



URBRA COMPLAINTS HANDLING GUIDELINES

The URBRA (Complaints Handling Guidelines) Guidelines No.2 of 2020 are issued pursuant to sections 93 of the Uganda Retirement Benefits Regulatory Authority Act, 2011 and Regulation 35 of the URBRA (Management and Operation of Retirement Benefits Schemes) Regulations 2020, Statutory Instrument No. 43 of 2020 for observance by all licensed entities and all persons who file complaints with URBRA.

These guidelines seek to ensure that trustees put in place internal mechanisms for addressing complaints; complainants first exploit the available/ internal avenues in their respective institutions to address their complaints before such complaints are raised with URBRA, and to offer all URBRA stakeholders an insight into the steps involved in filing and resolving complaints handled by the URBRA.

Issued on the 8th day of October, 2020

This Guideline is not a legal document nor does it substitute the provisions of the Uganda Retirement Benefits Regulatory Authority Act 2011 and the Regulations made thereunder. The Guide should be read together with the URBRA Act 2011 and the Regulations made thereunder

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1.0 Authorization

IN EXERCISE of the powers conferred by sections 93, 4 and 5(1)(e) of the Uganda Retirement Benefits Regulatory Authority Act, 2011(URBRA Act) and regulations made thereunder, the Uganda Retirement Benefits Regulatory Authority (herein referred to as URBRA) issues these Guidelines, for observance by all retirement benefits schemes, licensed entities and all persons who file complaints with URBRA.

2.0 Introduction

Regulation 35 of the URBRA (Management and Operation of Retirement Benefits Schemes) Regulations 2020, Statutory Instrument No. 43 of 2020 URBRA requires all retirement benefits schemes to have a mechanism of handling claims/ complaints raised by their members.

Regulation 35(1) provides that a member is entitled to a fair hearing where the member makes a claim in respect of his or her rights and benefits under a scheme.

Under regulation 35(2), the trustees shall ensure that the procedure for making the claim –

- (a) is expeditious, transparent and easy to understand;
- (b) constitutes reasonable costs for the member claiming the rights and benefits under the scheme;
- (c) offers an independent in-house appeal mechanism to the member who wishes to appeal against the decision of the scheme administrator, fiduciary or sponsor; and
- (d) stipulates remedial measures for redress for the loss of rights or benefits, where the claim of the member is found to be valid.

3.0 Objectives

The objective of these guidelines is to:

- i. to ensure that trustees put in place internal mechanisms for addressing complaints in their respective retirement benefits schemes.
- ii. ensure that complainants first exploit the available/ internal avenues in their respective institutions to address their complaints before such complaints are raised with URBRA.
- iii. to offer all URBRA stakeholders an insight into the steps involved in filing and resolving complaints handled by the URBRA.

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4. Complaint handling procedures for Retirement benefits scheme and regulated entities

Each retirement benefits scheme or entity regulated by the URBRA is required to have a procedure to deal with complaints as prescribed in Regulation Regulation 35 of the URBRA (Management and Operation of Retirement Benefits Schemes) Regulations 2020.

5. Complaint should first be raised with the concerned scheme or regulated entity

- (1) Any person who feels that she or he has a valid complaint against a retirement benefits scheme or an entity regulated by URBRA, should first raise the matter with the scheme or entity. This will give the entity the opportunity to address your issue(s).
- (2) In order to preserve the record of the complaint, it is highly recommended that the complainant puts his or her complaint in writing and record the names of everyone with whom you dealt with regarding the matter, at the retirement benefits scheme or a licensed entity.
- (3) Where the trustees of the retirement benefits scheme or where the licensed entity made a decision, a complainant should request a letter from them outlining their final position, regarding the matter.

6. Role of the URBRA Complaints unit

The URBRA Complaints Unit falls directly under the Directorate of Legal Services. The Complaints Unit only deals with complaints pertaining to the retirement benefits sector.

7. Types of complaints handled by the URBRA Complaints Unit

The URBRA Complaints Unit handles written complaints about the business practices of retirement benefits schemes and regulated entities offering services in the retirement benefits sector including-

- (1) Un paid retirement benefits;
- (2) Under paid or wrongly computed retirement benefits; and
- (3) Unfair treatment of members or retirement benefits schemes.

8. Types of complaints not handled by the URBRA Complaints Unit

The URBRA Complaints Unit will not attempt to resolve a complaint that:

- (1) Is being or has been dealt with by a court or an alternative dispute resolution process.

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- (2) Falls under the mandate of another regulatory Authority such as the Capital Markets Authority, Insurance Regulatory Authority, Financial Intelligence Authority or Bank of Uganda.
- (3) Has already been dealt with by the URBRA Complaints Unit.
- (4) Where the matter requires to determine which party is liable. Usually this is in the remit of the court.
- (5) where the complainant fails to, or refuse to put their complaints in writing.
- (6) where the complainant fails to, or refuse to provide the required supporting documents.

9.Filing a Complaint with the URBRA Complaints Unit

- (1) A complaint can be filed in three ways as follows-
 - a) by submitting a duly signed written complaint at the URBRA office reception desk; or
 - b) By completing and submitting a complaints form accessed through the URBRA website, or
 - c) By recording an oral complaint at the URBRA Complaints unit that shall be reduced into writing and signed by the complainant.
- (2) A complainant may file a complaint with URBRA If –
 - (a) the matter raised with a scheme or a licensed entity is not resolved to a complainant's satisfaction by the trustees of the retirement benefits scheme or by the licensed entity or
 - (b) if a complainant has not received a response within a reasonable timeframe, or within the time prescribed by the scheme's procedure of dealing with complaints.

10. Information that should be contained in a complaint

A complaint filed at URBRA MUST be made in writing or reduced into writing and must include the following information-

1. The name of the regulated entity and/or person against which/whom the complaint is being filed.
2. Complete particulars of the complainant including the full name of the complainant, mailing address, telephone number and a next of kin.
3. If someone else will be acting on behalf of the complainant, provide complete particulars of the person.

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4. Proof or evidence that the complaint was first raised to the concerned scheme or licensed entity and copies of any correspondences from such scheme or entity regarding the complaint.
5. Complete the details of the complaint. If the complaint is due to a disagreement with the position of the regulated entity, the complainant should state the reason(s) for the disagreement
6. Copies of all relevant correspondence or supporting documents relating to the matter.
7. In case the complainant is writing on behalf of someone else, include a letter signed by that person authorizing you to act for him/her. If it is not possible to obtain such authorization then explain the circumstances to URBRA in writing.

11. Documents to be attached to support a complaint in case you are a former employee in the Public Service.

A former employee in the Public Service should attach to his or her complaint the following supporting documents-

- (1) Retirement letter issued by the Responsible Officer at Vote (only for Mandatory retirement).
- (2) Retirement letter issued by Ministry of Public Service (in case of Early retirement)
- (3) Letter of first appointment.
- (4) Letter of confirmation.
- (5) Proof that you filed a claim for payment of your pension.
- (6) Proof that you first raised the matter with the Responsible Officer at Vote where you retired from. (In case a response was given, attach a copy of the response).
- (7) IPPS Number
- (8) Any other relevant document to support your complaint.

12. Documents to be attached to support a complaint in case of a former employee in the private sector

A former employee in the private sector should attach to his or her complaint the following supporting documents-

- (1) Retirement or discharge letter issued by the Responsible Officer of your former employer.
- (2) Letter of appointment.
- (3) Letter of confirmation.
- (4) Resignation letter or dismissal letter (as the case may be).
- (5) Proof that you filed a claim for payment of your retirement benefits.

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- (6) Proof that you first raised the matter with the concerned entity. (In case a response was given, attach a copy of the response).
- (7) Any other relevant document to support your complaint.

13. Documents to be attached to support a complaint in case of a member of a licensed retirement benefits scheme.

A member of a licensed retirement benefits scheme should attach to his or her complaint the following supporting documents-

- (1) Proof of membership to the retirement benefits scheme.
- (2) Individual Scheme membership number.
- (3) Proof that you first raised the matter with the trustees of the retirement benefits scheme. (In case a response was given, attach a copy of the response).
- (4) Any other relevant document to support your complaint.

14. How the URBRA Complaints Unit handles complaints

- 1. Generally, URBRA will acknowledge a written complaint within seven working days of receipt of the written complaint.
- 2. The complaints will be analysed normally within fourteen (14) days of receipt of all the relevant information and supporting documents.
- 3. The complaint will be handled in the strictest confidence. However, in order to address the issue raised, URBRA will have to disclose relevant details to the scheme or regulated entity (or person) against which/whom the complaint was raised (unless otherwise specified).
- 4. As soon as the review is completed, URBRA will write to the complainant outlining our findings as well as any redress available.
- 5. In case a complaint raises regulatory or prudential concerns, URBRA may take action against a regulated entity (or person). However, URBRA is limited by law in what can be shared with a complainant if relates to the regulatory action(s) or investigation(s) relating to a particular entity.

15. How to address any dissatisfaction with the URBRA Complaints Unit

Any complainant who is dissatisfied with the outcome of the actions of the URBRA Complaints Unit's staff during the complaints handling process, you may raise this issue by submitting a written complaint addressed to the Chief Executive Officer, who will conduct further review and advise you of URBRA's position.

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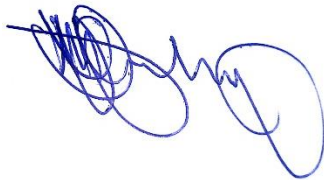
HOW TO CONTACT URBRA

A complaint can be addressed to:

**The Chief Executive Officer
Uganda Retirement Benefits Regulatory Authority
Plot 1 Clement Hill
P.O.Box 7561
Kampala, Uganda**

A complaint can also be sent via email to complaints@urbra.go.ug or using the online portal <http://complaints.urbra.go.ug>

Issued on the 8th day of October, 2020



Signed: Martin A. Nsubuga
CHIEF EXECUTIVE OFFICER