

## COMPLAINTS PROCEDURE

### POLICY STATEMENT & PURPOSE

The FCA sees effective and fair management of complaints as a key item of evidence that TCF principles are integral to the way an authorised dealer operates. The FCA expects that complaints procedures will be clear to customers.

It is important to note that the FCA will expect to see complaint records as part of their monitoring regime and that complaints recorded should not be limited to consumer credit but include all business issues (eg. Satisfactory Quality disputes, deposits, servicing plans). The FCA perceives that this provides evidence of the wider business culture towards customers.

### SCOPE

To ensure all staff are able to recognise, investigate record and resolve complaints fairly, effectively, consistently and promptly.

### REFERENCES

- FCA Sourcebook DISP
- Complaints Register
- Financial Ombudsman Service guidance

### PROCEDURE

#### Definition of a Complaint.

“Any verbal or written expression of dissatisfaction, whether justified or not, regarding the provision of, or failure to provide, a service”.

It is important that all staff recognise, and remain alert to, this definition in order to minimise risks associated with failure to identify, or handle, complaints in accordance with our requirements.

#### Receiving and Recording a Complaint.

*Complaints may be received:*

- over the phone,
- in writing,
- by text,
- by email,
- verbally.

All complaints received in writing must be date-stamped confirming the date of receipt.

Records of conversations with and/or their agents must be accurately recorded on the customer file, being ever mindful of the Data Protection Act.

The complaints register must be updated as soon as possible.

NB. If the “query” from the customer can be resolved on the day of receipt, it is not logged as a formal complaint.

### **Acknowledging a Complaint**

An acknowledgement letter will be issued within 5 working days of receipt.

The letter will include:

- A summary of the complaint
- Who will be investigating the complaint
- The firm's complaint leaflet

A complaint Checklist will be attached to the front of the complaint file for completion.

### **Investigating a Complaint.**

*Who should investigate a complaint?*

The Director (or nominated deputy) will oversee and/or investigate the complaint. If he/she needs to refer the case to another individual he/she will select an individual, preferably not initially involved with the subject/cause of the complaint and with appropriate experience, to investigate a complaint and report back.

### ***The scope of the investigation.***

A full investigation into the facts and circumstances surrounding the complaint must be undertaken.

Once the investigation is complete, an assessment of the facts can be undertaken to determine whether the complaint is upheld or rejected. In all instances, the Complaints Register and complaint file notes must be kept up to date and documentary evidence/information retained in the complaint file.

### **Compensation/Redress.**

The individual circumstances of each complaint must be taken into account when deciding whether compensation, or redress, is appropriate. This may involve:

- A simple apology
- A goodwill gesture e.g. flowers / vouchers
- Ex-gratia payment.
- Compensation.
- Taking the car back as faulty (with the agreement being unwound).
- Interest on the compensation amount at 8% pa simple.

### **Updates to the customer**

At day 28 – we will issue a holding letter to the customer if the complaint is not resolved.

This will include confirmation that referral rights will exist to the FOS at week 8.

### **Final Response**

Our *Final Response* should be sent once all investigations into the complaint have been completed. It should reflect our final position in relation to the complaint.

#### ***The Final Response must:***

Explain clearly whether the complaint has been upheld or rejected.

Provide details of the results of our investigations into the matters raised.

Explain the reasons for our decision.

Where appropriate, offer redress.

Provide details of the right of referral to the Financial Ombudsman Service (FOS) (**Regulated Agreements Only**).

The final response must include the FOS leaflet "How to Complain".

Where compensation / redress is being offered, the customer must be asked to indicate their acceptance by signing and returning an acceptance slip.

### **Closing a Complaint**

A complaint may be treated as closed when “A Final Response” has been issued.

### **Reviewing**

Decisions from the Financial Ombudsman Service are reviewed to discuss general feedback on complaints for a continuous improvement cycle.

### **Record Keeping**

Complaint file notes and the Complaints Register must be kept fully up to date at all times.  
The Complaint file will be held for a period of 3 years from the date of the final response letter.

### **Complaints Register**

Details of each complaint must be entered on the Register as soon as received or any actions updated.

### **Reports**

Details of complaints and their outcomes will be provided to the firm’s management meetings on a regular basis.

Information on the root causes of complaints will be gathered and analysed and included in the management report. In addition, any items considered repeat or systemic will be investigated and dealt with either under the Breach Process or the feedback process with the business.

### **Responsibility.**

All staff.