

Service Complaints Process



ENFORCEMENT
CONDUCT
BOARD

Service Complaints Process

Introduction

1. We aim to provide a high standard of service to all our customers and to address any concerns about our service as quickly as possible.
2. When someone raises a concern, we will try to put things right and learn from their experience to make improvements.

Who can make a service complaint

3. A service complaint can be made by anyone that we provide a service to, including a person who had made a complaint to us under our Complaints Process (or their representative), an accredited firm or an enforcement agent over which we have oversight.

What is a service complaint

4. A service complaint is about the standard of service we have provided. It includes complaints that we have:
 - a. Been rude;
 - b. Not communicated with someone in the way that has been agreed;
 - c. Caused unnecessary delays without providing relevant and timely updates;
 - d. Not followed the proper processes or procedures;
 - e. Provided inappropriate advice.

What is not a service complaint

5. Service complaints do not include concerns about:
 - a. Our decision to accept / not to accept a complaint for investigation;
 - b. Our decisions about what evidence we require to make a decision on a complaint to us or to inform an accreditation or oversight decision;
 - c. Bias in our consideration of the evidence presented to us;
 - d. Our investigation decisions;
 - e. Our oversight decisions;
 - f. Our accreditation decisions;
 - g. Our response to a subject access request. Such a concern should be dealt with in line with our Information Security Policy, which provides for a separate route for it to be considered and responded to.
6. There is a separate [Decision Review Process](#), where an individual can raise concerns about the decisions we have made on complaints to us.

How to make a service complaint

7. A service complaint can be made at any point during the time we provide a service to the individual or the firm, whether that service relates to accreditation, oversight or complaints handling, or within one month of the conclusion of the service we have provided. E.g one month from the final decision on a complaint to us under our Complaints Process.
8. A service complaint can be submitted by:
 - a. Completing the relevant form and emailing it to us;
 - b. Telephoning us;
 - c. Emailing us;
 - d. Writing to us;
9. If the individual does not feel able to submit a service complaint themselves and feels they need support to do so, they can ask a family member, friend or representative for help. They can also obtain support from an advice organisation, such as [Citizens Advice](#), who offer free and impartial advice.

10. If the individual has not sought the assistance of the representative earlier in their dealings with us, we will require written authorisation from them (or their recognised power of attorney) for the representative to act on their behalf.

11. We aim to acknowledge the service complaint within two working days of it being received.

Step 1 – Informal Resolution

12. Where possible, we believe that it is best to deal with things straight away rather than to try to sort them out later. As such, we encourage individuals who are dissatisfied with our service to tell the ECB employee they have been dealing with at the time. If the individual is not content to raise the issue with the relevant employee, they can ask for the details of their line manager, who will be happy to assist.

13. The relevant employee or their line manager will try to resolve the issue straight away and provide the Step 1 outcome to the enforcement firm or individual immediately. If they are unable to and the matter requires further investigation, they will get back to the individual within five working days of acknowledging the service complaint with the outcome.

14. Where this outcome is provided by telephone, we will follow that up with a written summary of the resolution.

15. Where the employee or their line manager is unable to resolve the issue at Step 1, they will let the individual or enforcement firm know and the complaint will move to Step 2 – formal complaint investigation.

16. If the individual remains dissatisfied after the outcome of Step 1 - informal resolution, they can ask for their complaint to move to Step 2 - the formal investigation stage. They should do so within one month of the completion of Step 1.

Step 2 - Formal Service Complaint Investigation:

17. Where appropriate, we aim to acknowledge the formal service complaint within two working days of it being received (whether it has been escalated from Step 1 by an ECB employee or following a request by the individual or enforcement firm (who made the complaint) and to provide a response within one month. Where that is not possible, we will provide the complainant with regular and meaningful updates.

18. The formal service complaint will be considered by someone who is in a more senior role at the ECB to the ECB employee who is the subject of the service complaint.

How will we investigate service complaints

19. Where possible, we will discuss the service complaint with the complainant to clarify their concerns.

20. We will review the relevant evidence and, where appropriate, speak with the employee who is the subject of the complaint to establish what happened.

21. We will then compare what happened with what should have happened with reference to our own processes and procedures to see if anything has gone wrong.

22. We will also consider whether the strict application of our processes and procedures has resulted in the complainant experiencing a poor service from us.
23. Our formal service complaint response will set out:
- a. A summary of the service complaint;
 - b. The evidence we have reviewed;
 - c. Any aspects of the complaint that we have determined fall outside the remit of the service complaints process as set out at paragraph 5 above;
 - d. Our decision on the complaint, with reasons;
 - e. Where appropriate, the actions we will take to resolve the complaint;
 - f. Where appropriate, the actions we will take to share the learning from the complaint to ensure the poor service is not repeated.

Outcome of the service complaints process

24. If we do not uphold the service complaint, we will explain why that is the case, with reference to the relevant evidence.
25. If we do uphold a service complaint, we will offer a remedy – assessed on a case by case basis – for any negative impact our poor service has caused. That might be:
- a. An apology;
 - b. An explanation for why something went wrong and what we intend to do to put that right for the enforcement firm or individual and to embed the learning from the complaint;
 - c. A consolatory payment for any emotional or practical impact our poor service has caused to the individual. We will take the same approach to consolatory payments as that set out in our [Guide to Remedy](#), which deals with payments in relation to the actions of poor service of accredited firms;
 - d. A payment to cover any financial loss caused by our poor service;
 - e. Changes to the way we provide our service going forward, such as agreed communication arrangement or change to our usual process or procedures.