenhuys or Ms Makwela).

The Council for Debt Collectors have no jurisdiction over the actions or fees charged by attorneys (excluding an agent of an attorney), micro lenders, banks or furniture stores. These institutions are controlled by their respective bodies. In the case of attorneys by the law society who has jurisdiction, in the case of banks by the Banking Ombud and in the case of micro lenders and furniture stores by the National Credit Regulator.

Complaints received by e-mail cannot be investigated as they do not meet the requirements laid down by the Regulations. They are not made under oath and can therefore not be investigated.

Where possible the address and telephone number of the debt collector against whom the complaint is lodged, together with at least one document received from the debt collector should be furnished with the written complaint.