



LANGUAGE POLICY

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NOTE:

A person using FAIS Ombud documents or data must note the risk inherent in:

- a) Distributing the documents or data without appropriate authorisation; and
- b) Not using the documents or data as authorised or intended.

Document owner

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20 June 2023

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Version control and summary of changes

No	Description of Changes
1	First draft of policy
2	<ul style="list-style-type: none"> - Updated staff particulars - Included definitions and reference to: Commissioner, EXCO, Interpreting, Multilingualism, Policy and Translation. - New paragraph 4 - Replaced “Call Centre” with “Client Care Centre”

Mandatory review period

To be reviewed biennial

Table of Contents

1. Background.....	5
2. Purpose.....	5
3. Definitions.....	5
4. Nature of the FAIS Ombud Business.....	7
5. Scope.....	7
6. Policy Statement.....	7
7. Principles.....	8
8. Official Languages of the FAIS Ombud.....	8
9. Establishment of a Language Business Unit.....	11
10. Training and Capacity.....	11
11. Publication of and access to the policy.....	11
12. Complaints Mechanism.....	12
13. Appeals Process.....	12
14. Policy Owner.....	12
15. Policy Sponsor.....	13
16. Contact.....	13
17. Approval.....	13
18. Related Information.....	13
19. Financial Implications.....	13
20. Exclusions.....	13
21. Request for Deviations from this Policy.....	13
22. Warning.....	14

1. Background

The Constitution of the Republic of South Africa (RSA) 1996 recognises 11 official languages, i.e. English, Afrikaans, Tshivenda, Xitsonga, Sepedi, Setswana, Sesotho, isiZulu, isiXhosa, isiNdebele and Siswati; recognises the 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 indigenous languages. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably.

To this end, the Language Act has been promulgated to encourage the use of official languages in communicating with members of the public, provide for the regulation and monitoring of the use of official languages by national government for government purposes, to require the adoption of a language policy by a national department, national public entity and national public enterprise and the establishment of a language unit for a national department, national public entity and national public enterprise.

The Act applies to all national public entities. The FAIS Ombud is a national public entity, being so listed in the Public Finance Management Act, 1999. This Policy has been developed by the FAIS Ombud in compliance with the provisions of the Act.

2. Purpose

The purpose of this Policy is to outline how the FAIS Ombud will comply with the Act, and use official languages to improve service to members of the public at large and regulated institutions.

3. Definitions

“Accounting Authority” means the Commissioner of the FSCA;

“Business Purpose” means for the purpose of resolving complaints in terms of the FAIS Act;

“Commissioner” means the Commissioner of the FSCA.

“Complainant” means any person who qualifies as a complainant in terms of section 26 (1) (a) (ii) of the FAIS Act;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“EXCO” means the Executive Committee of the FAIS Ombud.

“FAIS Act” means the Financial Advisory and Intermediary Services Act 37 of 2002.

“FAIS Ombud” means the Office of the Ombud for Financial Services Providers.

“FSCA” means the Financial Sector Conduct Authority, a juristic entity established in terms of section 56 of the Financial Sector Regulation Act, 2017;

“Government Purpose” means for the purpose of communicating with other government institutions;

“Interpreting” in relation to oral utterance, means transposing of utterance of one language into utterance of another language, in relation to sign utterance, means the transposing of sign language signed into a spoken language and the other way around, with “interpret” having a corresponding meaning;

“Language Act” means the Use of Official Languages Act 12 of 2012;

“Language of Record” means the language chosen for keeping records or archiving or FAIS Ombud records;

“Language Unit” means a language unit established in terms of Section 7 of the Act;

“Multilingualism” means the use of three or more languages by an individual or group of people;

“Official Language” means an official language contemplated in Section 6 (1) of the Constitution.

“Policy” means this Language policy.

“Translation” means the transposing of a text from one language to the other, “translate” having a corresponding meaning;

4. Nature of the FAIS Ombud Business

The Office of the Ombud for Financial Services Providers (FAIS Ombud) was established in terms of the Financial Advisory and Intermediary Services Act, No 37 of 2002 ('FAIS Act'). The FAIS Ombud's objectives is to

- 4.1 Consider and dispose of complaints in a procedurally fair, informal, economical, and expeditious manner, and by reference to what is equitable in all circumstances.
- 4.2 Promote consumer protection and contribute to the integrity of the financial services industry by resolving complaints in a manner that is impartial, economical, accessible and, at all times, equitable.
- 4.3 Provide a fair and honourable service to ensure that financial customers have access to and are able to use affordable alternative dispute processes for complaints.

5. Scope

This policy is applicable to all FAIS Ombud employees and anyone executing a function on behalf of the FAIS Ombud

6. Policy Statement

This Policy is prescribed by section 4 of the Language Act, as follows:

- 6.1 Section 4 (1) provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.
- 6.2 Section 4 (2) provides that a language policy adopted in terms of subsection (1) must:
 - 6.2.1 identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;
 - 6.2.2 stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter- and intra-government communication;
 - 6.2.3 describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public

whose language of choice is not one of its chosen official languages, or whose language of choice is South African Sign Language;

- 6.2.4 describe how members of the public can access the language policy.
- 6.2.5 provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise;
- 6.2.6 be published in the Gazette as soon as reasonably practicable but within 90 days of its adoption.

7. PRINCIPLES

- 7.1 The principles underpinning this Policy are:
 - 7.1.2 Taking measures to elevate the status and advancement of the use of indigenous languages.
 - 7.1.3 Commitment to the promotion of all languages in the Republic in order to ensure parity of esteem and the equitable treatment of the official languages required by our democratic dispensation;
 - 7.1.4 Recognition of multilingualism as a resource to maximize collaborative partnerships in nation building, economic development and social cohesion;
 - 7.1.5 Promotion of good language management by the FAIS Ombud to ensure efficient public service administration that meets the needs of the public and ensures equitable access to the services and information of the FAIS Ombud;
 - 7.1.6 Prevention of the use of any language(s) for the purposes of exploitation, domination and discrimination within the FAIS Ombud.

8. OFFICIAL LANGUAGES OF THE FAIS OMBUD

8.1 Adoption of official languages by the FAIS Ombud

- 8.1.1 The Act requires the FAIS Ombud to adopt a language policy identifying at least 3 (three) of the Official Languages of which the FAIS Ombud will use for "government purposes". This refers to languages which are mainly to be used when communicating with members of the public;
- 8.1.2 In identifying the official languages, the FAIS Ombud is *inter alia* enjoined to consider the promotion of the previously marginalised indigenous languages;
- 8.1.3 In determining which official languages to use, the FAIS Ombud shall be guided in each instance by the following factors:

8.1.3.1 Practicability.

8.1.3.2 Associated costs.

8.1.3.3 Geographic location.

8.1.3.4 Interests of the public and/or specific targeted group; and

8.1.3.5 FAIS Ombud capacity.

8.1.4 Although the FAIS Ombud recognises all official languages of the Republic, the following languages have been adopted:

8.1.4.1 **English** (Medium of communication).

8.1.4.2 From the Nguni language group (isiZulu, isiNdebele, Siswati and isiXhosa), **isiZulu** has been adopted;

8.1.4.3 From the Sotho language group (Setswana, Sepedi, and Sesotho), **Setswana** has been adopted;

8.1.4.4 **Tshivenda**; one of the previously disadvantaged languages that does not belong to a language group, has been adopted; and

8.1.4.5 **Afrikaans**, one of the languages that does not belong to a language group, has also been adopted.

8.1.5 The FAIS Ombud will ensure that it uses the languages indicated in 8.1.4 for legal publications.

8.2 Use of Official Languages by the FAIS Ombud:

8.2.1 A description of which languages will be used for business purposes as well as for communication with members of the public, and the way such languages will be used, is set out herein below.

8.2.2 Business Purposes

The FAIS Ombud adopts English as the main medium of communication and a language of records for business purposes –

8.2.2.1 to communicate with its various stakeholders in accordance with its mandates and decisions taken;

8.2.2.2 in respect of internal communication within the FAIS Ombud; and

8.2.2.3 in relation to its communications with departments and / or Parliament through the responsible Minister.

8.2.3 In cases where documents meant to be produced in English only are requested in any official language other than English, the FAIS Ombud will make summarised translated versions available, subject to the conditions stipulated in 8.1.3 above.

8.2.4 Government purposes

The FAIS Ombud shall use English and the official languages stipulated in 8.1.4 above on a case-by-case basis for the following purposes:

8.2.4.1 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 (summarised versions in case of technical documents);

8.2.4.2 Communication with the media (e.g., print, radio, television, web) - depending on purpose and platform.

8.2.4.3 Official publications and correspondences.

8.2.4.4 Other stakeholder engagement activities; and

8.2.4.5 Consultations and other official proceedings.

8.2.5 Consumer awareness

The FAIS Ombud will take appropriate and reasonable steps to ensure that it conducts consumer awareness sessions in as many official languages as possible considering the language preference of the community attending such sessions, as well as the cost implications thereof.

8.2.6 Client Care Centre

The FAIS Ombud Client Care Centre shall endeavour to communicate with members of the public in as many languages of the Republic as possible, subject to capacity within the FAIS Ombud Office, as contemplated in 8.1.3 above.

8.3 Provision of services in a language other than the Official Languages selected by the FAIS Ombud:

8.3.1 Where a member of the public wishes to receive services in an official language other than the languages used (e.g. in a publication), such a member shall notify the FAIS Ombud of such request, in writing. The FAIS Ombud shall make arrangements to meet such request within a reasonable period of not less than thirty (30) working days upon receipt of the request.

8.3.2 In cases of oral communication, like meetings and any other need for interpreting, a request must be made in writing and at least thirty (30) working days prior to that event.

8.3.3 Notwithstanding the aforesaid, the factors listed in 8.1.3 should be considered in determining which official language to use.

9. ESTABLISHMENT OF A LANGUAGE BUSINESS UNIT

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

9.2 Whereas the FAIS Ombud will not establish the Language Unit, such functions will be assigned to a Senior Employee as identified by the Ombud.

10. TRAINING AND CAPACITY

To achieve the professional and efficient implementation of this Policy, the responsible person will advise on training and capacity building.

11. PUBLICATION OF AND ACCESS TO THIS POLICY

11.1 This Policy will be published in the languages identified in 8.1.4 above.

11.2 It will be available on the FAIS Ombud's website (www.faisombud.co.za)

11.3 A summary of this policy will be displayed at the FAIS Ombud's office in such a manner and place that it can be read by the public.

11.4 In addition, printed versions will be available in the languages identified in 8.1.4 above, at the FAIS Ombud's premises.

12. COMPLAINTS MECHANISM

Any person who is dissatisfied with a decision of the FAIS Ombud regarding its use of official languages may lodge a complaint in writing directing it to the Ombud.

12.1 A complaint must be lodged:

12.1.1 in writing,

12.1.2 within three months of the complaint arising

12.1.3 stating the name, address, and contact information of the person lodging the complaint.

12.1.4 providing a full and detailed description of the complaint.

12.2 The Ombud or senior staff member delegated by the Ombud may request a complainant to supply any additional information necessary to consider the complaint and to attend a meeting for the purpose of making an oral enquiry into the complaint.

12.3 The Ombud will, as in 12.1, consider the complaint and make a decision, not later than three (3) months after the complaint was lodged, and inform the complainant of the decision.

13. APPEAL PROCESS

13.1 A complainant dissatisfied with a decision of the person as contemplated in clause 12.2 of this Policy may lodge an appeal with the Accounting Authority, being the FSCA Commissioner.

13.2 An appeal submitted to the Accounting Authority must be addressed to Commissioner and be lodged within a period of one (1) month of the decision of the person contemplated in clause 12.2 of this policy.

13.3 The provisions of clauses 12.1.1, 12.1.2, 12.1.3 and 12.1.4 of this Policy shall apply *mutatis mutandis* to an appeal lodged in terms of clause 12 of this Policy.

14. Sponsor

The Sponsor is the Ombud.

15. Owner

The Owner is the Team Resolution Manager

16. Contact

Email: marc@faisombud.co.za

Telephone: 012 762 5000

17. Approval

The Policy will be reviewed biennially and will be approved by EXCO.

18. Related Information

The Policy should be read in conjunction with the following supporting guidelines:

External Documents:

Memorandum of Understanding between the FSCA and the FAIS Ombud.

Regulatory Requirements:

The FAIS Ombud recognises the importance of complying with all relevant regulatory requirements as reflected in the FAIS Ombud's Regulatory Universe.

Specific reference is made to:

- The Constitution.
- The Language Act.
- Regulations made in terms of section 13 of the Act.

19. Financial Implications

There are no direct financial implications for implementing this Policy, but there may be financial implications relating to the printing and translation of the policy in all the official languages.

20. Exclusions

There is no exclusion to this Policy.

21. Request for Deviations from this Policy


In cases where material and compelling circumstances merit deviation(s) from particular provisions(s) of the policy, written submissions shall be sent to the Ombud who shall have full authority to grant such a request, in whole or in part, or to refuse same.

22. Warning

Non-compliance with any applicable regulatory requirements through any deliberate or negligent act or omission, including allowing any personnel, either expressly or impliedly, to not comply with applicable regulatory requirements, will be considered serious and will be dealt with in terms of Section 51 (1) (e) (i) of the PFMA and the FAIS Ombud’s disciplinary process and procedures. This does not preclude any other action as may be provided for in law or any applicable regulatory requirement from being taken against the offender/s.

Any non-conformance related to this Policy and the Policy Framework will also be viewed as serious and may result in disciplinary action in terms of the applicable disciplinary processes and procedures.

Document Approval

Name	Position	Signature	Date
John Simpson	FAIS Ombud		20 June 2023