



# How complaints made to the Financial Services Ombudsman are handled

## Overview

The Financial Services Ombudsman was set up by law and deals independently with complaints from consumers about their dealings with financial service providers. Any private individual or any business, club, charity, partnership or trust with a turnover of less than €3 million per year can make a complaint to the Financial Services Ombudsman.

## Terms used in this booklet

A number of terms are used in this booklet to describe the people, organisations and process involved in dealing with a complaint. These are explained as follows:

- The **Financial Services Ombudsman refers** to the person appointed to the role under the Central Bank and Financial Services Authority of Ireland Act 2004
- The **Financial Services Ombudsman's Bureau** are the staff and office set up by law that support the work of the Ombudsman
- A **Consumer** is any private individual or any businesses, club, charity, partnership or trust with a turnover of less than €3 million per year
- A **Complainant** is someone who has made a complaint against a financial service provider
- A **Provider** is a business providing financial services which is regulated by the Central Bank. These include banks, building societies, credit unions, intermediaries, stockbrokers, money lenders, bureaux de change, hire purchase providers, health insurance companies, retail credit firms and home reversion firms
- The term **Party** is used to describe both the person or organisation who has made the complaint and the organisation that the complaint has been made against
- A **Finding** is the decision of the Ombudsman that is legally binding on both parties.

**“Parties are strongly encouraged to engage in a meaningful manner in the informal processes and to only rely on adjudication as a last resort”**

## **Before a complaint is made to the Financial Services Ombudsman**

Anyone with a complaint about a financial service provider must first use the provider’s own complaints process in accordance with the Consumer Protection Code. We require that providers are given a reasonable opportunity to deal with a complaint. We also expect providers to take all reasonable steps to resolve the complaint.

However, if the parties are unsuccessful in resolving the complaint, we are the impartial arbiter of all unresolved disputes. So where a dispute is not resolved by the provider’s own dispute resolution process the provider must tell the complainant in writing what its final response to the complaint is and inform the complainant of the right to make a complaint to the Financial Services Ombudsman. The Provider must also furnish our contact details. A copy of this letter must be given to us with the completed complaint form.

We will then deal with the complaint by either facilitating or mediating agreement between the parties or where this is not possible we will investigate and adjudicate the complaint and issue a legally binding Finding.

## **How complaints are made to the Financial Services Ombudsman**

Complaints are made by submitting a complaint form together with relevant supporting documents including the final response from the provider. Complainants are encouraged to;

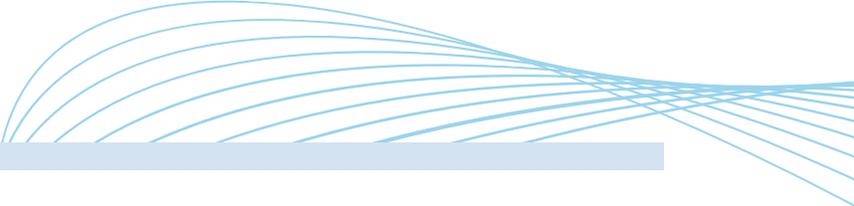
- Present their complaint in a clear and informative manner
- Describe what has happened to date
- Explain why they think they have a genuine complaint
- Include all the key dates
- Name the product the complaint is about
- Outline what they require in order to resolve the situation

### ***Items that should be submitted with a complaint – electronically where possible***

- A letter from the provider stating that the complainant has completed their internal complaints process with no resolution
- Letters and emails to and from the provider
- Policy documents and statements
- Dates of meetings and who was spoken to
- Records of relevant phone calls (if a complainant phoned the provider on a certain date, for example)
- Medical information (to support an income protection complaint, for example).

### ***Submitting complaints***

Complaints can be submitted online by completing the form on our website and attaching electronic copies of supporting documents. The form can also be downloaded, posted out on request, or collected from our office for postal submissions.



## How we handle complaints

We changed the way we handle complaints in February 2016 and we now have considerably more direct interaction with both parties. This approach delivers a faster, more efficient and effective service that puts the needs of service users at its core.

Informal methods including mediation or conciliation, both by telephone and through meetings, are now the first and preferred option for resolving complaints. Where these early interventions do not resolve the dispute both parties will continue to have the option of having their complaint independently adjudicated and a legally binding finding, appealable to the High Court, issued. However, parties are strongly encouraged to engage in a meaningful manner in the informal processes and to only rely on adjudication as a last resort.

## Dispute Resolution Service

Immediately on receipt of a complaint a Dispute Resolution Officer will contact the complainant and provider to establish the essence of the complaint and seek to resolve it speedily and informally by facilitating a solution that both parties can accept. Dispute Resolution Officers use a range of interventions including telephone conversations and email, in addition to mediations and conciliations conducted by phone and through meetings. This gives both parties the opportunity to develop a shared understanding of the complaint and to work towards reaching a swift and fair solution.

While Dispute Resolution Officers help to facilitate a resolution, they do not take sides, apportion blame or judge who is right or who is wrong.

In summary the Dispute Resolution Service;

- Brings clarity to the issues in contention
- Seeks to resolve disputes at an early stage and with the minimum necessary formality
- Provides the complainant and the provider with the necessary information to understand the merits of the complaint and what may or may not be fair and reasonable under the circumstances
- Arranges mediation or conciliation where necessary
- Collects the necessary evidence for the eventuality of needing an adjudication and passes the file to the Adjudication Service if the parties fail to reach an agreed resolution

If the parties successfully resolve their dispute through this process they will sign a settlement agreement and the file will be closed. Where a dispute is resolved in this manner the terms of the settlement will remain confidential.

## Adjudication Service

The Adjudication Service continues to provide independent and fair adjudication of disputes between complainants and financial service providers.

Where the parties fail to resolve the dispute with the assistance of the early interventions provided by the Dispute Resolution Service, the file, including the necessary evidence, will then be passed to the Adjudication Service which, having considered the information and material collected, including all submissions and evidence submitted, will issue a Preliminary Finding to both parties.

If the parties make no further submissions, a legally binding Finding, in the same terms will be issued and the file will be closed.

If either or both parties make further substantive submissions relating to possible errors of law or significant additional points of fact, these submissions will be reviewed, and will be made available to the parties where necessary, before a legally binding Finding is issued.

Of necessity, the adjudication process is more formal than the dispute resolution process and will occasionally require an oral hearing where evidence is taken on oath.

## Matters to consider when choosing where to make a complaint

The Financial Services Ombudsman was established to provide an alternative to the courts as a means of resolving disputes against financial service providers. This means that where a complaint has been determined by the Financial Services Ombudsman that same complaint cannot be made to the courts.

Also where a complaint has been or is currently before a court, or tribunal, this Office cannot deal with that same complaint.

## Appealing a decision of the Financial Services Ombudsman

Where a legally binding Finding is issued by the Financial Services Ombudsman this can only be appealed to the High Court.

## How to make best use of our service

We aim to facilitate both parties to resolve disputes early and at source. This approach should save time and money for all involved. It should also minimise the stress that can sometimes accompany such disputes and help to maintain or restore relationships.

It is very important that both complainants and providers give us all of the necessary relevant information at the earliest possible opportunity. Incomplete information supplied with the complaint form or an incomplete response from a provider will delay the process.

We urge both parties to make the best use of our Dispute Resolution Service to facilitate an agreed resolution of the complaint. We aim to get complaints resolved as quickly as possible and a facilitated agreement is the best way to achieve this. Complaints that have to be investigated and adjudicated will take longer than those resolved by agreement. The complexity of the complaint and the amount of evidence required, together with the number of submissions by parties has a major impact on the speed at which a complaint can be dealt with.

## Time limit on making a complaint

A time limit on making complaints to the Financial Services Ombudsman is set out in law. This means that we cannot deal with complaints about conduct which happened more than six years before the complaint is made to us.



Financial Services  
Ombudsman

### Further information



For further information on our service please visit our website at [www.financialombudsman.ie](http://www.financialombudsman.ie) or email: [enquiries@financialombudsman.ie](mailto:enquiries@financialombudsman.ie)

Lo Call: 1890 88 20 90, Phone: +353 1 6620899, Fax: +353 1 6620890  
3rd Floor, Lincoln House, Lincoln Place, Dublin 2.

Public Office Hours: Monday-Friday 9.30am to 13.00pm, 14.00pm to 17.00pm