
COMPLAINTS POLICY AND **PROCEDURE**

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Introduction

Christopher Land recognises that all customers have the right to complain and have put in place the suitable complaint handling procedures to deal with any complaints. **All customers can make a complaint free of charge.** This document will outline the process to be followed to ensure all complaints are fully resolved within 8 weeks of receipt.

Definition of 'Complaint'

A complaint is defined by the Financial Conduct Authority as:

“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).

Complaints will be categorised as listed below:

- ❖ Selling or the arranging of finance
 - ❖ Terms and conditions
- ❖ General Admin / Customer Service
 - ❖ Quality of vehicle (SQ)
 - ❖ Third Party complaint
 - ❖ Other*

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

Christopher Land will ensure that all complaints are categorised correctly in the Complaints Register. Staff are trained at least annually in how to establish and understand if a customer is making a complaint and are regularly given feedback and tips on handling complaints.

Definition of 'Eligible Complaints'

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

The FCA defines an 'eligible complainant' as:

“An eligible complainant must be a person that is:

- ❖ *A consumer (including a professional person acting outside of their business or profession)*
- ❖ *A micro-enterprise (an enterprise which employs fewer than 10 persons and has a turnover or annual balance sheet that does not exceed £2 Million)*
- ❖ *A charity which has an annual income of less than £1 million at the time the complainant refers the complaint to the respondent or,*
- ❖ *A trustee of a trust which has a net asset value of less than £1 million at the time the complainant refers the complaint to the respondent. “*

Summary Resolution

When a complaint can be resolved within 3 business days, it can be categorised as a Summary Resolution Complaint; a personalised Full Final Response is not necessary in this situation. To be classed as a Summary Resolution Complaint, the complaint must be closed by the end of business on the 3rd working day, from the day following receipt of the complaint.

A Summary Resolution Complaint is still subject to communication requirements and record keeping procedures.

If the complaint is fully resolved within 3 working days, including the acknowledgement of resolution by the complainant and a record of the original complaint being made, a Summary Resolution Communication can be issued. A Summary Resolution Communication¹ is issued to confirm that there was a complaint that has been subsequently resolved, and the complainant has acknowledged this.

At this point in the process, the complainant should be provided with information regarding the Financial Ombudsman Service (FOS) to ensure that they have access to and understand their rights.

Complaints that require a Full Final Response

In the situation that a complaint cannot be resolved within 3 working days, the complaint will be resolved with a Full Final Response.

- 1) Christopher Land will acknowledge receipt within 3 working days of the first notification² of the complaint to confirm:
 - a) Whether or not the complaint requires further investigation
 - b) The contact details of the person who is handling the complaint
 - c) Christopher Land's Complaints Policy and Procedure³
 - d) If it is decided that a complaint does not need further investigation, reasons why that decision was reached.
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- 2) The complaint will be fully investigated Christopher Land
 - 3) A written response will be issued to the complainant within 20 days of receipt of the complaint

¹ See Appendix 2

² See Template Appendix 2

³ As detailed in Appendix 3

- 4) If a full response cannot be issued within 20 days, the complainant will be given the reasons for the delay as well as an updated timeframe for a response. At this point in the process, the complainant should also be provided with access to FOS.
- 5) A written response will be issued to the complainant within 40 days of receipt of the complaint (eight weeks).
- 6) If a full response cannot be issued within 40 days, the complainant will be given the reasons for the delay as well as an updated timeframe for a response. At this point in the process, the complainant should also be provided with access to FOS.
 - 7) Once the complaint has been fully investigated, a response will be issued that will be:
 - a) Accepting the complaint and, if necessary, offering redress or remedial action to the complainant, or,
 - b) Giving reasons why the complaint has been rejected,
 - c) A combination of both

If a complaint requires remedial action or redress made to the complainant, this should be actioned promptly.
- 8) The complainant will be advised that if they are dissatisfied, the complaint can be escalated to the FOS.
- 9) If the written response is accepted by the complainant, Christopher Land will seek confirmation from the complainant to consider the matter closed. The complainant will be made aware of their right to complain to the FOS at any time in the future if they are not satisfied.

Investigation

All complaints received by Christopher Land will be fully investigated; the nature and degree of analysis required is determined by the complexity of the received complaint. In the situation that a vulnerable customer is identified in the complaint process, it may be appropriate or necessary to accelerate the decision and response, as well as considering liaising with a 3rd party.

Ideally, the complaint should not be handled by the staff member identified in the complaint. In any situation where this is not possible, Christopher Land will handle any complaints fairly and consistently, with evidence documented of the situation for future audit requirements.

As a general rule for handling complaints, as much information as possible should be collected, and the correct steps should be taken (including, but not limited to):

- ❖ Obtaining the details of the complaint, including any and all communications, account notes, disclosures and supporting documents.
 - ❖ An approximation of the financial loss, material distress or material inconvenience suffered by the complainant, if applicable.
- ❖ The consideration of any applicable regulatory rules and guidance, as well as industry best practice. Publications from bodies such as the Financial Ombudsman Service (FOS) and the Information Commissioner Office (ICO) may be beneficial here.
 - ❖ Considering any factors that could have an effect on the outcome of the complaint assessment
 - ❖ Christopher Land will form an opinion, taking into consideration: the actions of the firm, the original cause of the complaint, the complainant's circumstances including any vulnerable characteristics and what, if any, detriment the complainant has encountered. The complainant's interest and wellbeing will always be the top priority in this process.

Generally speaking, if Christopher Land is at fault and/or has committed any errors, or has caused the customer foreseeable harm, the resolution of any complaint should put the complainant into the position they would have been in had the original complaint not occurred.

Financial Ombudsman Service (FOS)

The Financial Ombudsman Service (FOS) is the UK's leading official expert in resolving issues surrounding financial services. If Christopher Land and any complainant cannot reach a resolution between them, the FOS will provide an unbiased and impartial resolution to the situation. If the FOS finds a customer has been treated unfairly, the FOS has the legal and statutory powers to rectify the situation.

[Financial Ombudsman Service: our homepage \(financial-ombudsman.org.uk\)](http://financial-ombudsman.org.uk)

Christopher Land takes any referrals from the FOS very seriously and will comply with any and all information requests. We will also work with our credit provider wherever necessary.

The customers' right to have any disputes referred to the FOS should be included in any Terms of Service, including the relevant contact information.

When a complaint is referred to the FOS, it highlights a requirement for an investigation, whether or not the complaint is upheld by the FOS or not. Both outcomes will result in Christopher Land's Complaints Policy and Procedure being reviewed in order to ensure that the procedure adheres to regulatory requirements and meets customers' expectations. This review of procedure focuses on finding mistakes in the process and making it more efficient and effective.

There are some instances in which the FOS will not consider the complaint; these are listed below:

When the complaint is

- ❖ More than 6 months after the date Christopher Land issued a final response, redress or Summary Resolution Communication
 - ❖ More than:
 - 6 years after the date of the event named in the complaint, or,
 - 3 years from the date on which the complainant became aware (or ought to reasonably have become aware) that there was cause for complaint.

Christopher Land will add the correct FOS rights to each final response letter, dependant on which of the above applies (6 months from the date that a final response was issued or 3/6-year time-barring rule), included in example letter in Appendix 2.

Record Keeping

Christopher Land will be responsible for the maintenance of the Complaints Register and monitoring the progress made with each complaint up to resolution. The Complaints Register will include details of all open reported complaints, including:

- ❖ When the complaint was received
- ❖ What the client classification is
- ❖ Where any files relevant to the complaint are held
- ❖ Details of all other material developments, until complaint is resolved

The records of each complaint will be retained in the Complaints Register for six years.

Analysis

Christopher Land's Complaints Register will be periodically reviewed by him to assess whether there are any trends or commonalities leading to customer complaints, for example any failures of operational processes. Customer feedback and issues raised by staff will also be considered and if any systemic or operational failures are found in the review, these will be raised with management to develop and implement an action plan to remedy the issue(s). Throughout the review, Christopher Land will assess whether or not it is appropriate to contact customers that have not made a complaint and ensure that the appropriate measures are taken to resolve any detriment caused to customers by this issue.

Following the implementation of an action plan, Christopher Land will continue to monitor any and all complaints to determine if the action taken has been effective.

Reporting to the Financial Conduct Authority (FCA)

Christopher Land will include any and all relevant complaints in a mandatory report to the FCA.

Management Controls

Christopher Land has the appropriate management controls in place as well as reasonable steps to ensure any recurring or systemic problems can be rectified.

Recurring and/or systemic problems are identified and remedied by:

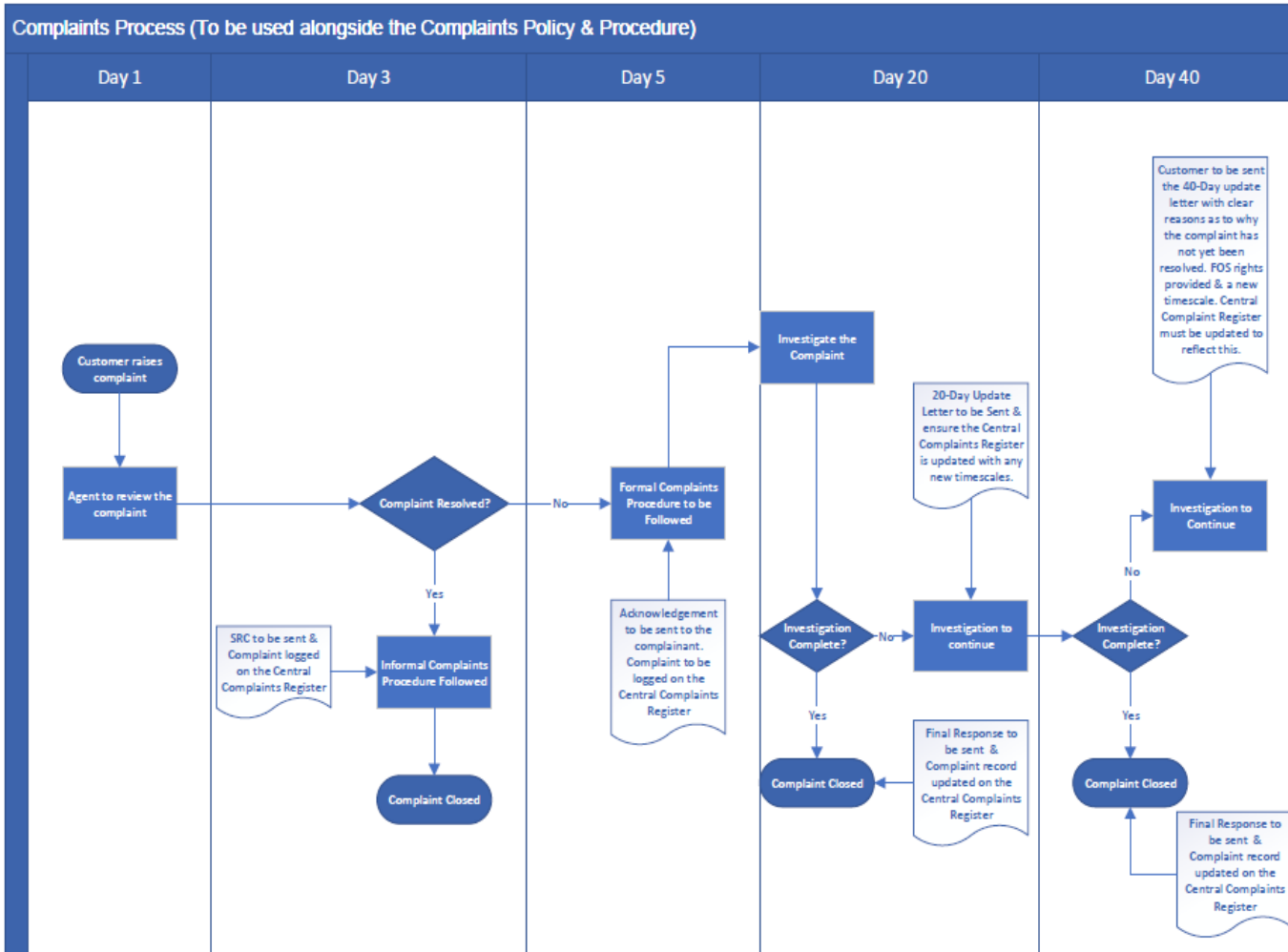
- ❖ Analysing the root causes of common types of complaints
- ❖ Considering whether the root causes could be influencing other processes or products, which were not directly involved with the original complaint
- ❖ Correcting, where reasonable and possible to do so, the root causes

Handling 3rd Party Complaints

If the situation arises in which another FCA regulated firm is partly or entirely responsible for the complaint, then the complaint, or relevant part or the complaint, can be referred to them. In such cases, the following action will be taken:

- ❖ Inform the complainant promptly, in writing, that the complaint will be referred (either partly or entirely) to another firm, and obtain the written consent of the complainant to do so,
 - ❖ If the complainant consents to the referral, the complaint will be promptly referred to the other firm, in writing.
- ❖ Inform the complainant promptly and in writing that the complaint has been referred, including adequate contact details of the individual at the other firm who will be responsible for handling the complaint
- ❖ Continue to handle any part of the complaint that has not been referred to the other firm, in accordance with Christopher Land's normal procedures. To the extent that the referral of any complaint, as explained above, entails the transfer of personal information, this will only be done in accordance with Christopher Land's registration under the Data Protection Act 2018.

Appendix 1 – Complaints Notification Process



Appendix 2 – Document Suite

*Templated to be edited (**) and sent to complainant at appropriate time*

Summary Resolution Communication (SRC)

Dear ***Customer name***,

Oral Complaint

Thank you for taking the time to discuss your complaint with me on ***date of complaint***

Written Complaint

Thank you for your correspondence dated ***date of receipt of written complaint***

Include summary of complaint, including any remedial action or redress that has been completed

While Christopher Land considers this matter to be resolved, in the event that you are dissatisfied I am obliged to inform you that you have the right to refer your complaint to the Financial Ombudsman Service (FOS), free of charge. You must do so within 6 months of this communication.

If you do not refer your complaint in time, the FOS will not have permission to consider your complaint, and will only be able to do so in very limited circumstances e.g., if the FOS believes that the delay in referral was due to exceptional circumstances.

Further details regarding the FOS can be obtained from their website – www.financial-ombudsman.org.uk . Alternatively, the FOS can be contacted at:

The Financial Ombudsman Service, Exchange Tower, London, E14 9SR
Tel: 0800 023 4567

<i>Formal Complaint Acknowledgment</i>
<p>Dear *Customer name*</p> <p>Thank you for notifying us of your complaint.</p> <p>I would like to apologise that you have had cause to complain.</p> <p>*If the complaint is to be investigated* Your complaint will require further investigation and has therefore been passed to *Staff member responsible for handling complaints*. You can contact them via email at *email address*.</p> <p>*If the complaint is not being investigated* However, Christopher Land does not believe your complaint requires any further investigation, due to *provide reasons for this decision*</p> <p><u>*Copy and Paste Appendix 3*</u></p>
<i>20-Day Update</i>
<p>Dear *Customer Name*</p> <p>Thank you for your patience whilst I am investigating your complaint.</p> <p>As per my correspondence dated *last correspondence date*, I agreed that I aimed to resolve your complaint within 20 working days.</p> <p>Unfortunately, due *provide reason for delay*, I am still investigating aspects of your complaint. You can expect a response by *if a date is known – provide date* *if not known, provide 40 working day date*</p>

40-Day Update - if not yet fully investigated

Dear ***Customer Name***

Thank you for your patience whilst I am investigating your complaint.

As per my correspondence dated ***last correspondence date***, I agreed that I aimed to resolve your complaint by ***provide date stated in last correspondence***

Unfortunately, due ***provide reason for delay***, I am still investigating aspects of your complaint. I do not anticipate this to be much longer and am hopeful that I can provide you with a full response by **** provide date****

Add these FOS rights for complaints that are not time-barred

If you are dissatisfied at the time taken to resolve your complaint, I am obliged to inform you that you now have the right to refer your complaint to the Financial Ombudsman Service (FOS), free of charge – but you must do so within six months of the date of this communication.

If you do not refer your complaint in time, the FOS will not have permission to consider your complaint and so will only be able to do so in very limited circumstances (for example, if the FOS believes that the delay was as a result of exceptional circumstances). Further details regarding the FOS can be obtained from their website at www.financialombudsman.org.uk. Alternatively, the FOS may be contacted at: The Financial Ombudsman Service Exchange Tower London E14 9SR
Tel: 0800 023 4 567.

Add these FOS rights for complaints which are time-barred

If you are dissatisfied at the time taken to resolve your complaint, I am obliged to inform you that **you now 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 are complaining about happened more than **six years ago, and**
- ❖ You are complaining more than **three years after** you realised (or should have realised) that there was a problem

I 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 permission to consider your complaint and will only be able to do so in very limited circumstances (see below).

If you 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 permission to consider your complaint and 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.

ENSURE YOU INCLUDE FOS DOCUMENTATION

Final Response

Dear ***Customer Name***

Thank you for your patience whilst I have been investigating your complaint.

Provide full explanation on investigation

Acceptance – Any remedial action on redress?

Rejection – Reasons why

Combination of both – Rejected with redress for example

Add these FOS rights for complaints that are not time-barred

While I consider this matter to be resolved, in the unlikely event that you remain dissatisfied I am obliged to inform you that **you now have the right to refer your complaint to the Financial**

Ombudsman Service (FOS), free of charge – but you must do so within six months of the date of this communication.

If you do not refer your complaint in time, the FOS will not have permission to consider your complaint and so will only be able to do so in very limited circumstances (for example, if the FOS believes that the delay was as a result of exceptional circumstances). Further details regarding the FOS can be obtained from their website at www.financialombudsman.org.uk. Alternatively, the FOS may be contacted at: The Financial Ombudsman Service Exchange Tower London E14 9SR Tel: 0800 023 4 567

Add these FOS rights for complaints rejected due to the 6/3-year time-barring rules

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

I 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 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 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.

*** ENSURE YOU INCLUDE FOS DOCUMENTATION***

Appendix 3 – Customer Copy Complaints Handling Process

To be provided to a customer when acknowledging a formal complaint

HOW YOUR COMPLAINT IS HANDLED

Christopher Land is committed to providing high quality services to all customers. However, we appreciate that we may not always get it right. If a problem does occur, we strive to address any and all complaints promptly and efficiently.

CONTACT US

Please use the details listed below to contact us and we will try to resolve your complaint within 3 working days:

- ❖ **Telephone:** 01325 481160
- ❖ **Email:** northparkmotorco@yahoo.co.uk
- ❖ **Address:** Christopher Land, 394 Whessoe Road, Darlington, Durham, DL3 0RP

WHEN AND HOW YOU WILL HEAR FROM US

If your complaint can be resolved within 3 working days, we will send you a written communication of this in the form of a Summary Resolution Letter. Where complaints cannot be resolved within 3 working days, we will send you a written acknowledgement, so that you know we are investigating your concerns.

We will then undertake a full investigation to enable us to make an informed assessment of your complaint. We will keep you updated on our progress throughout the process, and we will contact you if we need any further information regarding the issues raised.

A full final response will be issued within 8 weeks, however we aim to have your complaint resolved in a much shorter time. The final response will:

- ❖ Inform you of the final outcome of the investigation
- ❖ If appropriate, advise you of what we intend to do to rectify the issue
- ❖ If appropriate, clearly explain the reasons why we disagree with your complaint

If we decide that you are not an eligible complainant, you will be advised of this promptly. This may be because your complaint is time barred, which means the event occurred more than 6 years ago, or it has been more than 3 years since you should have reasonably been aware that you

had a reason to complain. There may be situations where we need to refer your complaint partially or fully to a third party; where this happens, after obtaining your consent we will aim to do so within 5 working days and provide you contact details of the third party.

REFERRING YOUR COMPLAINT

After our full investigation, if you are dissatisfied with our response to your complaint, you can choose to refer it to the Financial Ombudsman Service (FOS). They provide a free, independent service to help resolve complaints.

- ❖ Telephone: 0800 032 8000
- ❖ Email: complaint.info@financial-ombudsman.co.uk
- ❖ Website: www.financial-ombudsman.org.uk
- ❖ Address: Financial Ombudsman Service, Exchange Tower, London, E15 9SR

If you decide to refer your complaint after we have issued our final response, you should do so within 6 months of the date shown on our final response letter. Details of how to raise complaints with the FOS will be included in our final response.

All records will be kept for a period of 6 years.