

Complaints Procedure

Introduction

It is recognised that all customers have the right to complain and therefore we have put in place appropriate complaints handling procedures to deal with any complaints we receive. It is important to note that customers are able to make a complaint free of any charge. Accordingly, this document outlines the procedures to be followed so as to ensure a speedy resolution of any complaint made. In this regard, all complaints should be fully resolved within 8 weeks of receipt

Only appropriately trained staff will deal with complaints, this will generally be the person responsible for compliance so as to ensure as much objectivity as possible. However, it will be ensured that persons subject to the complaint are not those tasked with dealing with the complaint.

TREATING CUSTOMERS FAIRLY

In accordance with our commitment to treating customers fairly and the FCA's rules we will:

Investigate complaints competently, diligently and impartially

Assess fairly, consistently and promptly: The subject matter of the complaint, Whether the complaint should be upheld, What remedial action or redress (or both) may be appropriate

Record and analyse all complaints whether reportable to the FCA or not and whether about the firm or third party (e.g. an insurer) to identify and act upon any weaknesses.

A complaint is :

“Any oral or written expression of dissatisfaction, whether justified or not, from, or on behalf of, a 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.”

Complaints can be made verbally or in writing (including by electronic communication). We cannot insist that complaints be put in writing but in some cases, it would be helpful to suggest that the complainant sets out the relevant information formally.

Furthermore, to comply with FCA RMAR reporting requirements, complaints will be categorised within one of the following categories:

Advising, selling and arranging

Terms and disputed sums /charges

General admin / customer service

Arrears related

Other* * The 'other' category should only be used in exceptional circumstances when none of the specific categories are appropriate.

It is also important to record the product or service type, for FCA reporting purposes, as one of the following:

Payment Protection Insurance ("PPI")

Other general insurance

Critical Illness

Income protection

Other pure protection (e.g. Life)

Credit Broking (Premium Finance)

The person responsible for compliance is responsible for categorising complaints in the Complaints Register.

DEFINITION OF “ELIGIBLE COMPLAINTS”

All complaints received will be treated in the same way, whether they meet the definition of an eligible complaint or not. However, it is important to identify whether a complaint is eligible for FCA reporting processes.

The FCA defines an ‘eligible complainant’ as follows:

An eligible complainant must be a person that is:

RECEIPT AND LOGGING OF COMPLAINTS

The procedures for recording all complaints (both informal and formal) are as follows

Upon receipt of a complaint, whether received orally or in writing at any time during the customer agreement, the individual who receives the complaint should notify the person that deals with complaints for BRM Select Cars. Additional information should be provided where necessary.

The person responsible for compliance will then assess the validity of the complaint.

The person responsible for compliance will investigate the complaint.

. The person responsible for compliance will also ensure action and time taken in responding to a complaint is documented in the Complaints Register so that results can be relayed to management. These records and logs will be accessible by all staff.

INFORMAL COMPLAINTS

DETERMINING IF A COMPLAINT IS “INFORMAL”

Complaints should only be dealt with in the informal process if it is likely that the complaint can be resolved to the complainant’s satisfaction within 3 business days. This can be determined by the following factors

The complainant has confirmed that their concern is fully resolved.

It is clear that the actions taken have fully resolved the subject matter of the complaint.

If it transpires that a complaint cannot be resolved satisfactorily within the 3-day period, then the complaint should be dealt with under the Formal Complaints process.

The informal process is most appropriate for simple complaints that do not involve more complex issues. Complaints should only be dealt with under the informal process if they meet the following criteria:

It does not relate to a premium credit arrangement;

No compensation is being sought to resolve the complaint;

The complaint does not relate to a complaint that has been previously dealt with;

There is no threat of escalation to the Financial Ombudsman Service, the Information Commissioners Office or the media, and does not threaten legal action.

HANDLING INFORMAL COMPLAINTS

The matter must be investigated and resolved by a person other than the person who is the subject of the complaint.

Once the complaint has been resolved, a Summary Resolution Communication (SRC) must be sent to the complainant, a template for this can be found under Appendix 2. If the complaint requires remedial action to correct the complaint, or for redress to be made to the customer, then this must be actioned promptly. If the complainant subsequently contacts to escalate the complaint, then this must automatically be dealt with under the Formal Complaints process

FORMAL COMPLAINTS

This applies to any complaint (“eligible”, in accordance with the above definition, or otherwise) that cannot be resolved under the informal process, where a complaint is received concerning the actions of the firm as a broker (and agent of the customer) for the complaint to be handled internally.

HANDLING AND INVESTIGATING FORMAL COMPLAINTS

The formal complaint handling procedures are as follows:

The person responsible for the complaint will acknowledge the receipt of the complaint to the complainant within 5 working days of first notification, a template can be found in Appendix 2. This acknowledgement will confirm: If it is decided that a complaint requires further investigation: The contact details of the person dealing with the complaint – generally the person responsible for compliance; and, The complaints procedures (as detailed in Appendix 3), If it is decided that the complaint does not warrant further investigation the customer must be informed appropriately, and reasons given for the decision.

No compensation is being sought to resolve the complaint;

The complaint does not relate to a complaint that has been previously dealt with;

There is no threat of escalation to the Financial Ombudsman Service, the Information Commissioners Office or the media, and does not threaten legal action.

Arrangements will be made for the complaint to be fully investigated by the appropriate person - generally the person responsible for compliance.

A written response will be made to the complainant within 20 working days.

If a full response cannot be made within 20 days, the client will be given reasons for the delay and a timetable by which they can expect to receive a reply.

A written response will be made to the complainant within 40 working days (eight weeks).

If a full response cannot be made within 40 days, the customer will be given reasons for the delay and a timescale by which they can expect to receive a reply, at this point the customer should be provided with their right to access The Financial Ombudsman Service (FOS).

Once the complaint has been fully investigated, the response will either be to:

Accept the complaint and, if appropriate, offer some form of redress; or

Give reasons why the complaint is rejected; or

A combination.

If the complaint requires remedial action to correct the complaint, or for redress to be made to the customer, then this must be actioned promptly.

The complainant will be advised that they may escalate the matter if they are not satisfied with the response to The Financial Ombudsman Service.

If the complainant accepts the written response, confirmation will be sought from the complainant that the matter can be considered closed. The complainant will be made aware of their right to complain to the ombudsman at any time in the future if they are dissatisfied.

FINANCIAL OMBUDSMAN SERVICE (FOS)

Set up by Parliament, the Financial Ombudsman Service is the UK's official expert in resolving problems with financial services. If a business and a customer can't resolve a complaint themselves, the FOS can give an unbiased answer about what's happened. If they decide someone has been treated unfairly, the FOS has legal powers to put things right. <http://www.financial-ombudsman.org.uk>. The customers' right to have disputes referred to the FOS should be included in any Terms of Service, including contact information.

RECORD KEEPING, ANALYSIS, REPORTING AND MANAGEMENT CONTROLS

The person responsible for compliance will maintain the Complaints Register and monitor the progress made with each complaint until the complaint is resolved. The Complaints Register will include details of all open complaints reported, when they were received, what the client classification is, where the relevant files are held and details of all other material developments until each complaint is resolved. The Complaints Register will also retain the records of each complaint for six years from the date of the expiry of the policy/cover to which the complaint relates.

The person responsible for compliance will periodically review the Complaints Register to establish whether there are any trends or common reasons leading to customer complaints for example, systemic failings in sales or operational processes. Where such issues are identified, these will be raised with management and an action plan will be developed and implemented to address the issue. Following the implementation of the action plan, the person responsible for compliance will continue to monitor complaints to determine if the action taken has been effective.

The person responsible for compliance will include relevant complaints in a mandatory report to the Financial Conduct Authority.

We have in place appropriate management controls and take reasonable steps to ensure that the firm can identify and remedy any recurring or systemic problems. Recurring or systemic problems are identified / remedied by:

Analysing the root causes of common types of complaints.

Considering whether such root causes may have an effect on other processes or products, which were not directly involved in the complaints.

Correcting, where reasonable to do so, such root causes.

HANDLING OF 3RD PARTY COMPLAINTS

If it is considered that another Authorised Firm or a Regulated Financial Institution is entirely or partly responsible for the subject matter of a complaint then the complaint, or relevant part of it, may be referred to the other Authorised Firm or Regulated Financial Institution. In such cases the following action will be taken:

Inform the complainant promptly and in writing that the complaint will be referred, either entirely or in part, to another Authorised Firm or Regulated Financial Institution, and obtain the written consent of the complainant to do so;

If the complainant consents to the referral of the complaint, the complaint will be referred to the other Authorised Firm or Regulated Financial Institution promptly and in writing;

Inform the complainant promptly and in writing that the complaint has been referred and include adequate contact details of any individual at the other Authorised Firm or Regulated Financial Institution responsible for handling the complaint; and

Continue to deal with any part of the complaint not referred to the other Authorised Firm or Regulated Financial Institution, in accordance with the normal procedures. To the extent that the referral of any complaint as envisaged above entails the transfer of personal information; this will only be done in accordance with our registration under the Data Protection Act 2018.

BRM Car Sales Scunthorpe Ltd