

MISSION STATEMENT

THE OFFICE OF THE CREDIT OMBUD WILL

Effectively resolve disputes between members of the credit industry and credit receivers (consumers and businesses) with regard to credit and credit information matters.

Act as an educator of the public in matters pertaining to the credit industry.

At all times act honestly, independently and fairly; balancing the rights of all parties.

VALUES

FAIR

We will act in the best interests of all parties, taking both sides into consideration and considering the merits of each case carefully.

INDEPENDENT

We will not take sides and will remain impartial at all times. No individual or organisation will be in a position to unduly influence us.

HONEST

We will deal openly with any issue brought before us, asking the relevant questions and communicating clearly and transparently.

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MESSAGE FROMTHE CHAIR PERSON

THE PAST YEAR - 2019 - MAY HAVE BEEN THE TOUGHEST YEAR YET IN THE HISTORY OF THE CREDIT OMBUD ASSOCIATION, WITH THE BANKS HAVING DECIDED TO CONSOLIDATE THEIR CUSTOMER COMPLAINTS PROCESS UNDER THE OMBUD FOR BANKING SERVICES. I AM HOWEVER HAPPY TO REPORT THAT, AFTER EXTENSIVE CONSULTATIONS WITH BASA AND THE BANKS, THIS TRANSITION WAS COMPLETED IN A SMOOTH AND SEEMLY MANNER. The departure of the banks as members of the Credit Ombud Association forced us to completely rethink the role and operations of the Credit Ombud. In consequence, the Council had to take the difficult decision to retrench 10 staff members. This process was concluded at the end of October 2019. I want to express my gratitude to the management team and the affected staff members for the mature way the negotiations were concluded.

In addition, we took the decision to change the constitution of the Council and reduce its membership to seven, comprising four independent members and three industry representatives. I want to use this opportunity to firstly thank the members who resigned as Council members after long and dedicated service to the organisation; your contribution is valued. Also, thank you to the members who remained on the Council to carry the baton as we enter a new phase in our history.

Undoubtedly the lowest point of the year was having to terminate the employment relationship with the previous Credit Ombud and lay charges after an internal investigation found evidence of financial misconduct. The Council appointed Mr. Howard Gabriels as the Interim Credit Ombud. I want to express my gratitude to Howard for the calm manner he managed to stabilise the office and ensure that our operations continued smoothly despite the disruption. I also want to thank Mr. Liaquat (Lee) Soobrathi and Mrs. Avitha Nofal for the way they managed the office during this transition.

Throughout this period, we have had regular engagements with the relevant regulatory authorities – specifically the National Treasury and the Financial Sector Conduct Authority – to appraise them of the developments in our organisation. We have been advised that the implementation of Chapter 14 of the Financial Sector Regulation Act, which was promulgated in 2017, has been postponed to June 2020. Chapter 14 provides for the establishment of the Ombud Council which will regulate the functioning of both the statutory and voluntary ombud schemes in the country. Despite all these developments, the Credit Ombud continued to deliver quality services to the many thousands of consumers who called our office for assistance. I am proud to report that over the year we received some 37 269 calls in our call centre, of which 29 510 were complaints and general enquiries. Our case managers closed 4 937 disputes at an average cost of R3 250.52 per dispute. The amount of money saved for consumers was R6.95 million, with 57.5% of disputes being settled in favour of consumers.

At the core of its mandate, the Credit Ombud is required to contribute to the financial wellbeing of consumers through a dedicated education programme. Over the course of the year we conducted 122 workshops and 51 Double Impact workshops. We have been active on all media platforms to spread the message to consumers far and wide.

The year ahead will no doubt be a challenging time for the Credit Ombud. I continue to have full confidence that our management team, staff and the leadership of the Council will be able to rise to these challenges and lay a solid service delivery foundation for both customers and credit providers.

In conclusion, I confirm that the Credit Ombud complies with all statutory and regulatory obligations, including section 10(1)(b)(ii) of the Financial Services Ombud Schemes (FSOS) Act, 2004. I also confirm that the Council, in accordance with our constitution, ensures our compliance with all statutory requirements through its monitoring of all our activities.

TEFO RADITAPOLE CHAIRMAN

CORPORATE GOVERNANCE REPORT

THE CREDIT OMBUD IS AN "OMBUD WITH JURISDICTION" IN TERMS OF THE FINANCIAL SERVICES OMBUD SCHEMES ACT 37 OF 2004. IT IS CURRENTLY A NON-STATUTORY OMBUD SCHEME, CREATED BY THE CREDIT INDUSTRY TO RESOLVE DISPUTES BETWEEN CREDIT BUREAUX AND/OR CREDIT PROVIDERS AND CONSUMERS RELATING TO CREDIT INFORMATION AND NON-BANK CREDIT DISPUTES. THE OFFICE IS ALSO MANDATED TO EDUCATE THE PUBLIC IN MATTERS PERTAINING TO CREDIT AND THE CREDIT INDUSTRY.

ROLE AND RESPONSIBILITIES

The Credit Ombud Council independently guides the strategic decision-making process of the office by ensuring adherence with the constitution of the Credit Ombud and its Terms of Reference, with the King Reports, the Companies Act and other relevant legislation and regulations as guidelines. The Council establishes the context within which there is delegation of authority to the management of the Credit Ombud.

C O M P O S I T I O N

The Council is made up in terms of the Credit Ombud constitution and provides for representation of the credit industry and consumer bodies, plus independent members. The Council is chaired by an independent member, Tefo Raditapole, with Thandiwe Zulu of the Black Sash (representing consumer bodies) serving as the Deputy Chairperson.

The current Council members are :

- Tefo Raditapole (Chairperson) Independent
- Thandiwe Zulu (Deputy Chairperson)
 Black Sash
- Marie van der Merwe South African National Consumer Union
- Arthur Hlubi Large Non Bank Lenders Asssociation
- Jeannine Naude-Viljoen
 Credit Bureaux Association
- Mike Brooks
 Consumer Goods Council of South Africa
- Thuli Zungu
 Independent

Due to efficiency and cost-savings initiatives, the Credit Ombud Council decided to reduce the number of its members to seven. This was achieved through the retirement of the longest-serving members of the Council at the end of 2019, namely:

- Laura Kganyago Women's National Coalition
 Darrell Beghin
- SA Credit & Risk Reporting Association
- Hennie Ferreira
 Micro Finance South Africa
- Siva Naidoo
 Independent
- Patricia McCracken
- Independent
- Hassan Lorgat
 Independent

In addition, Harry Greene of the Banking Association of South Africa (BASA) retired in September 2019, when (BASA) withdrew the banks' membership of the Credit Ombud.

MEETINGS Frequency, Quorum And Attendance

The Council holds quarterly meetings to fulfill its duties pursuant to the constitution. Comprehensive reports on activities, finances and statistics are presented to the Council for deliberation. A total of seven Council meetings were held during 2019. The increased number of Council meetings was due to the discovery of certain accounting irregularities relating to loans granted to the erstwhile Ombud and to proactively secure resilience within the office and to reaffirm our value proposition to our stakeholders.

The following table sets out the number of meetings attended by Council members.

COUNCIL MEMBERS	MEETINGS ATTENDED
Tefo Raditapole (Chairperson)	7
Thandiwe Zulu (Deputy Chairperson)	7
Marie van der Merwe	7
Laura Kganyago	7
Arthur Hlubi	5
Jeannine Naude-Viljoen	6
Harry Greene	3 out of 4*
Mike Brooks	7
Darrell Beghin	7
Hennie Ferreira	6
Thuli Zungu	7
Siva Naidoo	4
Patricia McCracken	7
Hassan Lorgat	0**

* Cas Coovadia (BASA) attended 1 out of 4 meetings ** Hassan Lorgat was on sabbatical for the year

The Council has appointed the Finance, Audit and Risk Committee, the HR & Remuneration Committee and the Corporate Governance and Compliance Committee to attend to delegated tasks and to oversee specific areas of responsibility.

Finance, Audit & Risk Committee (FINCO)

FINCO has seven members and is chaired by Arthur Hlubi. The Committee held four scheduled meetings during the year. The Committee recommended the appointment of a new firm of auditors to commence work in the new year (i.e. 2020) to conduct full audits on the Credit Ombud's financials and to conduct a forensic audit.

The 2019 Annual Financial Statements were audited by Deyzel Odendaal and Partners. The financial statements were prepared in accordance with the Credit Ombud constitution and in line with the Companies Act. The annual financial statements present fairly, in all material respects, the financial position of the Credit Ombud. Considering the decision by Council to no longer investigate non-member disputes and the withdrawal of the banks, the Committee was further delegated to research and submit a 'fit for purpose' funding model that would be amenable to all members.

The following table sets out the number of meetings attended by the Committee members.

COMMITTEE MEMBERS	MEETINGS
	ATTENDED
Arthur Hlubi (Chairperson)	4
Laura Kganyago	4
Jeannine Naude-Viljoen	3
Harry Greene	3 out of 3*
Mike Brooks	4
Hennie Ferreira	0
Thuli Zungu	4

*Harry Greene (BASA) resigned from the Credit Ombud

HR & Remuneration Committee (REMCO)

REMCO held five meetings. It has five members and is chaired by Tefo Raditapole. The Committee recommended the appointment of an interim Ombud, as a result of the erstwhile Ombud having resigned, and the retrenchment of 10 employees. The following table sets out the number of meetings attended by the Committee members.

COMMITTEE MEMBERS	MEETINGS
	ATTENDED
Tefo Raditapole (Chairperson)	5
Thandiwe Zulu (Deputy Chairperson)	5
Marie van der Merwe	5
Laura Kganyago	5
Mike Brooks	5

Corporate Governance & Compliance Committee (CORPGOV)

CORPGOV held five meetings. It has six members and is chaired by Tefo Raditapole. The Committee proposed that the Credit Ombud constitution and Terms of Reference be incorporated into one document. The constitution was to provide for the recomposition of the Council and the assimilation of the constitution and the Terms of Reference.

The following table sets out the number of meetings attended by the members of each Committee.

COMMITTEE MEMBERS	MEETINGS ATTENDED
Tefo Raditapole (Chairperson)	5
Jeannine Naude-Viljoen	5
Hennie Ferreira	1
Siva Naidoo	4
Patricia McCracken	5
Hassan Lorgat	0

The past year has been a challenging time as we had to announce that the previous Ombud had been placed under precautionary suspension and had subsequently resigned. Deyzel Odendaal and Partners were appointed to conduct a forensic audit into accounting anomalies emanating from the previous Ombud's conduct. The appointment of an interim Ombud was approved for a period of six months by the Council to stabilise the Credit Ombud in respect of operations and to drive a future strategy for the office by creating a suitable funding model for member contributions.



HOWARD GABRIELS INTERIM CREDIT OMBUD



LIAQUAT LEE SOOBRATHI HEAD: CASE MANAGEMENT / DISPUTE RESOLUTION



SADHIA KHAN LEGAL ADVISOR



ANTHONY KGAFE CASE MANAGER



BERNADINE NAIDOO CASE MANAGER



JACOB SEFURE SWITCHBOARD OPERATOR



AVITHA NOFAL COUNCIL SECRETARIAT & HEAD: CALL CENTRE





CALL CENTRE INBOUND ADMINISTRATOR



KABELO TEME

PA TO THE CREDIT OMBUDSMAN

LUCY MOKHWEBA CALL CENTRE AGENT

FUNDISWA GWANTSHU CALL CENTRE AGENT



ESTHER BALOYI OFFICE ASSISTANT

REPORT FROM THE INTERIM CREDITOMBUD

IT IS MY PRIVILEGE TO PRESENT THIS REPORT ON THE ACTIVITIES FOR THE FINANCIAL YEAR ENDING 31 DECEMBER 2019. I WAS APPOINTED AS THE INTERIM CREDIT OMBUD WITH EFFECT FROM 1 NOVEMBER 2019 AND THIS REPORT THEREFORE COVERS IN LARGE PART WORK CARRIED OUT BY THE CREDIT OMBUD THAT I WAS NOT PERSONALLY A PART OF. AT THE OUTSET I WANT TO THANK MR. LIAQUAT (LEE) SOOBRATHI (HEAD: CASE MANAGEMENT) AND MRS. AVITHA NOFAL (COUNCIL SECRETARIAT AND HEAD: CALL CENTRE) FOR THE PRUDENT MANNER IN WHICH THEY HAVE SUPPORTED ME IN MANAGING THE AFFAIRS OF THE CREDIT OMBUD DURING WHAT WAS A VERY CHALLENGING PERIOD. The main purpose of the Credit Ombud is to provide a safe haven in which consumers and credit providers can resolve their disputes. To fulfill this role, both consumers of credit and providers of credit must trust that the Credit Ombud is impartial, independent, fair and honest. Over the years, we have built a team of professionals that deal with complaints from consumers in a fair and understanding way, thereby earning the respect of both consumers and credit providers.

Our services to the consumer are provided free of charge. We have made it easier and simpler for the consumer to contact us either through our call centre, by email, or by completing the form on our website. Recently, we also introduced a free SMS service. Consumers can send an SMS to the office to alert us to call them back and take down the details of their complaint or provide them with general advice relating to their queries.

It is a globally accepted principle that governments, financial businesses and consumers benefit when consumers have confidence in the financial markets. One of the key factors in increasing consumer confidence is to provide accessible and user-friendly arrangements to resolve disputes that may arise between consumers and credit providers.

Consumer education is a vital part of our mandate. We believe that one of the major contributions we can make to the credit industry is to increase consumer awareness of not only their rights, but also their responsibilities.

We have worked closely with various consumer bodies to ensure that we reach as many consumers as possible. During 2019, we conducted 122 workshops and 51 Double Impact workshops for our members. Our public relations campaign saw us regularly contribute to TV and radio programmes and print media articles.

Over the year we secured more than R66 million of media space as measured by the Advertising Value Equivalent (AVE) calculations. More importantly, every time a consumer calls our office, a process of education begins. Each call is an opportunity to help a specific consumer understand their rights, obligations and responsibilities. Over the past year, we held more than 37 000 such telephone sessions.

On the regulatory front, we have had regular engagements with the National Treasury, the Financial Sector Conduct Authority (FSCA) and the National Credit Regulator (NCR). We have been advised that the provisions of Chapter 14 of the Financial Sector Regulation Act (2017) will take effect in June 2020. This will provide for the establishment of an Ombud Council which will regulate all financial sector ombud organisations, and will also stipulate that all registered credit providers must belong to an ombud scheme.

The Credit Ombud is a member of the International Network of Financial Ombudsman Schemes (INFO Network). The INFO Network is an international association of financial services ombudsmen. The highlight of the INFO Network's annual calendar is the INFO conference, which South Africa was privileged to host in September/October 2019. Some of our employees attended the conference, where they benefitted from informative presentations and breakout sessions chaired by external experts discussing significant topics. It was an excellent networking opportunity which confirmed that different international ombud offices experience many of the same issues. Learning how these are dealt with around the world was especially informative.

Throughout 2019, we continued to build our relationships with our members through regular visits and meetings. We also engaged with the different associations such as Micro Finance South Africa, the National Clothing Retail Federation, Large Non-Bank Lenders, the Furniture Traders Association and the Banking Association of South Africa (BASA).

We continue to be an active member of the Ombudsman Association of South Africa. This is an important platform for the various ombud schemes to coordinate their responses to changes in the regulatory environment and to share experiences and learnings that will allow all members to grow.

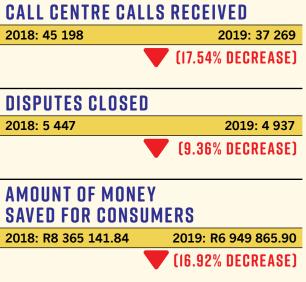
Finally, I want to thank the staff of the Credit Ombud for the consistent dedication and professionalism they display when dealing with both consumers and credit providers. This past year has been particularly difficult for staff due to the need to carry out retrenchments. In the short period that I have been here as Interim Credit Ombud, members have consistently praised our staff for the insightful and empathetic way they deal with disputes.

It would be remiss of me to not also thank the members of the Council for their guidance and support throughout this year.

HOWARD GABRIELS INTERIM CREDIT OMBUD

KEY FIGURES Ata glance



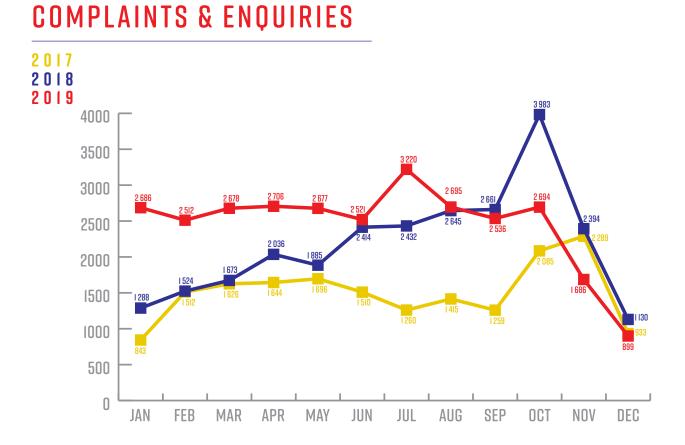


TOTAL EXPENSES FOR THE YEAR 2019: R16 047 825.00

CONSUMER

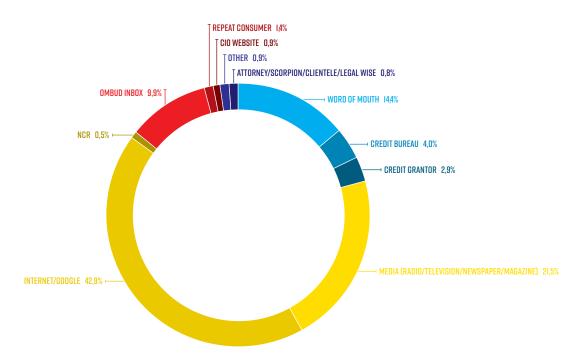
Satisfaction Survey:	2018: 87%	2019: 80%
Referral Survey:	2018: 88%	2019: 83%

STATISTICS OFTHE CREDIT OMBUD



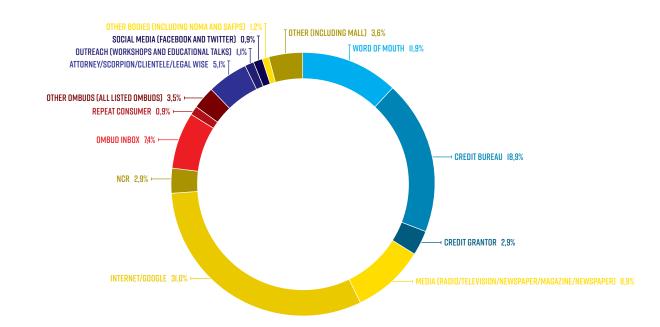
HOW DID CONSUMERS HEAR ABOUT US?

GENERAL ENQUIRIES



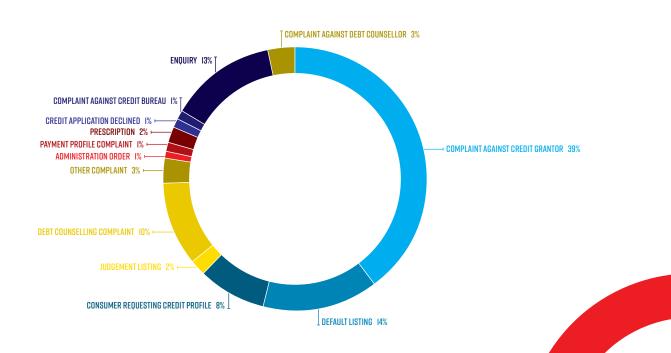
HOW DID CONSUMERS HEAR ABOUT US?

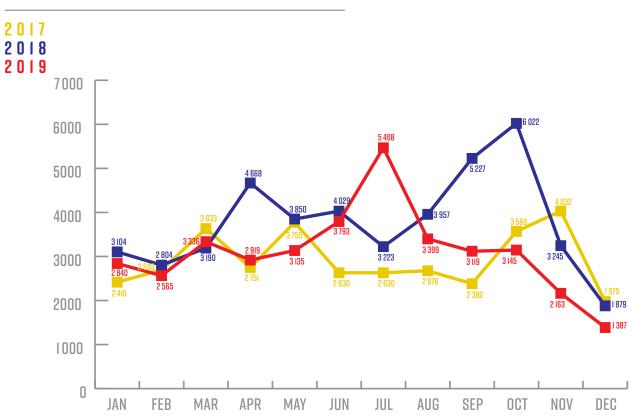
DISPUTES



GENERAL ENQUIRIES

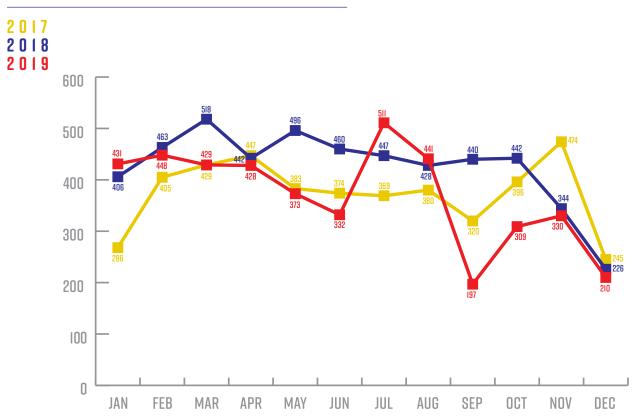
TYPES



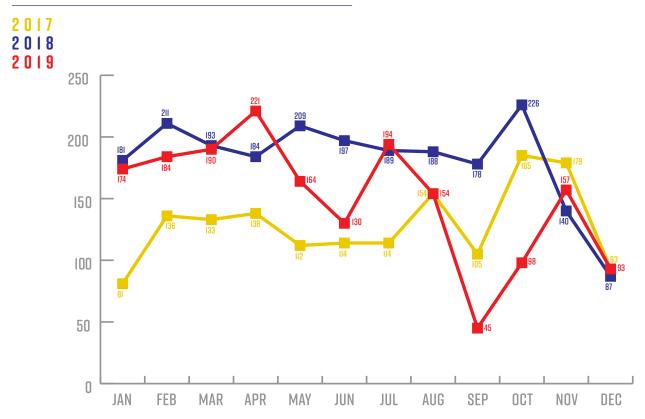


CALLS AND SMS's RECEIVED

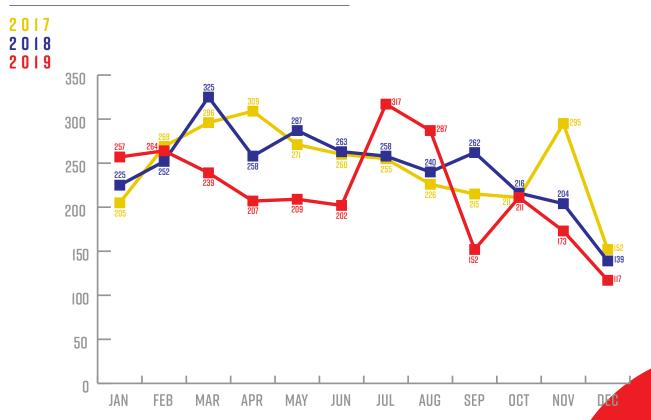
DISPUTES OPENED - ALL DEPARTMENTS



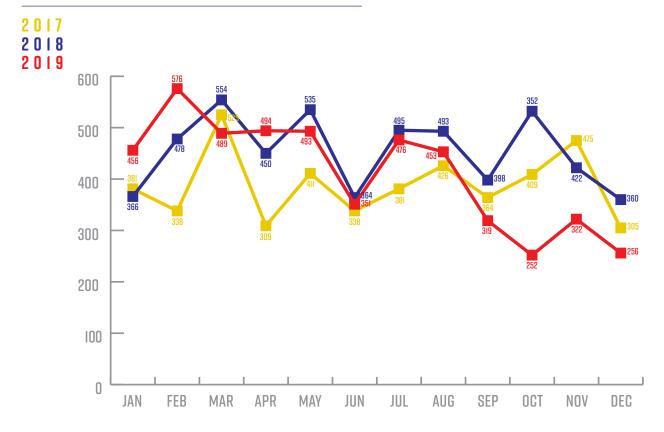
DISPUTES OPENED - CREDIT INFORMATION



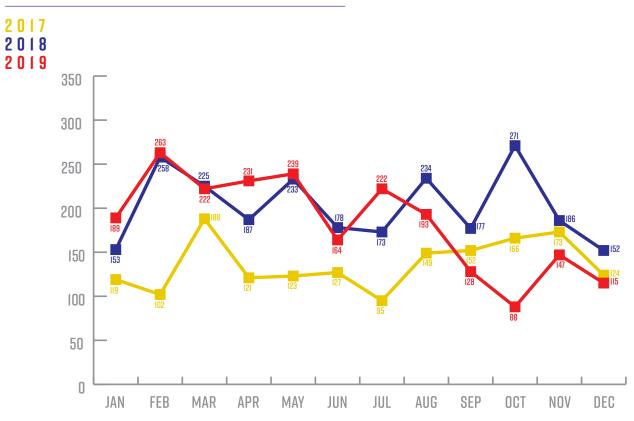
DISPUTES OPENED - NON-BANK CREDIT

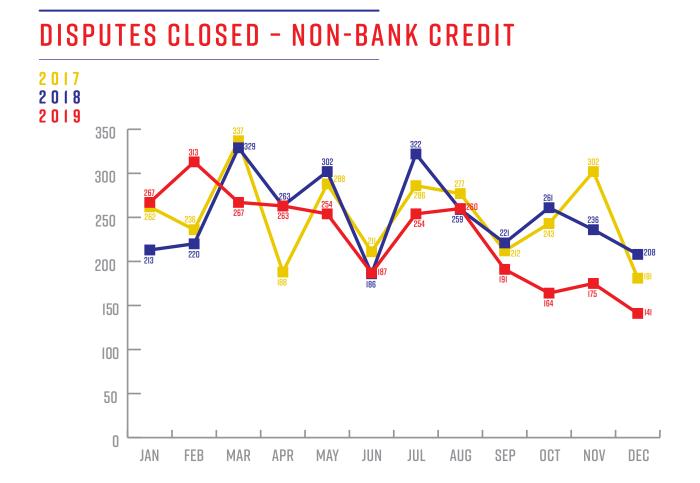


DISPUTES CLOSED - ALL DEPARTMENTS

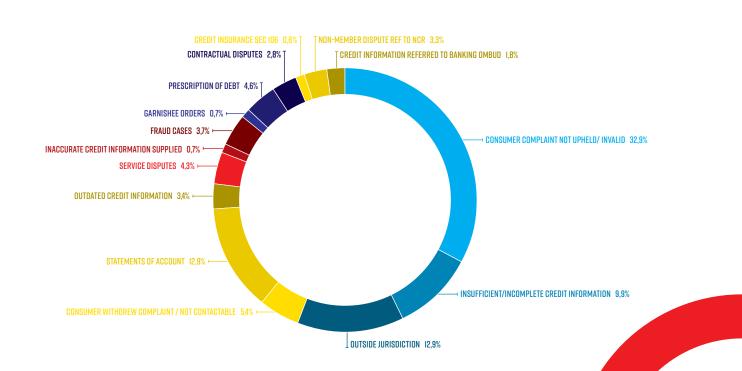


DISPUTES CLOSED - CREDIT INFORMATION

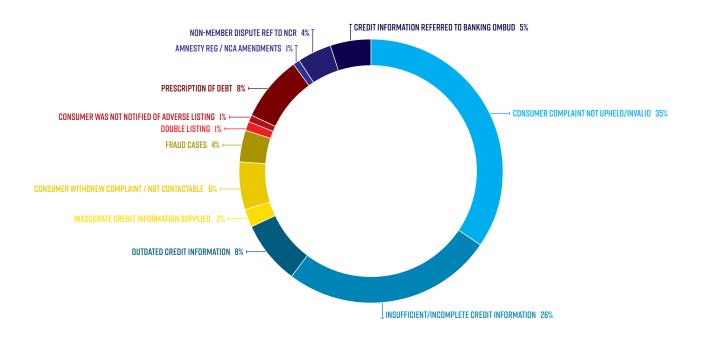




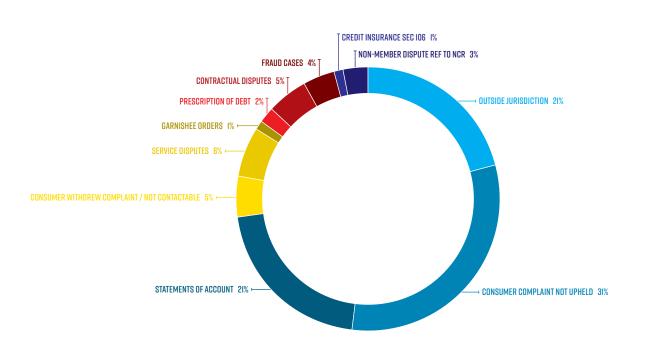
CLOSED BY JURISDICTION - ALL DEPARTMENTS



CLOSED BY JURISDICTION - CREDIT INFORMATION

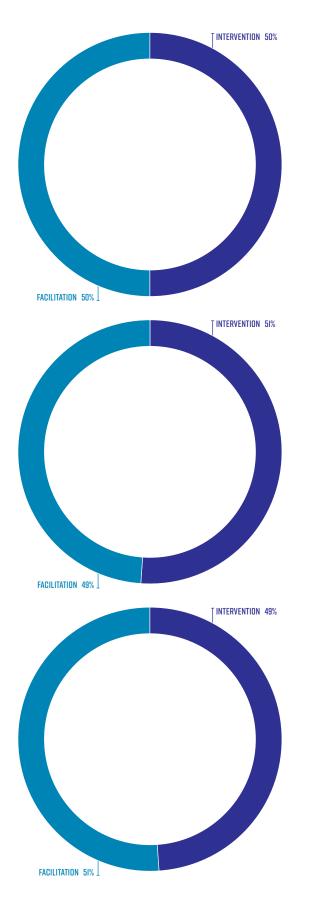


CLOSED BY JURISDICTION - NON-BANK CREDIT



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MANNER OF FINALISATION

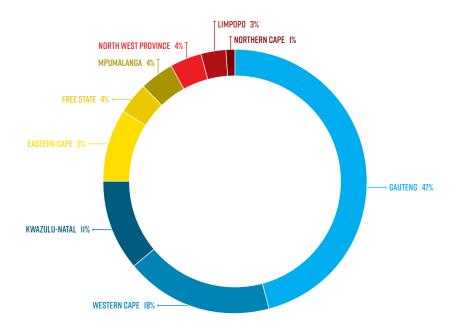


ALL DEPARTMENTS: CURRENT YEAR		
I. INTERVENTION	2 459	50%
2. FACILITATION	2 478	50%
3. MEDIATION	-	0%
4. RECOMMENDATION	-	0%
5. RULING	-	0%
TOTAL	4 937	100%

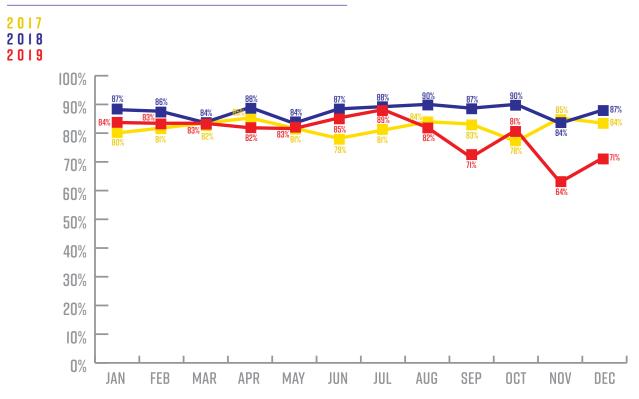
CREDIT INFO DEPT: CURRENT YEAR		
I. INTERVENTION	l 128	51%
2. FACILITATION	1069	49%
3. MEDIATION	-	0%
4. RECOMMENDATION	-	0%
5. RULING	-	0%
TOTAL	2 197	100%

NON-BANK CREDIT DEPT: CURRENT YEAR		
I. INTERVENTION	1 331	49%
2. FACILITATION	I 409	51%
3. MEDIATION	-	0%
4. RECOMMENDATION	-	0%
5. RULING	-	0%
TOTAL	2 740	100%

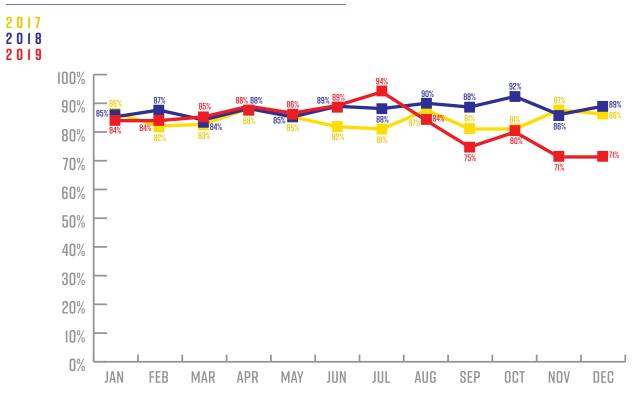
DISPUTES BY PROVINCE



MONTHLY CONSUMER SATISFACTION SURVEY: TRENDS



CONSUMER SATISFACTION REFERRAL SURVEY



WHEN YOU KNOW BETTER... You DOBETTER MAYA ANGELOU

CASE MANAGEMENT REPORT

THE OFFICE OF THE CREDIT OMBUD ASSOCIATION ENDURED MAJOR CHANGE AND CHALLENGES IN 2019 BY DRAWING ON ITS RESERVES OF AGILITY AND ADAPTABILITY. AMID THESE CHALLENGES, I BELIEVE THAT GREAT LESSONS HAVE BEEN LEARNT - LESSONS WHICH WILL STAND THE OFFICE IN GOOD STEAD IN THE FUTURE. The current global pandemic has brought the need for further change and will challenge the way we think, act and execute our various roles and functions. From a regulatory standpoint, there is much to be considered if ever there was a time for the credit industry to come together, that time is now.

The office was established to assist the credit industry in dispute resolution, and in so doing, we undertake to act honestly, independently and fairly, and to balance the rights of stakeholders. Consumers often approach the office in a state of panic or frustration, requiring us to manage these emotions in a way that leaves a lasting impression of trustworthiness, regardless of the outcome. I believe this to be one of our most important attributes.

I would like to thank our skilled team for their dedication, commitment and hard work in assisting the office in exercising its function. Your efforts do not go unnoticed, and I am grateful to each of you. I would also like to extend my appreciation and thanks to all stakeholders for their valuable support in assisting the office to fulfil its mandate. We look forward to the year ahead and remain positive about the service we offer to the credit industry, credit consumers and society at large.

Having closed 4 937 disputes in 2019, the office has assisted with a plethora of issues over the past year, some of which are illustrated in the case studies below, and include:

- · Credit information disputes;
- Cost of credit;
- Prescription of debt;
- Fraud;
- Credit insurance;
- Collections cost; and
- Interest charges.

CASE STUDIES

Α

Credit Information – notice prior to default listing

The complainant approached the office claiming that the credit provider did not provide the requisite notice prior to listing a default under her credit profile at the credit bureaux. The investigation revealed that the notice provided was defective and warranted the removal of the default listing.

B Credit information dispute – prescription of debt

The complainant logged a dispute claiming prescription on a loan account reflecting under his credit profile. The credit agreement was sold to a third party which continued with collection on the outstanding balance. Upon investigation, prescription was confirmed, and the account closed. This resulted in a write-off in the amount of R 6 630.47

C Interest – section 103(5) of the National Credit Act 34 of 2005

The complainant disputed the outstanding balance on the account claiming that the credit provider had been overcharging on interest and fees. Upon investigation it was found that the interest charged was in breach of S103(5) of the National Credit Act 34 of 2005. The account was adjusted accordingly, resulting in a refund to the value of R 1 686.62

Credit insurance

The complainant's claim for retrenchment cover under his credit agreement was short paid. The complaint was resolved in favour of the consumer by having the full claim paid out, which resulted in a further allocation of R 12 579.21.

E Fraud

The complainant disputed purchases made on the account with the credit provider, claiming that these purchases were fraudulent transactions. Upon investigation fraud was confirmed, and transactions to the value of R 20 983.62 were reversed.

Cancellation of credit agreement

The complainant terminated her credit agreement with the credit provider. The account continued to reflect as due and payable on her credit profile at the credit bureaux, which prevented her from successfully applying for further credit with other credit providers. The investigation revealed that the account was in fact cancelled and the relevant credit bureaux were requested to update their records accordingly.

LEE SOOBRATHI Head: Case Management / Dispute resolution

CALL CENTRE REPORT

THE CALL CENTRE AT THE CREDIT OMBUD EXISTS TO PROMPTLY ANSWER CALLS WHILE ENSURING THAT ACCURATE INFORMATION IS CONVEYED IN ADDRESSING CONSUMERS' CONCERNS AND QUERIES. OUR AIM IS TO PROVIDE A MORE THAN SATISFACTORY INITIAL CONTACT WITH OUR CALLERS THROUGH SKILLED, EMPATHETIC AND EFFICIENT INTERACTIONS. OUR CALL CENTRE AGENTS ASPIRE TO BE A COMPASSIONATE POINT OF CONTACT FOR CONSUMERS AND OTHER STAKEHOLDERS WITHIN THE CREDIT AND RISK REPORTING INDUSTRY. Our call centre remains focused on its contribution to achieving the overall mandate of the Credit Ombud: that is, ensuring that the office provides an independent, impartial, timeous and efficient dispute resolution process that is free to consumers whose attempts at resolving disputes directly with credit/ service providers have been unsuccessful.

General enquiries and disputes received at the Credit Ombud call centre come from our 'Ombud Inbox', SMSs, telephone calls, faxes, by post and from walkin complainants. During the year under review, the call centre continued to receive calls and enquiries in respect of credit and other industries from members of the public.

A total of 37 269 calls were received, which represented a 17% decrease on the previous year. This may be accounted for by the decision taken by the Credit Ombud Council in July 2019 to no longer accept non-member disputes. In addition, the Banking Association of South Africa (BASA), after having considered that regulators wanted a single point of entry for ombud services, concluded that its members were not required to belong to both the Credit Ombud and the Banking Ombud.

BASA decided that it would be more practical for the Banking Ombud to deal with all bank disputes and terminated the banks' membership of the Credit Ombud with effect from 1 October 2019. Consumers wishing to file complaints against non-members or banks relating to credit information and credit agreements are now referred to the National Credit Regulator (NCR) and the Ombudsman for Banking Services (OBS) respectively. Statistics for referrals to the NCR and the OBS are tracked. Of the 37 269 calls received, 29 510 related to general enquiries. The balance of the calls related to queries on existing disputes and administrative matters.

With Chapter 14 of the Financial Sector Regulation Act 2017 due to come into effect on 1 June 2020, and making it compulsory for all financial service providers to belong to an ombud scheme, we anticipate an increase in the number of calls and enquiries to our call centre from the second half of 2020.

In determining the source of the general enquiries and disputes logged, approximately 35% of consumers contacting the Credit Ombud call centre confirmed that they heard about the office through the internet.

The main categories of general enquiry received at the call centre were complaints from consumers whose matters were not upheld by credit/service providers, default listings at credit bureaux, debt counselling queries and enquiries about how and when the Credit Ombud could assist consumers in matters relating to the credit industry.

AVITHA NOFAL Council Secretariat & Head: Call Centre

CREDIT OMBUD

Tel: +27 (0)11 781 6431 Fax: +27 (0)11 388 2445 Email: ombud@creditombud.org.za

First Floor, Silver Fern Building Fernridge Office Park 5 Hunter Street Ferndale, Randburg 2194

> PO Box 805 Pinegowrie 2123

www.creditombud.org.za Centralised Helpline: 0861 66 28 37