Complaints Policy & Procedure

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Version Control:

Version	Revision Date	Section Revised	Reason	Description
1.0	20/01/2023			First Draft
1.1	14/09/2023	Definition of Complaint Informal Complaints		Removed reference to putting in writing, changed list of categories; Changed list that would not be suitable
1.2	19/01/2024	Throughout	FCA temporary pause	Details of the temporary pause for complaint relating to discretionary commission arrangements
1.3	02/09/2024	DCA, FOS, Record Keeping and Appendices	FCA extension to temporary pause	Extension to DCA temporary pause
1.4	30/09/2024	As above	As above	Confirmed extension and changes to DISP
1.5	18/11/2024	Definition of "Complaint"	To reference SQ Complaint Guide	Guide created for SQ complaints, including Alternative Dispute Resolution – to be read in conjunction with this policy
1.6	23/12/2024	Removed DCA to a new document with non-DCA	FCA temporary pause non-DCA complaints	DCA stripped out and policy revised to simplify for client firms
1.7	13/05/2026	References to DCA Guide & DCA information updated	DCA Guide removed and new guidance on DCA from the FCA	All references to DCA guide removed and updated DCA information in the Complaints Handling Process

Introduction

Thurlby Motors Limited recognises that all customers have the right to complain and have put in place appropriate complaint handling procedures to deal with such complaints. This document outlines how we will deal with customer complaints promptly and fairly as set out in the Financial Conduct Authority (FCA) complaints handling rules (DISP) in their handbook. The DISP rules also set out when complaints can be made to the Financial Ombudsman's Service (FOS).

Thurlby Motors Limited is committed to the principles within the FCA Handbook, and place particular emphasis on Principle 1, that a firm '***must pay due regard to the interests of its customers and treat them fairly'*** and Principle 12, a firm '***must act to deliver good outcomes for retail clients***'. Ensuring our customers receive good outcomes is at the core of our business model and is an integral part to all our policies and procedures.

This policy will be reviewed annually on its anniversary or on an ad-hoc basis triggered by any regulatory change to DISP guidelines or other relevant matters, including outcomes from root cause analysis or customer outcomes testing.

Definition of "Complaint"

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 which includes by telephone, video call, in person, in writing (including by post, SMS, WhatsApp, email and social media).
Complaints will be categorised as follows:

- Selling or the arranging of finance
- Terms and conditions
- General admin / customer service
- Quality of vehicle (SQ) – (also see SQ Complaints Guide)
- Third party complaint
- Discretionary commission arrangements
- Other*

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

Gail Smith at Thurlby Motors Limited, will ensure that complaints are correctly categorised on the Complaints Register. Staff are trained at least annually in how to establish and understand whether a customer is making a complaint and are regularly given feedback and hints and tips on complaint handling.

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 compliant is eligible for FCA reporting processes.

The FCA defines an 'eligible complainant' as follows:

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.

Complaint Handling

1. All complaints will be logged on the Complaint Register on the date of receipt
2. If the complaint can be resolved within **three business days** (we interpret DISP 1.5.1 to mean that the 3-day timeframe starts the day after receipt) we will issue a Summary Resolution Letter to the customer which includes FOS rights
3. Where a complaint is not resolved within **three business days** we will, within **five business days** of receipt issue an acknowledgement letter and a copy of our Customer Complaint Process
4. We will keep the customer informed of the progress of the investigation into their complaint
5. A final written response will be issued within **eight weeks** of receipt of the complaint (unless the complaint was resolved within three days) which will include FOS rights and a copy of the FOS explanatory leaflet.
6. Our final response will either:
    a. Uphold the complaint, and where appropriate, offer redress or remedial action and provide reasons for our decision; or
    b. Offer redress or remedial action without upholding the complaint (for example, because we have decided to partially uphold the complaint)
    c. Reject the complaint and give reasons for doing so
7. If we are not able to issue our final response within **eight weeks**, we will contact the complainant to explain why and advise them that they can immediately refer their complaint to the FOS and include the FOS's explanatory leaflet.

See Appendices for copies of the letters issued to customers at the various stages.

Financial Ombudsman Service (FOS)

Set up by Parliament, the FOS is the UK's official expert in resolving problems with financial services. If a business and a customer cannot resolve a complaint themselves, the FOS can give an unbiased answer about what has 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.

We take FOS referrals seriously and will comply and cooperate with the FOS entirely by ensuring all information requests required from us as a business are provided in a timely fashion, we will also work with the lender and dealer where necessary.

When a complaint is referred to FOS for any reason, it will highlight a requirement for internal investigation, whether the referral has been upheld or rejected by FOS. Both outcomes will result in our complaints handling process being reviewed and discussed internally by the Directors of the business to ensure that we are following a process that is not only regulatory sound but also meets customers' expectations. Whilst investigating we will consider all guidance provided by the FCA and the FOS and will focus on any mistakes that were made throughout the process and what lessons we can learn from

the outcome of the complaint, internal follow up investigations and guidance provided by any regulators we deal with. Internal discussions will also take place with any individuals that have dealt with the complainant and appropriate training will be provided as part of their learning and development plan. Ultimately, we will ensure focus is on making improvements to the complaint handling process. What is key from any outcome that the FOS provide is that we can always make improvements and enhancements to our processes and learn from any errors that have been conducted to ensure that the customer always receives a good outcome.

As an example of our learnings, where we have had FOS referrals or complaints that have aspects of the customer not understanding the product that they have entered into, we may need to introduce further methos of communication such as enhanced videos or documents relating to the products that we offer and how they work. This would be a lesson that we could learn from such complaints.

There are instances where the FOS will not consider a complaint, these are when the complaint is:

- More than 6 months after the date we issued the final response, redress, or summary resolution letter*
- More than
    - 6 years after the event complained of, or (if later)
    - 3 years from the date on which the complainant became aware (or ought to reasonably have become aware) that they had cause for complaint

Complaints relating to Discretionary Commission Arrangements (DCA) and non-Discretionary Commission Arrangements (non-DCA)

On 11 January 2024, the FCA introduced temporary changes to the complaint-handling rules for motor finance complaints relating to discretionary commission arrangements (DCAs). On 19 December 2024, the FCA confirmed that the temporary complaint-handling arrangements would also apply to certain complaints involving non-discretionary commission arrangements.

Under these temporary rules, the usual requirement to provide a final response within eight weeks does not currently apply to affected motor finance complaints.

The FCA has confirmed that these temporary arrangements will remain in place until further changes are announced.

Where these temporary rules apply, we will:

- acknowledge your complaint promptly; and
- explain that the handling of your complaint is subject to the FCA's temporary complaint-handling arrangements.

Motor leasing complaints are excluded from the extension and are being handled in line with standard DISP timescales.

Record Keeping, Analysis, Reporting and Management Controls

Record Keeping

Gail Smith will be responsible for 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 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.

*Note the change of rules for DCA and non-DCA complaints as per the 'Guide to DCA and non-DCA complaints'

Analysis

Gail Smith 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. They will also consider customer feedback and issues that staff have raised, and where system or operational failures are found these will be raised with management and an action plan will be developed and implemented to address the issue/s. During the investigation Gail Smith will consider whether it is appropriate to contact customers that have not made a complaint and ensure that appropriate measures are taken resolve any detriment to the customers that have been affected by the issue.

Data that will be collected in order to monitor the outcomes that customers are receiving is:

- Complaint volumes by category
- Root causes
- % upheld complaints
- % complaints referred to FOS
- % FOS complaints upheld by FOS
- Redress month on month

Following the implementation of an action plan, Gail Smith will continue to monitor complaints to determine if the action taken has been effective.

Reporting to the Financial Conduct Authority (FCA)

Gail Smith will include relevant complaints in a mandatory report to the FCA.

Management Controls

Thurlby Motors Limited has appropriate management controls in place, and reasonable steps are taken to ensure we 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.
- Root cause analysis will be carried out across the entire population of customers, but also broken down into other segments (by customer e.g. vulnerable customers; and by product type)
- Root cause analysis will involve looking at the complaint in full, including the investigation, any calls, documentation, computer records, interviews with anyone involved, feedback that relates to the same issue, quality monitoring records, MI from the lender or broker such as arrears or early settlements, and online reviews.
- Considering whether such root causes may influence other processes or products, which were not directly involved in the complaints.
- Correcting, where reasonable to do so, such root causes.

Where we identify that a customer has not been sold a product that meets their needs, characteristics or objectives; the product does not provide fair value; the customer has not been equipped with the right information to make an informed decision; or they did not receive appropriate support, we will conduct a full investigation and ensure that appropriate action is taken, acting in good faith to rectify the situation. This may include:

- Investigate the extent of the issue, what policies are affected, how many customers have been affected, and whether they have been caused harm
- Action plan development to remedy any harm caused to customers
- Document whether other customer who have not complained should be contacted and whether redress will be offered
- Review policies and procedures and make the necessary improvements to avoid repeated issues of the same nature
- Provide further training to individuals where needed

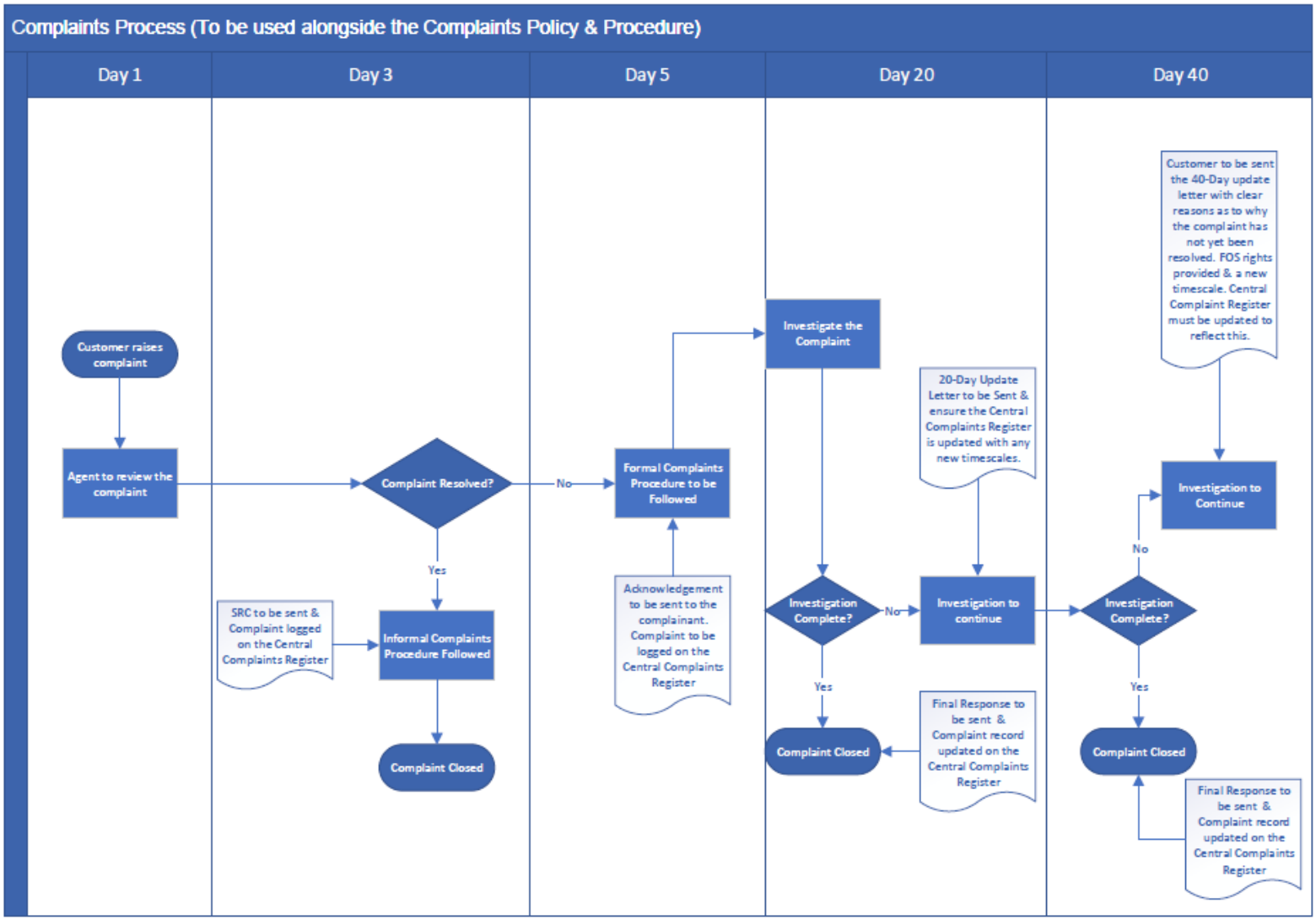
- Add issue to the risk register with enhanced controls
- Check that the compliance monitoring plan has an appropriate review that would identify should there be further failings
- Notify other firms in the distribution chain
- Notify the FCA

Handling of 3rd Party Complaints

Where another FCA regulated firm is entirely or partly responsible for the complaint then the complaint, or relevant part of it, may be referred on to them. 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 firm, 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 firm 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 firm responsible for handling the complaint; and
- Continue to deal with any part of the complaint not referred to the other firm, 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.

APPENDIX 1: Complaints Notification Process



APPENDIX 2: Document Suite

*Templates to be edited (where **) and sent to the complainant at the necessary time.*

Summary Resolution Communication (SRC)

Dear *Customer*

Oral Complaint:
Thank you for taking the time to discuss your complaint with me on *date*.

Written Complaint:
Thank you for your correspondence dated *Date*

Summary of the complaint & any remedial action/redress completed

While we 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

Formal Complaint Acknowledgement

Dear ***Customer Name***
Thank you for notifying us of your complaint.

I would like to apologise that you have had cause to complain.

If the complaint is to be investigated
Your complaint will require further investigation and therefore it has been passed to ***Complaint Handler Name***. You can contact them via email ***Email Address***

If the complaint is not to be investigated
However, we do not believe your complaint requires any further investigation due to *provide reasons for giving this decision*

COPY & PASTE APPENDIX 3

20-Day Update

Dear ***Customer Name***

Thank you for your patience whilst we are investigating your complaint.

As per our correspondence dated ***last correspondence date*,** we agreed that we aimed to resolve your complaint within 20 working days.

Unfortunately, due ***provide reason for delay***, we are 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***

40-Day Update - if not yet fully investigated

Dear ***Customer Name***

Thank you for your patience whilst we are investigating your complaint.

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

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

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

Final Response

Dear ***Customer Name***

Thank you for your patience whilst we are 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 we 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.
We 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 our 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 our 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

This is to be provided to the customer when acknowledging a formal complaint.

HOW WE HANDLE YOUR COMPLAINT

Thurlby Motors Limited are committed to providing high quality services to all our customers. However, we appreciate we may not always get it right. If a problem occurs, we strive to address complaints promptly and effectively.

CONTACT US

The best way to contact us is to call or email us and we will try to resolve your complaint within 3 working days:

- By telephone 01507 602602
- By email to Gail.Smith@thurlby.net
- By post to Thurlby Motors Limited, Tattershall Way, Fairfield Industrial Estate, Louth, Lincolnshire, United Kingdom, LN11 0YZ

WHEN AND HOW YOU WILL HEAR FROM US

If we resolve your complaint by close of the third business day following receipt, we will send you a written summary resolution communication. Where we cannot resolve your complaint within three working days, we will send you a written acknowledgement so that you know we are investigating your concerns.

We will carry out a full investigation so we can assess your complaint fairly. We will keep you updated on our progress and contact you if we need to provide further information regarding the issues you have raised.

We will send you a final response within eight weeks (unless your complaint relates to discretionary commission arrangements or non-discretionary commission arrangements, see below), although we aim to get your complaint resolved well before this time. The final response will:

- Let you know the outcome of the investigation
- If appropriate, advise you of what we intend to do to rectify the problem
- If we disagree with your complaint, clearly explain why

If we decide that you are not an eligible complainant, we will advise you of this promptly. This may be because your complaint is time barred which means the event happened more than 6 years ago, or it is more than 3 years since you should reasonably have been aware you had cause for complaint. There may be times where we need to refer part of or all a complaint to a third party. Where this happens, we will aim to do so within 5 working days, obtaining your consent to do so, and providing contact details of the third party.

Complaints relating to Discretionary Commission Arrangements (DCA) and non-Discretionary Commission Arrangements (non-DCA)

On 11 January 2024, the FCA introduced temporary changes to the complaint-handling rules for motor finance complaints relating to discretionary commission arrangements (DCAs). On 19 December 2024, the FCA confirmed that the temporary complaint-handling arrangements would also apply to certain complaints involving non-discretionary commission arrangements.

Under these temporary rules, the usual requirement to provide a final response within eight weeks does not currently apply to affected motor finance complaints.

The FCA has confirmed that these temporary arrangements will remain in place until further changes are announced.

Where these temporary rules apply, we will:

- acknowledge your complaint promptly; and
- explain that the handling of your complaint is subject to the FCA's temporary complaint-handling arrangements.

Motor leasing complaints are excluded from the extension and are being handled in line with standard DISP timescales.

REFERRING YOUR COMPLAINT

After our investigation, if you are still unhappy 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:

www.financial-ombudsman.org.uk

0800 032 8000

Complaint.info@financial-ombudsman.org.uk

Financial Ombudsman Service, Exchange Tower, London E14 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 on our final response letter. For DCA and non-DCA complaints you now have until 29th July 2026 if you receive a final response on or before 29th April 2025; or within 15 months of receiving a final response on or after 30th April 2025. Details of how to raise your concerns with the FOS will be included in our final response. Please note that for DCA and non-DCA complaints the six month time limit in the FOS leaflet does not apply.

Please refer to www.fca.org.uk/car-finance-complaints for an explanation of the FCA's reasons for the temporary changes in relation to discretionary commission arrangements.

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