

Complaints procedure

1.0 Introduction

A complaint is generally described as any expression of dissatisfaction which warrants a specific response. This means that a complaint doesn't necessarily have to be written – it could be oral.

1.1 What makes a complaint?

The following are all examples of what makes a complaint. The list not exhaustive, however.

- If the complainant thinks he has received misleading information
- If the complainant thinks he has received poor advice
- If the complainant thinks that the advertising material is misleading
- If there is a fraud involved
- If the complainant thinks that personal data or confidential information has been mis-used

1.2 When is a complaint not a complaint?

It is necessary to keep our professional indemnity (PI) insurers informed, as soon as possible, of any circumstance which may become a complaint in the future.

For instance, not all expressions of dissatisfaction will necessarily involve the making of a complaint. There are times when a client will seek an apology from the firm and that will be the end of the issue. Or, perhaps, the incident is relatively minor and may involve only a minor clerical or administrative act rather than any financial redress.

Such instances may be treated as a circumstance rather than a complaint. However circumstances can escalate to the same status as a complaint and it is therefore imperative that this firm treats circumstances as complaints and follows the procedure for complaints in all cases.

1.3 How can a complaint be made?

A complaint can be made by a client, a potential client or a person on behalf of either. There is no rule which states that a complaint must be made in writing. In fact complaints can be made in any medium, even oral.

The Client Agreement form states that all complaints will be handled by [this firm], the Complaints Handler. There are occasions when a complaint will be made direct to the FCA/Ombudsman. In all instances, it should be referred as soon as possible to the Complaints Handler.

1.4 **Awareness of complaints**

This firm ensures that all relevant employees are aware of the complaint procedures.

2.0 **Complaints process**

2.1 **Receipt of the complaint by the firm**

It is important that the details of complaint or circumstance are sent, together with the original complaint, immediately to the Complaints Handler, who will formally acknowledge the complaint to the complainant.

If the complaint is made verbally, the adviser must make full details of the complaint in the client file. This note should ideally be signed and dated and should include:

- The date and time and duration of the telephone call
- The name, address and telephone number of the client
- The details of the adviser(s) concerned
- The nature of the complaint

Fax or email the complaint directly to the Complaints Handler and follow up with the full client file as soon as is practically possible.

2.2 **Acknowledgement of a complaint**

The acknowledgement of a complaint must come from the Complaints Handler. The acknowledgement will take place as soon as practically possible but no later than five working days of receipt of the complaint by the firm.

This is basically a holding letter which states that a complaint has been received and sets out the firm's understanding of the nature and details of the complaint. It mentions that the complaint will be investigated as soon as possible and details when and how further contact will be made.

2.3 **Investigating complaints**

The investigation will be carried out by the appropriate person in the compliance department. All advisers must note that they will be expected to respond quickly and efficiently to any requests for further information in relation to the complaint.

The Complaints Handler will undertake a balanced and objective investigation without any pre-conceptions aimed at simply identifying the facts of the case.

The investigation may include:

- Consideration of previous complaints against the adviser
- Identification of trends determined by previous file reviews

- Review of the client file, with particular regard to the complaint having been made. This will involve an element of fact finding to compare the information held on file with the queries raised by the complainant
- Consideration of the adviser's report

2.4 **Customer contact**

The adviser must not contact the complainant until the complaint has been resolved or prior approval is obtained from the Complaints Handler.

The Complaints Handler will endeavour to resolve the complaint as soon as possible. However, as information is sometimes required from third parties, there is no finite length of time for a complaint investigation.

After four weeks from the initial receipt, if the complaint is not resolved, the Complaints Handler will write to the complainant to inform them of the current situation. Where possible, the Complaints Handler will give an indication of the date which he expects the case to be resolved.

If the case continues, at eight weeks from the initial receipt the Complaints Handler will write to the complainant again to inform them of the current situation. Where possible the Complaints Handler will give an indication of the date which he expects the case to be resolved. At this time, the complainant will also be provided with a copy of a leaflet informing them of the Financial Ombudsman Service (FOS) and their right to take the complaint to the FOS.

2.5 **Final response**

As soon as the complaint investigation has been completed a formal letter and response will be sent to the complainant.

A copy of this letter is also sent to the PI insurers.

The complaint is considered closed once the final response letter has been issued or, if compensation is to be paid, once this has been accepted by the client and payment has been made.

At this point, the complaints register will be updated to reflect the situation