

## COMPLAINTS POLICY

### 1. General Policy Statement

It is to some extent inevitable that the process of enforcing payment of a debt, especially through the taking control of goods will generate complaints. People are likely to feel a great deal of resentment and anger at being threatened with the removal of their goods and at the right of the enforcement agent to enter their premises without their permission. This being the case the view is often expressed that the enforcement agent who does not generate complaints is not doing their job properly.

Whyte & Co. does not accept this view and believes that it is dangerous to do so. While many complaints may be unfounded and arise from a lack of understanding of an enforcement agent's legal powers and function, it is also inevitable that mistakes and errors of judgement will occur from time to time despite our best endeavours to ensure they do not. If we simply regard complaints as an inevitable consequence of our actions we ignore the fact that at worst, some of the complaints may be fully justified and at best, that although a complaint is unjustified, a different approach may have resulted in a case being concluded satisfactorily without a complaint.

We will therefore treat all complaints seriously and investigate them fully. If we are wrong we will freely admit this and we will make appropriate recompense including the payment of financial compensation where actual loss has occurred. We will welcome the fact that a complaint has been made because it has brought to our attention deficiencies in our service and we will learn how to avoid similar deficiencies in the future.

It is important that complainants have the right for their complaint to be considered by an external body and if it is not possible to resolve a complaint internally then it will be referred to the Civil Enforcement Association (CIVEA).

Paul Whyte  
Partner

## 2. Purpose

The purpose of this procedure is:

- To ensure all complaints are documented and fully investigated.
- To ensure complaints are resolved quickly, that the complainant is given a full and frank explanation of our actions and to make recompense where this is appropriate.
- To detail how complaints are analysed and preventative action applied in order to prevent similar complaints in the future.

## 3. Scope

This procedure applies to all complaints received by the Company from whatever source including environmental complaints.

## 4. Definition

The company defines a complaint as an expression of dissatisfaction with its service and this includes complaints of an environmental nature. A complaint may be made by a debtor, client or third party. A complaint may be made direct to us or via a client and the client may wish us to report to them so they can respond to the complainant directly.

## 5. Documents Used

- Complaint Form                    **Form WF 04-01**
- Complaint Register            **Form WF 04-02**

## 6. Responsibilities

### 6.1 Director of Operations

The Director of Operations is responsible for:

- Investigating and responding to the complaint including making appropriate recompense. If the complainant is still dissatisfied they may have their complaint further consider by the Partners.
- Identifying any necessary corrective and preventative action and implementing this personally or assigning an appropriate member of staff to carry out the implementation

### 6.2 Partners

The Partners are responsible for:

- Considering afresh and responding to complainants who are dissatisfied with a decision made by the Director of Operations including making appropriate recompense. If the complainant is still dissatisfied they may have their complaint further considered by CIVEA..
- Identifying any necessary corrective and preventative action and implementing this personally or assigning an appropriate member of staff to carry out the implementation

### 6.3 IMS Manager

The IMS Manager is responsible for:

- Ensuring compliance with this procedure
- Reviewing and analysing the service complaint forms and reports in conjunction with the minutes of quality progress meetings to ensure that effective corrective and preventative action has been taken and pursuing any outstanding actions
- Reporting to the management team the results of this review at management review meetings

### 6.4 Individuals

It is the responsibility of any individual who receives a complaint to resolve it immediately in line with this procedure or to complete a **complaint form** and forward this to the Director of Operations. At the same time the receipt of the complaint is recorded on the “Enforcer” software via a notebook entry and where appropriate, scanning a copy of any letter of complaint onto the relevant account.

Individuals assigned to the completion of corrective / preventative action are responsible for completing the required actions and then returning the complaint form to the Director of Operations.

## 7. Procedure

### 7.1 Non-written Complaints

It is likely many complaints will be received by telephone or made to a member of staff in person. A large proportion will arise due to lack of understanding of the enforcement agents legal powers and function and it will be apparent to the recipient of the complaint that we have acted correctly. These complaints can often, and should be, solved immediately and informally simply by explaining the true position to the complainant.

In some cases the complainant may accept that we have acted within our legal powers but feel that we have done so in a manner that is unreasonable. Again, such complaints can often, and should be, resolved by explaining why we have acted in the way that we have and the constraints that we are under.

In both of the foregoing cases, if the complainant confirms that they are satisfied with our response then the complaint can be regarded as resolved. However, if they remain dissatisfied they should be informed that, for the sake of clarity of understanding, they should put their complaint in writing to the Director of Operations. The complaint need not be in writing if there are good reasons to accept a verbal complaint e.g. the complainant is unable to write due to blindness or other disability.

A complaint form must be completed even though the complainant has indicated their satisfaction with our response in any case where we are clearly at fault. The purpose of this is to ensure that appropriate preventative action is taken.

All telephone calls made both to and from our call centre are recorded and can be retrieved. Where a telephone conversation is relevant to, or the subject of a complaint, it will be reviewed and can be e-mailed to a client as a WAV file.

### 7.2 Written Complaints

Upon receipt the recipient will complete a complaint form and forward this to the Director of Operations. Action will be suspended until seven days after a response has been sent thus allowing time for the complainant to further respond before action re-commences.

The Director of Operations will immediately notify the company's insurers regarding any matter that might reasonably be expected to give rise to a claim being made against the company's public or professional liability policies.

Where required, our client will immediately be notified of our receipt of a complaint. Again, as required we will liaise with our client in the process of responding to a complaint. This will take place automatically in the case of any complaint from an MP or Councillor.

The Director of Operations will then carry out a thorough investigation of the complaint by interviewing any staff concerned and inspecting all relevant computer, manual, telephone records and body worn video footage.

The Director of Operations will send a letter of acknowledgement within 2 working days. A detailed response will be sent within five working days or where this is not possible due, for example, to a member

of staff being absent, a holding response will be sent within five working days together with an explanation as to why a full response is not yet possible and the date by which a full response will be given.

Every response to a complaint will contain advice as to the right to make an appeal either to the Partners or to CIVEA. .

Once a response to the complaint has been despatched the Director of Operations will record this fact on the “Enforcer” software by scanning a copy of the response onto the relevant account.

The Director of Operations will determine any necessary corrective action and will either implement this personally or assign an appropriate member of staff to carry this out. Any corrective action required will be detailed on the complaints form.

Where a complaint relates to the actions of an individual, a record of the complaint and the outcome will be placed on the individuals personnel file so that appropriate inferences may be drawn from any subsequent complaints of a similar nature.

Once all action has been completed the Director of Operations will insert the date of completion into the complaint register.

### **7.3 Clients**

At the request of a client Whyte & Co. will remove any of its staff from acting on that client’s behalf whether or not we consider this to be justified.

Whyte & Co. will provide clients with details of all complaints received on a regular basis and will make all records available for their inspection.

### **7.4 Preventative Action**

The Director of Operations will review the complaint to determine why it has occurred and to establish the root cause. They will then determine what actions can be taken to prevent a recurrence and ensure that these are implemented. These findings will be recorded on the service complaint form.

Preventative action may include retraining or the taking of disciplinary action against any member of staff who has acted incorrectly.

### **7.5 Analysis of Complaints**

The IMS Manager will discuss all complaints at the quality progress meetings to decide if there are any actions that can be taken to prevent the occurrence of similar problems. They will then institute action and monitor progress in accordance with any preventative measures decided upon at the meeting.

The minutes of the meeting will be distributed to all personnel involved with corrective actions during those three months. The IMS Manager will review the minutes and reports to ensure that the noted corrective / preventative actions have been effective.

### **7.6 Relationship between Remedies**

Whyte & Co. is a member of CIVEA which operates its own complaints procedure. There is also an established procedure for making a complaint against an enforcement agent certificate via the County Court and most of our clients operate their own complaints procedures. Complainants who are dissatisfied with our response and wish to take matters further will be advised of these alternative procedures so that they can themselves decide which they consider to be the most appropriate.

### **7.7 Accessibility**

This policy / procedure will be posted on the Company website as a downloadable PDF document and will be supplied to any interested party on request.

### **7.8 Storage of Quality Records**

Complaint forms and registers will be retained for a period of six years after which time they may be disposed of.

## **8. Review**

This policy is reviewed at least annually



Paul Whyte

Partner