

Document Reference: CC1

Document Name: Customer Complaints Policy

Document Owner/Approver: Paul Coffin

Document History:

Version	Date	Edited by	Summary of amendments
0.1	14/8/23	P Coffin	Several amendments to bring up to date
1.0	25/9/2023	P Coffin	Published

1. What is the definition of a 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 or a redress determination, which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience.'

A MiFID complaint is, amongst other things, a complaint to which additional requirements directly apply under EU law (MiFID complaints are subject to article 26 of the MiFID OR Regulation).

A MiFID complaint which comes under the jurisdiction of the Financial Ombudsman Service is a complaint that is also subject to higher requirements under the FCA's rules.

A complaint can be made by retail clients, professional clients and (in relation to eligible counterparty business) eligible counterparties (where relevant) via any reasonable means, including letter, telephone, email, and in person.

Capital Financial Markets Limited ('CFM') treats all of its individual customers as retail clients for the purposes of the regulations. In the event that, in the future, CFM wishes to take on clients with a professional classification, this procedure will be updated.

No charge will be made for handling a complaint made by a client.

Consumer Awareness

A written summary of this internal procedure for dealing with complaints promptly and fairly must and will be given to clients on request and when acknowledging a complaint, free of charge.

Customers are informed of how to complain and how to obtain details and a copy of the Complaint Procedure in section 5.6 of the CFM Terms & Conditions.

For the purposes of clarifying the regulatory nature of a complainant, but noting CFM deals only with retail clients at present:

An eligible complainant is (in the context of 'MiFID complaints'):

- a consumer;
- micro enterprise*; (less than 10 employees and annual balance sheet less than £2m)
- a charity with annual income of less than £1 million;
- a trustee of a trust with a net asset value of less than £1 million;

unless they were classified as a professional client or eligible counterparty at the time of the act or omission and in respect of the activity which is the subject of the complaint. However professional clients and eligible counterparties who are 'individuals acting outside their trade business, craft or profession' may still be eligible.

All complaints will be handled effectively and in an independent way and all communications with clients must be fair, clear and not misleading.

COMPLAINTS HANDLING PROCESS

Receiving a complaint

All complaints, whether oral or written and made by or on behalf of a customer, must be referred immediately to Paul Coffin who is responsible for handling complaints and holds the position of SMF16 Compliance Officer.

This must be done in all instances even if the complaint has already been resolved by an apology.

Training will be provided to all staff (induction / annual basis) to ensure that they are able to recognise what constitutes a complaint for reporting purposes.

Any oral or written statement made by a client, which might be considered as a complaint, must be referred to Paul Coffin so that it can be determined as to whether it is a complaint or not.

Once it has been established if the matter is a complaint, Paul Coffin will notify the Professional Indemnity Insurers in accordance with the terms and conditions of our PII policy.

The remaining sections apply only to complaints, which meet the following definition:

- the complaint is made by a (retail) client;
- the complaint relates to a regulated activity of the firm; and
- the complaint involves an allegation that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience.

All MiFID complaints are subject to the rules in DISP 1.1A, including those resolved by close of the third business day after receipt.

Complaints resolved by close of the third business day after receipt

Any complaint resolved by the firm by the close of the third business day following the day it is received must be investigated competently, diligently and impartially; be assessed fairly, consistently and promptly; taking all relevant factors into account.

Where we consider a complaint to be resolved by the close of the third business day following the day it is received, the complainant must promptly and without undue delay be issued with our 'Summary Resolution Communication' in writing, free of charge.

In addition to sending our 'Summary Resolution Communication' in writing, other methods of communication should be used where appropriate. For example, where we become aware that the complainant has particular protected characteristic under equalities legislation (e.g. a complainant who may be visually impaired) or where we have already been using another method to communicate about the complaint.

Our 'Summary Resolution Communication' must be in plain language and easily understood and will:

- Refer to the fact that the complainant has made a MiFID complaint and that we consider the MiFID complaint to have been resolved;
- If relevant, include any offer of remedial action or the appropriate level of redress (or both);
- Make the complainant aware that if they are dissatisfied with the resolution of the complaint, they may be able to refer it to the Financial Ombudsman Service (FOS) or take civil action;
- Include the contact details of the Financial Ombudsman Service (FOS), their website address and refer them to the availability of further information on the FOS website. Further information can be found in the Financial Ombudsman Service section of this document;
- Inform the complainant whether or not we will consent to the ombudsman service considering a complaint if it becomes apparent that the complaint has been made or referred outside the time limits specified under FCA rules by including the appropriate wording set out in DISP 1 Annex 3R

The information regarding the Financial Ombudsman Service should be set out clearly, comprehensibly, in an easily accessible way and prominently within the text of our summary resolution.

If it becomes apparent that the complaint has been made or referred outside the relevant time limits specified under FCA rules we will generally not consent to the Ombudsman to consider the complaint because that is the basis of the UK regulations on this point. However, we could make an exception if we felt the case merited it.

Under these rules the ombudsman service cannot normally look at a complaint from an eligible complainant if it is referred more than 6 months after our summary resolution communication or final response is issued, or, 6 years from when the act complained of happened and 3 years from when a complainant should reasonably have been aware of a problem.

Acknowledging a complaint

If the complaint cannot be resolved **by the close of the third business day** following the day it is received, Paul Coffin will acknowledge the complaint in writing. The written acknowledgement will be issued promptly.

In relation to oral complaints, the written acknowledgement will set out our understanding of the complaint and will invite the complainant to contact us if their understanding is incorrect.

The acknowledgment letter will provide the complainant early reassurances that the MiFID complaint has been received and that we are dealing with it. It will also advise the complainant that:

- they will be provided with regular progress updates;
- if our review has not been completed by the end of eight weeks after its receipt we will send them with a 'written response' explaining why we are not in a position to make a 'final response' and provide details of any rights to refer the matter to the Financial Ombudsman Service;
- On completion of our review that we will provide them with a 'final response' in writing.

A summary of our internal procedures for dealing with complaints must be forwarded in writing and free of charge with the acknowledgement letter.

Investigating a complaint

Once a MiFID complaint has been received it will be investigated competently, diligently, and impartially, obtaining additional information as necessary.

Paul Coffin will investigate all complaints and may, where appropriate, consult the adviser / member of staff whose actions or omissions gave rise to the complaint issue(s) raised.

If Paul Coffin is the subject of the complaint, the investigation will then be conducted by someone equally senior within the firm whose identity will be agreed from time to time.

The investigation will include, as a minimum:

- a review of the relevant client file;
- any information and / or documents submitted by the complainant (including any standard questionnaires);
- if necessary, a request for any additional relevant evidence and information regarding the complaint;
- contact with relevant provider(s), if relevant.
- CFM has also appointed Signature Support Services (part of Fintel PLC formally known as SimplyBiz) as its external compliance adviser and may also choose to consult with Signature if it requires any guidance or additional assistance.

Decision to uphold or decline

Any complaint will be assessed fairly, consistently, and will be dealt with promptly.

Under the concept of 'Treating Customers Fairly' the interests of the complainant will be put first, applying good judgement in all cases.

Paul Coffin will take into account all available evidence, the particular circumstances of the case, and any other relevant factors when making the decision to uphold or decline. This information will also drive the creation of a Final Response to the complainant and potentially a redress calculation, if considered appropriate.

If remedial action or redress (or both) is to be offered, the type of remedial action and the level of redress must be fair and appropriate to the nature of the complaint.

Ombudsman decisions / guidance

When assessing a complaint, the lessons learned as a result of determinations by the Ombudsman must be taken into account. Paul Coffin will analyse and take into account prior to making a decision:

- determinations made by the Ombudsman on any firm's complaints referred onto FOS in respect of similar complaint issues, especially when the FOS's decision differs from the firm's final decision;
- any patterns in determinations made by the Ombudsman concerning complaints received by the firm in respect of similar complaint issues;
- guidance produced by the FOS which is available via its own website;
- relevant case studies contained within the FOS publication, Ombudsman News.

FCA / Other Relevant Regulators

When assessing a complaint, the person responsible must analyse and take into account prior to making a decision relevant guidance produced by the FCA / other relevant regulators and former schemes (e.g. the FSA scheme).

Other Factors that may be relevant in the assessment of the complaint

When assessing a complaint, other factors that may be relevant in the assessment of the complaint must be taken into account. The person responsible must analyse and take into account prior to making a decision:

- Similarities with other complaints received by the firm
- Any issues identified as a result of the firm's Root Cause Analysis carried out.

Keeping a complainant informed

If the complaint cannot be resolved by close of the third business day, following the day it is received, we will ensure that the complainant is regularly kept informed of our progress with regards to the investigation into their complaint.

Any progress updates will include:

- an explanation of why we are not in a position to make a final response and indicate when we expect to be able to provide one;
- what further information / documents we require to resolve their complaint; and
- when they may expect to receive a further update / our Final Response letter.

We will work towards completing our investigation into a complaint within eight weeks of its receipt.

In the event that we have been unable to conclude our investigation within the eight-week period, we will write to the complainant and provide an explanation of why we are not in a position to make a final response and indicate when we expect to be able to provide one.

The eight-week response letter will:

- Make the complainant aware that if they are dissatisfied with the progress of our review, they may be able to refer it to the Financial Ombudsman Service (FOS) (or take civil action), their contact details, website address and refer them to the availability of further information on the FOS website. Further information can be found in the Financial Ombudsman Service section of this document;

- Confirmation of whether or not we will consent to the Ombudsman Service considering a complaint if it becomes apparent that the complaint has been made or referred outside the time limits specified under FCA rules.

If we believe that their complaint was made outside of these time limits, we will notify them of this in the 'eight-week response' and notify them that this is a matter for the Ombudsman to decide.

A copy of the Financial Ombudsman Service's standard explanatory leaflet must be forwarded with the 'eight-week response' letter.

If it becomes apparent that the complaint has been made or referred outside the relevant time limits specified under FCA rules we will generally not consent to the Ombudsman to consider the complaint because that is the basis of the UK regulations on this point. However, we could make an exception if we felt the case merited it.

Resolving a complaint

All complaints require resolution.

Following the completion of the investigation, Paul Coffin will issue a written Final Response letter to the complainant.

The Final Response letter will be in plain language and easily understood and will:

- include the details of the complaint;
- include the details of the investigation;
- include the outcome of the investigation;
- if relevant, include any offer of remedial action(s) or the appropriate level of redress (or both), and the basis of calculation;
- make the complainant aware that if they are dissatisfied with the resolution of the MiFID complaint, they may be able to refer it to the Financial Ombudsman Service (FOS) or take civil action;
- include the contact details of the Financial Ombudsman Service (FOS), their website address and refer them to the availability of further information on the FOS website. Further information can be found in the Financial Ombudsman Service section of this document;
- confirmation of whether or not we will consent to the ombudsman service considering a complaint if it becomes apparent that the complaint has been made or referred outside the time limits specified under FCA rules by including the appropriate wording set out in DISP 1 Annex3R

If we believe that their complaint was made outside of these time limits, we will notify them of this in the 'final response' and notify them that this is a matter for the Ombudsman to decide.

The information regarding the Financial Ombudsman Service should be set out clearly, comprehensibly, in an easily accessible way and prominently within the text of our summary resolution. A copy of the Financial Ombudsman Service's standard explanatory leaflet must be forwarded with the 'final response' letter.

If it becomes apparent that the complaint has been made or referred outside the relevant time limits specified under FCA rules we will generally not consent to the Ombudsman to

consider the complaint because that is the basis of the UK regulations on this point. However, we could make an exception if we felt the case merited it.

If the firm receives confirmation from the complainant that they are satisfied with the findings and outcome of the investigation and/or remedial action or redress (or both) being offered, the complaint will be considered to be closed by Paul Coffin.

The firm will comply promptly with any offer of remedial action or redress accepted by the complainant.

Where no confirmation has been received from the complainant within 8 weeks of the firm's Final Response, the complaint will also be considered closed. However, under the concept of 'TCF', should the complainant contact the firm after 8 weeks, we will review any further correspondence accordingly.

Financial Ombudsman Service (FOS)

The FOS contact details can be found at <https://www.financial-ombudsman.org.uk/contact-us> . The telephone number of FOS is 0300 123 9 123.

The general website address of the Ombudsman - <http://www.financial-ombudsman.org.uk/>

When providing the website address of the Ombudsman to complainants we will also refer them to the availability of further information on the FOS website.

If a complaint is referred to the FOS, the firm will fully co-operate with them and comply promptly with any settlement and awards made by it.

On receipt of a notification from FOS, we will respond promptly to any document / information request, quoting the allocated reference number.

The firm agrees to be bound by any awards made by the Ombudsman.

From 1 April 2019, the ombudsman service's award limit was increased to:

- £350,000 for complaints about acts or omissions by firms on or after 1 April 2019;
- £160,000 for complaints about acts or omissions by firms before 1 April 2019, and which are referred to the ombudsman service after that date.

Additionally, from 1 April 2020 onwards, both award limits will be automatically adjusted on 1 April to ensure they keep pace with inflation, as measured by the Consumer Prices Index (CPI).

For any complaints referred to the ombudsman service before 1 April 2019 the limit will be £150,000.

Consideration will be given to any awards made which are above the Ombudsman's limit at that time.

Any cases where the FOS's decision disagrees with the firm's final decision will be summarised and analysed by Paul Coffin. Details of this analysis will be communicated to all individuals involved in complaint handling.

The firm undertakes to pay promptly the fees levied by the FOS.

Referring a complaint to another firm

If a complaint is received whereby, we have reasonable grounds to be satisfied that another firm is solely or jointly responsible for the subject matter of a complaint, we will forward the entire complaint / relevant part of the complaint promptly, in writing, to that firm.

The firm will also inform the complainant promptly in a final response of the referral, explain why the complaint has been forwarded to the other firm and provide them with the other firm's contact details.

If we are responsible on a joint basis, we will investigate those issue(s) we have not forwarded in line with our normal procedures.

Receiving a referred complaint from another firm

If we receive a complaint that has been forwarded to us by another firm, we will deal with it in line with our normal procedures and, as if we received it when the forwarded complaint was received.

Record Keeping

An entry of each complaint received will be made within the firm's Complaints Register, which will be maintained at all times.

The firm will retain a record of each MiFID complaint received for at least a period of 5 years from the date the complaint is received, including those resolved by close of the third business day following the day it is received. This will be held in the form of an individual file and will include as a minimum:

- The name of the complainant;
- The substance of the complaint;
- All correspondence between the firm and complainant, including details of any remedial action and/or redress offered by the firm; and
- Documentation relating to any cases referred to another firm/provider.

Management Controls

In order to ensure that all relevant factors are taken into account when assessing complaints Paul Coffin will carry out the following to ensure that this information can be taken into account when investigating complaints received:

- Relay determinations by the ombudsman to the individual who was responsible for handling the complaint, so this can be used in their training and development / applied in future complaint handling;
- Analyse and relay any patterns in determinations by the ombudsman concerning complaints received by the firm
- Summarise, analyse and communicate ombudsman decisions;
- Analyse and communicate guidance produced by the FCA and other regulators; and
- Analyse and communicate guidance produced by the ombudsman service.

A formal report of their findings should be presented to the Board

Recurring & Systemic problems

Paul Coffin is responsible for identifying / analysing, on an on-going basis, complaints and complaints handling data to ensure any recurring or systemic problems, and potential legal and operational risks are identified / remedied

Recurring or systemic problems, and potential legal and operational risks are identified / remedied by:

- Analysing the causes of individual complaints to determine the root causes common to types of complaints;
- Considering whether such root causes may affect other processes or products, including those not directly complained about;
- Correcting where reasonable to do so, such root causes.

Process for identifying / remedying recurring or systemic problems, and potential legal and operational risks

- Paul Coffin is responsible to ensure that transparent written policies and procedures for the reasonable and prompt handling of complaints are established, implemented and maintained.
- They will review the firm's Management information to test the effectiveness of the firm's complaints policies and procedures, in particular the quality of customer outcomes and whether product/service improvements have been made;
- Root cause assessments will be undertaken to identify the root causes of complaints;
- The analysis of the root causes must take into account all relevant factors;
- Appropriate priority will be given to the handling of complaints and root cause analysis. We will also assess the priority of different root causes;
- We will record details of the causes of complaints and the products and services complaints relate to. This includes information about complaints resolved by the third business day following the day it is received;
- Information (MI) will be provided to Senior Management Team so they can play their part in identifying, measuring, managing and controlling regulatory risks. A record will be kept of the analysis and decisions taken by Paul Coffin (including whether and what initiative actions are required as a result)
- The scope, nature and results of the actions taken, including any dealings with individual consumers included in the scope of our own initiative actions will be recorded.
- We will consider whether the root causes identified may affect other processes or products, including those not directly complained about;
- Any recurring and systematic problems identified will be addressed accordingly;
- Regular reports will be made to Paul Coffin regarding recurring / systemic problems so they can play their part in identifying, measuring, managing and controlling regulatory risks. A record of the analysis and decisions taken (including whether and what initiative actions are required as a result) will be logged.

Details of any root cause analysis conducted will be communicated to all relevant staff.

Root Cause Analysis

Root cause assessments will be undertaken by Paul Coffin to identify the root causes of complaints. The analysis of the root causes must take into account all relevant factors, including (but not limited to):

- the concerns raised by complainant(s);
- the reasons for complaints and rejected claims;
- our stated sales practices (at the relevant time(s));
- evidence available about the actual sales practice(s) at the relevant time(s)
- relevant regulatory guidance produced by the FCA / other relevant regulators and former schemes (e.g. the FSA scheme);
- relevant decisions made by the Ombudsman:
 - on any firms' complaints referred onto FOS in respect of similar complaint issues, especially when the FOS's decision differs from the firm's final decision (i.e. the decision noted within a Final Response letter);
 - any patterns in determinations made by the Ombudsman concerning complaints received by the firm in respect of similar complaint issues; and
- guidance produced by the FOS which is available via its own website and relevant case studies contained within the FOS publications.

Non-Complainants

Were the firm identifies any recurring or systematic problems (either from a complaint or otherwise) in its provision of, or failure to provide, a financial service we will (in accordance with principle 6 Customers' interests) consider whether we ought to act with regards to the position of customers who may have suffered detriment from, or may have been potentially disadvantaged by the issues identified) but who have not complained.

Paul Coffin is responsible to ensure that the firm:

- Ascertains the scope and severity of the consumer detriment that might have arisen; and
- Consider whether it is fair and reasonable for us to undertake proactively a redress or remediation exercise, which may include contacting customers who have not complained.

When considering fair and appropriate 'own initiative action' in relation to non-complainants, Paul Coffin will consider what is proportionate in all the circumstances including:

- the number, nature and seriousness of the problem(s) identified;
- the proportion and number of sales in which the problem(s) may have occurred;
- the nature and severity of the potential (or known) detriment to such consumers;
- whether it is possible for the firm to identify, from information already available to it, which customers within a given cohort have been affected in this way; and
- the effectiveness and cost of actions which involve some form of customer contact exercise, or other alternatives, including:
 - their likely effectiveness in ensuring that all such customers are treated fairly by being given appropriate redress or a proper opportunity to obtain it; and
 - the ability of the firm to carry out such actions (for example, given its permissions).

Prior to commencing any 'redress or remediation' exercises, we will notify the Professional Indemnity Insurers in accordance with the terms and conditions of our PII policy.

Senior Management Oversight of Complaint Handling

All Senior Management will be actively involved in the development and implementation of policies and procedures for the prompt handling of complaints. Paul Coffin has overall responsibility for the oversight of the firm's compliance with DISP 1.1A (Complaints handling requirements for MiFID complaints). They will also be responsible for:

- The establishment of a complaint's management function, responsible for investigation of complaints;
- Identifying the potential risks and conflicts of interest associated with the investigation of complaints to ensure that complaints are investigated fairly and consistently.
- Ensuring transparent written policies and procedures for the reasonable and prompt handling of complaints are established, implemented and maintained;
- Ensuring that policies and procedures have been endorsed by the firms' management body;
- Monitoring the compliance with and effectiveness of policies and procedures / training provided to relevant staff;
- Reviewing drawbacks/weaknesses with policies and procedures, ensuring improvements are made as necessary;
- Reviewing the firm's Management Information to assess the effectiveness of the firm's complaints policies and procedures, in particular the quality of customer outcomes and whether product/service improvements have been made;

- Reviewing the firm's Management Information in terms of root cause analysis so they can play their part in identifying, measuring, managing and controlling regulatory risks;
- Ensuring a record of the analysis and decisions taken by senior personnel when they respond to the management information on the root causes (whether and what initiative actions are required as a result) is compiled and retained; and
- Overseeing the scope, nature and results of any actions taken, including any dealings with individual consumers included in the scope of the firm's own initiative actions.

In the event of Paul Coffin being unable to carry out their normal responsibilities for the oversight of the compliance with DISP 1 (Treating complainants fairly) someone equally senior within the firm will be appointed until such time that Paul Coffin is able to resume their normal responsibilities.

Complaints reporting and data publication

The firm will comply with the FCA's complaints reporting and complaints data publication rules for all complaints. However, in relation to MiFID Complaints the firm will provide the FCA with a report concerning complaints from retail clients, professional clients and eligible counterparties (where relevant) rather than eligible counterparties.

Notifications to the FCA

We will notify the FCA within 20 working days:

- Whenever three complaints are upheld in any 12-month rolling period against a Retail Investment Adviser (RIA);
- Where a complaint is upheld, and the level of redress exceeds £50,000 (matters relating to activities when acting as RIA).

Training & Development

As part of their training and development:

Training will be provided to all staff (induction / annual basis) to ensure that they are able to recognise what constitutes a complaint for reporting purposes;

Staff Understanding

ALL relevant staff (including all administration and secretarial staff) are to be given a copy of this document and to sign their acknowledgment of receipt, understanding and agreement to act within the requirements at all times.

An up to date version of this document will be made available at all times.

CFM Complaints Handling Policy & Procedures – Acknowledgement

PLEASE RETURN THIS TEAR OFF SLIP TO PAUL COFFIN

Receipt of Complaints Procedure

I have received, understand and agree to comply with the firm's complaints procedures at all times to ensure that complainants are treated fairly and consistently.

Company Name	
--------------	--

Staff Member's Name	
---------------------	--

Staff Member's Signature	
--------------------------	--

Date	
------	--