



# **Complaints Management Policy**

**Version: June 2022**



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## General Information

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The Company (“FXTM”) as defined in the Client Agreement, maintains effective and transparent procedures for the reasonable and prompt handling of complaints/grievances received from Clients and keeps records of each complaint/grievance as well as the actions taken to remedy the situation.

## Definition

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A complain or grievance, is an expression of dissatisfaction regarding the investment and/or ancillary services provided to the Clients by the Company.

The complaints/grievances must be directed by the Client to the Company’s Compliance Department by filling out the relevant forms (Form in **Appendix 1** for Trading Operations complaints/ grievances, and Form in **Appendix 2** for Non-Trading Operations complaints/grievances) and submit to the Company by email: [compliance@fxtm.com](mailto:compliance@fxtm.com) for Exinity Limited) or [compliance.ke@fxtm.com](mailto:compliance.ke@fxtm.com) (for Exinity capital East Africa Limited).

In case the Company receives a notice through the line of communication established by the Company to receive complaints, but which does not fall within the definition of 'complaint' above and can be characterized as an enquiry; this shall be categorized as an enquiry rather than a complaint and will be forwarded to the relevant department to be handled accordingly. The complainant maintains the right to request for the re-classification of his enquiry as a complaint.

## Procedure

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The Compliance Department shall efficiently handle any complaint/ grievance received by the Clients. In case that the complaint/ grievance involves the Compliance Department, the complaint/grievance shall be handled by a member of the Senior Management.

Further to the above, the Compliance Department shall follow the procedure depicted below when handling Client complaints/ grievances:

- a) Once the Client files a complaint, an electronic acknowledgement of receipt will be sent to the email address of the Client to ensure that the Company has received the complaint and is currently working on a resolution. The Company will also provide the Client via their email a reference number of the complaint for future reference.
- b) The Company upon examining the complaint/grievance and upon reaching a decision in this respect, shall reply to the Client with the remedial actions to be taken or provide further clarifications, and the reasoning behind the Company’s decision, as applicable.
- c) The Company shall reply to the said complaint/grievance (also depicting the remedial measures or clarifications furnished to the complainant).
- d) The Company shall document and keep in its records the following information:
  - i. the identity of the Client who filed the complaint/ grievance;
  - ii. the name of the employee who undertook to provide the service to the Client;
  - iii. the date of receipt of complaint/enquiry/grievance;



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- iv. the subject and full description of the complaint/enquiry/grievance;
- v. the remedial action taken and/or further clarifications provided to the Client.
- vi. the time it took to resolve the complaint.

The Compliance Department shall make every effort to resolve the complaint/grievance within five (5) business days. When deemed necessary, the Compliance Department shall submit to the Senior Management the aforementioned details, for further investigation. In this case, the Company might take additional time to finalize the reply and therefore it shall duly notify the complainant about the causes of the delay and indicate when the Company's investigation is likely to be completed.

The Senior Management shall investigate further and coordinate with relevant heads of departments to attend to the subject of the complaint/grievance. A final response or a holding response will be sent to the complainant explaining the findings of the investigation. Where a holding response is warranted, the Company shall state the reasons why it has not been able to resolve the complaint/grievance and provide an indication of the time needed to resolve the issue.

## Handling of Complaints

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- a) If the Client has been notified in advance by Trading Platform internal mail or some other way of routine construction on the Server, complaints made in regard to any unexecuted Instructions which are given during such a construction period, are not accepted. The fact that the Client has not received a notice, despite reasonable steps taken by the Company, shall not constitute a reason to lodge a complaint.
- b) Complaints in regard to a Transaction or Order execution based on the difference in the prices for the Contract for Difference in the Trading Platform and for the underlying asset of the Contract for Difference are not accepted.
- c) Complaints in regard to time of Order execution notwithstanding the amount of time a Dealer needed to execute the Order as well as the time when the Server Log-File Recorded Order execution are not accepted unless the Order placed in the queue has not been executed as the Terms of Business provide.
- d) No Client complaints shall be accepted in regard to the financial results of the deals made using temporary excess Free Margin on the Trading Account gained as a result of a profitable position (cancelled by the Company afterwards) opened at an Error Quote (Spike) or at a Quote received as a result of a Manifest Error.
- e) In regard to all Disputes any references by the Client to the Quotes of other companies or information systems shall not be considered.
- f) The Client acknowledges that he/she shall not be able to manage the position while the Dispute in regard to this position is being considered and no complaints in regard to that matter are accepted.
- g) Once the Dispute has been resolved the Company has the right to trigger the Stop Loss or Take Profit in the chronological order in which they would have been triggered if the Stop Out had not been executed.
- h) The Company has the right to void any Transaction if the corresponding hedge trade has been cancelled by a Liquidity Provider.
- i) Complaints on matters not mentioned in the Operative Agreements and/or Compliant Management Policy are resolved in accordance with the common market practice and at the sole discretion of the Company.
- j) If the Quotes Flow has been interrupted due to a software and/or hardware failure, all decisions in regard to the Dispute shall be made on a basis of the live Server's Quotes Base synchronized in accordance with the Platform Usage Agreement.

- k) The Company shall not be liable to the Client if for any reason the Client has received less profit than the Client had hoped for or has incurred a loss as a result of uncompleted action which the Client had intended to complete.
- l) The Company shall not be liable to the Client in regard to any indirect, consequential or non-financial damage (emotional distress, etc.).
- m) The Compliance Department shall consider any Client's complaint and endeavor to investigate any Dispute or complaint as soon as reasonably practicable. All complaints will be considered within five Business Days from the day the complaint is received.

### **Server Log File**

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The Server Log File is the most reliable source of information in a case of any dispute. The Server Log File has the absolute priority over other arguments including the Client Terminal Log File as the Client Terminal Log File does not register every stage of the execution of the Client's Instructions and Requests.

If the Server Log File has not recorded the relevant information to which the Client refers, the argument based on this reference may not be considered.

### **Indemnification**

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This policy is incorporated by reference as provided in the Client Agreement Clause 1.3.

### **Reporting & Record Keeping**

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All decisions related to Clients' complaints/grievances shall be communicated to Clients in writing and copies shall be retained by the Compliance Department.



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**Complaint Form**

**Appendix 1**

**Type: Trading Operations**

Name:

Surname:

Email:

Trading Account number:

Date/Time of the disputed situation (in EET, MetaTrader server time):

Number of all contested positions and/or pending orders:

Brief description of disputed situation:

How you feel this dispute could be settled:

**Please accompany this form with a screenshot of your Trading Terminal if you feel it would further support your claim request.**



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**Appendix 2**

**Type: Non-Trading Operations**

Name:

Surname:

Email:

Account number:

Date/Time of the disputed situation (in EET, MetaTrader server time):

Brief description of disputed situation:

Clause(s) in the regulations on Non-Trading Operations, which in the complainants opinion, have been breached:

How you feel this dispute could be settled:

**Please accompany this form with a screenshot of your Trading Terminal if you feel it would further support your claim request.**