

# Vilcol

## VP24 COMPLAINTS PROCEDURE

**ONLY ORIGINAL PROCEDURES HELD ON THE COMPUTER NETWORK ARE CONTROLLED. PRINTED COPIES OF THIS PROCEDURE ARE FOR REFERENCE ONLY AND NOT CONTROLLED. PRINT DATE:**

<b>Purpose</b>	This procedure describes the treating of customer's complaints by Vilcol according to the Financial Conduct Authority FCA its Regulator and the Dispute Resolution process by the Financial Ombudsman Service F.O.C. It includes adherence to the six customer outcomes that the FCA require from its regulated companies from 1st April 2014. <b>See also procedure VP 22 – Treating Customers Fairly</b> and the <b>Customer complaints policy document</b> . Under FCA rules a report is made each month of the relevant customer complaints as defined by DISP 1.10A on the FCA complaints reporting system website.
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### 1. Scope

1.1 These procedures are driven by our Regulator and our clients, most of who are regulated by the FCA. They are: Consumer Credit Financial Intuitions, Debt Purchase Companies or Debt Collection Agencies that buy occasional debt and companies with non-regulated debts.

In relation to debt collecting, the definition of customer refers to an individual from whom the payment of a debt is sought; this includes where a firm mistakenly treats an individual as the borrower under an agreement and mistakenly or wrongly pursues the individual for a debt. Our client is the firm instructing us to recover debts from their customers. In relation to debt collecting, the definitions of customer and borrower are given extended meanings to include, as well as those other people they generally include, a person providing a guarantee or indemnity under a credit agreement and also a person to whom rights and duties are under the agreement passed by assignment or operation of law. This reflects article 39M of the Regulated Activities Order.

From 1st April 2014, all businesses that held a standard consumer credit licence must be regulated by the FCA. Under the new arrangements, all these businesses must follow proper procedures to be found in FCA – CONC - DISP - SYNC when dealing with complaints about their consumer credit activities. And their customers have the right to refer unresolved disputes to the Financial Ombudsman Service.

1.2 All FCA regulated companies have to monitor and audit themselves and their third party service agents and require them to maintain and work to the same high standards as themselves. SYSC 8.1; SYSC 4.1.1 R and PRIN 2.1 - Principle 3.

It is company policy to respond fairly with urgency to all complaints. A customer complaints policy is available on our website and should be sent to customers when appropriate.

The procedure covers the following principal stages:

- i) Receiving and recording
- ii) Registration
- iii) Appropriate Investigation and resolving

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- iv) Responding to Complaints
- v) Notifying complaints of their right to go to the FOS

1.3 The Financial Conduct Authority has defined six customers' outcomes, which explain what they want TCF to achieve for customers.

1. Customers can be confident that they are dealing with firms where the fair treatment of customers is central to the corporate culture.
2. Products and services marketed and sold in the retail market are designed to meet the needs of identified consumer groups and are targeted accordingly.
3. Customers are provided with clear information and are kept appropriately informed before, during and after the point of sale.
4. Where customers receive advice, the advice is suitable and takes account of their circumstances.
5. Customers are provided with products that perform as firms have led them to expect, and the associated service is of an acceptable standard and as they have been led to expect.
6. Customers do not face unreasonable post-sale barriers imposed by firms to change product, switch provider, submit a claim or make a complaint.

## 2. References

Authorised and Regulated by the FCA 29<sup>th</sup> February 2016. FRN 677688

- FCA systems SYSC and high level business standards
- FCA – PRIN 6. Customers interests - A firm must pay due regard to the interests of its customers and treat them fairly.
- FCA – CONC – 7.5.3; 7.5.4; 7.14.
- DISP 1 Treating eligible complainants fairly.
- DISP 3 to have Complaints Handling procedures in place.
- DISP 1.4.1 Complaints resolution rules of FOC.
- SYSC 8.1 – 3<sup>rd</sup> party performance of operational functions.
- SYSC 4.1.1 R. Effective processes to identify, manage, monitor and report risks.
- SYSC 13.2.2. Operational risk for different firms.
- PRIN 2.1 - Principle 3, organise and control its affairs responsibly and effectively.
- BS EN ISO 9001: 2015
- CONSUMER CREDIT ACT 2006
- FINANCIAL SERVICES AND MARKETS ACT 2000
- Compliance to all relevant UK Laws, Regulations and Guidance.

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## **3. Responsibility**

- 3.1 The Managing Director has overall responsibility for this procedure, the complaints handling systems and determining the courses of action after a six month review. As a matter of company policy an attempt to resolve all customer complaints will be made that working day. Any client specific complaints handling procedures with regard to client's instructions will be conducted by the Managing Director.
- 3.2 All complaints received either by telephone; fax, email or writing will be treated seriously and Vilcol will make best endeavours to investigate the complaint that working day and if possible offer a solution. The administration Manager is responsible for the day-to-day administration of complaints and for recording details in the Register and for arranging for the scanning of the complaint in letter or E mail format to the IT system. It is the compliance consultants' job to report each month the number of relevant customer complaints not resolved in one working day on the FCA complaints reporting system website.
- 3.3 All senior staff need to be advised of any serious customer complaints as soon as practicable. The complaint should be acknowledged straight away and dealt with as soon as possible. In no case will the complaint go unanswered for more than 8 weeks from of receipt.
- 3.4 Customer complaints made about the 'client' or one of their previous '3<sup>rd</sup> party agencies' will be put on hold and returned to the client for action. Unless an existing arrangement is in place with both Vilcol and the 'client' who are the respondents. For a 'one-stop shop' arrangement for handling or resolving complaints or both, under a service level agreement. According to the FCA - Outsourcing of complaint handling - DISP. 1.1.19. (1b). (2) These arrangements do not affect respondents' obligations as set out in DISP or the provisions relating to outsourcing by a firm set out in SYSC 8 and SYSC 13.
- 3.5 Any person instructed to investigate or resolve a customer complaint is responsible for taking prompt action to do so that day. The investigator will report the resolution in the FCA's or client's preferred format and log it in the complaints folder.
- 3.6 Failure to deliver a resolution as soon as is practically possible will result in re-training and/or disciplinary action according to the person's level of competence.
- 3.7 All complaints are reviewed every six months, to ensure they have been actioned and are only then signed off.

## **4. Method**

### **4.1 Receipt and recording (by any person receiving a complaint)**

- 4.1.1 Customers may contact the company in a variety of ways to express some form of dissatisfaction. All expressions of dissatisfaction will be taken seriously and will be sensitively and fairly handled. All complaints received will be formally addressed.
- 4.1.2 The person receiving the complaint must record the following customer details in the Register.
  - i) Name (person and company)
  - ii) Address
  - iii) Telephone Number

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- iv) Account Number
- v) Customer Order Number (if appropriate to the complaint)
- vi) Invoice Number (if appropriate to the complaint)
- vii) Record nature of complaint

- 4.1.3 Under the FCA DISP 1.4 Complaints resolution rules, once a complaint has been received by Vilcol it will investigate the complaint competently, diligently and impartially, obtaining additional information as necessary, 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; taking into account all relevant factors; comply promptly with any offer of remedial action or redress accepted by the complainant.
- 4.1.4 Vilcol will aim to resolve complaints at the earliest possible opportunity, minimising the number of unresolved complaints which need to be referred to the Financial Ombudsman Service. DISP 1.4.3. During the period we are in contact with the customers, we will ensure that customers are provided with clear information and are kept appropriately informed before, during and after the point of sale. Vilcol will not ignore or disregard a customer's claim that a debt has been settled or is disputed and must not continue to make demands for payment without providing clear justification and/or evidence as to why the customer's claim is not valid. CONC 7.5.3 R. Vilcol will refer a reasonable offer by the customer to pay by instalments to the lender or owner. CONC 7.5.4 R. and pass on such payments received from a customer to the lender in a timely manner. CONC 7.5.5.R. Vilcol will suspend any steps it takes or its agent takes in the recovery of a debt from a customer where the customer disputes the debt on valid grounds or what may be valid grounds. CONC 7.14.1 R (1). Vilcol will treat customers in default or in arrears difficulties with forbearance and due consideration signposting those in difficulty to free independent advice on all customer facing material.
- 4.1.5 During our discussions with the customers, if we are made aware that the product or service that was provided did not perform as the client has led them to expect, and the associated service is of an acceptable standard and as they have been led to expect. We will put our investigations on hold and contact our client accordingly, for them to investigate and resolve the situation, monitoring the situation appropriately. CONC 7.14.6 R (1) Where a customer disputes a debt and Vilcol is seeking to recover the debt we will pass the information provided by the customer to the lender or the owner; or (2) if Vilcol has authority from the lender or owner to investigate a dispute, it will notify the lender or owner of the outcome of the investigation. CONC 7.14.10 R If Vilcol rejects a repayment offer because it is unacceptable, then Vilcol will not engage in any conduct intended to, or likely to, have the effect of intimidating the customer into increasing the offer. CONC 7.14.10R. If Vilcol makes a counter offer to a proposal made by or on behalf of the customer, it will allow the customer or the customer's representative, a reasonable period of time to consider and respond to the counter offer.

## 4.2 Registration

- 4.2.1 Enter summary details in the complaint register, and allocate the next sequential complaint number.
- 4.2.2 Record the number on the complaint report ***and scan the complaint.***

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- 4.2.3 Note complaint register number in appropriate computer diary.
- 4.2.4 Discuss the problem with the respective manager.
- 4.2.5 Agree a course of action to investigate and resolve the complaint.
- 4.2.6 Record the details of action required in the complaint report and enter the details in the complaint register.
- 4.2.7 Send acknowledgement letter to customer (including details of proposed course of action, if appropriate at this stage and copy of our complaint procedure).
- 4.2.8 Take a photocopy of the report and pass the original to the person who is to carry out any investigations or take action to resolve the complaint.

## 4.3 Investigation and Resolution

- 543.1 The person instructed to investigate or to resolve a customer complaint must take action promptly.
- 4.3.2 If required action is to carry out an investigation:
  - i) Record findings in the complaint report.
  - ii) Sign report.
  - iii) Discuss findings with the appropriate Senior Manager
  - iv) Carry out further actions as agreed to resolve the problem.
- 4.3.4 Resolution letter sent including FOS booklet.
- 4.3.4 Close off details in the complaint register after leaving the complaint on file for a further six months in case of possible future escalation of the same problem.
- 4.3.5 File original complaint report in the Account file.
- 4.3.6 Where a complaint against Vilcol is referred to the Financial Ombudsman Service, Vilcol will cooperate fully with the Financial Ombudsman Service and comply promptly with any settlements or awards made by it. DISP 1.4.4.

## 4.4 Analysis of trends

There is regular analysis of the complaints both for collection and trace to ensure that there is active trend analysis being undertaken within these two areas. Vilcol will make appropriate analysis of decisions by the Financial Ombudsman Service concerning similar complaints received by the respondent (procedures for which are described in DISP 1.3.2A G) Senior management where relevant review all complaint statistics. PRIN 2.1 - Principle 3 during their quarterly Management Review meetings. SYSC 8.1.1 and SYSC 4.1.1 R.

## 4.5 Notifying complaints of their right to go to the FOS

The Resolution letter to the complainant shall include the following words and a FOS booklet:-

*If you are dissatisfied with our response you may refer this complaint to the Financial Ombudsman Service within six months of your written complaint to us. Contact: the Financial Ombudsman Service, South Quay Plaza, 183 Marsh Wall, London. E14 9SR. By phone: 0800 023 4567 By e-mail: [Complaint.info@financial-ombudsman.org.uk](mailto:Complaint.info@financial-ombudsman.org.uk) Or for more info at: [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)*

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September 2014

<b>Issue</b>	<b>Date</b>	<b>Description of Amendment</b>	<b>Authorised by</b>
1	23/01/2018	Initial establishment to ISO 9001:2015 requirements	Managing Director