



Complaints procedure

(i) FCA ruling

ANDREW D'AURIA SOLUTIONS LIMITED ("ADS") 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, ADS 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 ADS 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.

ADS 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) THE THREE DAY RESPONSE RESOLVING THE COMPLAINT WITHIN THREE DAYS

DISP 1.5 Complaints resolved by close of the third business day



COMPLAINT RULES set out below do not apply to a complaint that is resolved by close of business on the third business day following the day on which it is received:

Although the general FCA rules set out in DISP 1.4 still apply.

A complaint is resolved where the complainant has indicated acceptance of a response from the respondent.

Where the firm considers a complaint to be resolved under this section, they must promptly send the complainant a 'summary resolution communication' which

- a) refers to the fact that the complainant has made a complaint and informs them that the complaint has now been resolved;
- b) tells the complainant that if he subsequently decides that he is dissatisfied with the resolution of the complaint he may still be able to refer the complaint to the Financial Ombudsman Service;
- c) indicates whether or not the firm consents to waive the relevant time limits (the wording below must be included)
- d) provides the website address of the Financial Ombudsman Service; and
- e) refers to the availability of further information on the website of the Financial Ombudsman Service.

WORDING TO BE USED ON THREE DAY RESPONSE

"You have the right to refer your complaint to the Financial Ombudsman Service, free of charge — but you must do so within six months of the date of this letter.

The Ombudsman might not be able to consider your complaint if:

- *you received a letter warning you that there was a high risk that your mortgage endowment policy would not produce a sum large enough to repay the target amount at maturity; and*
- *you're complaining more than three years after you received that letter, and*
- *you're complaining more than six months after the date on which we sent you a further communication notifying you when the three-year period would expire.*

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 limited circumstances."

(iv)

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.

(v) 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 ADS together with a copy of ADS'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, ADS must send either a final response or a holding response. The latter will explain why ADS 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 ADS received the complaint, ADS must send the complainant either:

- A final response, or
- A response which explains why ADS 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 ADS must also inform the complainant the reason for the delay, when it expects the issue to be resolved, and 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, provide the website address of the FOS, and indicate whether or not the firm consents to waive the relevant time limits in DISP 2.8.2 R or DISP 2.8.7 R.

When investigating a complaint ADS must ensure that consideration is given



to any consequential or prospective financial loss in addition to actual loss.

(vi) Final response

When sending a final response, this must

either

- a) accept the complaint and, where appropriate, offer redress or remedial action; or
- b) offer redress or remedial action without accepting the complaint; or
- c) reject the complaint and gives reasons for doing so;

And also

- d) enclose a copy of the Financial Ombudsman Service's standard explanatory leaflet;
- e) provide the website address of the Financial Ombudsman Service;
- f) inform the complainant that if he remains dissatisfied with the respondent's response, he may now refer his complaint to the Financial Ombudsman Service; and
- g) indicate whether or not the firm consents to waive the relevant time limits in DISP 2.8.2 R or DISP 2.8.7 R

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 ADS '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 ADS 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 ADS and the complainant, including details of any redress offered by ADS