



EMPORIUM CAR SALES LTD

REGULATORY COMPLAINTS POLICY

REGULATORY REQUIREMENTS

The Financial Conduct Authority (“FCA”) requires firms to implement internal processes to ensure complaints are handled fairly, consistently, and promptly.

As of 31 July 2023, the new Consumer Duty Principle 12 – delivering good outcomes to retail customers, will replace Principle 6 and 7 for firms interacting with retail customers. Key to a firm's ability to deliver good outcomes under the new Consumer Principle is the way in which it requires firms to provide a level of support that meets the consumers' needs throughout their relationship with a firm.

All complaints are to be handled objectively, where complaints are not resolved within three business days, a firm must provide a full account of their decision and how they came to it no later than eight weeks from the date the complaint was made. This must include the reasons for the outcome and the details of where the complainant can escalate their complaint should they remain dissatisfied with the outcome.

PURPOSE

The purpose of this document is to set out the policies and procedures that Emporium Car Sales Ltd (“Emporium Car Sales”) must follow to ensure the reasonable and prompt handling of complaints.

This document is to be used by all employees of Emporium Car Sales who interact with customers and who can potentially receive customer complaints. This document provides a written framework to assist all relevant staff identify customer complaints and deal with such in accordance with the policies and procedures set out herein.

DEFINITION OF AN ELIGIBLE COMPLAINT

An eligible complaint is a complaint which should be handled in accordance with the policies and procedures set out in this document. There are two components that determine whether a complaint is an eligible complaint, namely (1) the complaint must satisfy the definition below and (2) the complaint must be made by an eligible complainant.

ELIGIBLE COMPLAINANT

For a complaint to be an eligible complaint it must be made by an eligible complainant. An eligible complainant can be a consumer (i.e. a natural person acting for purposes outside his trade, business, or profession). As per DISP 2.7.3, an eligible complainant must be a person that is:

(1) a consumer; or

(2) a micro-enterprise;

(a) *in relation to a complaint relating wholly or partly to payment services, either at the time of the conclusion of the payment service contract or at the time the complainant refers the complaint to the respondent; or*

(b) *otherwise, at the time the complainant refers the complaint to the respondent; or*

(3) *a charity which has an annual income of less than £6.5 million at the time the complainant refers the complaint to the respondent; or*

(4) a trustee of a trust which has a net asset value of less than £5 million at the time the complainant refers the complaint to the respondent; or

(5) (in relation to CBTL business) a CBTL consumer; or

(6) a small business at the time the complainant refers the complaint to the respondent; or

(7) a guarantor.

DEFINITION OF A COMPLAINT

An eligible complaint is defined by the FCA as **“Any expression of dissatisfaction about the provision, or failure to provide, a financial service and complaints handling procedure which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience is treated as a complaint.”**

All customers can make an eligible complaint and by any means, including letter, email, social media, telephone, and in-person. Where any customer expresses concern about the service, steps will be taken to resolve that matter and it will be treated as a complaint.

Complaints may be received directly from customers or from third party representatives. In the event of any complaint the matter must be recorded, logged, and referred to the nominated complaint handler in accordance with the complaint handling process.

COMPLAINTS AWARENESS

Emporium Car Sales are to advise any potential complainants how to make a complaint. As such, the Complaint Policy information below must be published where applicable on Emporium Car Sales' website or provided in writing on the request of the customer or third party acting on their behalf.

HOW TO MAKE A COMPLAINT

Emporium Car Sales' customers can submit a complaint in person, by telephone, email, text message, social media, or post. It is important that staff make customers aware that they can submit complaints to Emporium Car Sales through any of these channels. Where a complaint is made by the customer via telephone, staff must ensure that this is on a recorded line and the customer is clearly informed about the next steps, namely (1) Emporium Car Sales will send the customer a written complaints acknowledgment by email, (2) Emporium Car Sales will investigate the complaint and that this may involve Emporium Car Sales contacting the customer to obtain further information to assist in its investigations and (3) Emporium Car Sales will endeavour to communicate to the customer a final written response within 8 weeks.

To further illustrate the above, upon receiving a complaint, Emporium Car Sales will:

- Promptly issue a written acknowledgement to the complainant offering the customer early reassurance that the complaint has been received and is being actively addressed. Emporium Car Sales will endeavour to respond within 24 hours, if this is not possible, Emporium Car Sales will respond within 3 working days.
- Emporium Car Sales will maintain open lines of communication with the customer and will send weekly updates to ensure they are regularly informed about the ongoing steps being taken towards resolving their complaint.

COMPLAINT INVESTIGATIONS

Emporium Car Sales will investigate the matter of the complaint and, where required, may contact the complainant to obtain further information to adequately investigate the complaint. The nature of the investigation will depend on the nature of the complaint but may involve reviewing internal records and reviewing all communications with the customer.

Emporium Car Sales will assess whether the complaint should be upheld or rejected, and whether remedial action is necessary. If appropriate, Emporium Car Sales will then determine how much redress and additional compensation is required as a result of the complaint.

Emporium Car Sales will then perform a root cause analysis of the complaint to identify whether there are any systemic failings that will have impacted other customers who may also need to be remediated.

Emporium Car Sales will keep complainants informed about the progress of investigations by sending forwarding written correspondence on a weekly basis. Emporium Car Sales will ensure that the individual(s) involved in investigating complaints are independent and have not been involved in the events complained about to ensure continued compliance with the FCA's Principle 8 which requires that firms manage conflicts of interest fairly.

SUMMARY RESOLUTION - RESOLVED BY THE CLOSE OF THE THIRD BUSINESS DAY

Where Emporium Car Sales deals with a complaint by the close of the third business day, it does not have to adhere to the following guidance detailed within the policy below. It does however need to undertake the following in the form of a 'Summary Resolution Communication' –

- The fact that a complaint has been made.
- Informs the complainant of the outcome – i.e., it is now resolved and
- Inform the complainant that they have the right to refer the complaint to the Financial Ombudsman Service (FOS) within six months of the date of the summary resolution communication.
- Enclose a copy of the FOS standard explanatory leaflet.
- Provide the website address of the FOS: www.financial-ombudsman.org.uk

A log of such complaints is to be made to record the number of such complaints versus that of a formal complaint.

In cases where complaints are not resolved within three business days, a written acknowledgement is sent to the customer within five business days.

COMPLAINTS RESOLUTION – FINAL RESPONSE

Emporium Car Sales will endeavour to issue a final written response email or letter to the complaint within eight weeks.

Emporium Car Sales' final response will either:

- Accept the complaint and, where appropriate, offer redress or remedial action;
- Offer redress or remedial action without accepting the complaint; or
- Reject the complaint and give reasons for doing so.

- Enclose a copy of the Financial Ombudsman Services standard explanatory leaflet;
- Provide the website address of the Financial Ombudsman Service;
- Indicate whether we consent to waive the relevant time limits in DISP 2.8.2 R or DISP 2.8.7R including the appropriate wording set out in DISP 1 Annex 3R.

The Financial Ombudsman cannot consider a complaint if the complainant refers it to FOS:

- More than six months after the date on which we sent the complainant its final response, redress determination or summary resolution communication or
- More than six years after the event complained of; or (if later)
- Three years from the date on which the complainant became aware (or ought reasonably to have become aware) that they had cause for complaint;

Unless the complainant referred the complaint to Emporium Car Sales or to the FOS within that period and has a written acknowledgment or some other record of the complaint having been received unless:

- in the view of the FOS, the failure to comply with the time limits was a result of exceptional circumstances or
- the FOS, is required to do so by the Ombudsman Transitional Order

If Emporium Car Sales is not able to issue a final response within eight weeks, the complainant will be provided with a written response explaining why Emporium Car Sales is not able to issue a final response and set out the date by which Emporium Car Sales expects to be able to. At this point, complainants have the right to refer their complaint to the Financial Ombudsman Service should they choose to not wait beyond the eight-week timescale for Emporium Car Sales to issue a final response.

The above does not apply (as per DISP 1.3.6R) if the customer has already indicated in writing acceptance of a response by Emporium Car Sales, provided that our response:

- Informs the customer how to pursue the complaint with us if they remain dissatisfied.
- Referred to the availability of the Financial Ombudsman Service if the customer remains dissatisfied with our response.
- Enclosed a copy of the Financial Ombudsman Service standard explanatory leaflet;
- Provided the website address of the Financial Ombudsman Service; and
- Indicated whether or not we consent to waive the relevant time limits in DISP 2.8.2 R or DISP 2.8.7 R.

Emporium Car Sales commits and understands it is expected that within eight weeks, almost all complaints from a customer will have been substantively addressed through a final response or response as described in DISP 1.6.4 R.

COMPLAINTS FORWARDING

Where Emporium Car Sales receives a complaint from a customer that relates to the alleged acts or omissions of another firm or third party, we will acknowledge the complaint in writing and advise the customer that it has been forwarded to the relevant firm.

If we have reasonable grounds to be satisfied that another respondent may be solely or jointly responsible for the matter alleged, we may forward the complaint, or the relevant part of it, in writing to that other respondent, provided we:

- do so promptly;
- inform the complainant promptly, within our final response, of why the complaint has been forwarded, and provide the other respondent's contact details; and
- where jointly responsible for the fault alleged, comply with our own obligations under this Complaints Policy for the part of the complaint we have not forwarded.

Where the complaint relates to services provided jointly with another firm, Emporium Car Sales will investigate and respond to the part of the complaint for which we are responsible and forward the relevant part to the other firm.

We will retain a record of any referral and monitor the outcome where appropriate, and we endeavour to communicate a complaint acknowledgement within five working days.

TIME BARRED COMPLAINTS

In the interest of ensuring good customer outcomes, Emporium Car Sales will accept complaints from a customer for a period of 6 years after the event complained about, or 3 years from the date on which the complainant became aware (or ought reasonably to have become aware) that they had cause for complaint, after which the right to complain will lapse.

Where a customer makes a complaint about the alleged acts or omissions of Emporium Car Sales greater than six years ago (or 3 years from the date on which the complainant became aware) Emporium Car Sales will seek to sensitively ascertain from the customer whether there are exceptional circumstances, such as the customer being incapacitated or another vulnerability, that has prevented the customer from logging the complaint within the time limit.

Where Emporium Car Sales determine that there are exceptional circumstances associated with the timing of the complaint, Emporium Car Sales will accept the complaint and action the same in accordance with the policies and procedures set out herein.

If Emporium Car Sales receives a complaint which is outside the time limits for referral to the [Financial Ombudsman Service](#) (see [DISP 2.8](#)) it may reject the complaint without considering the merits, but must explain this to the customer in a final response in accordance with [DISP 1.6.2 R](#) or [DISP 1.6.2AR](#).

HOW WE WILL DEAL WITH THE FOS

Should a complaint be referred to the Financial Ombudsman Service, Emporium Car Sales will commit to being fully cooperative with the investigation. We will ensure all relevant documents, communications, and evidence related to the complaint are ready to be reviewed.

We understand the importance of the FOS's role in resolving disputes and will facilitate their investigation to the best of our ability. If the FOS finds in favour of the customer, we will promptly take the necessary actions, such as any settlements or awards, to rectify the issue.

Regardless of the outcome, we will review the FOS's findings and feedback to identify any lessons learned. We will use this information to improve our products, services, and complaint handling processes to prevent future disputes.

Throughout the investigation, we will maintain open lines of communication with the customer and the FOS. We will keep the customer informed of any developments and ensure they understand the process.

ROOT CAUSE ANALYSIS

Upon completing the investigation of a complaint, the nominated complaints handler will conduct a root cause analysis of the complaint to ascertain the cause of the complaint and the risk of that cause reoccurring.

Emporium Car Sales will also use MI to monitor and manage complaints effectively to understand, address, and reduce complaints such as customer feedback, any escalated complaints to the FOS, where the complaints are coming from and if there are any repeat complaints.

Should Emporium Car Sales receive a regulated complaint, we will identify the possible cause and investigate the specifics of the complaint. For example, when it happened, who was involved and the processes that were in place at that time.

Once the root cause has been identified, Emporium Car Sales will analyse the data, ensuring we learn from the complaints by developing corrective measures to prevent the issue reoccurring. This may be, depending on the types of complaints, amending a process, providing staff training, or addressing a lender/product.

A future review will be carried out to review the corrective measures and identify whether the number or nature of complaints has reduced.

MI ANALYSIS

Emporium Car Sales' IT systems will have the capability to produce MI to enable Emporium Car Sales to measure and monitor the operation of the complaints handling processes and the consumer outcomes being achieved. The MI that will be reviewed on a monthly basis which will cover key conduct risk metrics/data relating to Emporium Car Sales' complaints handling processes, including:

- Number of open complaints
- Age of open complaints
- Average time to close complaints
- Proportion of complaints acknowledged within 5 working days
- Proportion of complaints closed within 8 working days
- Proportion of complaints closed within 8 weeks
- Proportion of complaints closed after 8 weeks
- Proportion of complaints over 8 weeks old that received a written notice
- Proportion of upheld and partially upheld complaints
- Number of complaints referred to the FOS
- Number of FOS overturned decisions
- Complaints fair outcome percentage
- Root cause analysis narrative

Benjamin Bryant ("Benjamin") as the SMF29 Approved Person will conduct trend analysis on the MI and request further information as required to conduct root cause analysis on any identified potential consumer harm or deficiencies in Emporium Car Sales' complaints handling processes. Where any consumer harm or deficiencies are identified, the same will formulate a remediation strategy to rectify the consumer harm or deficiency in the process.

In the event that Emporium Car Sales becomes aware, through customer complaints, internal monitoring, or any other means, that customers have experienced foreseeable harm due to our actions

or inactions, we commit to acting in good faith to address and resolve the situation. This includes taking appropriate measures to rectify the harm, and, where applicable, providing redress to the affected customers.

The specific actions will depend on the nature of the harm and the extent of the impact. This may include:

- Offer financial compensation to the affected customers to cover their losses or the inconvenience suffered.
- Offer an apology, explain what went wrong and how it will be prevented in the future.
- Implement changes in our policies and/or processes to prevent the recurrence of similar issues. For example, increasing customer service training or revising our complaints handling process.
- In some cases, it may be appropriate or required for us to report the issue and remediation actions to the FCA to ensure transparency and cooperation with the regulator.

In the event that Emporium Car Sales becomes aware that some groups of customers are receiving worse outcomes than other groups through our regular complaint monitoring, we will carry out a root cause analysis on complaints, conduct regular training to ensure staff understand the importance and are aware of the needs of different customer groups i.e., vulnerable, age demographic etc.

Emporium Car Sales will also collect and analyse feedback and ensure our complaint communication meets the needs of different customer groups. For example, ensure communications are accessible and responsive to the needs of all customer groups, i.e., different formats or languages and ensuring communications are accessible to people with disabilities.

COMPLAINTS REGISTER

Emporium Car Sales will maintain a complaint register which will be the subject of periodic review. A lack of complaints recorded may indicate that we do not recognise what a complaint is or have concerns that recording a complaint may reflect negatively upon themselves.

GOVERNANCE

The policies and procedures contained in this document have been drafted and approved by Benjamin Bryant, Emporium Car Sales' SMF29.

Benjamin is the designated complaints handler whose name will appear on the Financial Services Register. Benjamin is responsible for the investigation and resolution of complaints, takes responsibility for forwarding complaints to third parties where applicable and liaise with the FOS and the FCA in relation to complaints.

Emporium Car Sales will cooperate fully with the Financial Ombudsman Service and comply promptly with any settlements or awards made by the Ombudsman, in accordance with DISP 1.4.4 R.

FINANCIAL OMBUDSMAN SERVICE PAST DECISIONS

On a quarterly basis, Benjamin will review FOS complaints to inform our complaints handling processes and any risks on the horizon. In practice, the FOS past decisions review will be conducted by Benjamin visiting the FOS' published past decisions on its website.

REPORTING – REGDATA

Emporium Car Sales is required to submit an annual report to the FCA detailing complaints from eligible complainants. This report will be filed through a RegData submission, in accordance with Emporium Car Sales' prescribed reporting schedule.

RECORD KEEPING

Emporium Car Sales maintains a complaint handling sub-folder within the Emporium Car Sales IT system. Included in the complaints handling sub-folder is a copy of Emporium Car Sales' complaints handling policy and procedure document.

Emporium Car Sales will maintain a full audit trail to evidence compliance with the policies and procedures set out in this document. Emporium Car Sales' IT system has the capability to maintain a full audit trail of the entire complaints handling process for each individual complaint and will be able to produce the same in a customer file format for Benjamin to review, to enable effective supervision from the FCA (e.g. should the FCA's Supervision Department request customer files for review) or to appropriately investigate complaints relating to Emporium Car Sales' credit broking activities.

Emporium Car Sales' audit trail will clearly evidence why a decision to accept or reject a complaint was made. Emporium Car Sales' IT system contains a copy of the written acknowledgement, the date the acknowledgement was communicated to the customer, records of the investigations conducted by Benjamin, a copy of the final response and the date the final response was communicated and records of liaison with the FOS (where applicable).

Emporium Car Sales will maintain an internal audit sub-folder in their IT system. Included in the internal audit sub-folder will be folders titled in months and years (e.g. Aug 2025) which will contain a record of the internal audit checks that Benjamin will conduct on a monthly basis to review adherence to, and the effectiveness of the policies and procedures set out in this document.

Emporium Car Sales will retain the records for a minimum period of 3 years, as per DISP 1.9. Emporium Car Sales must not delete the records without written permission from the Director.

Emporium Car Sales will retain a copy of the previous version of the Complaints Handling Policy and Procedure document for a period of six years to enable effective supervision from the FCA should the FCA seek to review the historic processes Emporium Car Sales followed in relation to complaints handling in particular instances.

Retaining a copy of previous versions of the Complaints Handling Policy and Procedure document for a period of six years will enable Emporium Car Sales to effectively investigate and defend complaints and legal claims that are lodged.

Emporium Car Sales will retain records of its internal audit checks for a period of six years to evidence that it is monitoring Emporium Car Sales' adherence to the policies and procedures set out in this document and the effectiveness of the policies and procedures set out herein. This will enable effective supervision from the FCA as records will be available for six years for the FCA to supervise Emporium Car Sales' compliance monitoring activities.

REVIEW AND AMENDMENT LOG

Version	Date	Author	Amendment Comments	Reviewed and Signed-off by	Sign-off Date