

Complaints procedure

(i) FCA ruling

THE MORTGAGE AND PROTECTION PARTNERSHIP LTD (TMAPP) must and has established and maintain, effective and transparent procedures for the reasonable and prompt handling of complaints.

In considering complaints, a firm should have regard to FCA Principal six, (customers' interests). When it identifies problems, root causes or compliant failures, TMAPP must consider whether it ought to act on its own initiative with regard to the position of customers who may have suffered detriment from, or been potentially disadvantaged by, such factors but who have not complained.

Also, a firm should use the information it gains from dealing with complaints to monitor the adequacy and effectiveness of its measures and procedures to detect and thus minimise the risk of compliance failures in the future.

(ii) Definition of a complaint

A complaint is any expression of dissatisfaction, whether oral or in writing, and whether justified or not, from or on behalf of an eligible complainant about that firm's provision of, or failure to provide, a financial services activity.

References to a complaint also include an expression of dissatisfaction which is capable of becoming a relevant new complaint.

All firms have to refer in writing to the availability of its internal complaint handling procedures.

Details of its internal complaint handling procedures must be published and a copy supplied on request to a client and automatically to a complainant when TMAPP receives a complaint (unless the complaint is resolved by close of business the following day).

Complaints must be investigated by someone with sufficient competence and who, where appropriate, was not directly involved in the matter which is the subject of the complaint.

TMAPP is responsible for the acknowledgement, investigation and resolution of complaints. The staff are responsible for the timely provision of sufficient information to The Compliance Director for this activity.

(iii) Procedures for complaint handling

When a complaint is received it must be passed to The Compliance Director within 24 hours of receipt.

If the complaint is made over the telephone, you must be polite at all times and as much detail as possible must be obtained. Following your conversation with the complainant and subsequent provision of information to us, The Compliance Director will write to the client within 5 business days of the original receipt of the complaint to acknowledge the complaint and confirm the understanding of the client's complaint.

(iv) Time limits

Acknowledgement of the complaints must be made in writing and within 5 business days of receipt, giving the name or job title of the person handling the complaint within TMAPP together with a copy of TMAPP's internal complaint handling procedures.

Complaints will be dealt with promptly. If a final response can be provided within the initial 5 days, it is possible to combine the acknowledgement of the complaint with the final response.

To enable the complaint to be addressed as soon as possible, and within the Treating Customers Fairly initiative, staff may be required to provide a written report surrounding their recollections of the sale/transaction in question and such reports must be provided promptly having been given suitable priority.

If the complaint is not resolved within 4 weeks of receiving the complaint, TMAPP must send either a final response or a holding response. The latter will explain why TMAPP is not yet in a position to resolve the complaint, and indicate when further contact can be expected. This should be within 8 weeks of receipt of the complaint.

By the end of the 8 weeks after TMAPP received the complaint, TMAPP must send the complainant either:

- A final response, or
- A response which explains why TMAPP is still not in a position to make a final response, giving reasons for the further delay and indicating when it expects to be able to provide a final response.

At this time TMAPP must also inform the complainant that they have the right to refer the complaint to the Financial Ombudsman Service (FOS) if they are dissatisfied with the delay and send them a copy of the FOS explanatory leaflet.

When investigating a complaint TMAPP must ensure that consideration is given to any consequential or prospective financial loss in addition to actual loss.

(v) Final response

When sending a final response, this must

Inform the complainant that he may have the right to refer the complaint to the FOS if he is dissatisfied with the final response and he must do so within 6 months

- Enclose a copy of the FOS explanatory leaflet (unless it has done so previously)
- Where a firm decides that redress is appropriate, a firm should aim to provide fair and appropriate compensation for any acts or omissions for which it was responsible and comply with any offer of redress which the complainant accepts

All relevant employees must be aware of TMAPP 's complaint handling procedures and must endeavour to ensure that the employees act in accordance with them.

(vi) Controls

There must be appropriate management controls and TMAPP must take reasonable steps to ensure that, in complying with the FCA complaint handling rules, we handle complaints fairly, consistently and promptly and that it identifies and remedies any recurring or systemic problems, as well as any specific problem identified by a complaint.

(vii) Complaint record keeping and reporting

All regulated firms must make and retain records of complaints for a minimum period of three years from the date of its receipt of the complaint.

These records should include:

- The name of the complainant
- The substance of the complaint and any correspondence between TMAPP and the complainant, including details of any redress offered by TMAPP