

Browns of Richmond Limited

Complaints Policy & Procedure

May 24

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1 COMPLAINTS POLICY & PROCEDURE

This document sets out the firms Complaints Procedure which comply with the FCA Sourcebook, DISP. As a firm we are committed to treating our customers fairly and we will seek to respond to all complaints received promptly and fairly. This complaints policy and procedure relates specifically to the credit broking service we offer to our customers to assist them in purchase a motor vehicle from ourselves. We do not undertake any other regulated activity.

In order to ensure that complaints are fairly, consistently and promptly dealt with, the Directors must be consulted in all cases, and any proposed course of action or correspondence signed off by the Directors. The Directors will be responsible for ensuring that any complaint is properly investigated and is done so competently, diligently and impartially and that the required timetable set by the FCA rules is adhered to.

In the event that a complaint identifies a systemic, recurring or specific problem, the Directors will seek to resolve it via discussion and the implementation of any conclusions arrived at.

We treat all complaints very seriously. We will use data about complaints and how they are handled as a key measure of how successful we are at achieving our overarching goals of meeting our Consumer Duty obligations and conducting our business with integrity, due skill, care and diligence.

1.1 WHAT IS A COMPLAINT

The FCA defines a complaint to be any oral or written expression of dissatisfaction, whether justified or not, from, or on behalf of, any person about the provision of, or failure to provide, a financial service, which:

- alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience; and
- relates to an activity of that financial institution, which comes under the jurisdiction of the Financial Ombudsman Service.

The definition of "complaint" in DISP is a broad one and there is little in the way of case law to give certainty as to what is or is not a complaint. The Court of Appeal has though confirmed that it is

possible for a complaint to be contained in more than one communication. We therefore need to interpret the definition widely and prudently.

1.2 INVESTIGATING, ASSESSING AND RESOLVING COMPLAINTS

Our obligations under DISP are that, upon receipt of a complaint, we must:

- investigate the complaint competently, diligently and impartially, obtaining additional information as necessary;
- assess fairly, consistently and promptly taking into account all relevant factors:
 - the subject matter of the complaint;
 - whether the complaint should be upheld;
 - what remedial action or redress (or both) may be appropriate;
 - if appropriate, whether we have reasonable grounds to be satisfied that another respondent may be solely or jointly responsible for the matter alleged in the complaint;
- offer redress or remedial action when we decide this is appropriate;
- explain to the complainant promptly and, in a way that is fair, clear and not misleading, our assessment of the complaint, our decision on it, and any offer of remedial action or redress; and
- comply promptly with any offer of remedial action or redress accepted by the complainant.

1.3 TIME BARRED COMPLAINTS

If we receive a complaint which is outside the time limits for referral to the Financial Ombudsman Service we may reject the complaint without considering the merits of the complaint. If we chose to so reject a complaint, we must explain this to the complainant in a final response letter.

1.4 FORWARDING AND FORWARDED COMPLAINTS

If we were to receive a complaint but we are satisfied that the complaint actually relates to another firm, or that the complaint relates to us and another firm jointly, we will refer the matter on to that firm so that they can consider the customers complaint. We will do this promptly and tell the client what we have done. We will also provide the client with the other firm's contact details.

If we receive a forwarded complaint, it will be dealt with in accordance with this policy with the time frames applying from the date the forwarded complaint was received by us.

For complaints where we have a shared responsibility, we will deal with the portion of the complaint that relates to us in accordance with this policy.

2 COMPLAINT HANDLING

2.1 IDENTIFY THE COMPLAINT

A complaint will involve an allegation from a customer or potential customer that they have suffered financial loss, distress or material inconvenience in the company's provision or failure to provide a financial service.

If the recipient of the complaint is unsure regarding the complaint please refer it to the Directors.

In the event that a customer wishes to make a complaint, this can be made verbally, by telephone (we do not use premium tariff phone numbers) or in person, or via a written communication delivered in person, via post, e-mail, sms or any other reasonable means available. In the first instance, the complaint should be handled by the Directors, and resolution of the complaint sought.

2.2 COMPLAINTS RESOLVED WITHIN 3 BUSINESS DAYS

We will seek to resolve any complaints received as quickly as possible with a view to reaching agreement with the complainant within 3 business days of receipt. In the case of resolved complaints note will be made in the customers file of any agreed course of action together with any copy correspondence. We will then promptly send the complainant a summary resolution communication which includes the following detail:

- refers to the fact that the complainant has made a complaint and informs the complainant that we now considers the complaint to have been resolved;
- informs the complainant that if he subsequently decides that he is dissatisfied with the resolution of the complaint he may be able to refer the complaint to the Financial Ombudsman Service but must do so within 6 months as otherwise the Ombudsman will not have our permission to consider the complaint and so will only be able to do so in very limited circumstances;
- provides the website address of the Financial Ombudsman Service and refers to the availability of further information on the website of the Financial Ombudsman Service.

For any complaint received an entry should be made in the Complaints Register and the date of receipt of the complaint recorded in the Complaints Log, an example of the format of which appears in Appendix A.

2.3 PROCESS FOR COMPLAINTS NOT RESOLVED WITHIN 3 BUSINESS DAYS

In the event that a complaint is not capable of resolution by the close of business on the third business day following the day on which it was received then a brief written explanation of the substance of the complaint should be provided together with any written correspondence from the customer concerned. At this point in time, an entry should be made in the Complaints Register and the date of receipt of the complaint recorded in the Complaints Log, an example of the format of which appears in Appendix A.

If the complaint has not been resolved by the close of business on the second day, we must ensure that a copy of these internal procedures are sent to the customer and receipt of the complaint acknowledged in writing within 5 business days. The name and job title of the person handling the complaint must be advised to the customer.

2.3.1 INVESTIGATION OF THE COMPLAINT

Investigation must be done by the Directors of the company.

We must investigate a complaint and ensure we understand fully the complaint that has been made. We need to have good communication with the complainant. We need to maintain good communication with the complainant and regularly update them with the status of our investigation, updating at least every two weeks during our investigation process.

2.3.2 AFTER 4 WEEKS

If a complaint has not been resolved within 4 weeks of being received, unless the customer has already indicated in writing acceptance of a response by the company (provided that the response informed the customer how to pursue his complaint if he remained dissatisfied), and in the event that a final response has not been issued, a holding response must be sent to the customer explaining why the company is not yet in a position to resolve the complaint and indicating when the company will make further contact, which must be within 8 weeks of receipt of the complaint.

2.3.3 UNABLE TO ISSUE FINAL RESPONSE WITHIN 8 WEEKS

In this event we will write to the complainant and explain that we are still not in a position to make a final response, outline the reasons for the further delay and indicate when we expect to be able to provide a final response; and also inform the complainant that they may now refer the complaint to the Financial Ombudsman Service if they are dissatisfied with the delay and we will enclose a copy of the Financial Ombudsman Service's explanatory leaflet.

2.3.4 FINAL RESPONSE

A Final Response must be made within 8 weeks of receiving the complaint.

This response sets out the final view of the company on the complaint, dealing directly with the issues the customer has raised.

It will summarise the complaint and summarise the outcome of the investigation.

The written final response must either:

- Accept the complaint and offer appropriate redress. We must include a clear explanation of how we have arrived at this offer.
- Reject the complaint giving the reasons behind this decision.
- A combination of a) and b)

We must inform the customer that they have 8 weeks to respond to our final response until we consider the complaint closed.

A complaint will be deemed to be closed where the company has sent a final response or where the customer has indicated in writing acceptance of the company's earlier response.

2.3.5 CONTENT OF FINAL RESPONSE LETTER

Our Final Response Letter must provide the complainant with full details of our understanding of the reasons for the complaint, our investigation into the circumstances behind the complaint, detailing relevant facts, our findings and whether the complaint is being upheld or not and whether any redress payment is to be offered.

Our Final Response to the client must include the following text as applicable:

a) Where we do not agree to waive the six-month time limit for the complaint to be referred to FOS

“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge – but you must do so within six months of the date of this letter.

If you do not refer your complaint in time, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.”

b) The complaint was received outside of the time frames for a complaint to be referred to FOS and we do not consent to waive such

“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.

The Ombudsman might not be able to consider your complaint if:

- what you’re complaining about happened more than six years ago, and
- you’re complaining more than three years after you realised (or should have realised) that there was a problem.

We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances (see below).

If you do decide to refer your complaint to the Ombudsman you must do so within six months of the date of this letter.

If you do not refer your complaint to the Ombudsman within six months of the date of this letter, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances.

The very limited circumstances referred to above include, where the Ombudsman believes that the delay was as a result of exceptional circumstances.”

c) Where the complaint was received outside the time 6 or 3 year time limits and we do not consent to waive those time limits but do consent to waive the six-month time limit

The Ombudsman might not be able to consider your complaint if:

- what you're complaining about happened more than six years ago, and
- you're complaining more than three years after you realised (or should have realised) that there was a problem.

We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.

The time limit for referring complaints to the Ombudsman is usually six months but we will consent to the Ombudsman considering your complaint even if you refer the complaint later than this."

d) We consent to waive all time limits

"You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.

Although there are time limits for referring your complaint to the Ombudsman, we will consent to the Ombudsman considering your complaint even if you refer the complaint outside the time limits."

Our Final Response letter must also include The Financial Ombudsman Service Leaflet

2.4 RESOLUTION

Where a complaint has been resolved, a final response should be issued to the customer, unless it was resolved by the close of business on the business day following receipt, in which case no letter need be sent. A final response is a written response from the company which accepts the complaint and, if appropriate, offers redress (appropriate redress may not involve financial redress, it may, for example, simply involve an apology); or offers redress without accepting the complaint or rejects the complaint and gives reasons for doing so, and which informs the customer that, if he remains dissatisfied with the company's response, he may now refer his complaint to the Financial Ombudsman Service ("FOS") which, should he wish to do so, must be done within 6 months.

If we identify through a complaint that the customer, or any of our other customers in the same circumstance, have suffered foreseeable harm as a result of our service or processes, then we will act in good faith and take appropriate action depending on the case, with a view to rectify the situation. This will include redress where appropriate. We will follow up with the client to ensure satisfaction/seek further feedback to ensure the issue has been wholly resolved.

2.4.1 FINANCIAL OMBUDSMAN SERVICE

If a complainant is not satisfied after receiving the Final Response from us then they have the right to make a complaint to the Financial Ombudsman Service. They must do this within 6 months of the date of the Final Response letter.

The Financial Ombudsman Services details are as follows:

The Financial Ombudsman Service

Exchange Tower

London

E14 9SR

Tel: 0800 023 4567 (free for most people from a fixed line) or 0300 123 9123 (cheaper for those calling using a mobile) or 020 7964 0500 (if calling from abroad)

Email: complaint.info@financial-ombudsman.org.uk

Website: www.financial-ombudsman.org.uk

We will co-operate fully with the Ombudsman in resolving any complaints made against us and will aim to respond within 2 business days to any information requests from the Ombudsman. We agree to be bound by any awards made by the Ombudsman. We undertake to pay promptly any fees levied by the Ombudsman.

2.5 RECORD KEEPING

A record of the complaint must be retained by the company for 3 years from the date of the receipt of the complaint. A report must be made to the FCA once a year via the FCA's Firms on Line electronic

reporting system. This report specifies the total number of complaints received by the firm which were not settled by the close of business on the third business day after the receipt of the complaint in accordance with rule DISP 1.5.4.

2.6 FCA REPORTING

We will ensure we submit our CCR returns (financial data and complaints data) via RegData within 6 weeks of the firm's Financial Year End – The SMF29 is responsible for reviewing submissions and the quality of data provided. We must do so once per year (if our income is less than £5m) or twice per year (if income is over £5m).

2.7 ANALYSING COMPLAINTS DATA AND APPLYING LESSONS LEARNT

There are many sources of data and management information which firms can analyse in order to understand what is negatively impacting their customers, for example, retention data, cancellation rates and customer feedback.

We understand that the DISP rules requires us to take steps to identify and remedy any recurring or systemic problems which lead to complaints. This includes examining the root causes of complaints and changing procedures to reduce the impact on future customers. It could also mean considering whether any detriment to existing customers, who may also have suffered, should be addressed.

As part of our implementation process with consumer duty, we will consider developing a feedback questionnaire to be sent to randomly selected customers. This questionnaire would be issued to a proportion of current customers (as optional) upon a sale closing. Feedback collected through these questionnaires will be recorded and considered and discussed internally. This will help us understand the needs of our customers and whether we are meeting those needs/what improvements we can make to ensure we are with future customers/if there is anything we need to rectify. We will have meetings to discuss whether any changes to our products or services are necessary. The directors will frequently be reviewing processes in this way as part of daily business and will assess feedback/changes required as/when he receives new information which requires action.

The following data can be recorded and reviewed to assess whether our products and services are meeting customer needs and contributing to good customer outcomes and whether groups of consumers are receiving worse outcomes.

- Customer feedback
- Complaints
- Feedback from lenders we work with
- Review/research on the lenders we work with

We request feedback from customers at the close of sale to enable us to understand whether we are providing the right level of aftersales care and attention to our clients. Feedback will be reviewed, and any changes necessitated by the survey response will be implemented across any new deals.

Where necessary changes are identified, the directors will oversee the implementation of any changes, how changes will be implemented and in what timeframe.

We have a dedicated complaints log specifically for our broking service. As mentioned above, we request feedback from all customers and review how each case went internally. Should we receive poor feedback or feel that we have not handled a situation to the best standard, then we will first seek to resolve any issues with our customer directly, and will also make an internal log of any issues and discuss how we could improve on this should we face a similar situation in the future. It is important to us that we learn from any complaints we receive, and so we will apply this process each time to ensure we are recognising areas which need work, and then eliminating the risk of a similar situation leading to a complaint arising again. Our expectation though would be not to receive any complaints as we are committed to delivering a high standard of customer service.

Where our broking service has led to detriment, we would assess the complaint and determine what detriment has been suffered and then we would provide the client with our final response, advise that we are upholding the complaint and then offer to redress which could be as simple as an apology through to possibly, in discussion with the lender, taking the vehicle back from the client, unwinding the finance agreement and paying an appropriate amount of compensation to the client.

Beyond merely complying with the rules, the feedback we get from customers who make a complaint or who have suffered harm due to our business model is information we might never otherwise find out. This is a view of how we perform in the eyes of the people that matter, the people that pay us for our services. We consider that performance and consider making improvements in response to this feedback.

We treat all complaints very seriously. We will use data about complaints and how they are handled, as well as any decisions from the financial ombudsman service (where applicable) as a key measure of how successful we are at achieving our overarching goals of meeting our Consumer Duty obligations and conducting our business with integrity, due skill, care, and diligence.

In the event that a customer wishes to make a complaint, this can be made verbally, by telephone or in person, or via a written communication delivered in person, via post, e-mail, sms or fax or any other reasonable means available. In the first instance, the complaint should be handled by the manager responsible for the account, so in our case it will be either the manager or the Directors, and they will consult with each other to establish the grounds for the complaint and find then seek resolution of the complaint.

We are a very small firm, presently staffed by the directors and 8 members of staff. As such the executive (SMF29) will be totally engaged in every aspect of the firms activities including client engagement and will be immediately aware of any complaints or other feedback received from clients. Our MI then will consist of:

- Detail of the complaint from a customer
- Other feedback received from a client in relation to our service including that posted on online review sites
- The level of business we acquire through referral or repeat business
- Feedback from lenders that we will engage with in relation to our credit broking procedures
- Feedback from our external compliance consultants

2.7.1 FORESEEABLE HARM

Per PRIN 2A.2.5 and 2A.2.10, if in the process of analysing complaints data we identify that clients have suffered foreseeable harm through either our acts or omissions, have not received good outcomes or we have been found to not be complying with the new consumer duty then we must promptly to rectify the situation and, if appropriate, offer redress, financial or otherwise, to the customer accordingly.

As mentioned above, where our broking service has led to detriment, we would assess the complaint and determine what detriment has been suffered and then we would provide the client with our final response, advise that we are upholding the complaint and then offer to redress which could be as simple as an apology through to possibly, in discussion with the lender, taking the vehicle back from the client, unwinding the finance agreement and paying an appropriate amount of compensation to the client.

2.7.2 ROOT CAUSE ANALYSIS

DISP rules require that firms take steps to identify and remedy any recurring or systemic problems which lead to complaints. Should we receive a complaint or, if it comes to it, we receive a decision from FOS, we would then conduct an investigation and specifically look at what caused the complaint and consider if it stems from a flaw within our procedures. We would also use any decision from FOS to inform our processes, usually it will be clear where the issue stemmed, and we can target our approach and improve our processes in relation to the specific area the complaint stemmed from.

This includes examining the root causes of complaints and changing procedures to reduce the impact on future customers. It could also mean considering whether any detriment to existing customers, who may also have suffered, should be addressed. If the firm receives a complaint regarding our broking service, we will ensure to seek further advice from the lender we deal with and from external compliance consultants to assist us in remedying the situation.

We will always look at complaints case by case, ensuring to always log complaints properly and then target the specific parts our processes which require improvement. For example, if we receive a complaint regarding miscommunication or a lack of information received with reference to a finance deal, then we will review our communication styles and see how we can ensure that with future

clients we are taking more time in the initial stages to ensure all communication is understood and the client has plenty of chances to ask any questions they may have. We would also then review the mediums we use to communicate, such as in person, online etc. If for example, communicating over email or online is a factor to the complaint, then we will ensure that in any finance cases going forward, we ensure to also contact the client via telephone or have a face to face discussion to ensure customer understanding across all mediums.

Beyond merely complying with the rules, however, the feedback we get from customers who make a complaint is information we might never otherwise find out. This is a view of how we perform in the eyes of the people that matter, the people that pay us for our services. We consider that performance and consider making improvements in response to this feedback.

2.7.3 IDENTIFYING THE ROOT CAUSE

A complaint is the natural outcome from a chain of events that led to a customer deciding that they had been poorly treated. It is rare that the complainant can tell us the cause of the complaint, what they know is how it affected them. The root cause can often only be uncovered as part of the subsequent investigation.

2.7.4 USE OF ROOT CAUSE ANALYSIS DATA

We will use root cause analysis to achieve the right customer outcomes and consider what the right customer outcome looks like in each individual case.

- We will ensure the MI is collected and analysed and is accurate and relevant to their operations. MI will be used to measure whether customers are treated fairly and to identify ways to improve customer outcomes.
- We will have robust root cause analysis capabilities to identify and remedy any recurring systemic problems. Effective root cause analysis will allow us to find and tackle the root causes of problems (through a process change or improvement).
- We have appropriate governance and processes in place to make sure root cause analysis provides strategic purpose, accurately identifying recurring or systemic problems.

- We will record complaints accurately. Weaknesses and failures in recording complaints may result in poor customer experiences and outcomes and affect our ability to put things right.
- make sure internal systems and controls allow staff to identify and record complaints correctly.
- Have processes in place to make sure the data in their annual or biannual FCA complaints return is accurate.
- Establish and maintain effective and transparent procedures for the reasonable and prompt handling of complaints.
- Consider, for each complaint, whether the customer's outcome and experience shows that we have put the customer's interests first. Inadequate application of good judgement – and the principle of treating customers fairly – may lead to poor outcomes.
- Make sure we assess complaints fairly, consistently and promptly.

2.7.5 HOW OFTEN ANALYSIS WILL BE CARRIED OUT

We are a very small firm with a small staff structure, as such the executive will be totally engaged in every aspect of the firms activities including client engagement and will be immediately aware of any complaints. Root cause analysis will only be carried out where we receive a complaint so will be ad hoc in its nature rather than periodic.

2.7.6 MONITORING IMPROVEMENTS AND CHANGES AS A CONCLUSION OF ROOT CAUSE ANALYSIS

In order to monitor improvements, we must retain records of complaints received and the how we have rectified the situation. We retain records in a medium that allows the storage of information in a way that is readily accessible for future reference by the FCA (or any other relevant competent authority) – we use excel and word documents to log our compliance and we update this each time a compliance activity has been done/taken place. Excel is the easiest way for us to log this activity and check box/add note to what has been done. We can easily access Microsoft programmes

remotely/online and changes can easily be made and updated on OneDrive to ensure these records are always up to date and accessible no matter where we are operating from.

We will have a dedicated compliance record folder on our OneDrive system with excel spreadsheets/word documents/any other forms/logs we've completed, and these will be organised into dated folders for example Oct23 and these will be in monthly order so that we can keep track on when each check has been done and what needs to be refreshed. The records must be readily accessible and capable of being reconstituted and their contents, and any subsequent corrections or other amendments, must be easily ascertainable. However, it must not be possible for the records otherwise to be manipulated or altered and therefore only certain users will have access to the OneDrive account and the files will be password protected by the Directors.

2.8 STAFF ACKNOWLEDGMENT & RESPONSIBILITY

All staff are required to sign a copy of these internal complaints procedures to confirm that they have received, read and agree to be bound by the requirements placed upon by them by these procedures as part of their contract of employment. Failure to comply with this policy may result in disciplinary action.

Appendix A – Complaints Log

No	Complainant	Complaint Code - see below	Date Rec'd	Date Initial Letter sent	Date Final Response sent	A - Accept R - Reject	Eligible Y / N	F O S Y / N	U - Upheld R - Rejected	Compensation £	Date Closed	Complaint against Individual	Complaints Notification sent to FCA
1													
2													
3													
4													
5													
6													
7													
8													
9													

**Complaint Classifications
to be used:**

Classifications	Code
Overcharging	OVER CH
Delays	DELAYS
Other Administration	ADMIN
Misleading Advice	MIS ADV
Failure to Carry Out Instructions	FAIL INSTR
Poor Customer Service	SERVIC E
Misleading Advertising	ADVER T
Disputes Over Amounts Payable	MONEY
Switching or Churning	CHURN
Breach of Contract	CONTR ACT
Other	OTHER