



*It pays to choose the right partner*

# PAYXPERT COMPLAINTS PROCEDURE

for payment service users

## 1. INTRODUCTION

An effective complaints management system is a proven way of maintaining and building relationships with PayXpert clients and payment service users.

## 2. PURPOSE

The purpose of these procedures is to fulfil the Company's obligations under the Payment Services Regulations (2017) by ensuring complaints are handled in a professional and timely manner.

The complaints-handling rules that apply to PayXpert are covered by the ombudsman service which sets out the procedures for handling complaints. These rules are published as part of the Financial Conduct Authority's handbook – in the section entitled Dispute Resolution: Complaints.

## 3. DEFINITIONS

### 3.1. Complaint

The Financial Conduct Authority's definition of a complaint includes:

*“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.”*

In the event that any of the above criteria are fulfilled during the process of handling, communicating or transacting with a customer either in writing or verbally then PayXpert complaints policy will be applied.

### 3.2. Eligible Complainant

PayXpert defines an eligible complainant, in line with DISP 2.7.3, as a person that is:

- (1) a consumer; or
- (2) a micro-enterprise;
  - (a) in relation to a complaint relating wholly or partly to payment services, either at the time of the conclusion of the payment service contract or at the time the complainant refers the complaint to the respondent; or
  - (b) otherwise, at the time the complainant refers the complaint to the respondent; or
- (3) a charity which has an annual income of less than £6.5 million at the time the complainant refers the complaint to the respondent; or
- (4) a trustee of a trust which has a net asset value of less than £5 million at the time the complainant refers the complaint to the respondent; or

(5) (in relation to CBTL business) a CBTL consumer; or

(6) a small business at the time the complainant refers the complaint to the respondent;  
or

(7) a guarantor.

To fall within PayXpert's definition of an eligible complainant, the complainant must also have a complaint which arises from either:

- being, (or was) customer, payment service user or electronic money holder of the respondent, or;
- a (or was) potential customer payment service user, or electronic money holder of the respondent.

In the case of eligible complainants, PayXpert will, in its final written response to the complaint, refer the complainant to the Financial Ombudsman Service ('FOS').

### 3.3. Non-Eligible Complainant

The applicant firm defines a non-eligible complainant, as a person who does not fall in-line with the definition of an eligible complainant, as defined in DISP 2.7.3 but has a complaint which arises from either:

- being, (or was) customer, payment service user or electronic money holder of the respondent, or;
- a (or was) potential customer payment service user, or electronic money holder of the respondent.

PayXpert will deal with non-eligible complainant in line with its regulatory obligations under Regulation 101 of the PSR 2017.

## 4. COMPLAINT PROCESS

### 4.1. Complainant handling rules

PayXpert uses the information it gains from dealing with complaints that relate to its business line, to meet its compliance obligations to monitor the adequacy and effectiveness of its measures and procedures to detect and minimize any risk of compliance failures.

PayXpert maintains and keeps a record of each complaint it receives and the measures taken for its resolution, and retains that record for three years, in line with DISP 1.9. These timescales begin from the date the complaint was received.

PayXpert, in-line with best practice, refers to FCA Principle 6 (Customers' Interests) when it identifies problems, root causes or compliance failures, and it will consider whether it ought to act on its own initiative about the position of customers who may have suffered detriment from, or been potentially disadvantaged by such factors, but who have not complained.

In accordance with DISP 1.3.7, PayXpert has appointed a nominated individual, to have responsibility for oversight of its compliance with DISP 1.

## 4.2. Keeping the complainant informed

In line with DISP 1.6.1, On receipt of a complaint, PayXpert will:

- send the complainant a prompt written acknowledgement, using the Acknowledgement Letter, providing early reassurance that it has received the complaint and is dealing with it;
- ensure the complainant is kept informed thereafter in writing of the progress of the measures being taken for the complaint.

## 4.3. Complaints handling time limits

PayXpert will apply the following time limits to all payment service complaints, regardless of whether they derive from eligible complainants or non-eligible complainants.

Where a complaint is a payment service complainant, PayXpert will:

1. send a final response to the complainant by the end of 15 business days after the day on which it received the complaint; or
2. in exceptional circumstances, if a final response cannot be given in accordance with paragraph (1) for reasons beyond the control of the respondent:
  - a) send a holding response to the complainant by the end of 15 business days after the day on which it received the complaint, clearly indicating the reasons for the delay in answering the complaint and specifying the deadline by which it will send the final response; and
  - b) send a final response to the complainant by the end of 35 business days after the day on which it received the complaint.
3. A final response sent under (1) or (2) above must be on paper, or if agreed between PayXpert and the complainant, on another durable medium.

A final response to the complainant will:

- a) accept the complaint and, where appropriate, offers redress or remedial action; or
- b) offer redress or remedial action without accepting the complaint; or
- c) reject the complaint and gives reasons for doing so;

The final response will also:

- a) encloses a copy of the Financial Ombudsman Service's standard explanatory leaflet;
- b) provides the website address of the Financial Ombudsman Service;
- c) informs the complainant that if he remains dissatisfied with the respondent's response, he may now refer his complaint to the Financial Ombudsman Service; and
- d) Inform the complainant that the firm does not have an agreement with an alternate dispute resolution provider (in the case of non-eligible complainants).

Where PayXpert has resolved an eligible complaint payment service user complaint within three business days, PayXpert must send the complainant a 'summary resolution

communication’.

## 5. FINANCIAL OMBUDSMAN SERVICE

If you are still not satisfied with our final response, you may be entitled to refer your complaint to the Financial Ombudsman Service [FOS]. You must do so within 6 months of receiving our final response. You can contact them at:

Financial Ombudsman Service, Exchange Tower, Harbour Exchange, London, E14 9SR. Tel: 0800 023 4567. We will send you a link to the FOS consumer information leaflet with our final response.

(<https://www.financial-ombudsman.org.uk/publications/ordering-leaflet/leaflet>)

We are not covered by the Financial Services Compensation Scheme.

## 6. MAKING A COMPLAINT

You can make a complaint via email indicated below.

Letters can be addressed to the Complaints Manager at [complaints@payxpert.com](mailto:complaints@payxpert.com).