Bithell·Davies
Funding Solutions

Bithell Davies Funding Solutions Limited

Complaints Policy

Complaints Director details:

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Definition of a complaint

The FCA defines a complaint as:

A complaint is defined as any oral or written expression of dissatisfaction, whether justified or not, from or on behalf of an eligible1 complainant about the firm's 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.

It is the company's policy to treat all complainants as 'eligible' complainants.

There are, of course, complaints that are made which relate to minor inconveniences, inconsequential distress and no financial loss, and these can be called 'soft' complaints as opposed to 'eligible' or 'hard' complaints.

Initial assessment

In the first instance, the staff member receiving the complaint should collect and record the details of the complaint. If you are unable to establish the nature of the complaint, the matter must be immediately referred to the Complaints Director.

1. Refer to https://www.handbook.fca.org.uk/handbook/DISP/2/7.html for the definition of 'eligible' complaints.

2. Where the complainant is thought to be a vulnerable customer, any communication must be given in an appropriate way/form for the customer.

The procedure

After collecting as much information as possible from the complainant, it is essential that whoever is handling the complaint promptly sends an initial response letter to the complainant. The letter should acknowledge receipt of the complaint and provide an update on the status of the investigation. Any complaint must be referred to Jack Bithell (Complaints Director) at the earliest opportunity, and he will then investigate the matter.

Complaints about finance providers

Clients may express dissatisfaction with a finance provider to us. Although the issue may not be our fault, we need to be clear about whether the client wishes us to assist them in complaining to a third party or whether they want to complain about us directly. If in doubt, we must initially proceed as if the complaint is about us. We then need to determine whether the complaint relates to us, our services, or the service or performance of a third party. If this is unclear, it should not delay the investigation, and we will proceed accordingly. The Complaints Director will review this matter and, if appropriate, take the complaint to the provider, informing the client accordingly.

Investigation

The Complaints Director needs to establish the nature and scope of a complaint, having due regard to the Financial Conduct Authority's (FCA) direction:

- Deal with complaints promptly and fairly
- Give complainants clear replies and, where appropriate, fair redress.

Our Complaints Director must receive full cooperation from all staff in this investigation.

At this point, the complaint must be entered into the Complaints Log and a complaint record created.

Timescales

The FCA rules stipulate that firms have a maximum of 8 weeks to issue a final response to the complainant, and that this time limit must be adhered to for all complaints. It is also important and courteous to keep complainants informed of progress. If, after four weeks, the

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investigation is still ongoing, we will provide an update to the complainant. More updates may be given at the discretion of the Complaints Director.

Complaint Handling Procedure

Upon receiving a complaint, we will issue a written acknowledgement. This will explain the option of approaching the Financial Ombudsman Service if the customer is dissatisfied with our response.

We aim to resolve all complaints either immediately on receipt or within seven working days.

If we have not reached a final response within four weeks, we will send an interim letter to confirm to the customer our current position on the matter and confirm that they will have a final response within eight weeks of receipt of the complaint.

We aim to issue a final response within 8 weeks of receiving the complaint.

Where possible and in the customer's interests, we will aim to resolve the complaint within three business days. In this case, in accordance with DISP 1.5.4, we will issue a Summary Resolution Communication that includes appropriate references to the Financial Ombudsman Service.

If, in exceptional circumstances, we are unable to provide a final response within eight weeks, we will send the customer a letter explaining why a final response could not be made and indicating when it is expected to be provided. We will advise the customer that they have the right to refer to the FOS.

Our final response letter will outline whether we uphold the complaint and provide the reasons for our decision. We will clearly explain the assessment of the complaint, the decision made and offer any necessary remedial action or redress.

All final response communications are sent to the complainant within 8 weeks from the receipt of the complaint and adhere to DISP 1.6.2 R, specifically:

The final response will be in writing and confirm the outcome of the complaint as one of the following:

• Accept with redress or remedial action as appropriate

• Reject with redress or remedial action as appropriate

• Reject, however, the reasons must be clearly provided

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• Provide the right to refer the complaint to the Financial Ombudsman Service (FOS)

• Provide the time limit for referring to FOS (DISP 2.8.2 for 2.8.7 R) using the wording outlined in DISP 1 Annex 3R

• Provide the website address and the availability of information on the FOS website

We will maintain a log of all complaints, including the dates and the methods used for resolution. We will retain this for a minimum of three years from the date the complaint was received.

Under DISP 1.7, we are required to forward on complaints to another respondent if we consider the other party to be jointly or solely responsible for the matter alleged in the complaint. Where there is joint responsibility, we will advise the customer via the acknowledgement of the complaint which elements will be addressed by us and which by the other party.

Complaints will be handled with discretion, and access to information about individual investigations will be shared only with those who have a legitimate need to know. When determining access requirements, we will consider relevant legislative requirements, including data protection legislation and the Freedom of Information Act. Generally, under our Privacy Policy, we will and should keep lenders informed of any relevant complaints and their resolutions.

Equipment Merchantability Complaints

Many complaints that are made to asset finance brokers concern the merchantability of the equipment being financed. This is not our direct responsibility under the Consumer Credit Act. Still, our broking agreement with the lender may require us to engage the equipment supplier to resolve the issue.

Closing a complaint

Where we receive confirmation from the complainant that they are satisfied with our final response, the complaint will be marked as closed, subject to any redress payment being made or remedial action taken.

Where no confirmation has been received from the complainant within 8 weeks of the final response, the complaint may also be considered closed. This is regardless of any subsequent communication via the Financial Ombudsman Service.

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Financial Ombudsman Service

The Company must fully co-operate with the Ombudsman in resolving any complaints made against it and agrees to be bound by any awards made by the Ombudsman.

Contact:

The Financial Ombudsman Service

Exchange Tower

London E14 9SR

- Tel: 0800 023 4567 (free for most people ringing from a fixed line) or 0300 123 9123 (from mobile phones) and +44 20 7964 0500 (if calling from abroad)
- Website: www.financial-ombudsman.org.uk
- Fax: 020 7964 1001
- (18002) 020 7964 1000 (calls using next generation text relay)
- Online form: (www.financial-ombudsman.org.uk/contact-us)

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Complaints Reports and Analysis

We will conduct root cause analysis of any complaint received and record any appropriate actions taken. We will make the necessary changes to our firm's procedures and processes based on the analysis. Complaint data will be analysed quarterly for any recurring patterns, and all lessons learnt will be incorporated into future training, procedures, and development. The causes of complaints will be recorded in our Management Information and used to prioritise dealing with the root causes.

Complaints Reporting

Through our firm's REGDATA reports, we will provide the FCA with a complete report concerning complaints from eligible complainants. Complaints that have been forwarded in their entirety to another party will not be included in the report.

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Updated by	Jack Bithell

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