

Agricar Ltd

Complaints Policy and Procedures

Version: 01
April 2025

Version Control

Document Owner: Matthew Struthers

Version No:	Date:	Version Author:	Approved By:	Approval Date:	Revisions/Changes:
1.0					

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Purpose

This policy and procedures detail how Agricar Ltd (the Firm) will deal with complaints.

Agricar Group Finance, part of the Agricar Group of companies, is an asset finance broker specialising in helping customers obtain finance when purchasing a range of products.

We introduce people looking to purchase a product on a hire purchase agreement with companies offering finance products.

Agricar Ltd is authorised by the Financial Conduct Authority (FCA) and, as such, will act in accordance with the Complaints rules as defined in the FCA Handbook, which will take precedence over the requirements of this policy and procedures.

Review of Policy and Procedures

This policy and procedures will be reviewed regularly, at least once a year, and amended as considered necessary by our firm's Management Body in the event of changing circumstances or regulations.

Responsibilities

Management Body Responsibilities

Our firm's Management Body comprises of Directors are responsible for the implementation of the Complaints Policy and for monitoring compliance with it.

In line with Consumer Duty, Agricar Ltd will monitor complaints and conduct root cause analysis with a view to identifying the causes of complaints and ensure where the complaint is upheld the client receives appropriate redress to address any harm incurred.

As standard practice in the firm, in line with PRIN 2A.2.5, following each complaint and on a monthly basis, our Director(s) will proactively review our systems and procedures to ensure we proactively review our client base for any other clients who may have been effected by the issue, and take proactive appropriate remedial action where required to ensure no other clients suffer as a result of the issue identified

The Management Body have appointed a Complaints Manager, Matthew Struthers, If the Complaints Manager is unavailable, this may be carried out by a Nominated Officer.

Complaints Manager Responsibilities

The Complaints Manager is responsible for the investigation of complaints.

Employee Responsibilities

All employees are expected to refer any verbal or written complaints to the Complaints Manager at the earliest opportunity and to cooperate fully with the Complaints Manager in its investigations. Employees undertake initial training and training on an annual basis to ensure their knowledge is up to date.

Definitions

Definition of a complaint

The FCA defines a complaint as any oral or written expression of dissatisfaction from or on behalf of a client, whether **justified or not**, which includes an actual or potential financial loss, material distress or material inconvenience.

A complaint can be raised by an individual at any time via email, in writing, over the phone, in person or by text. Details of the information provided to our clients on 'How to Complain' are included in Annex 2 of this policy.

The Financial Conduct Authority complaints rules apply to complaints:

- Made by, or on behalf of an eligible complainant
- Relating to regulated activity
- Involving an allegation that the complainant has suffered, or may suffer, financial loss, material distress or material inconvenience

Definition of eligible complainant

An eligible complainant is a complainant that is

- A consumer (a person acting outside their trade, business or profession)
- A micro enterprise (enterprise which employs fewer than 10 people and has a turnover or balance sheets that does not exceed EUR 2,000,000)
- A charity with an annual income of less than £6,500,000
- A trustee of a trust which has a net asset value of less than £5,000,000
- A consumer buy to let consumer
- A small business (enterprise which has an annual turnover of less than £6.5 million and employs fewer than 50 people or has a balance sheet total of less than £5 million)
- A guarantor

Complainants that are professional clients or eligible counterparties that are acting outside of their trade or professions in relation to the activity to which the complaint relates are considered to be consumers and, as such, eligible complainants.

If in doubt whether a complainant is an eligible complainant or not, we will treat them as an eligible complainant.

Only eligible complainants can refer their complaints on to the Financial Ombudsman Service.

Policy

It is our policy to treat all complainants the same, however, eligible complainants are legally defined and have additional rights in law that we must acknowledge and adhere to. We have elected to treat all complaints in the same way for simplicity. Occasionally we may not know if a complainant is 'eligible' in which case it will treat them as such and if it becomes necessary, the Financial Ombudsman Service will establish the status of the complainant, not Agricar Ltd.

Agricar Ltd clients and potential clients are able to submit complaints free of charge.

Complaints will be handled promptly, effectively and in an independent manner, obtaining additional information as necessary.

We will always communicate with clients and potential clients clearly in plain language that is easy to understand and will reply to the complaint without undue delay.

We will assess fairly, consistently and promptly:

- The subject matter of the complaint
- Whether the complaint should be upheld
- What remedial action or redress may be appropriate
- Whether another party may be solely or jointly responsible for the matter alleged in the complaint

We will promptly comply with any offer or remedial activity or redress accepted by the complainant.

In line with PRIN 2A.2.5 to ensure we act in good faith, we will identify through [complaints](#), our internal monitoring or from any other source, that any [retail customers](#) who have suffered foreseeable harm as a result of acts or omissions by the [firm](#) and we take appropriate action to rectify the situation, including providing redress where appropriate.

We will consider a complaint closed when it has issued a final response.

Agricar Ltd will provide information about the Financial Ombudsman Service to eligible complainants on our website and *if applicable*, in the general conditions of our contracts with eligible complainants in a clear, comprehensible and easily accessible way.

Consumer Awareness

Agricar Ltd has published Complaints Procedures on our website that includes contact details of our Complaints Manager. Additionally, details of 'How to Complain' are provided to all clients upon initial engagement, within our Terms of business document

Additionally, the procedures are made available to clients and potential clients when we are acknowledging a complaint. The procedures contain information about the Financial Ombudsman Service.

Timings

Agricar Ltd has a maximum of 8 weeks to issue a final response to the complainant and we require that this practice is followed (as a maximum timescale) for all complaints.

Complaints resolved by close of the third business day

If we satisfactorily resolve the complaint by close of business on the third business day following the receipt of the complaint then we will issue a written "Summary Resolution Communication" to the complainant, advising that we consider the complaint as resolved and inform the complainant, for eligible complainants, about their options for referring the complaint back to us or for onward referral to the Financial Ombudsman Service if they are dissatisfied.

In addition to sending a complainant a "Summary Resolution Communication", we may also use other methods to communicate the information where:

- We consider that doing so may better meet the complainant's needs; or
- The complainant and Agricar Ltd have already been using another method to communicate about the complaint.

Complaints not settled within 3 business days

On receipt of a complaint we will send the complainant a written acknowledgement providing confirmation that we have received the complaint and are dealing with it.

We will ensure that the complainant is kept informed of the progress of the measures being taken for resolution of the complaint and will write to complainants after four weeks if we have not reached a decision.

We will issue a final response to the complainant within 8 weeks and inform the complainant, for eligible complainants, about their options for onward referral to the Financial Ombudsman Service.

Letter	Timing
Initial response letter	Promptly: by the next working day unless there are exceptional circumstances.
Holding letter	Optional until the eighth week. When the investigation has not involved a continuous dialogue, the complaints manager may issue a holding letter after four weeks if the complaint remains outstanding. <i>The holding letter can be issued more frequently if necessary or desirable.</i>
Final response	By end of the eighth week after the receipt of the complaint in all cases, but sooner whenever possible. If, exceptionally, a full response is not possible by this time we must send out a holding letter explaining why we have not been able to issue a decision within the above time frame and when we expect to be able to provide a decision. It should however be noted <i>that it is a requirement that final responses are issued by the end of eight weeks after receipt of complaints.</i>

The final response will clearly set out:

Whether Agricar Ltd accepts or rejects the complaint

The reasons for rejection, where applicable

The intention to offer redress or remedial action, where applicable

Details of the redress to be offered and any compensation offered with a clear method of calculation.

Additionally, where the client is an eligible complainant, we will:

- Explain that where the complainant disagrees with our decision they must refer the matter to the Financial Ombudsman Service within six months of the date of this letter or the right to use this service is lost, and
- Enclose contact details for the Financial Ombudsman Service, including website details.

We will consider a complaint closed when we have issued our final response.

Complaints forwarding

Agricar Ltd will promptly forward the complaint in writing to another party if we have reasonable grounds to believe that the other party may be solely or jointly responsible for the matter alleged in the complaint. If a complaint is forwarded, Agricar Ltd will inform the complainant promptly in a final response of why the complaint has been forwarded to another party and provide the complainant with the other party's contact details.

If Agricar Ltd receives a forwarded complaint, the complaint will be treated as if we have received the complaint directly and the same time limits will apply from the date on which we received the forwarded complaint.

Complaints time barring

If Agricar Ltd receives a complaint which is outside the time limits for referral to the Financial Ombudsman Service, we may reject the complaint without considering the merits but will explain this to the complainant in our final response.

Unless Agricar Ltd consents, the Financial Ombudsman Service will not consider a complaint if the complainant refers it to the Financial Ombudsman Service:

- More than six months after the respondent sent the complainant its final response
- More than six years after the event complained of
- More than three years from the date on which the complainant became aware that they had cause for complaint

Financial Ombudsman Service

Agricar Ltd will co-operate fully with the Financial Ombudsman Service in resolving any complaints made against us and agrees to be bound by any awards made by the Ombudsman. Agricar Ltd undertakes to pay promptly the fees levied by the Financial Ombudsman Service.

Analysis

Agricar Ltd will conduct root cause analysis of any complaint received and record any appropriate actions taken. Complaints will be analysed upon receipt of each complaint and root cause analysis will be conducted on a monthly basis for any reoccurring patterns and all lessons learnt will be incorporated into future training and development. The causes of complaints will be recorded in our Management Information and will be used with the prioritisation of dealing with the root causes.

The procedure

Refer any complaint verbal or written to the Complaints Manager at the earliest opportunity.

The Complaints Manager will then,

1. Make an initial assessment of the complaint, contacting the complainant for further information if required. This can be done via telephone, email or any other appropriate means of communication.
2. If there is sufficient information and the complaint can be resolved within 3 business days, then proceed to step 9.

3. If the complaint cannot be resolved within 3 business days, send out an initial response letter to the complainant using the Initial Response Letter Template, adding the details known about the complaint by the next working day, stating that the complaint has been received and is being dealt with.
4. Investigate the complaint impartially obtaining additional information from our records/staff and/or the complainant as necessary.
5. Enter the complaint onto the Complaints Log and create a Complaint Record.
6. Assess fairly, consistently and promptly:
 - a) The subject matter of the complaint
 - b) Whether the complaint should be upheld
 - c) What remedial action or redress (or both) may be appropriate
 - d) If appropriate, whether it has reasonable grounds to be satisfied that another party/respondent may be solely or jointly responsible for the matter alleged in the complaint.
7. If appropriate, forward the complaint to the relevant party/respondent and advise the complainant in writing why the complaint has been forwarded to the other party and provide the other party's contact details.
8. If the complaint is unresolved after four weeks, send out a holding letter using the Holding letter template, advising an expected resolution date.
9. If the complaint is resolved, communicate our firm's position on the complaint to the complainant and inform them about their options, including that they may be able to refer the complaint to an alternative dispute resolution entity (Financial Ombudsman Service for eligible complainants) or that the complainant may be able to take civil action, using the Final Response Letter template. If the complaint was resolved within 3 days, use the Summary Resolution Communication instead.
10. In the final response letter, clearly set out whether Agricar Ltd accepts or rejects the complaint, the reasons for rejecting any complaint or where we accept the complaint, and intend to offer redress or remedial action, details of the redress to be offered, any compensation offered and a clear method of calculation.
11. In the final response letter to eligible complainants, enclose a copy of the Financial Ombudsman Service's contact details, which includes the website address of the Financial Ombudsman Service and inform the complainant that if they are still dissatisfied with our response, the complaint may now be referred to the Financial Ombudsman Service.
12. Comply promptly with any offer of remedial action or redress accepted by the complainant.
13. Conduct a root cause analysis in the case of any complaint and record with the appropriate action having been taken. Record any actions within the individual complaint record.

14. Liaise with senior management if any changes need to be made to our firms procedures based on the analysis.
15. Update the Complaints Log and Complaints Record with the final decision including details of the amount of any redress offered.

Record keeping

Agricar Ltd will keep a record of each complaint received and the measures taken for its resolution, including any redress offered, and retain that record for three years from the date the complaint was received.

Complaints reporting

Through our firms REGDATA reports, we will provide the FCA with a complete report concerning complaints from eligible complainants. Complaints that have been forwarded in their entirety to another party will not be included in the report.

Breaches of the Complaints Policy and Procedure

Any breaches of the Complaints Policy and Procedures will be recorded on our breach log in conjunction with our Regulatory Breach policy.

Annex 1

Financial Ombudsman Service

Address: The Financial Ombudsman Service, Exchange Tower, London E14 9SR

Tel: 0800 023 4567 (free for most people ringing from a fixed line) or 0300 123 9123 (cheaper for those calling using a mobile) or 44 20 7964 0500 (if calling from abroad)

Email: complaint.info@financial-ombudsman.org.uk

Website: www.financial-ombudsman.org.uk

Annex 2, complaint Procedure – Client Copy

Introduction

Name: Matthew Struthers

Telephone: 07977280715

Address: Milton, Padanaram, by Forfar, Angus, DD8 1PF

E-mail: matthew.struthers@agricar.co.uk

Our Procedures

Any complaint verbal or written will be referred to our *complaints manager* at the earliest opportunity or to a member of the senior management if the *complaints manager* is unavailable. We will also

- Acknowledge the complaint in writing promptly
- Give details in our acknowledgement letter of the Financial Ombudsman Service
- Make contact to seek clarification on any points where necessary
- Fully investigate the complaint
- Keep you informed of our progress
- Discuss with you our findings and proposed response

You will receive contact from us advising on progress if we cannot respond immediately. We will let you have our final response as soon as possible and not later than eight weeks.

Definition of a complaint

The FCA defines a complaint as any oral or written expression of dissatisfaction from or on behalf of a client, whether **justified or not**, which includes an actual or potential financial loss, material distress or material inconvenience.

- The Financial Conduct Authority complaints rules apply to complaints:
 - Made by, or on behalf of an *eligible complainant*;
 - Relating to regulated activity;
 - Involving an allegation that the complainant has suffered, or may suffer, financial loss, material distress or material inconvenience;

Eligible Complainants

It is the firm's policy to treat all complainants the same, however, *eligible complainants* are legally defined and have additional rights in law that we must acknowledge and adhere to.

Adviser or Provider

Clients often express dissatisfaction to their adviser about the product provider. We will need to establish whether or not your complaint relates to the advice given, the adviser service or the service or performance of the product provider. If unclear, this must not delay investigation and we will proceed with our own investigation. The *complaints manager* will review this matter and take the complaint to the provider, if appropriate, in consultation with you.

Investigation

The *complaints manager* will establish the nature and scope of your complaint having due regards to the Financial Conduct Authority's direction:

- Deal with complaints promptly and fairly
- Give complainants clear replies and, where appropriate, fair redress

Complaints Settled within 3 business days

Complaints that can be settled to your satisfaction within 3 business days can be recorded and communicated differently.

Where we consider a complaint to be resolved to your satisfaction under this section, we will promptly send you a '**Summary Resolution Communication**', being a written communication from us which:

- (1) Refers to the fact that you have made a complaint and informs you that we now consider the complaint to have been resolved to your satisfaction;
- (2) We will tell you that if you subsequently decide that you are dissatisfied with the resolution of the complaint you may be able to refer the complaint back to us for further consideration or alternatively refer the complaint to the Financial Ombudsman Service;
- (3) Indicates whether or not we consent to waive the relevant time limits, (where we have discretion in such matters)
- (4) Provide the website address of the Financial Ombudsman Service; and
- (5) Refer to the availability of further information on the website of the Financial Ombudsman Service.

In addition to sending you a **Summary Resolution Communication**, we may also use other methods to communicate the information where:

- We consider that doing so may better meet your needs; or
- We have already been using another method to communicate about the complaint.

If unresolved at 4 Weeks

If the complaint is unresolved after four weeks, send out a holding letter, advising an expected resolution date.

Final response

This will set out clearly the firm's decision and the reasons for it. If any compensation is offered a clear method of calculation will be shown.

We must include details of the Financial Ombudsman Service in the final response if dealing with an *eligible complainant* and a regulated activity, we will:

- Explain that the complainant must refer the matter to the ombudsman within six months of the date of this letter or the right to use this service is lost
- Indicate whether or not we consent to waive the relevant time limits.

Closing a complaint

We will consider a complaint closed when we have made our final response to you. This does not prevent you from exercising any rights you may have to refer the matter to the Financial Ombudsman Service.

Financial Ombudsman Service

We will co-operate fully with the Financial Ombudsman Service in resolving any complaints made against us and agree to be bound by any awards made by the Ombudsman. The firm undertakes to pay promptly any fees levied by the Ombudsman.

Contact:

The Financial Ombudsman Service, Exchange Tower, London E14 9SR


Tel: 0800 023 4567 (free for most people ringing from a fixed line) or 0300 123 9123 (cheaper for those calling using a mobile) or 020 7964 0500 (if calling from abroad)

Email: complaint.info@financial-ombudsman.org.uk

Website: www.financial-ombudsman.org.uk

 **Blairstown**
Welton Business Park
Welton Rd
Blairstown PH10 6HE
T 01250 870952

 **Cupar**
Eden Valley Business Park
East Road
Cupar KY15 4RB
T 01334 243333

 **Forfar**
Milton, Padanaram
By Forfar
Angus DD8 1PF
T 01307 462281

 **Laurencekirk**
Station Road
Laurencekirk
AB30 1BE
T 01561 378888

 **Perth**
West Huntingtower
Perth
PH1 3NR
T 01738 583249

 **Stirling**
Unit 1
The Paddock
Stirling FK9 4RN
T 01786 430970