

Waystone Fund Services (UK) Limited

Complaints Policy and Procedures



October 2023

Version 1.3

1. Policy Summary

Waystone Fund Services (UK) Limited (“WFSL”, “we”, “us”, “our”, “the Firm”) is committed to ensuring that customers who wish to complain about any aspect of the service we provide to them are able to do so easily and in the expectation that we will deal with their complaint promptly and impartially.

WFSL is committed to providing a high standard of quality services to investors in the Funds for which we act as Authorised Corporate Director (“ACD”) or Authorised Fund Manager (“AFM”). However, we recognise that, from time to time, customers may wish to contact us to complain about incorrect or poor delivery of a service; failure to follow a policy or procedure or legislation that that affected an outcome for the complainant; or any other aspect of the service we have provided which has fallen short of the customer’s expectations.

This document sets out the procedures we will follow in the event that a customer makes a complaint. The Financial Conduct Authority’s definition of a complaint is any expression of dissatisfaction, whether oral or written, and whether justified or not, from or on behalf of an eligible complainant about the firm’s provision of, or failure to provide, a financial services activity. A complaint must involve an allegation that the complainant has suffered, or may suffer, financial loss, material inconvenience or material distress.

WFSL must apply its procedures for all customers who are eligible complainants. An eligible complainant is defined as:

- a private individual;
- a business which has a group annual turnover of less than £1 million;
- a charity which has an annual income of less than £1 million; or
- a trustee of a trust which has a net asset value of less than £1 million;

at the time that they refer the complaint to us.

The Firm may still consider a complaint received from a customer who does not meet the eligibility criteria above as this will provide an opportunity to review our service levels and systems and controls. However, non-eligible complainants are not able to refer their complaint to the Financial Ombudsman Service if they are not satisfied with the way we have handled their complaint.

2. Regulations

This Policy and Procedures document is designed to fulfil our obligations under the Financial Conduct Authority’s *Disputes Resolution: Complaints* (“DISP”) Sourcebook.

The FCA's DISP rules require investment firms to establish, implement and maintain an effective and transparent complaints management policy and procedures for the prompt handling of clients' or potential clients' complaints. The policy must provide clear, accurate and up-to-date information about the Firm's complaints-handling process. The policy must be endorsed by the firm's Board of directors and should be set out in a written document.

The policy should be made available to all relevant staff of the Firm through appropriate internal channels.

The Firm must enable customers - and potential customers - to submit complaints free of charge. The Firm's Compliance Department must analyse complaints and complaints-handling data to ensure that it can identify and address any risks or issues.

3. Customer Communications

Pursuant to DISP 1.2, the Firm is required to publish appropriate information regarding our internal procedures for the reasonable and prompt handling of complaints. This information must be provided in a clear, comprehensible and easily accessible way, and must include details about an eligible customer's right to refer their complaint to the Financial Ombudsman Service if they are dissatisfied with our response, or if we have failed to adequately investigate the complaint within the rules and our own procedure.

To satisfy this requirement, and to make it easier for customers who wish to make a complaint to do so, the Firm has published the following text on its website, which is a public resource available to all customers and prospective customers.

Complaints

Waystone Fund Services (UK) Limited is committed to ensuring that all complaints received are handled fairly, consistently and promptly and that the firm identifies and remedies any recurring or systematic problems, as well as any specific problem identified by a complainant.

If you wish to complain about any aspect of the service you have received from us, you can contact us in the following ways:

By email at: **compliance@waystonefs.co.uk**

By phone on: **01159 888 200**

By post at: **The Compliance Officer. Waystone Fund Services (UK) Limited, 64 St James's Street, Nottingham, NG1 6FJ**

Our regulator, the Financial Conduct Authority, defines a complaint as 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 redress determination.

A complaint must be received from an eligible complainant – or from an authorised person on behalf of an eligible complainant - and must involve an allegation that the complainant has suffered (or may suffer) financial loss, material inconvenience or material distress.

We will endeavour to resolve a complaint at the earliest possible stage. However, if you are not satisfied with our response to you, or if eight weeks have passed since you first let us know about your concerns and we have not replied to you, you can refer your complaint to the Financial Ombudsman Service for review.

The Financial Ombudsman Service is a free and easy-to-use service which settles unresolved complaints between consumers and businesses that provide financial services. It resolves disputes fairly and impartially and, should you need to refer a complaint to the Financial Ombudsman Service, the firm will cooperate fully with its review of the case.

It is important to remember that the Financial Ombudsman Service will only consider complaints referred to it *after* the firm has had the opportunity to investigate the matter so please contact us first and will do all we can to help you.

You can contact the Financial Ombudsman Service in the following ways:

By phone: **0800 023 4567**

By email: **complaint.info@financial-ombudsman.org.uk**

By post: **The Financial Ombudsman Service, Exchange Tower, London, E14 9SR.**

A copy of our complaints procedures is available on our website.

4. Dealing with Complaints

A complaint is defined by the FCA as 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, **which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience.**

It is important that all complaints are immediately identified and, in particular, that customer facing staff are able to interpret what a complaint is and to whom it should be referred. This is vital because complaints must be handled in accordance with strict time limits laid down by the FCA's Rules. Records of complaints *must* be kept and reported to the FCA and complainants *must* be told of their right to refer their complaints to the Financial Ombudsman Service (FOS). In recent years, firms have been fined by the FCA for poor complaints handling processes.

It is worth repeating that complaints can be made orally or in writing (including by email). A customer expressing dissatisfaction on the telephone should be treated as a complainant. A complaint must be treated as such whether justified or not. The Firm must handle even the most outrageous complaint in accordance with

the FCA's rules. Complaints may be made not only by the complainant but by anyone on their behalf, including professional claims management companies (CMCs).

It is important that customer complaints are dealt with and appropriate remedial action is taken promptly. Any letter of complaint received by WFSL must be notified to the Chief Risk and Governance Officer as soon as practicable with all known facts entered onto the Firm's Complaints Register. Any verbal complaint received must also be logged immediately and, if it is apparent that the complaint cannot be resolved by close of business on the third working day thereafter, the Chief Risk and Governance Officer must be notified immediately.

Due to the front-line nature of the Transfer Agency Department's role within the Firm, client comments are usually received by them and as such, are logged on their occurrence log. Some of these comments *may* be categorised as complaints, at which point the Complaints Register should also be completed. If anyone else within the business believes that they have received a complaint they should immediately inform their supervisor/manager who will take the necessary steps to ensure that it is recorded appropriately.

5. The Complaints Resolutions Rules (FCA Handbook DISP 1.4)

Pursuant to the FCA's rules in DISP 1.4 the Firm, upon receiving a complaint, will follow the procedures below:

1. We will investigate the complaint competently, diligently and impartially, obtaining additional information as necessary;
2. We will 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 we have reasonable grounds to be satisfied that another respondent may be solely or jointly responsible for the matter alleged in the complaint, taking into account all relevant factors;
3. We will offer redress or remedial action when we decides this is appropriate;
4. We will explain to the complainant promptly and, in a way that is fair, clear and not misleading, our assessment of the complaint, our decision on it, and any offer of remedial action or redress; and
5. We will comply promptly with any offer of remedial action or redress accepted by the complainant.

DISP 1.4.2 (G) offers firms guidance as to the factors that may be relevant in the assessment of a complaint, including:

1. all the evidence available and the particular circumstances of the complaint;
2. similarities with other complaints received by the respondent;
3. relevant guidance published by the FCA, other relevant regulators, the Financial Ombudsman Service or former schemes; and
4. appropriate analysis of decisions by the Financial Ombudsman Service concerning similar complaints received by the respondent.

DISP 1.4.3 (G) directs firms to resolve complaints at the earliest possible opportunity, minimising the number of unresolved complaints which need to be referred to the Financial Ombudsman Service.

6. Types of Complaint Resolution

There are two categories of resolving complaints which may arise at WFSL:

1. Complaints resolved at first touch; and
2. Complaints NOT resolved at first touch

All complaints received by the Firm are reportable to the FCA, even those resolved “at first touch”.

Complaints resolved at first touch

WFSL does not receive many complaints at all. When we *do* receive expressions of dissatisfaction, these tend to be dealt with swiftly and to the satisfaction of the complainant. It is anticipated that the vast majority of the few complaints the Firm receives will be dealt with “at first touch”. This means that WFSL has:

- Resolved the complaint within three business days;
- Logged the complaint on the Firm’s Complaints Register; and
- Sent a letter, called a *Summary Resolution Communication*, to the complainant.

We will also report details of the complaint to the FCA on the next due regulatory reporting date.

To be classed as resolved, the outcome of the complaint must be accepted by the customer, but not necessarily in writing.

Summary Resolution Communication

All complaints resolved at first touch require a formal written response to be sent by the firm to the complainant. This is called a Summary Resolution Communication and may be sent by post or by email (if the investor has consented to the receipt of email correspondence). Its main purpose is to set out the Firm’s decision about the complaint and to inform consumers about their rights to refer a complaint to the Financial Ombudsman Service (even if the complaint has been upheld by WFSL).

The Summary Resolution Communication must refer to the complaint and that the respondent (the Firm) now considers it has been resolved. It must also inform the complainant that he or she may be able to refer the complaint to the Financial Ombudsman if they remain dissatisfied. It must indicate whether or not the firm consents to waive the time limits referred to in DISP 2.8.2R or DISP 2.8.7R by including specific wording which is prescribed by the FCA (WFSL does not consent to waiving such time limits) and it must refer to further information being available on the Ombudsman’s website.

Complaints not resolved at first touch

Even for complaints not resolved at first touch. WFSL must

- Resolve the complaint within eight weeks of receipt

- Log the complaint on the Firm's Complaints Register; and
- Send a letter, called the Firm's Final Response, to the complainant.

7. Acknowledging complaints

If, following receipt of a complaint, it becomes clear to the Firm that the matter will take longer than three business days to resolve, the complainant must receive prompt written acknowledgement providing early reassurance that WFSL has received the complaint and is dealing with it. Procedures are detailed in DISP 1.6: Complaints time limit rules.

In addition to this, the response should also include summary details of WFSL's internal process for dealing with complaints promptly and fairly. Details of our Complaints Procedures are also published in WFSL's Fund documentation (ISA terms and conditions, Supplementary Information Document, and prospectus).

The complainant should then be kept informed of the progress of the measures being taken for resolution of the complaint. These requirements do not apply if the complaint is resolved at the close of business on the next business day.

8. Investigating complaints

Complaints will be investigated by an independent employee (i.e. one who is not directly involved with the matter) of sufficient competence. Investigations will be undertaken in a competent, diligent and impartial manner. The appropriate person will obtain additional information as necessary.

WFSL is required to assess the subject matter of the complaint, whether it should be upheld, what remedial action or redress may be appropriate, and whether we have reasonable grounds to be satisfied that another party may be solely or jointly responsible for the issue.

Decisions to "make good" an investor's position by calculating any losses attributable to error and determining a sum payable to put the investor in the financial position they ought to have been can be made and/or agreed by an appropriate senior manager.

Any payments of sums which are ex gratia or compensation payments made over and above "making good" a position must be referred to the Chief Risk and Governance Officer and agreed prior to payment being advised or made to the complainant.

9. Responding to Complaints

All responses sent to complainants, whether resolved at first touch or final responses sent within eight weeks, must include a paragraph which sets out the complainant's right to refer their complaint to the Financial Ombudsman Service if they are dissatisfied with our response. The letter must also be accompanied by a leaflet printed by the Financial Ombudsman Service for the benefit of customers.

The Financial Ombudsman Service operates its own criteria for determining the eligibility of complaints and WFSL cannot guarantee that the Service will consider all complaints referred to it, only that every complainant has the right to refer the matter to it.

10. Reporting Complaints to the FCA

The Complaints Register is overseen by the Compliance Department and is made accessible to all relevant staff who may be required to record details of a complaint. It contains:

- Reference number
- Name of customer
- Date
- Brief details of the complaint
- The FCA's complaint category
- Reference to correspondence
- Resolution
- Action arising out of resolving the complaint to remove the possibility of a recurrence.

Each complaint is allocated a number and logged appropriately within the Complaints File, a tangible and more detailed version of the Complaints Register entry. The File contains all relevant details, including all correspondence. As soon as each complaint is answered, the date must be recorded in the Complaints Register and the details recorded in the relevant Complaints File.

Every six months, the FCA must be provided with a report for the relevant period on complaints from eligible complainants – including nil returns. The reports must be submitted online via FCA's Connect reporting system. In addition to the Financial Ombudsman Service, WFSL is also covered by the Financial Services Compensation Scheme which ensures that where a firm is not able to meet compensations claims (for example, because it is insolvent or has ceased trading) eligible customers have a claim for any monies due.

11. Learning from Complaints

Pursuant to DISP 1.3.3 R, for complaints that do not relate to MiFID business, the Firm must put in place appropriate management controls and take reasonable steps to ensure that in handling complaints it identifies and remedies any recurring or systemic problems, for example, by:

- analysing the causes of individual complaints so as to identify root causes common to types of complaint;
- considering whether such root causes may also affect other processes or products, including those not directly complained of; and
- correcting, where reasonable to do so, such root causes.

The processes that the Firm should have in place in order to comply with DISP 1.3.3 R may include:

- the collection of management information on the causes of complaints and the products and services complaints relate to, including information about complaints that are resolved by the Firm by close of business on the business day following its receipt;
- a process to identify the root causes of complaints;
- a process to prioritise dealing with the root causes of complaints;
- a process to consider whether the root causes identified may affect other processes or products;
- a process for deciding whether root causes discovered should be corrected and how this should be done;
- regular reporting to the Firm's senior personnel where information on recurring or systemic problems may be needed for them to play their part in identifying, measuring, managing and controlling risks of regulatory concern; and
- keeping records of analysis and decisions taken by the Firm's senior personnel in response to management information on the root causes of complaints.

The FCA rules make clear that the processes the Firm must have in place to comply with DISP 1.3.3 R should take into account the nature, scale and complexity of the Firm's business including, in particular, the number of complaints the firm receives.

The Firm receives very few complaints and, therefore, the majority of these processes are effectively redundant. In practice, all complaints received are included in management information packs which are sent to various internal committees within the Firm. These committees are an integral part of the Firm's risk management framework and play an important role in ensuring fair outcomes for investors by assessing details of individual complaints and by identifying trends which could suggest systemic issues exist within the Firm's processes or products.

12. Complaints Oversight

Under DISP 1.3.7 R, the Firm is required to appoint a senior individual to be responsible for the oversight of complaints handling. This individual is required to hold a governing function rather than a significant influence function on the basis that they must be able to both ensure sufficient resources are dedicated to complaints handling and exert adequate pressure on other parts of the business to take appropriate action where failures elsewhere have led to complaints.

The Firm is not required to notify the FCA or the Financial Ombudsman Service of the name of the responsible person, but the Firm should be able to inform the FCA, or the Financial Ombudsman Service, the name of the individual on request. The 'Complaints Handling Oversight' role is not a controlled function as specified in the table of controlled functions in SUP 10A.4.4 R.

Pursuant to DISP 1.3.7 R, the Firm's Senior Director has oversight of the Firm's complaints handling process. This is, however, purely an internal appointment and the Firm's Chief Risk and Governance Officer remains the point of contact for any complainant or for a member of staff wishing to draw to the Firm's attention an expression of dissatisfaction received.

13. Policy and Procedures Review

This Policy and Procedures document will be formally reviewed by the WFSL Board at least annually. If applicable, all appropriate measures will be taken to address any deficiencies identified therein.

October 2023

Version control

Version number	Description of revisions	Date of revisions	Revisions made by
1.1	Original	May 2021	M Hand
1.2	Amended Financial Ombudsman Service contact details (removing their postal address)	October 2022	M Hand
1.3	Amended following change of name from TBFS to WFSL	October 2023	M Hand