



**Bank of Namibia**

# **Guidelines for Lodging Customer Complaints**

**2023**

# Guidelines for Lodging Customer Complaints

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## 1. The Bank's role in handling customer complaints

The Bank's role in handling customer complaints is mainly that of a mediator. The Bank's aim in resolving customer complaints is to facilitate fair and amicable solutions between banking institutions and their customers. This is due to the restrictive mandate of the Bank in terms of the Banking Institutions Act, 2023. The Bank does not possess enforcement powers specifically in customer complaints resolution.

However, the Bank's objective in handling customer complaints is to ensure fair and unbiased complaint resolution. The Bank relies on relevant existing regulations such as the Regulation on Unfair Terms and the Bankers Association of Namibia's Code of Banking Practice to achieve a resolution.

## 2. Application

These guidelines apply to complaints relating to claims of less than N\$3,000,000.00 in respect of services and products offered by banking institutions.

## 3. Definitions

Terms used in these guidelines are as defined below or as reasonably implied by contextual usage.

- 3.1. **Bank** – means Bank of Namibia
- 3.2. **Complaint** - means an expression of grievance or dissatisfaction by a complainant, either verbally or in writing, in connection with the:
  - (a) provision of a product or service to a complainant by a banking institution; or
  - (b) failure by a banking institution to provide a product or service to a complainant; or
  - (c) An expression of dissatisfaction made to the central bank/authority on a particular issue with the banking institution, the complaint handling process, or the financial system where a response or resolution is explicitly or implicitly expected.<sup>1</sup>
- 3.3. **Complainant** - means an individual or small business expressing grievance or dissatisfaction to the Bank regarding the usage of any product or service provided by a banking institution and includes a representative of such individual or small business.
- 3.4. **Small business** – means a business entity whose annual turnover is less than N\$3,000,000.00.

## 4. Purpose

The purpose of these guidelines is to:

- (a) Provide for the establishment of complaint handling procedures in the Bank;
- (b) Guide complainants on how to lodge complaints; and

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<sup>1</sup> Consumers can make inquiries, requests, suggestions and provide information not necessarily considered a complaint.

- (c) Ensure a consistent and fair approach to resolving complaints.

## 5. Scope

These guidelines apply to all complainants who submit complaints to the Bank and to banking institutions against whom such complaints are lodged. The guidelines apply to complaints relating to claims of less than N\$ 3,000,000.00 in respect of services and products offered by Banking institutions.

The customer complaints analyst will assess whether the complaint falls within the scope of this guideline. If it is not a matter that can be handled by these general complaints process, the complainant should be referred to a more appropriate process or a more appropriate body

## 6. Responsibility

Complainants are responsible for familiarising themselves with the principles contained in these guidelines and for considering these principles when submitting complaints to the Bank.

The Bank encourages possible complainants to familiarise themselves with the Bank's [Frequently Asked Questions](#) (FAQs) and the complaints Chatbot, accessible on the Bank's website at [www.bon.com.na](http://www.bon.com.na), to clarify concerns and determine if your matter can be lodged as a complaint.

## 7. Submissions of documents to the Bank

7.1 The resolution of complaints by the Bank is a free service offered to customers of banking institutions, and the Bank does not charge any fee for this service.

7.2. The customer complaints form can be obtained in the following ways:

- (a) A customer complaints form can be obtained from the Bank of Namibia website, whereby complainants can complete and make an online submission. The link is: [www.bon.com.na](http://www.bon.com.na)
- (b) In person<sup>2</sup> at the Head Office Reception of the Bank, namely 71 Robert Mugabe Avenue, Windhoek, and Oshakati branch at 909 Sam Nujoma Road, Oshakati.
- (c) By electronic mail to the following address: [complaints@bon.com.na](mailto:complaints@bon.com.na)
- (d) Telephonically at the following telephone number: (+264) 61 283 5041
- (e) By post to the Head Office of the Bank, namely P.O. Box 2882, Windhoek, Namibia
- (f) By any other manner or at alternative addresses set out by the Bank from time to time.

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<sup>2</sup> A complainant can verbally share their grievance with the Bank's customer complaints officer. The officer records the complaint in writing, reads it back to the complainant for confirmation and obtains their verification through a signature or thumbprint. For complainants outside Windhoek, telephonic complaints are accepted, converted into writing, and read back for confirmation. All relevant documents are sent to the Bank. The Bank ensures evidence of confirmation, recording the read-back for future reference. This process aims to systematically handle and document verbal complaints for accuracy and resolution.

## **8. Confidentiality of information**

8.1 All complaints and documents submitted to the Bank by complainants are deemed confidential and will be used for the purpose of the complaint only. The Bank is committed to data privacy, and complainants will be informed where their personal information will likely be shared with other stakeholders such as banking institutions.

8.2 The Bank is committed to keeping the following key elements of privacy relevant to managing complaints records:

- (a) keeping complete, accurate, and up-to-date records of complaints
- (b) collecting only the information that is core to the complaint;
- (c) keeping records secure and confidential.

## **9. Submission of complaints by complainants**

### **9.1 A complainant may submit a complaint in writing to the Bank-**

- (a) after the complainant has reported the complaint to the banking institution concerned and after fifteen (15) working days, the banking institution has not responded to or acknowledged the complaint;
- (b) after the banking institution has rejected the complaint or if the complainant is not satisfied with the response given by the banking institution, or
- (c) upon showing a good cause why the complaint was not first reported to the banking institution

### **9.2 Complaints should contain-**

- (a) the name and contact details of the complainant and the name and contact details of the person submitting the complaint if the two are different;
- (b) the name of the staff member who dealt with the original complaint, and the name and branch of the banking institution;
- (c) an accurate and short statement of facts giving rise to the complaint supported by documents, if any, and showing that the banking institutions acted wrongly; the nature and proof of the extent of the loss caused to the complainant;
- (d) a clear and short statement of the specific assistance sought;
- (e) Where the person who lodges a complaint is acting on behalf of another person, company, or organization, he/she must state in writing the capacity in which he/she is acting and the reason for doing so.
- (f) any other relevant information.

### 9.3 The Bank may not deal with –

- (a) lack of sufficient interest - the Complainant does not satisfy/meet the definition of a complainant as defined in this guideline.
- (b) a complaint that was not first reported to the banking institution concerned for resolution except for cases where good cause can be shown why the complaint was not dealt with by the banking institution in the first case.
- (c) a complaint that was not reported to the Bank within three months from the date the complainant received the banking institution's response.
- (d) a complaint where legal action was instituted by the complainant against the banking institutions and await resolution by the court of law or has already been resolved by any other institution. The Bank deems legal action as advance/well-off complainants with funds to fight the banking institutions in a court of law.
- (e) a complaint that is older than 5 years after the date of last entry, considering that the banking institutions are only obliged to retain financial and other banking records for up to five years after the date of the last entry in such records as provided for in section 59(2) of the Banking Institutions Act, 2023.
- (f) a complaint that can best be resolved by a Court of law or through any other available dispute resolution process.
- (g) a similar complaint from the same customer that has been resolved previously through the Bank.
- (h) a complaint that involves the exercise by a banking institution of its commercial judgments on lending policy, e.g., refusal to give a loan, unless there was a failure on the part of the banking institution to follow the correct procedures, and this unfairly affected the complainant.

## 10. Resolutions of complaints

### 10.1 Upon receiving a complaint, the Bank should, within seven (7) working days-

- (a) issue the complainant with an acknowledgment email informing the complainant that the complaint (is received and noted for its response) will be forwarded to the concerned banking institution for its response.
- (b) A complainant should note that an immediate resolution cannot be reached, and further investigation and actions are required.
- (c) Complainants should note that the timeframe for resolving complaints can take up to 40 working days due to the influx and complexity of complaints. Further, it should be noted that some complaints can go beyond 40 working days.
- (d) The consumer protection analyst assigned to the specific complaint will provide the complainant with feedback and progress on the matter.

10.2. inform the banking institution of the complaint and provide a copy of the complaint. The banking institution should submit in writing to the Bank its response to the complaint within fifteen (15) working days of receipt of the complaint. The banking institution may, at the same time, provide a copy of its response to the complainant.

- 10.3. The complainant may submit in writing to the Bank his/her reply to the banking institution's response within five (5) working days of receipt of the banking institution's response. The complainant may simultaneously provide a copy of the reply to the banking institution.
- 10.4. All written submissions must be short and clear and conform to any further requirements determined by the Bank from time to time.
- 10.5. The Bank may request additional information or documentation from the complainant or the banking institution relating to the complaint. It may specify the timeframe and the manner in which such information or documentation should be submitted.
- 10.6. When a complaint is under mediation, both the complainant and the banking institution are not allowed to start legal actions.

**10.6 Thereafter, the Bank may either, and in no particular order-**

- (a) dismiss the complaint, either wholly or partly;
- (b) give assistance sought in the complaint, either wholly or partly, or
- (c) take any other action or decision as may be appropriate in the circumstances or refuse to take any action or decision as may be appropriate.

**11. Decisions of the Bank**

- 11.1. The Bank will make its decision regarding the complaint within fifteen (15) working days of receipt of responses from the complainant and the banking institution.
- 11.2. The Bank will inform the complainant in writing of its decision, which should contain short findings of facts and a conclusion.
- 11.3. If the Bank cannot make a decision within fifteen (15) working days, it will inform the complainant and the banking institution of its inability, the reasons for such inability, and what measures are being taken to address the matter urgently.

**12. Reconsideration of decisions**

- 12.1. Any complainant or banking institution may request the Bank in writing to reconsider any decision made in terms of these guidelines within fifteen (15) working days of the Bank making such decision, and the Bank may reconsider such decision within thirty (30) working days from receipt of such request.
- 12.2. The Bank may make its decision on reconsideration without further submissions being received, or it may provide an opportunity for the complainant or the banking institution to provide further written submissions in a manner determined by the Bank.
- 12.3. A complainant may only appeal once to the Bank within 30 working days of receiving the letter to the customer from the Bank.

- 12.4. Any complainant or banking institution not satisfied with a decision made in terms of these guidelines has the right to seek redress before a competent Court.

**Questions relating to these Guidelines should be addressed to the**  
Director, Banking Supervision Department,  
Bank of Namibia, Tel: 283 5041, fax: 283 5546 or e-mail: [info@bon.com.na](mailto:info@bon.com.na)