

Chapter 1

Treating complainants fairly

1.1 Purpose and application

Purpose

1.1.1

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This chapter contains *rules* and *guidance* on how *respondents* should deal promptly and fairly with *complaints* in respect of business carried on from establishments in the *United Kingdom*, by certain *branches* of *firms* in the *EEA* or by certain *EEA firms* carrying out activities in the *United Kingdom* under the freedom to provide *cross border services*. In respect of *regulated claims management activities*, this chapter applies to business carried on in *Great Britain* (see ■ PERG 2.4A). It is also relevant to those who may wish to make a *complaint* or refer it to the *Financial Ombudsman Service*.

Background

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Details of how this chapter applies to each type of *respondent* are set out below. For this purpose, *respondents* include:

- (1) *persons* carrying on *regulated activities (firms)*, providing *payment services (payment service providers)* providing *electronic money issuance services (electronic money issuers)* carrying on *CBTL business (CBTL firms)*, providing *credit information* under the *Small and Medium Sized Business (Credit Information) Regulations (designated credit reference agencies)*, or providing *specified information* under the *Small and Medium Sized Business (Finance Platforms) Regulations (designated finance platforms)* and which are covered by the *Compulsory Jurisdiction*; and
- (2) [deleted]
- (3) *persons* who have opted in to the *Voluntary Jurisdiction (VJ participants)*.

Application to firms

1.1.3

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- (1) Subject to ■ DISP 1.1.5 R, this chapter applies to a *firm* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by it or its *appointed representative* in the *United Kingdom*.
- (1A) This chapter also applies to a *firm* in respect of *complaints* from *eligible complainants* concerning activities which are, or which are ancillary to, *regulated claims management activities*.
- (2) For the *MiFID complaints* of a *MiFID investment firm*:
 - (a) ■ DISP 1.1A applies; and
 - (b) the other provisions of this chapter apply only as set out in ■ DISP 1.1A.
 - (c) [deleted]

(2A) For the *MiFID complaints* of a *third country investment firm* received from *retail clients* or *elective professional clients*:

- (a) ■ DISP 1.1A applies; and
- (b) the other provisions of this chapter apply only as set out in ■ DISP 1.1A.

(3) The *complaints data publication rules* do not apply in respect of activities carried on from a *branch* of an *EEA firm* in the *United Kingdom* or activities carried on by an *EEA firm* in the *United Kingdom* under the freedom to provide *cross border services*.

(4) This chapter, except the *complaints data publication rules*, also applies to an *incoming EEA AIFM* for *complaints* from *eligible complainants* concerning *AIFM management functions* carried on for an *authorised AIF* or a *UK ELTIF* other than a *body corporate* that is not a *collective investment scheme* under the freedom to provide *cross-border services*.

1.1.3A D The *complaints reporting directions* apply to a *firm* that provides *payment services* or issues *electronic money* in respect of:

- (1) *complaints* from *payment service users*; and
- (2) *complaints* from *electronic money holders* that are *eligible complainants*

concerning activities carried on from an establishment maintained by the *firm* in the *United Kingdom*.

1.1.4 R Where a *firm* has outsourced activities to a *third party processor*, ■ DISP 1.1.3 R does not apply to the *third party processor* when acting as such, but applies to the *firm* which is taking responsibility for the acts and omissions of the *third party processor* in respect of the outsourced activities.

1.1.5 R This chapter does not apply to:

- (1) [deleted]
- (2) [deleted]
- (3) an *authorised professional firm* in respect of expressions of dissatisfaction about its *non-mainstream regulated activities*;
- (3A) a *firm* in respect of *complaints* concerning activities which:
 - (a) are not carried on in *Great Britain* but which would be *regulated claims management activities* if they were carried on in *Great Britain*; or
 - (b) are ancillary to activities described in (a);
- (4) *complaints* in respect of *auction regulation bidding*;
- (5) a *full-scope UK AIFM*, *small authorised UK AIFM* or an *incoming EEA AIFM*, for *complaints* concerning *AIFM management functions* carried

on for an *AIF* that is a *body corporate* unless it is a *collective investment scheme*;

(6) a *depository*, for *complaints* concerning activities carried on for an *AIF* that is:

(a) a *body corporate* unless it is a *collective investment scheme*; or

(b) another type of *AIF* unless it is:

(i) an *authorised AIF*; or

(ii) an *ELTIF*; or

(iii) a *charity AIF*; and

(7) *complaints* in respect of *administering a benchmark*.

- 1.1.5-A **G** References in ■ DISP 1.1.5 R to a *full-scope UK AIFM* and *small authorised UK AIFM* carrying on *AIFM management functions* for an *AIF* that is a *body corporate* that is not a *collective investment scheme* include *firms* that are *internally managed AIFs*.
- 1.1.5-B **G** For an activity to amount to a *regulated claims management activity* it must be carried on in *Great Britain* (see ■ PERG 2.4A). The effect of ■ DISP 1.1.3R(1A) and ■ DISP 1.1.5R(3A) is that the application of this chapter to *regulated claims management activities* and activities ancillary to *regulated claims management activities* depends on whether the activity is carried on in *Great Britain* rather than whether it is carried on from an establishment maintained in the *United Kingdom*.
- 1.1.5A **R** ■ DISP 1.6.2A, ■ DISP 1.6.2B (*rules relating to EMD complaints and PSD complaints*), the *complaints reporting rules*, the *complaints reporting directions* and the *complaints data publication rules* do not apply to a *credit union*.
- 1.1.6 **G** ■ CREDS 9 sets out *rules* for *credit unions* in relation to reporting *complaints*.
- 1.1.6A **G** In relation to a *credit union*, the nature, scale and complexity of the *credit union's* business should be taken into account when deciding the appropriate procedures to put in place for dealing with *complaints*.
- 1.1.7 **R** This chapter applies to the *Society*, *members* of the *Society* and *managing agents*, subject to the *Lloyd's complaint rules*.
- 1.1.8 **R** [deleted]
- 1.1.9 **G** [deleted]

1.1.9A **G** The scope of this sourcebook does not include:

- (1) a *complaint* about pre-commencement investment business which was regulated by a *recognised professional body* (those *complaints* will be handled under the arrangements of that professional body); or
- (2) a *complaint* about the administration of an *occupational pension scheme*, because this is not a *regulated activity* (*firms* should refer complainants to the *Pensions Ombudsman* rather than to the Financial Ombudsman Service and should refer consumers' general requests for information or guidance to the Pensions Advisory Service).

1.1.10 **R** In relation to a *firm's* obligations under this chapter, references to a *complaint* also include an expression of dissatisfaction which is capable of becoming a *relevant new complaint*, a *relevant transitional complaint*, a *relevant new credit-related complaint*, or a *relevant new claims management complaint*.

Additional requirements for insurance and reinsurance distribution business in the UK

1.1.10-A **R** Where *insurance distribution activities* are carried on from an establishment maintained by it or its *appointed representative* in the *United Kingdom*, a *firm* must have in place and operate appropriate and effective procedures for registering and responding to *complaints* from a *person* who is not an *eligible complainant*.

[Note: article 14 of the *IDD*]

Additional IDD requirements for EEA branches of UK firms

1.1.10-B **R** Where *insurance distribution or reinsurance distribution* is carried on from a *branch* maintained by a *UK firm* or its *appointed representative* in another *EEA State*, the *firm* must:

- (1) have in place and operate appropriate and effective procedures for registering and responding to *complaints* from a *customer*; and
- (2) solely in relation to its *insurance distribution* business, adhere to one or more relevant *ADR entities* in that *EEA State* in respect of *consumer disputes*.

[Note: articles 7(2), 14 and 15(1) of the *IDD*]

Application to payment services providers that are not firms

1.1.10A **R** This chapter (except the *complaints reporting rules* and the *complaints data publication rules*) applies to *payment service providers* that are not *firms* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by that *payment service provider* or its *agent* in the *United Kingdom*.

1.1.10AB **D** The *complaints reporting directions* apply to a *payment service provider* that is not a *firm* in respect of *complaints* from *payment service users* concerning

activities carried on from an establishment maintained by that *payment service provider* or its *agent* in the *United Kingdom*.

1.1.10B **G** (1) In this sourcebook, the term *payment service provider* does not include *credit institutions* (which are covered by this sourcebook as *firms*), but it does include *small electronic money institutions* and *registered account information service providers*.

(2) [deleted]

Application to electronic money issuers that are not firms

1.1.10C **R** This chapter (except the *complaints reporting rules*, and the *complaints data publication rules*) applies to an *electronic money issuer* that is not a *firm* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by that *electronic money issuer* or its *agent* in the *United Kingdom*.

1.1.10CA **D** The *complaints reporting directions* apply to an *electronic money issuer* that is not a *firm* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by that *electronic money issuer* or its *agent* in the *United Kingdom*.

1.1.10D **G** (1) In this sourcebook, the term *electronic money issuer* does not include *credit institutions*, *credit unions* or municipal banks (which will be carrying on a *regulated activity* if they issue *electronic money* and will be covered by this sourcebook as *firms* in those circumstances), but it does include *small electronic money institutions* and *persons* who meet the conditions set out in regulation 75(1) or regulation 76(1) of the *Electronic Money Regulations*.

(2) [deleted]

Application to UCITS management companies

1.1.10E **R** For *complaints* related to *collective portfolio management services* of a *UK UCITS management company* for a *UCITS scheme* or an *EEA UCITS scheme*, ■ DISP 1.1.3R (1) applies, except where modified as follows:

(1) the *consumer awareness rules*, *complaints handling rules* and *complaints record rule* apply in respect of *complaints* from *Unitholders* rather than from *eligible complainants*; and

(2) the *consumer awareness rules*, the *complaints handling rules* and the *complaints record rule*, as modified in (1), also apply where the services are provided from a *branch* in another *EEA State* (and any reference to *respondent* in the *consumer awareness rules* includes such a *branch*).

1.1.10F **R** For *complaints* related to *collective portfolio management services* of an *EEA UCITS management company* for a *UCITS scheme*, ■ DISP 1.1.3R (1) applies, except where modified as follows:

- (1) where the services are provided from a *branch* in the *United Kingdom*, the *consumer awareness rules*, *complaints handling rules* and *complaints record rule* apply in respect of *complaints* from *Unitholders* rather than from *eligible complainants*; and
- (2) this chapter, except the *consumer awareness rules*, *complaints handling rules*, *complaints record rule* and *complaints data publication rules*, also applies to an *EEA UCITS management company* providing services in the *United Kingdom* under the freedom to provide *cross border services*.

Application to CBTL firms

1.1.10G **R** This chapter (except the *complaints record rule*, the *complaints reporting rules* and the *complaints data publication rules*) applies to *CBTL firms* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained in the *United Kingdom*.

1.1.10H **G**

- (1) In this sourcebook, the term *CBTL firm* does not include a *firm*. A *firm* carrying on *CBTL business* is covered by this sourcebook as a *firm*.
- (2) *CBTL firms* are reminded of their obligation to retain information relevant to demonstrating the firm's compliance or non-compliance with the requirements of Schedule 2 to the *MCD Order*.

Application to designated credit reference agencies

1.1.10I **R** This chapter (except the *complaints record rule*, the *complaints reporting rules* and the *complaints data publication rules*) applies to a *designated credit reference agency* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by it or its *agent* in the *United Kingdom*.

1.1.10J **G** Although *designated credit reference agencies* are not required to comply with the *complaints record rule*, they must retain records in accordance with regulation 24 of the *Small and Medium Sized Business (Credit Information) Regulations* and these can be used to assist the *Financial Ombudsman Service* should this be necessary.

Application to designated finance platforms

1.1.10K **R** This chapter (except the *complaints record rule*, the *complaints reporting rules*, and the *complaints data publication rules*) applies to a *designated finance platform* in respect of *complaints* from *eligible complainants* concerning activities carried on from an establishment maintained by it or its *agent* in the *United Kingdom*.

1.1.10L **G** Although *designated finance platforms* are not required to comply with the *complaints record rule*, they must retain records in accordance with regulation 21 of the *Small and Medium Sized Business (Finance Platforms) Regulations* and these can be used to assist the *Financial Ombudsman Service* should this be necessary.

FSAVC Review

- 1.1.11 **R** Where the subject matter of a *complaint* is subject to a review directly or indirectly under the terms of the policy statement for the review of specific categories of *FSAVC* business issued by the *FSA* on 28 February 2000, the *complaints resolution rules*, the *complaints time limit rules*, the *complaints record rule*, the *complaints reporting rules* and the *complaints data publication rules* will apply only if the *complaint* is about the outcome of the review.

Consumer redress schemes

- 1.1.11A **R** Where the subject matter of a *complaint* falls to be dealt with (or has properly been dealt with) under a *consumer redress scheme*, the *complaints resolution rules*, the *complaints time limits rules*, the *complaints record rule* and the *complaints reporting rules* do not apply.

Exemptions for firms, payment service providers, electronic money issuers, designated credit reference agencies and designated finance platforms

- 1.1.12 **R**
- (1) A *firm*, *payment service provider*, *electronic money issuer*, *designated credit reference agency* or *designated finance platform* falling within the *Compulsory Jurisdiction* which does not conduct business with *eligible complainants* and has no reasonable likelihood of doing so, can, by written notification to the *FCA*, claim exemption from the *rules* relating to the funding of the *Financial Ombudsman Service*, and from the remainder of this chapter.
 - (2) Notwithstanding (1):
 - (a) **R** DISP 1.1A will continue to apply to *MiFID complaints*; and
 - (b) the *consumer awareness rules*, the *complaints handling rules* and the *complaints record rule* will continue to apply in respect of *complaints* concerning the provision of *collective portfolio management services*.
 - (3) The exemption takes effect from the date on which the written notice is received by the *FCA* and will cease to apply when the conditions relating to the exemption no longer apply.

- 1.1.13 **G** **R** SUP 15.6 refers to and contains requirements regarding the steps that *firms* must take to ensure that information provided to the *FCA* is accurate and complete. Those requirements apply to information submitted to the *FCA* under this chapter.

Application to VJ participants

- 1.1.14 **R**
- 1.1.15 **R** This chapter (except the *complaints record rule*, the *complaints reporting rules* and the *complaints data publication rules*) applies to *VJ participants* for *complaints* from *eligible complainants* as part of the *standard terms*.

1.1.16 **G** Although *VJ participants* are not required to comply with the *complaints record rule*, it is in their interest to retain records of *complaints* so that these can be used to assist the *Financial Ombudsman Service* should it be necessary.

1.1.17 **R**

1.1.18 **G**

Outsourcing of complaint handling.....

1.1.19 **G**

- (1) This chapter does not prevent:
 - (a) the use by a *respondent* of a third party administrator to handle or resolve *complaints* (or both); or
 - (b) two or more *respondents* arranging a one-stop shop for handling or resolving *complaints* (or both) under a service level agreement.
- (2) These arrangements do not affect *respondents'* obligations as set out in *DISP* or the provisions relating to *outsourcing* by a *firm* set out in ■ SYSC 8 and ■ SYSC 13.

1.1.20 **G** Further *guidance* on the application of this chapter is set out in the table in ■ DISP 1 Annex 2.

1.1A Complaints handling requirements for MiFID complaints

Application: Who? What?

- 1.1A.1** **R** This section:
- (1) applies to the *MiFID complaints* of a *MiFID investment firm* and does not apply to *complaints* that are not *MiFID complaints*;
 - (2) also applies to the *MiFID complaints* of a *third country investment firm* received from a *retail client* or an *elective professional client* but does not apply to *complaints* that are not *MiFID complaints*; and
 - (3) applies certain other provisions in ■ DISP 1 to such complaints.
- 1.1A.2** **R** For the *MiFID complaints* of a *third country investment firm*, the provisions marked "EU" shall apply as *rules*.
- 1.1A.3** **G** A *MiFID complaint* is, amongst other things, a complaint to which article 26 of the *MiFID Org Regulation* applies, being a complaint about:
- (1) the provision of *investment services* or *ancillary services* to a *client* by an *investment firm*;
 - (2) the provision of one or more *investment services* to a *client* by a *CRD credit institution*;
 - (3) selling *structured deposits* to *clients*, or advising clients on them, where the sale or advice is provided by an *investment firm* or a *CRD credit institution*;
 - (4) the activities permitted by article 6(3) of the *UCITS Directive* when carried on by a *collective portfolio management investment firm*; and
 - (5) the activities permitted by article 6(4) of the *AIFMD* when carried on by a *collective portfolio management investment firm*.
- [Note: see article 1(1), 1(3) and 1(4) of *MiFID*, and article 1 of the *MiFID Org Regulation*]
- 1.1A.4** **G** A *MiFID complaint* is also a complaint about the *equivalent business* of a *third country investment firm*.
- [Note: see articles 39 and 41 of *MiFID*]

- 1.1A.5** **G** In contrast to the other provisions in **■ DISP 1** which generally apply to *complaints* from *eligible complainants*, subject to **■ DISP 1.1A.6R**:
- (1) the obligations in this section that apply to the *MiFID complaints* of *MiFID investment firms*, apply to complaints from “clients” as defined in *MiFID* (which includes *retail clients*, *professional clients* and (in relation to *eligible counterparty business*) *eligible counterparties*; and
 - (2) the obligations in this section that apply to the *MiFID complaints* of *third country investment firms*, apply to complaints from *retail clients* and *elective professional clients*.

[Note: see recital (103) and article 4(1)(9) of *MiFID* for the definition of “client”]

- 1.1A.6** **R**
- (1) Only the provisions in this section marked “EU” and **■ DISP 1.1A.39R** apply to a *MiFID complaint* received from a *retail client*, *professional client* or an *eligible counterparty* that is not an *eligible complainant*.
 - (2) But where the *retail client*, *professional client* or *eligible counterparty* is also an *eligible complainant*, all of the provisions in this section apply.

Application: Where?

- 1.1A.7** **R** The table below sets out how **■ DISP 1.1A** applies to *MiFID complaints* relating to:

the activities of a *MiFID investment firm* carried on from an establishment in the *United Kingdom*;

the *equivalent business of a third country investment firm* where the complaint is received from a *retail client* or an *elective professional client*;

activities carried on from a *branch* of a *UK firm* in another *EEA State*; and

activities carried on from a *branch* of an *EEA firm* in the *United Kingdom*.

Table: Application of DISP 1.1A to the MiFID business of firms in the UK, and the equivalent business of third country investment firms, branches of UK firms and UK branches of EEA firms

(1) Provision	(2) Provision applies to the MiFID business of a firm carried on from an establishment in the UK?	(3) Provision applies to the equivalent third country business of a third country investment firm where the complaint is received from a retail client or an elective professional client?	(4) Provision applies to a branch of a UK firm in another EEA State?	(5) Provision applies to a branch of an EEA firm in the UK?
1.1A.10EU	Yes	Yes	Yes	Yes
1.1A.11R	Yes	Yes	No	Yes
1.1A.12EU	Yes	Yes	Yes	Yes
1.1A.13EU	Yes	Yes	Yes	Yes
1.1A.14G	Yes	Yes	Yes	No
1.1A.15G	Yes	Yes	Yes	No
1.1A.16EU	Yes	Yes	Yes	Yes
1.1A.17EU	Yes	Yes	Yes	Yes
1.1A.18EU	Yes	Yes	Yes	Yes
1.1A.19G	Yes	Yes	Yes	No
1.1A.20R	Yes	Yes	No	Yes
1.1A.21G	Yes	Yes	No	Yes
1.1A.22R	Yes	Yes	No	No
1.1A.23R	Yes	Yes	No	Yes
1.1A.24EU	Yes	Yes	Yes	Yes
1.1A.25EU	Yes	Yes	Yes	Yes
1.1A.26R	Yes	Yes	No	Yes
1.1A.27G	Yes	Yes	No	Yes
1.1A.28R	Yes	Yes	No	Yes
1.1A.29EU	Yes	Yes	Yes	Yes
1.1A.30EU	Yes	Yes	Yes	Yes
1.1A.31R	Yes	Yes	No	Yes
1.1A.32G	Yes	Yes	No	Yes
1.1A.33G	Yes	Yes	No	Yes
1.1A.34G	Yes	Yes	No	Yes
1.1A.35R	Yes	Yes	No	Yes
1.1A.36R	Yes	Yes	No	Yes
1.1A.37EU	Yes	Yes	Yes	Yes
1.1A.38EU	Yes	Yes	Yes	Yes
1.1A.39R	Yes	Yes	No	Yes
1.1A.40R	Yes	Yes	No	No
1.1A.41G	Yes	Yes	No	No

(1) Provision	(2) Provision applies to the MiFID business of a firm carried on from an establishment in the UK?	(3) Provision applies to the equivalent third country business of a third country investment firm where the complaint is received from a retail client or an elective professional client?	(4) Provision applies to a branch of a UK firm in another EEA State?	(5) Provision applies to a branch of an EEA firm in the UK?
1.1A.42R	No	No	Yes	No

Notes

(1) The provisions marked "EU" in the table are 'directly applicable' which means they apply to all *MiFID investment firms* in relation to *MiFID complaints* by virtue of the *MiFID Org Regulation*.

(2) This table should be read in conjunction with the *rules and guidance* in DISP 1.1A.1R to DISP 1.1A.6R.

Interpretation of this section

1.1A.8 **G** This section contains a number of provisions marked with the status letters "EU", which have been selectively reproduced from the *MiFID Org Regulation*.

1.1A.9 **G** References in column (1) to a word or phrase used in those provisions marked "EU" have the meaning indicated in column (2) of the table below:

(1)	(2)
"complaint"	<i>MiFID complaint</i>
"investment firm" and "firm"	<i>MiFID investment firm</i>

[Note: for the definition of "client" see recital (103) and article 4(1)(9) of *MiFID*]

Consumer awareness

1.1A.10 **EU** Investment firms shall publish the details of the process to be followed when handling a complaint. Such details shall include information about the complaints management policy and the contact details of the complaints management function. This information shall be provided to clients or potential clients, on request, or when acknowledging a complaint.

[Note: article 26(2) of the *MiFID Org Regulation*]

1.1A.11 **R** A *MiFID investment firm* must provide information to *eligible complainants*, in a clear, comprehensible and easily accessible way, about the *Financial Ombudsman Service* (including the *Financial Ombudsman Service's* website address):

(1) on its website, where one exists; and

(2) if applicable, in the general conditions of its contracts with *eligible complainants*.

[**Note:** subject to a few minor changes reflecting its amended application, this provision replicates ■ DISP 1.2.1R(4)]

[**Note:** article 13(2) of the *ADR Directive*, article 14(1) of the *ODR Regulation*, and regulation 19 of the *ADR Regulations*]

Complaints handling

- 1.1A.12 **EU** Investment firms shall establish, implement and maintain effective and transparent complaints management policies and procedures for the prompt handling of clients' or potential clients' complaints.
- [**Note:** first paragraph, article 26(1) of the *MiFID Org Regulation*]
- 1.1A.13 **EU** The complaints management policy shall provide clear, accurate and up-to-date information about the complaints-handling process. This policy shall be endorsed by the firm's management body.
- [**Note:** second paragraph, article 26(1) of the *MiFID Org Regulation*]
- 1.1A.14 **EU** The complaints management policy should be set out in a written document e.g. as part of a general fair treatment policy. It should be made available to all relevant staff of the *firm* through appropriate internal channels.
- [**Note:** guideline 1(b) and (c) of the complaints handling guidelines for the securities (*ESMA*) and banking (*EBA*) sectors. See <https://www.eba.europa.eu/documents/10180/732334/JC+2014+43+-+Joint+Committee+-+Final+report+complaints-handling+guidelines.pdf/312b02a6-3346-4dff-a3c4-41c987484e75>]
- 1.1A.15 **EU** The *firm's* senior management should be responsible for the implementation of the complaints management policy and for monitoring compliance with it.
- [**Note:** guideline 1(b) and (c) of the complaints handling guidelines for the securities (*ESMA*) and banking (*EBA*) sectors. See <https://www.eba.europa.eu/documents/10180/732334/JC+2014+43+-+Joint+Committee+-+Final+report+complaints-handling+guidelines.pdf/312b02a6-3346-4dff-a3c4-41c987484e75>]
- 1.1A.16 **EU** Investment firms shall enable clients and potential clients to submit complaints free of charge.
- [**Note:** article 26(2) of the *MiFID Org Regulation*]
- 1.1A.17 **EU** Investment firms shall establish a complaints management function responsible for the investigation of complaints. This function may be carried out by the compliance function.
- [**Note:** article 26(3) of the *MiFID Org Regulation*]

1.1A.18 **EU** Investment firms' compliance function shall analyse complaints and complaints-handling data to ensure that they identify and address any risks or issues.

[Note: article 26(7) of the *MiFID Org Regulation*]

1.1A.19 **G** *MiFID complaints* should be handled effectively and in an independent manner.

[Note: recital (38) of the *MiFID Org Regulation*]

Complaints resolution

1.1A.20 **R** Once a *MiFID complaint* has been received by a *MiFID investment firm*, the *firm* must:

- (1) investigate the complaint competently, diligently and impartially, obtaining additional information as necessary;
- (2) 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; and
 - (d) if appropriate, whether it has reasonable grounds to be satisfied that another respondent may be solely or jointly responsible for the matter alleged in the complaint; and
- (3) comply promptly with any offer of remedial action or redress accepted by the complainant.

[Note: subject to a few minor changes reflecting its amended application, this provision replicates ■ DISP 1.4.1R(1), ■ (2) and ■ (5).]

1.1A.21 **G** Factors that may be relevant in the assessment of a *MiFID complaint* under ■ DISP 1.1A.20R(2) include the following:

- (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 *MiFID investment firm*.

[Note: subject to a few minor changes reflecting its amended application, this provision replicates ■ DISP 1.4.2G.]

1.1A.22 **R** Where a *MiFID complaint* against a *MiFID investment firm* is referred to the *Financial Ombudsman Service*, the *MiFID investment firm* must cooperate

fully with the *Financial Ombudsman Service* and comply promptly with any settlements or awards made by it.

[**Note:** subject to a few minor changes reflecting its amended application, this provision replicates ■ DISP 1.4.4R.]

Complaints resolved by close of the third business day

1.1A.23 **R** If a *MiFID investment firm* resolves a *MiFID complaint* by close of business on the third *business day* following the day on which it is received, it may choose to comply with ■ DISP 1.1A.24EU to ■ DISP 1.1A.27G rather than with ■ DISP 1.1A.28R to ■ DISP 1.1A.34G.

1.1A.24 **EU** When handling a complaint, investment firms shall communicate with clients or potential clients clearly, in plain language that is easy to understand and shall reply to the complaint without undue delay.

[**Note:** article 26(4) of the *MiFID Org Regulation*]

1.1A.25 **EU** Investment firms shall communicate the firm's position on the complaint to clients or potential clients and inform the clients or potential clients about their options, including that they may be able to refer the complaint to an alternative dispute resolution entity, as defined in Article 4(h) of Directive 2013/11/EU of the European Parliament and Council on consumer ADR or that the client may be able to take civil action.

[**Note:** article 26(5) of the *MiFID Org Regulation*. See the *ADR Directive* at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0063:0079:EN:PDF>]

1.1A.26 **R** The explanation given by *MiFID investment firms* to *clients* or potential clients in accordance with ■ DISP 1.1A.25EU must also:

- (1) refer to the fact that the complainant has made a *MiFID complaint* and inform the complainant that the *MiFID investment firm* now considers the *MiFID complaint* to have been resolved;
- (2) inform the complainant that if, still dissatisfied with the resolution of the *MiFID complaint*, the complainant may be able to refer it to the *Financial Ombudsman Service*;
- (3) indicate whether or not the *respondent* consents to waiving the relevant time limits in ■ DISP 2.8.2R or ■ DISP 2.8.7R (Was the complaint referred to the Financial Ombudsman Service in time?) by including the appropriate wording set out in ■ DISP 1 Annex 3R;
- (4) provide the website address of the *Financial Ombudsman Service*; and
- (5) refer to the availability of further information on the website of the *Financial Ombudsman Service*.

[**Note:** article 13 of the *ADR Directive*]

1.1A.27 **G** The information regarding the *Financial Ombudsman Service* required to be provided in a communication sent under ■ DISP 1.1A.25EU and referred to in

■ DISP 1.1A.26R should be set out clearly, comprehensibly, in an easily accessible way and prominently within the text of those responses.

[Note: article 13 of the *ADR Directive*]

Complaints time limits

1.1A.28 **R** On receipt of a *MiFID complaint*, a *MiFID investment firm* must:

- (1) send the complainant a prompt written acknowledgement providing early reassurance that it has received the *MiFID complaint* and is dealing with it; and
- (2) ensure the complainant is kept informed thereafter of the progress of the measures being taken for the *MiFID complaint's* resolution.

[Note: subject to a few minor changes reflecting its amended application, this provision replicates ■ DISP 1.6.1R.]

1.1A.29 **EU** When handling a complaint, investment firms shall communicate with clients or potential clients clearly, in plain language that is easy to understand and shall reply to the complaint without undue delay.

[Note: article 26(4) of the *MiFID Org Regulation*]

1.1A.30 **EU** Investment firms shall communicate the firm's position on the complaint to clients or potential clients and inform the clients or potential clients about their options, including that they may be able to refer the complaint to an alternative dispute resolution entity, as defined in Article 4(h) of Directive 2013/11/EU of the European Parliament and Council on consumer ADR or that the client may be able to take civil action.

[Note: article 26(5) of the *MiFID Org Regulation*. See the *ADR Directive* at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0063:0079:EN:PDF>]

1.1A.31 **R** The explanation given by *MiFID investment firms* to *clients* or potential *clients* in accordance with ■ DISP 1.1A.30EU must also:

- (1) enclose a copy of the *Financial Ombudsman Service's* standard explanatory leaflet;
- (2) provide the website address of the *Financial Ombudsman Service*;
- (3) inform the complainant that if, still dissatisfied with the *respondent's* response, the *complaint* may now be referred to the *Financial Ombudsman Service*; and
- (4) indicate whether or not the *respondent* consents to waiving the relevant time limits in ■ DISP 2.8.2R or ■ DISP 2.8.7R (Was the complaint referred to the Financial Ombudsman Service in time?) by including the appropriate wording set out in ■ DISP 1 Annex 3R.

[Note: article 13 of the *ADR Directive*]

1.1A.32 **G** The information regarding the *Financial Ombudsman Service* required to be provided in a *final response* sent under **DISP 1.1A.30EU** and referred to in **DISP 1.1A.31R** should be set out clearly, comprehensibly, in an easily accessible way and prominently within the text of those responses.

[**Note:** article 13 of the *ADR Directive*]

1.1A.33 **G** When assessing a *MiFID investment firm's* response to a *MiFID complaint*, the *FCA* may have regard to a number of factors, including, the quality of response, as against the above rules, as well as the speed with which it was made.

[**Note:** subject to a few minor changes reflecting its amended application, this provision replicates **DISP 1.6.8G**]

1.1A.34 **G** **DISP 2.8.1R** sets out the circumstances in which the *Ombudsman* can consider a *complaint*, including where eight weeks have elapsed since its receipt by the *MiFID investment firm* and where the *MiFID investment firm* consents (subject to the other requirements of **DISP 2.8.1R(4)**).

Complaints forwarding

1.1A.35 **R** **DISP 1.7** also applies to a *MiFID complaint* received by a *MiFID investment firm*.

Complaints time barring

1.1A.36 **R** If a *MiFID investment firm* receives a *MiFID complaint* which is outside the time limits for referral to the *Financial Ombudsman Service* (see **DISP 2.8**) it may reject the *MiFID complaint* without considering the merits, but must explain this to the complainant in a *final response*.

[**Note:** subject to a few minor changes reflecting its amended application, this provision replicates **DISP 1.8**]

Complaints records

1.1A.37 **EU** Investment firms shall keep a record of the complaints received and the measures taken for their resolution.

[**Note:** article 26(1) of the *MiFID Org Regulation*; see also article 72 of the *MiFID Org Regulation* regarding the retention of records]

Complaints reporting

1.1A.38 **EU** Investment firms shall provide information on complaints and complaints-handling to the relevant competent authorities and, where applicable under national law, to an alternative dispute resolution (ADR) entity.

[**Note:** article 26(6) of the *MiFID Org Regulation*]

1.1A.39 **R** The *complaints reporting rules* also apply to the *MiFID complaints* of a *firm*, except that the relevant parts of the report which the *firm* must provide to the *FCA* under **DISP 1.10.1R** must, in relation to *MiFID complaints*, include information about such complaints received from *retail clients*, *professional*

clients, and (where relevant) eligible counterparties rather than eligible complainants.

Complaints data publication

1.1A.40 **R** The *complaints data publication rules* apply to the *MiFID complaints* of a *firm*.

1.1A.41 **G** The effect of the *complaints data publication rules* and **■ DISP 1.1A.37EU** is that, for the purposes of complying with those *rules*, a *firm's complaints data summary* should include relevant data about any *MiFID complaints* received by the *firm*.

ADR entities and branches of UK MiFID investment firms in other EEA States

1.1A.42 **R** A *branch of a UK MiFID investment firm* in another *EEA State* must adhere to one or more relevant *ADR entities* in that *EEA State* in respect of *consumer disputes concerning investment services and ancillary services*.

[**Note:** article 75 of *MiFID*]

1.2 Consumer awareness rules

Publishing and providing summary details, and information about the Financial Ombudsman Service

1.2.1

R

To aid consumer awareness of the protections offered by the provisions in this chapter, *respondents* must:

- (1) publish appropriate information regarding their internal procedures for the reasonable and prompt handling of *complaints*;
- (2) refer *eligible complainants* to the availability of this information:
 - (a) in relation to a *payment service*, in the information on out-of-court complaint and redress procedures required to be provided or made available under regulations 43(2)(e) (Information required prior to the conclusion of a single payment service contract) or 48 (Prior general information for framework contracts) of the *Payment Services Regulations*; or
 - (aa) in relation to *CBTL arrangers*, in the information on registering complaints internally and out-of-court complaint and redress procedures provided under article 7(1)(h) of Schedule 2 to the *MCD Order*; or
 - (b) otherwise, in writing at, or immediately after, the point of sale ; and
 - (c) in relation to a *payment service*, at the *branch* where the service is provided;
- (3) provide such information in writing and free of charge to *eligible complainants*:
 - (a) on request; and
 - (b) when acknowledging a *complaint*; and
- (4) provide information to *eligible complainants*, in a clear, comprehensible and easily accessible way, about the *Financial Ombudsman Service* including the *Financial Ombudsman Service's* website address:
 - (a) on the *respondent's* website, where one exists; and
 - (b) if applicable, in the general conditions of the *respondent's* contract with the *eligible complainant*.

[**Note:** article 15 of the *UCITS Directive*, article 13(2) of the *ADR Directive*, article 14(1) of the *ODR Regulation*, regulation 19 of the *ADR Regulations* and article 101 of the *Payment Services Directive*]

1.2.2 **R** Where the activity does not involve a sale, the obligation in **■ DISP 1.2.1R(2)(b)**:

- (1) shall apply at, or immediately after, the point when contact is first made with an *eligible complainant*; and
- (2) where the *respondent* is a *not-for-profit debt advice body*:
 - (a) may be met at, or immediately after, the point when contact is first made with an *eligible complainant*, by making an oral reference to the availability of the information if the *respondent* does not communicate with the *eligible complainant* in writing then; and
 - (b) must be met in writing on the first occasion on which the *respondent* communicates with the *eligible complainant* in writing.

1.2.2A **G** If an *MCD credit intermediary* has, before or at the point of sale, provided an *eligible complainant* with appropriate information in a *durable medium* about their internal procedures for the reasonable and prompt handling of *complaints* pursuant to another *rule*, the *MCD credit intermediary* need not refer to the availability of that information again under **■ DISP 1.2.1R(2)(b)**.

1.2.2B **R** To the extent that it applies to an *EMD complaint* or a *PSD complaint*, the information specified in **■ DISP 1.2.1R** must be available in an official language of each such *EEA State* where the *respondent* offers *payment services* or issues *electronic money*, or in another language if agreed between the *respondent* and the *payment service user* or *electronic money holder*.
[Note: article 101 of the *Payment Services Directive*]

Content of summary details

1.2.3 **G** The summary details concerning internal complaints handling procedures should cover at least:

- (1) how the *respondent* fulfils its obligation to handle and seek to resolve relevant *complaints*; and
- (2) (where the *complaint* falls within the jurisdiction of the *Financial Ombudsman Service*) that, if the *complaint* is not resolved, the complainant may be entitled to refer it to the *Financial Ombudsman Service*.

1.2.4 **G** Those summary details may be set out in a leaflet, and their availability may be referred to in contractual documentation.

Financial Ombudsman Service logo

1.2.5 **G** *Respondents* may also display or reproduce the *Financial Ombudsman Service* logo (under licence) in:

- (1) branches and sales offices to which *eligible complainants* have access; or

(2) marketing literature or correspondence directed at *eligible complainants*;

provided it is done in a way which is not misleading.

1.2.5A **G** ■ DISP 1.2.5 G does not apply to a *branch of a UK UCITS management company* in another *EEA State*.

The Pensions Ombudsman

1.2.6 **G** Where *respondents* are required to provide information in relation to the *Financial Ombudsman Service*, they may also, where relevant, do so in relation to the *Pensions Ombudsman* on the same basis as set out in ■ DISP 1.2.1(4)R and ■ DISP 1.2.3G.

1.2.7 **G** Where *respondents* are permitted to display or reproduce the *Financial Ombudsman Service* logo, they may, where relevant, also display or reproduce the *Pensions Ombudsman* logo (with consent) on the same basis as set out in ■ DISP 1.2.5G.

1.3 Complaints handling rules

Complaints handling procedures for respondents

1.3.1 **R** Effective and transparent procedures for the reasonable and prompt handling of *complaints* must be established, implemented and maintained by:

- (1) a *respondent*; and
- (2) a *branch* of a *UK firm* in another *EEA State*.

[**Note:** article 6(1) of the *UCITS implementing Directive*]

Call charges

1.3.1A **R** These procedures must ensure that a *complaint* may be made free of charge.

[**Note:** article 6(3) of the *UCITS implementing Directive*]

1.3.1AA **R** Where a *respondent* operates a telephone line for the purpose of enabling an *eligible complainant* to submit a *complaint*, the complainant must not be bound to pay more than the basic rate when contacting the *respondent* by telephone.

1.3.1AB **R** For the purposes of **■ DISP 1.3.1AAR** the basic rate is the simple cost of connection and must not provide the *respondent* with a contribution to its costs or revenues.

1.3.1AC **R** The following numbers, if used by a *respondent*, would comply with **■ DISP 1.3.1ABR**:

- (1) geographic numbers or numbers which are always set at the same rate, which usually begin with the prefix 01, 02 or 03;
- (2) calls which can be free of charge to call, for example 0800 and 0808 numbers; and
- (3) standard mobile numbers, which usually begin with the prefix 07, provided that the *respondent* ordinarily uses a mobile number to receive telephone calls.

- 1.3.1AD** **R** The following numbers, if used by a *respondent*, would not comply with **■ DISP 1.3.1ABR**:
- (1) premium rate numbers that begin with the prefix 09;
 - (2) other revenue sharing numbers in which a portion of the call charge can be used to either provide a service or make a small payment to the *respondent*, such as telephone numbers that begin with the prefix 084 or 0871, 0872 or 0873; and
 - (3) telephone numbers that begin with the prefix 0870, as the cost of making a telephone call on such numbers can be higher than a geographic cost and will vary depending on the *eligible complainant's* telephone tariff.

Particular procedures for UCITS management companies

- 1.3.1B** **R** A UK UCITS management company must ensure that the procedures it establishes under **■ DISP 1.3.1 R** for the reasonable and prompt handling of *complaints* require that:

- (1) there are no restrictions on *Unitholders* exercising their rights in the event that the UCITS is authorised in an EEA State other than the United Kingdom; and
- (2) *Unitholders* are allowed to file complaints in any of the official languages of the Home State of the UCITS scheme or EEA UCITS scheme or of any EEA State to which a notification has been transmitted by the competent authority of the scheme's Home State in accordance with article 93 of the UCITS Directive.

[Note: article 15 of the UCITS Directive]

Further requirements for all respondents

- 1.3.2** **G** These procedures should:
- (1) allow *complaints* to be made by any reasonable means; and
 - (2) recognise *complaints* as requiring resolution.
- 1.3.2A** **G** These procedures should, taking into account the nature, scale and complexity of the *respondent's* business, ensure that lessons learned as a result of determinations by the *Ombudsman* are effectively applied in future *complaint* handling, for example by:
- (1) relaying a determination by the *Ombudsman* to the individuals in the *respondent* who handled the *complaint* and using it in their training and development;
 - (2) analysing any patterns in determinations by the *Ombudsman* concerning *complaints* received by the *respondent* and using this in training and development of the individuals dealing with *complaints* in the *respondent*; and

		(3) analysing guidance produced by the <i>FCA</i> , other relevant regulators and the <i>Financial Ombudsman Service</i> and communicating it to the individuals dealing with <i>complaints</i> in the <i>respondent</i> .
1.3.3	R	<p>A <i>respondent</i> must put in place appropriate management controls and take reasonable steps to ensure that in handling <i>complaints</i> it identifies and remedies any recurring or systemic problems, for example, by:</p> <ol style="list-style-type: none"> (1) analysing the causes of individual <i>complaints</i> so as to identify root causes common to types of <i>complaint</i>; (2) considering whether such root causes may also affect other processes or products, including those not directly complained of; and (3) correcting, where reasonable to do so, such root causes.
1.3.3B	G	<p>The processes that a <i>firm</i> or <i>CBTL firm</i> should have in place in order to comply with ■ DISP 1.3.3 R may include, taking into account the nature, scale and complexity of the <i>firm's</i> or <i>CBTL firm's</i> business including, in particular, the number of <i>complaints</i> the <i>firm</i> or <i>CBTL firm</i> receives:</p> <ol style="list-style-type: none"> (1) the collection of management information on the causes of <i>complaints</i> and the products and services <i>complaints</i> relate to, including information about <i>complaints</i> that are resolved by the <i>firm</i> by close of business on the third <i>business day</i> following the day on which it is received; (2) a process to identify the root causes of <i>complaints</i> (■ DISP 1.3.3 R (1)); (3) a process to prioritise dealing with the root causes of <i>complaints</i>; (4) a process to consider whether the root causes identified may affect other processes or products (■ DISP 1.3.3 R (2)); (5) a process for deciding whether root causes discovered should be corrected and how this should be done (■ DISP 1.3.3 R (3)); (6) regular reporting to the <i>senior personnel</i> 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 (7) keeping records of analysis and decisions taken by <i>senior personnel</i> in response to management information on the root causes of <i>complaints</i>.
1.3.4	G	[deleted]
1.3.5	G	[deleted]
1.3.6	G	Where a <i>firm</i> identifies (from its <i>complaints</i> or otherwise) recurring or systemic problems in its provision of, or failure to provide, a financial service or <i>claims management service</i> , it should (in accordance with <i>Principle 6</i>

(Customers' interests) and to the extent that it applies) consider whether it ought to act with regard to the position of *customers* who may have suffered detriment from, or been potentially disadvantaged by, such problems but who have not complained and, if so, take appropriate and proportionate measures to ensure that those *customers* are given appropriate redress or a proper opportunity to obtain it. In particular, the *firm* should:

- (1) ascertain the scope and severity of the consumer detriment that might have arisen; and
- (2) consider whether it is fair and reasonable for the *firm* to undertake proactively a redress or remediation exercise, which may include contacting *customers* who have not complained.

1.3.7

R

- (1) A *firm* must appoint an individual at the *firm*, or in the same *group* as the *firm*, to have responsibility for oversight of the *firm's* compliance with ■ DISP 1.
- (2) The individual appointed must be carrying out a *FCA governing function* at the *firm* or in the same *group* as the *firm*.
- (3) If there are no individuals at the *firm* or in the same *group* as the *firm* within (2), the *firm* must appoint an individual of appropriate seniority.
- (4) A *person* approved to perform the *apportionment and oversight function* for the *firm* or for a *firm* in the same *group* as the *firm* satisfies the condition in (3).

1.3.8

G

Firms are not required to notify the name of the individual to the *FCA* or the *Financial Ombudsman Service* but would be expected to do so promptly on request. There is no bar on a *firm* appointing different individuals to have the responsibility at different times where this is to accommodate part-time or flexible working.

1.4 Complaints resolution rules

Investigating, assessing and resolving complaints

1.4.1

R

Once a *complaint* has been received by a *respondent*, it must:

- (1) investigate the *complaint* competently, diligently and impartially, obtaining additional information as necessary;
- (2) 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 it has 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) offer redress or remedial action when it decides this is appropriate;
- (4) explain to the complainant promptly and, in a way that is fair, clear and not misleading, its assessment of the *complaint*, its decision on it, and any offer of remedial action or redress; and
- (5) comply promptly with any offer of remedial action or redress accepted by the complainant.

1.4.2

G

Factors that may be relevant in the assessment of a *complaint* under ■ DISP 1.4.1R (2) include the following:

- (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* (procedures for which are described in ■ DISP 1.3.2A G).

1.4.3 **G** The *respondent* should aim to resolve *complaints* at the earliest possible opportunity, minimising the number of unresolved *complaints* which need to be referred to the *Financial Ombudsman Service*.

Co-operating with the Financial Ombudsman Service

1.4.4 **R** Where a *complaint* against a *respondent* is referred to the *Financial Ombudsman Service*, the *respondent* must cooperate fully with the *Financial Ombudsman Service* and comply promptly with any settlements or awards made by it.

Mortgage endowment complaints

1.4.5 **G** ■ DISP App 1 contains *guidance* to *respondents* on the approach to assessing financial loss and appropriate redress where a *respondent* upholds a *complaint* concerning the sale of an endowment policy for the purposes of repaying a *mortgage*.

Payment protection insurance complaints

1.4.6 **G** ■ DISP App 3 sets out the approach which *respondents* should use in assessing *complaints* relating to the sale of *payment protection contracts* and determining appropriate redress where a *complaint* is upheld. It also requires *firms* to send a written communication to complainants in certain circumstances (see ■ DISP App 3.11).



1.5 Complaints resolved by close of the third business day

1.5.1 **R** The following *rules* do not apply to a *complaint* that is resolved by a *respondent* by close of business on the third *business day* following the day on which it is received:

- (1) the *complaints time limit rules*; and
- (2) the *complaints forwarding rules*.
- (3) [deleted]
- (4) [deleted]
- (5) [deleted]

1.5.2 **G** *Complaints* falling within this section are still subject to the *complaints resolution rules*.

When a complaint is resolved

1.5.2A **R** A *complaint* is resolved where the complainant has indicated acceptance of a response from the *respondent*, with neither the response nor acceptance having to be in writing.

1.5.3 **G** [deleted]

Summary resolution communication

1.5.4 **R** Where the *respondent* considers a *complaint* to be resolved under this section, the *respondent* must promptly send the complainant a 'summary resolution communication', being a written communication from the *respondent* which:

- (1) refers to the fact that the complainant has made a *complaint* and informs the complainant that the *respondent* now considers the *complaint* to have been resolved;
- (2) tells the complainant that if he subsequently decides that he is dissatisfied with the resolution of the *complaint* he may be able to refer the *complaint* to the *Financial Ombudsman Service*;

- (3) indicates whether or not the respondent consents to waive the relevant time limits in ■ DISP 2.8.2R or ■ DISP 2.8.7R (Was the complaint referred to the Financial Ombudsman Service in time?) by including the appropriate wording set out in ■ DISP 1 Annex 3R;
- (4) provides the website address of the *Financial Ombudsman Service*; and
- (5) refers to the availability of further information on the website of the *Financial Ombudsman Service*.

[Note: article 13 of the *ADR Directive*]

- 1.5.5 G The information regarding the *Financial Ombudsman Service* required to be provided in a *summary resolution communication* should be set out clearly, comprehensibly, in an easily accessible way and prominently, within the text of those responses.
- 1.5.5A G A *respondent* may, where relevant, in a *summary resolution communication* (■ DISP 1.5.4R) refer to the availability of the *Pensions Ombudsman*, in addition to the *Financial Ombudsman Service*, by including the wording set out in ■ DISP 1 Annex 4G.
- 1.5.6 G In addition to sending a complainant a *summary resolution communication*, a *respondent* may also use other methods to communicate the information referred to in ■ DISP 1.5.4R(1) to (5) where–
 - (1) the *respondent* considers that doing so may better meet the complainant's needs; or
 - (2) the complainant and *respondent* have already been using another method to communicate about the *complaint*.
- 1.5.7 G An example of ■ DISP 1.5.6G(1) may be where a *respondent* is aware that a complainant is visually impaired. An example of ■ DISP 1.5.6G(2) may be where a *respondent* has been communicating with a complainant about a *complaint* by telephone.

1.6 Complaints time limit rules

Keeping the complainant informed

- 1.6.1 **R** On receipt of a *complaint*, a *respondent* must:
- (1) send the complainant a prompt written acknowledgement providing early reassurance that it has received the *complaint* and is dealing with it; and
 - (2) ensure the complainant is kept informed thereafter of the progress of the measures being taken for the *complaint's* resolution.

- 1.6.1A **G** To the extent that a *complaint* is in part an *EMD complaint* or a *PSD complaint* and the *respondent* has chosen to deal with it in parts, keeping the complainant informed of progress includes informing the complainant that this is the approach that the *respondent* will take.

Final or other response within eight weeks

- 1.6.2 **R** Subject to **DISP 1.6.2AR**, the *respondent* must, by the end of eight weeks after its receipt of the *complaint*, send the complainant:
- (1) a 'final response', being a written response from the *respondent* which:
 - (a) accepts the *complaint* and, where appropriate, offers redress or remedial action; or
 - (b) offers redress or remedial action without accepting the *complaint*; or
 - (c) rejects the *complaint* and gives reasons for doing so;and which:
 - (d) encloses a copy of the *Financial Ombudsman Service's* standard explanatory leaflet;
 - (da) provides the website address of the *Financial Ombudsman Service*;
 - (e) 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
 - (f) indicates whether or not the *respondent* consents to waive the relevant time limits in **DISP 2.8.2 R** or **DISP 2.8.7 R** (Was the complaint referred to the Financial Ombudsman Service in time?)

by including the appropriate wording set out in ■ DISP 1 Annex 3R; or

[**Note:** *respondents* are reminded of their obligations under regulation 19 of the *ADR Regulations*, which requires *respondents* to provide equivalent messaging in respect of the time limit in ■ DISP 2.8.9R (Payment protection insurance complaints)]

- (2) a written response which:
- (a) explains why it is not in a position to make a *final response* and indicates when it expects to be able to provide one;
 - (b) informs the complainant that he may now refer the *complaint* to the *Financial Ombudsman Service*;
 - (ba) indicates whether or not the *respondent* consents to waive the relevant time limits in ■ DISP 2.8.2 R or ■ DISP 2.8.7 R (Was the complaint referred to the Financial Ombudsman Service in time?) if it becomes apparent that the complaint has been made or is referred outside those time limits;
 - (c) encloses a copy of the *Financial Ombudsman Service* standard explanatory leaflet; and
 - (d) provides the website address of the *Financial Ombudsman Service*.

[**Note:** article 13 of the *ADR Directive*]

EMD and PSD Complaints

1.6.2A

R

Where a *complaint* is an *EMD complaint* or a *PSD complaint*, the *respondent* must:

- (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*.

A *final response* sent under (1) or (2) above must be on paper, or if agreed between the *respondent* and the complainant, on another *durable medium*.

[**Note:** article 101 of the *Payment Services Directive*]

1.6.2B

R

Where only part of a *complaint* is an *EMD complaint* or a *PSD complaint*, that part must be treated in accordance with ■ DISP 1.6.2AR.

1.6.2C

R

As the time limits in ■ DISP 1.6.2AR are shorter than those in ■ DISP 1.6.2R a *respondent* may choose to treat the whole *complaint* in accordance with ■ DISP 1.6.2AR (see also ■ DISP 2.8AR).

1.6.3 **G** [deleted]

Complainant's written acceptance

1.6.4 **R** ■ DISP 1.6.2 R does not apply if the complainant has already indicated in writing acceptance of a response by the *respondent*, provided that the response:

- (1) informed the complainant how to pursue his *complaint* with the *respondent* if he remains dissatisfied;
- (2) referred to the ultimate availability of the *Financial Ombudsman Service* if he remains dissatisfied with the *respondent's* response;
- (3) enclosed a copy of the *Financial Ombudsman Service* standard explanatory leaflet;
- (4) provided the website address of the *Financial Ombudsman Service*; and
- (5) indicated whether or not the *respondent* consents to waive the relevant time limits in ■ DISP 2.8.2 R or ■ DISP 2.8.7 R (Was the complaint referred to the Financial Ombudsman Service in time?) by including the appropriate wording set out in ■ DISP 1 Annex 3 R.

1.6.4A **G** ■ DISP 1.6.4R does not affect the requirements imposed by ■ DISP 1.6.2AR. Where a *complaint* is an *EMD complaint* or a *PSD complaint* and ■ DISP 1.6.2AR applies a final response must always be sent unless ■ DISP 1.5.1R applies.

1.6.5 **R** [deleted]

1.6.6 **R** [deleted]

1.6.6A **G** The information regarding the *Financial Ombudsman Service*, required to be provided in responses sent under the *complaints time limit rules* (■ DISP 1.6.2 R, ■ DISP 1.6.2AR and ■ DISP 1.6.4 R), should be set out clearly, comprehensibly, in an easily accessible way and prominently within the text of those responses.
 [Note: article 13 of the *ADR Directive*]

1.6.6B **G** A *respondent* may, where relevant, in a response sent under the *complaints time limits rules* (■ DISP 1.6.2R and ■ DISP 1.6.4R) refer to the availability of the *Pensions Ombudsman*, in addition to the *Financial Ombudsman Service*, by including the wording set out in ■ DISP 1 Annex 4G.

Speed and quality of response

1.6.7 **G** It is expected that within eight weeks of their receipt, almost all *complaints* to a *respondent* will have been substantively addressed by it through a *final response* or response as described in ■ DISP 1.6.4 R.

1.6.8

G

When assessing a *respondent's* response to a *complaint*, the *FCA* may have regard to a number of factors, including, the quality of response, as against the *complaints resolution rules*, as well as the speed with which it was made.



1.7 Complaints forwarding rules

Forwarding a complaint

1.7.1

R

A *respondent* that has reasonable grounds to be satisfied that another *respondent* may be solely or jointly responsible for the matter alleged in a *complaint* may forward the *complaint*, or the relevant part of it, in writing to that other *respondent*, provided it:

- (1) does so promptly;
- (2) informs the complainant promptly in a *final response* of why the *complaint* has been forwarded by it to the other *respondent*, and of the other *respondent's* contact details; and
- (3) where jointly responsible for the fault alleged in the *complaint*, it complies with its own obligations under this chapter in respect of that part of the *complaint* it has not forwarded.

Dealing with a forwarded complaint

1.7.2

R

When a *respondent* receives a *complaint* that has been forwarded to it under **■** DISP 1.7.1 R, the *complaint* is treated for the purposes of *DISP* as if made directly to that *respondent*, and as if received by it when the forwarded *complaint* was received.

1.7.3

G

On receiving a forwarded *complaint*, the standard time limits will apply from the date on which the *respondent* receives the forwarded *complaint*.

1.8 Complaints time barring rule

1.8.1

R

If a *respondent* receives a *complaint* which is outside the time limits for referral to the *Financial Ombudsman Service* (see ■ DISP 2.8) it may reject the complaint without considering the merits, but must explain this to the complainant in a *final response* in accordance with ■ DISP 1.6.2 R or ■ DISP 1.6.2AR.



1.9 Complaints record rule

1.9.1

R

A firm, including, in the case of *collective portfolio management services for a UCITS scheme or an EEA UCITS scheme*, a branch of a UK firm in another EEA State, a payment service provider or an e-money issuer, must keep a record of each *complaint* received and the measures taken for its resolution, and retain that record for:

- (1) at least five years where the *complaint* relates to *collective portfolio management services for a UCITS scheme or an EEA UCITS scheme*; and
- (2) three years for all other *complaints*;

from the date the *complaint* was received.

Note: article 6(2) of the *UCITS implementing Directive*]

1.9.2

G

The records of the measures taken for resolution of *complaints* may be used to assist with the collection of management information pursuant to **■ DISP 1.3.3BG(1)** and regular reporting to the *senior personnel* pursuant to **■ DISP 1.3.3BG(6)**.

1.10 Complaints reporting rules

- 1.10.1** **R** (1) Unless (2) applies, twice a year a *firm* must provide the FCA with a complete report concerning *complaints* received from *eligible complainants*.
- (2) If a *firm*:
- (a) has *permission* to carry on only *credit-related regulated activities* or *operating an electronic system in relation to lending* and has revenue arising from those activities that is less than or equal to £5,000,000 a year; or
 - (b) has *permission* to carry on only *regulated claims management activities*;
- the *firm* must provide the FCA with a complete report concerning *complaints* received from *eligible complainants* once a year.
- (3) The report required by (1) and (2) must be set out in the format in:
- (a) ■ DISP 1 Annex 1R, in respect of *complaints* which do not relate to *regulated claims management activity* or any activity ancillary to *regulated claims management activity*; and
 - (b) ■ DISP 1 Annex 1ABR, in respect of *complaints* relating to *regulated claims management activity* or any activity ancillary to *regulated claims management activity*.
- (4) Paragraphs (1) and (2) do not apply to a *firm* with only a *limited permission* unless that *firm* is a *not-for-profit debt advice body* that at any point in the last 12 *months* has held £1 million or more in *client money* or as the case may be, projects that it will hold £1million or more in *client money* in the next 12 *months*.
- 1.10.1-A** **G** A *firm* with only a *limited permission* to whom ■ DISP 1.10.1R(1) and (2) do not apply is required to submit information to the FCA about the number of *complaints* it has received in relation to *credit-related activities* under the reporting requirements in ■ SUP 16.12 (see, in particular, data item CCR007 in ■ SUP 16.12.29CR). A *firm* with *limited permission* to whom ■ DISP 1.10.1R (1) and (2) do not apply is also subject to the *complaints data publication rules* in ■ DISP 1.10A.
- 1.10.1A** **R** **Forwarded complaints**
 A *firm* must not include in the report a *complaint* that has been forwarded in its entirety to another *respondent* under the *complaints forwarding rules*.

1.10.1B **G** Where a *firm* has forwarded to another *respondent* only part of a *complaint* or where two *respondents* may be jointly responsible for a *complaint*, then the *complaint* should be reported by both *firms*.

Joint reports

1.10.1C **R** *Firms* that are part of a *group* may submit a joint report to the *FCA*. The joint report must contain the information required from all *firms* concerned and clearly indicate the *firms* on whose behalf the report is submitted. The requirement to provide a report, and the responsibility for the report, remains with each *firm* in the *group*.

1.10.1D **G** Not all the *firms* in the *group* need to submit the report jointly. *Firms* should only consider submitting a joint report if it is logical to do so, for example, where the *firms* have a common central *complaints* handling team, the same *accounting reference date* and are all subject to the same reporting frequencies and submission deadlines.

Information requirements

1.10.2 **R**

- (1) Where a *firm* receives less than 500 *complaints* in a reporting period, Part A-1 of ■ **DISP 1 Annex 1** requires, for the relevant reporting period and in respect of particular categories of products:
 - (a) in Table 1, information about the total number of *complaints* received by the *firm* and the cause of the *complaint*;
 - (b) in Table 2, information about the number of *complaints* that were:
 - (i) closed or upheld within different periods of time; and
 - (ii) the total amount of redress paid by the *firm* in relation to *complaints* upheld and not upheld in the relevant reporting period; and
 - (c) in Table 3, information providing context about the *complaints* received.
- (2) Where a *firm* receives 500 or more *complaints* in a reporting period, Part A-2 of ■ **DISP 1 Annex 1** requires, for the relevant reporting period and in respect of particular categories of products:
 - (a) in Table 4, information about the total number of *complaints* received by the *firm* and the cause of the *complaint*;
 - (b) in Table 5, information about the number of *complaints* that were:
 - (i) closed or upheld within different periods of time; and
 - (ii) the amount of redress paid by the *firm* in relation to *complaints* upheld and not upheld in the relevant reporting period; and
 - (c) in Table 6, information providing context about the *complaints* received.

1.10.2-A **R** Part B of ■ **DISP 1 Annex 1R** requires (for the relevant reporting period) information about:

- (1) the total number of *complaints* received by the *firm*;
- (2) the total number of *complaints* closed by the *firm*;
- (3) the total number of *complaints*:
 - (a) upheld by the *firm* in the reporting period; and
 - (b) outstanding at the beginning of the reporting period; and
- (4) the total amount of redress paid in respect of *complaints* during the reporting period.

1.10.2A **R**

- (1) Twice a year a *firm* must provide the FCA with a complete report concerning *complaints* received from *eligible complainants* about matters relating to activities carried out by its *employees* when acting as *retail investment advisers*. The report must be set out in the format in ■ DISP 1 Annex 1C R.
- (2) ■ DISP 1 Annex 1C R requires (for the relevant reporting period) information about:
 - (a) the total number of *complaints* received by the *firm* about matters relating to activities carried out by its *employees* when acting as *retail investment advisers*;
 - (b) the total number of *complaints* closed by the *firm* about matters relating to activities carried out by its *employees* when acting as *retail investment advisers*;
 - (c) the total number of *complaints* upheld by the *firm* about matters relating to activities carried out by its *employees* when acting as *retail investment advisers*; and
 - (d) the total amount of redress paid in respect of *complaints* upheld during the reporting period about matters relating to activities carried out by its *employees* when acting as *retail investment advisers*.
- (3) For the purposes of ■ DISP 1 Annex 1C R *retail investment adviser* information must be reported by:
 - (a) the *employee's* Individual Reference Number (IRN); or
 - (b) in the case of an *employee* of an *SMCR firm* who is performing an *FCA certification function* and has no IRN:
 - (i) the *employee's* National Insurance (NI) number and date of birth; or
 - (ii) if the *employee* has no NI number, the *employee's* date of birth, current passport number and nationality.

1.10.2B **R**

■ DISP 1 Annex 1ABR requires (for the relevant reporting period) information about:

- (1) in Table 1, the total number of *complaints* received by the *firm* and the main focus of the *complaint*;
- (2) in Table 2:

- (a) the number of *complaints* that were closed or upheld within different time periods;
- (b) the total amount of redress paid by the *firm* in relation to *complaints* upheld and not upheld in the relevant reporting period; and
- (c) redress in relation to the *claims management fee cap*, where this was done at the *firm's* instigation rather than as the result of a *complaint* about the fee.

1.10.3

G

For the purposes of ■ DISP 1.10.2R, ■ DISP 1.10.2-AR, ■ DISP 1.10.2AR and ■ DISP 1.10.2BR, when completing the return, the *firm* should take into account the following matters.

- (1) If a *complaint* could fall into more than one category, the *complaint* should be recorded in the category which the *firm* considers to form the main part of the *complaint*.
- (2) Under ■ DISP 1.10.2R(1)(b), ■ DISP 1.10.2R(2)(b), ■ DISP 1.10.2-AR or ■ DISP 1.10.2BR(2), a *firm* should report information relating to all *complaints* which are closed and upheld within the relevant reporting period, including those resolved under ■ DISP 1.5 (Complaints resolved by close of the third business day). Where a *complaint* is upheld in part, or where the *firm* does not have enough information to make a decision yet chooses to make a goodwill payment to the complainant, a *firm* should treat the *complaint* as upheld for reporting purposes. However, where a *firm* rejects a *complaint*, yet chooses to make a goodwill payment to the complainant, the *complaint* should be recorded as 'rejected'.
- (3) If a *firm* reports on the amount of redress paid under ■ DISP 1.10.2R(1)(b)(ii), ■ DISP 1.10.2R(2)(b)(ii), ■ DISP 1.10.2-AR(4), ■ DISP 1.10.2AR or ■ DISP 1.10.2BR(2)(b), redress should be interpreted to include an amount paid, or cost borne, by the *firm*, where a cash value can be readily identified, and should include:
 - (a) amounts paid for distress and inconvenience;
 - (b) a free transfer out to another provider which transfer would normally be paid for;
 - (c) goodwill payments and goodwill gestures;
 - (d) interest on delayed settlements;
 - (e) waiver of an excess on an insurance policy;
 - (f) payments to put the consumer back into the position the consumer should have been in had the act or omission not occurred; and
 - (g) the refund of fees paid in excess of the *claims management fee cap*, and any amount which the *firm* had attempted to charge but which was written off or waived (before the *customer* paid it) on the basis that it would have exceeded the *claims management fee cap*.
- (4) If a *firm* reports on the amount of redress paid under ■ DISP 1.10.2R(1)(b)(ii), ■ DISP 1.10.2R(2)(b)(ii), ■ DISP 1.10.2-AR(4) or ■ DISP 1.10.2AR, the redress should not, however, include repayments

or refunds of premiums which had been taken in error (for example where a *firm* had been taking, by direct debit, twice the actual premium amount due under a policy). The refund of the overcharge would not count as redress.

[**Note:** See ■ SUP 10A.14.24R for the ongoing duty to notify *complaints* about matters relating to activities carried out by an *employee* when acting as a *retail investment adviser*.]

- 1.10.4** **R** Unless ■ DISP 1.10.4AR applies, the relevant reporting periods are:
- (1) the six *months* immediately following a *firm's accounting reference date*; and
 - (2) the six *months* immediately preceding a *firm's accounting reference date*.
- 1.10.4A** **R** If a *firm* is one to which ■ DISP 1.10.1R(2) applies, the relevant reporting period is the year immediately following the *firm's accounting reference date*.
- 1.10.5** **R** Reports are to be submitted to the *FCA* within 30 *business days* of the end of the relevant reporting periods through, and in the electronic format specified in, the *FCA* Complaints Reporting System or the appropriate section of the *FCA* website.
- 1.10.6** **R** If a *firm* is unable to submit a report in electronic format because of a systems failure of any kind, the *firm* must notify the *FCA* , in writing and without delay, of that systems failure.
- 1.10.6A** **R**
- (1) If a *firm* does not submit a complete report by the date on which it is due, in accordance with ■ DISP 1.10.5 R, the *firm* must pay an administrative fee of £250.
 - (2) The administrative fee in (1) does not apply if the *firm* has notified the *FCA* of a systems failure in accordance with ■ DISP 1.10.6 R.
- 1.10.7** **R** A closed *complaint* is a *complaint* where:
- (1) the *firm* has sent a *final response*; or
 - (2) the complainant has indicated in writing acceptance of the *firm's* earlier response under ■ DISP 1.6.4 R.
- 1.10.8** **G** [deleted]
- 1.10.9** **R** For the purpose of inclusion in the public record maintained by the *FCA*, a *firm* must:

Notification of contact point for complainants

- (1) provide the *FCA*, at the time of its *authorisation*, with details of a single contact point within the *firm* for complainants; and
- (2) notify the *FCA* of any subsequent change in those details when convenient and, at the latest, in the *firm's* next report under the *complaints reporting rules*.

Meaning of revenue

1.10.10

G

In ■ DISP 1.10, references to revenue in relation to any *firm* do not include the amount of any repayment of any *credit* provided by that *firm* as *lender*.

1.10A Complaints data publication rules

Obligation to publish summary of complaints data or total number of complaints

1.10A.1 **R**

- (1) Unless (1A) applies to the *firm*, where, in accordance with ■ DISP 1.10.1 R, a *firm* submits a report to the FCA reporting 500 or more *complaints*, it must publish a summary of the *complaints* data contained in that report (the *complaints* data summary).
- (1A) (a) This paragraph applies to a *firm* which:
- (i) has *permission* to carry on only *credit-related regulated activities* or to *operate an electronic system in relation to lending*; and
 - (ii) has revenue arising from those activities that is less than or equal to £5,000,000 a year.
- (aa) This paragraph also applies to a *firm* which has *permission* to carry on only *regulated claims management activities*.
- (b) Where a *firm* to which this paragraph applies submits a report to the FCA in accordance with ■ DISP 1.10.1 R reporting 1000 or more *complaints*, it must publish a summary of the *complaints* data contained in that report (the *complaints* data summary).
- (2) Where, in accordance with ■ DISP 1.10.1C R, a *firm* submits a joint report on behalf of itself and other *firms* within a *group* and that report reports 500 or more *complaints*, it must publish a summary of the *complaints* data contained in the joint report (the *complaints* data summary), unless it is a *firm* to which (1A) applies.
- (3) Where, in accordance with ■ DISP 1.10.1C R, a *firm* to which (1A) applies submits a joint report on behalf of itself and other *firms* within a *group* and that report reports 1000 or more *complaints*, it must publish a summary of the *complaints* data contained in the joint report (the *complaints* data summary).
- (4) Where, in accordance with ■ SUP 16.12.4 R and ■ SUP 16.12.29C R, a *firm* with a *limited permission* submits *data item CCR007* to the FCA reporting 1000 or more *complaints*, it must publish the total number of *complaints* received.

Format of publication

1.10A.2 **R**

The *complaints* data summary required by ■ DISP 1.10A.1 R must be published in the format set out in ■ DISP 1 Annex 1B R.

Time limits for publication

- 1.10A.3 **R**
- (1) Where the *firm's* relevant reporting period (as defined in ■ DISP 1.10.4 R or ■ DISP 1.10.4A R as the case may be) ends between 1 January and 30 June, the *firm* must publish the *complaints* data summary no later than 31 August of the same year.
 - (2) Where the *firm's* relevant reporting period (as defined in ■ DISP 1.10.4 R or ■ DISP 1.10.4A R as the case may be) ends between 1 July and 31 December, the *firm* must publish the *complaints* data summary no later than 28 February of the following year.
 - (3) Where the *firm* is a *firm* with only a *limited permission* and its *accounting reference date* falls between 1 January and 30 June, the *firm* must publish the total number of *complaints* received no later than 31 August of the same year.
 - (4) Where the *firm* is a *firm* with only a *limited permission* and its *accounting reference date* falls between 1 July and 31 December, the *firm* must publish the total number of *complaints* received no later than 28 February of the following year.

Confirmation of publication

- 1.10A.4 **R**
- A *firm* must immediately confirm to the FCA , in an email submitted to complaintsdatasummary@fca.org.uk , that the *complaints* data summary or total number of *complaints* (as appropriate) accurately reflects the report submitted to the FCA , that the summary or total number of *complaints* (as appropriate) has been published and where it has been published.

Publication on behalf of the firm

- 1.10A.5 **E**
- A *firm* will be taken to have complied with ■ DISP 1.10A.1R (1), ■ DISP 1.10A.1R (1A) ■ (2) , ■ DISP 1.10A.1R (3) or ■ DISP 1.10A.1R (4) if within the relevant time limit set out in ■ DISP 1.10A.3 R the *firm*:
- (1) ensures that another *person* publishes the *complaints* data summary or total number of *complaints* (as appropriate) on its behalf; and
 - (2) publishes details of where this summary or total number of *complaints* (as appropriate) is published.

Joint reports: provision of information to third party on request

- 1.10A.6 **R**
- Any *firm* covered by a joint report, other than the *firm* that submitted the joint report, must provide details of where the *complaints* data summary or total number of *complaints* (as appropriate) is published to any *person* who requests them.

Mode and content of publication

- 1.10A.7 **G**
- Firms* may choose how they publish the *complaints* data summary or total number of *complaints* (as appropriate). However, the summary or total number of *complaints* (as appropriate) should be readily available. For this

reason, the *FCA* recommends that *firms* should publish the summary or total number of *complaints* (as appropriate) on their websites.

1.10A.8 **G** [deleted]

Meaning of revenue

1.10A.9 **G** In **■ DISP 1.10A**, references to revenue in relation to any *firm* do not include the amount of any repayment of any *credit* provided by that *firm* as *lender*.

Publication of complaints data by the FCA

1.10A.10 **G**

- (1) To improve *consumer* awareness and to help *firms* compare their performance against their peers, the *FCA* publishes:
 - (a) *complaints* data about the financial services industry as a whole; and
 - (b) *firm-level complaints* data for those *firms* that are required to publish a *complaints* data summary or the total number of *complaints* (as appropriate) under **■ DISP 1.10A.1R**.
- (2) The *FCA* also publishes *firm-level* information giving context to the *complaints* data reported to it for those *firms* that are required to publish that information under **■ DISP 1.10A.1R**.

1.10A.11 **G** For *firms* reporting 500 or more *complaints* under **■ DISP 1.10.1R(1)** or 1000 or more *complaints* under **■ DISP 1.10.1R(2)** in the relevant reporting period, the *FCA* will publish the *firm-level complaints* data and information providing context to the *complaints* data reported to it either:

- (1) after the *firm* provides the appropriate consent in the *complaints* data report and confirms that the reported data accurately reflects the data which it will publish under **■ DISP 1.10A.1R**; or
- (2) after the *FCA* receives an email from the *firm* under **■ DISP 1.10A.4R** confirming that the *complaints* data summary accurately reflects the report submitted to the *FCA*, that the summary has been published and where it has been published.

1.10A.12 **G** For *firms* with only a *limited permission* that report *complaints* to the *FCA* under the reporting requirements in **■ SUP 16.12**, the *FCA* will publish the *firm-level complaints* data reported to it after the *FCA* receives an email from the *firm* under **■ DISP 1.10A.4R**. That email should confirm that the total number of *complaints* accurately reflects the report submitted to the *FCA* under **■ SUP 16.12**, that the total number of *complaints* has been published and where the information has been published.



1.10B Payment services and electronic money complaints reporting

- 1.10B.1** D
- (1) Once a year a *credit institution* that provides *payment services* or issues *electronic money* must provide the *FCA* with a complete report concerning *complaints* received about *payment services* and *electronic money*.
 - (2) Once a year an *electronic money institution*, an *EEA authorised electronic money institution*, a *payment institution*, a *registered account information service provider* or an *EEA registered account information service provider* must provide the *FCA* with a complete report concerning *complaints* received about *payment services* and *electronic money*.
 - (3) The report required by (1) and (2) must be set out in the format in ■ DISP 1 Annex 1AD.

- 1.10B.2** G
- (1) In contrast to the other provisions in ■ DISP 1 which generally apply only to *complaints* from *eligible complainants*, the *complaints reporting directions* apply in addition to *complaints* from *payment service users* that are not *eligible complainants*.
 - (2) *Payment service providers* are reminded that regulation 101 of the *Payment Services Regulations* contains requirements relating to complaints resolution procedures applicable to *complaints* from *payment service users* that are not *eligible complainants*.

Forwarded complaints

- 1.10B.3** D A *respondent* must not include in the report a *complaint* that has been forwarded in its entirety to another *respondent* under the *complaints forwarding rules*.

- 1.10B.4** D Where a *respondent* has forwarded to another *respondent* only part of a *complaint* or where two *respondents* may be jointly responsible for a *complaint*, then the *complaint* should be reported by both *respondents*.

Joint Reports

- 1.10B.5** D *Respondents* that are part of a group may submit a joint report to the *FCA*. The joint report must contain the information required from all *respondents* concerned and clearly indicate the *respondents* on whose behalf the report is

submitted. The obligation to provide a report, and the responsibility for the report, remains with each *respondent* in the group.

- 1.10B.6** G Not all the *respondents* in the group need to submit the report jointly. *Respondents* should only consider submitting a joint report if it is logical to do so, for example, where the *firms* have a common central *complaints* handling team and the same *accounting reference date*.

Information requirements

- 1.10B.7** D ■ DISP 1 Annex 1AD requires, for the relevant reporting period and in respect of particular categories of products:
- (1) in Table 1, information about the total number of *complaints* received by the *respondent* and the cause of the *complaint*;
 - (2) in Table 2, information about the number of *complaints* that were:
 - (a) closed or upheld within different periods of time; and
 - (b) the total amount of redress paid by the *respondent* in relation to *complaints* upheld and not upheld in the relevant reporting period; and
 - (3) in Table 3, information providing context about the *complaints* received.
- 1.10B.8** G When completing the return, the *respondent* should take into account the following matters.
- (1) If a *complaint* could fall into more than one category, the *complaint* should be recorded in the category which the *respondent* considers to form the main part of the *complaint*.
 - (2) Under ■ DISP 1.10B.7D(2)(a), a *respondent* should report information relating to all *complaints* which are closed and upheld within the relevant reporting period, including those resolved under ■ DISP 1.5 (Complaints resolved by close of the third business day). Where a complaint is upheld in part, or where the *respondent* does not have enough information to make a decision yet chooses to make a goodwill payment to the complainant, a *respondent* should treat the *complaint* as upheld for reporting purposes. However, where a *respondent* rejects a *complaint*, yet chooses to make a goodwill payment to the complainant, the complaint should be recorded as 'rejected'.
 - (3) If a *respondent* reports on the amount of redress paid under ■ DISP 1.10B.7D(2)(b) redress should be interpreted to include an amount paid, or cost borne, by the *firm*, where a cash value can be readily identified, and should include:
 - (a) amounts paid for distress and inconvenience;
 - (b) a free transfer out to another provider which transfer would normally be paid for;
 - (c) goodwill payments and goodwill gestures;

- (d) interest on delayed settlements;
- (e) waiver of an excess on an insurance policy; and
- (f) payments to put the complainant back into the position the complainant should have been in had the act or omission not occurred.

(4) If a *respondent* reports on the amount of redress paid under ■ DISP 1.10B.7D(2)(b) the redress should not include the amount of a non-executed, defective or unauthorised payment transaction but should include any redress paid as a result of losses incurred by the complainant as a result of the non-executed, defective or unauthorised payment transaction.

1.10B.9 D The relevant reporting period is the year immediately following:

- (1) where the *respondent* has an *accounting reference date*, its *accounting reference date*; and
- (2) where the *respondent* does not have an *accounting reference date*, 31 December each year.

1.10B.10 D Reports are to be submitted to the *FCA* within 30 *business days* of the end of the relevant reporting periods through, and in the electronic format specified in, the *FCA* complaints reporting system or the appropriate section of the *FCA* website.

1.10B.11 D If a *respondent* is unable to submit a report in electronic format because of a systems failure of any kind, the *respondent* must notify the *FCA*, in writing and without delay, of that systems failure.

1.10B.12 R

- (1) If a *respondent* does not submit a complete report by the date on which it is due, in accordance with ■ DISP 1.10B.10D, the *respondent* must pay an administrative fee of £250.
- (2) The administrative fee in (1) does not apply if the *respondent* has notified the *FCA* of a systems failure in accordance with ■ DISP 1.10B.11R.

1.10B.13 D A closed *complaint* is a *complaint* where:

- (1) the *respondent* has sent a *final response*; or
- (2) the complainant has indicated in writing acceptance of the *respondent's* earlier response under ■ DISP 1.6.4R (where applicable).

1.10B.14 G

- (1) To improve *consumer* awareness and to help *respondents* compare their performance against their peers, the *FCA* may publish:
 - (a) *complaints* data about the *payment services* and *electronic money* sector as a whole; and

(b) *respondent level complaints data* and information giving context to the *complaints data* for those *respondents* that provide appropriate consent in the electronic money and payment services complaints return form at ■ DISP 1 Annex 1AD.

(2) Although the *complaints data publication rules* do not apply to a report submitted under ■ DISP 1.10B.1, the electronic money and payment services complaints return form asks for the *respondent's* consent to the publication by the FCA of the data contained in the report.



1.11 The Society of Lloyd's

Complaints handling procedures

1.11.1 **R** The *Society* must establish and maintain appropriate and effective procedures for handling *complaints* by *policyholders* against *members* of the *Society* which comply with this chapter.

1.11.2 **R** A *member* of the *Society* must, in complying with this chapter, ensure that the arrangements which the *member* maintains are compatible with the *Lloyd's complaint procedures*, so that, taken as a whole, the requirements of this sourcebook are met.

1.11.2A **R** The *Society* must ensure that the arrangements which the *member* maintains include a requirement which corresponds to ■ DISP 1.2.1 R (4) (Publishing and providing summary details, and information about the Financial Ombudsman Service).

[Note: article 13 of the *ADR Directive* and article 14 of the *ODR Regulation*]

1.11.3 **R** The *Society* must take reasonable steps to ensure that *complaints* by *policyholders* against *members* of the *Society* are dealt with under the *Lloyd's complaint procedures* and that *members* comply with the requirements of those procedures.

Referral to the Financial Ombudsman Service

1.11.4 **R** A *complaint* by a *policyholder* against a *member* of the *Society* may not be referred to the *Financial Ombudsman Service* until after the *Lloyd's complaint procedures* have been completed or until after the end of eight weeks from receipt of the *complaint*, whichever is the earlier.

Exemptions for members

- 1.11.5 **R**
- (1) A notification claiming exemption under ■ DISP 1.1.12 R from the *complaints reporting rules* and the *rules* relating to the funding of the *Financial Ombudsman Service* must be given to the *FCA* by the *Society* on behalf of any *member* eligible for an exemption.
 - (2) The *Society* must notify the *FCA* if the conditions relating to such an exemption no longer apply to a *member* who is exempt.

Complaints reporting rule

- 1.11.6 **R** The report to be sent to the *FCA* under the *complaints reporting rules* must be provided by the *Society* and must cover all *complaints* by *policyholders* against *members* falling within the scope of the *complaints reporting rules*.

Obligation to publish summary of complaints data

- 1.11.6A **R** Where, in accordance with **■ DISP 1.11.6 R**, the *Society* submits a report to the *FCA* reporting 500 or more *complaints*, it must publish a summary of the *complaints* data contained in that report (the *complaints* data summary).

Format of publication

- 1.11.6B **R** The *Society* must publish the *complaints* data summary in the format set out in the *complaints* publication form in **■ DISP 1 Annex 1B R** omitting details as to the *firms* and brands/trading names covered by the summary.

Time limits for publication

- 1.11.6C **R** The deadlines for publication of the *Society's complaints* data summaries are:
- (1) 28 February for the summary of its report relating to the reporting period ending on 31 December of the previous year; and
 - (2) 31 August for the summary of its report relating to the reporting period ending on 30 June of the same year.

Confirmation of publication

- 1.11.6D **R** The *Society* must immediately confirm to the *FCA*, in an email submitted to complaintsdatasummary@fca.org.uk, that the *complaints* data summary accurately reflects the report submitted to the *FCA*, that the summary has been published and where it has been published.

Mode and content of publication

- 1.11.6E **G** The *Society* may choose how it publishes the *complaints* data summary. However, the *complaints* data summary should be readily available. For this reason, the *FCA* recommends that the *Society* publishes the summary on its website. The *Society* may publish further information with the *complaints* data summary to aid understanding.

Application to members

- 1.11.7 **G** Each *member* of the *Society* is individually subject to the *rules* in this chapter as a result of the *insurance market direction* given in **■ DISP 2.1.7 D** under section 316 of the *Act* (Direction by a regulator).
- 1.11.8 **G** However, the *Society* operates a two-tier internal complaints handling procedure, currently set out in the "Code for Underwriting agents: UK Personal Lines Claims and Complaints Handling". Under this procedure, *complaints* by *policyholders* against *members* of the *Society* are considered by the *managing agent* and then, if necessary, by the *Society's* in-house

Complaints Department. This procedure (and any procedure that may replace it) will be subject to the requirements in this chapter.

- 1.11.9 **G** *Members will individually comply with this chapter if and only if all complaints by policyholders against members are dealt with under the Lloyd's complaints procedures. Accordingly, certain of the obligations under this chapter, for example the obligation to report on complaints received and the obligation to pay fees under the rules relating to the funding of the Financial Ombudsman Service (■ FEES 5), must be complied with by the Society on behalf of members. Managing agents will not have to make a separate report to the FCA on complaints reported under the complaints reporting rules sent by the Society.*

Complaints about the activities of members' advisers

- 1.11.10 **R** *A members' adviser must establish and maintain effective arrangements for handling any complaint from a member of the Society regarding advice given to the member in connection with the acquiring or disposing of syndicate participation.*

- 1.11.11 **G** *Complaints from members of the Society regarding the activities of members' advisers, which cannot be resolved by the members' adviser, cannot be referred to the Financial Ombudsman Service.*

Complaints from members or former members

- 1.11.12 **G** *The Financial Ombudsman Service is not able to deal with the complaints listed in ■ DISP 1.11.13 R and separate rules and guidance are therefore required.*

- 1.11.13 **R** *The Society must establish and maintain appropriate and effective arrangements for handling any complaint from a member or a former member about:*
- (1) *regulated activities carried on by the Society;*
 - (2) *the Society's regulatory functions carried on by the Society, the Council or those to whom the Council delegates authority to carry out such functions;*
 - (3) *advice given by an underwriting agent to a person to become, continue or cease to be, a member of a particular syndicate; and*
 - (4) *the management by a managing agent of the underwriting capacity of a syndicate on which the complainant participates or has participated.*

- 1.11.14 **R** *The Society must maintain by byelaw one or more appropriate effective schemes for the resolution of disputes between an individual member or a former member who was an individual member and:*

- (1) his *underwriting agent*; or
- (2) the *Society*.
- 1.11.15 **R** For the purposes of ■ DISP 1.11.13 R "*individual member*" includes a *member* which is a *limited liability partnership* or a *body corporate* whose *members* consist only of, or of the *nominees for*, a single natural person or a group of *connected persons*.
- 1.11.16 **G** The schemes to which ■ DISP 1.11.13 R currently refers are the *Lloyd's Arbitration Scheme* and the *Lloyd's Members' Ombudsman* respectively, but the *Society* may maintain other independent dispute resolution schemes in addition to, or instead of, either of these schemes.
- 1.11.17 **G** The schemes referred to in ■ DISP 1.11.13 R should be operationally independent of the *Society*.
- 1.11.18 **G** An *individual member* or *former member* who was an *individual member* should not have access to the schemes referred to in ■ DISP 1.11.13 R unless the *complaints* arrangements maintained by the *Society* have failed to resolve the *complaint* to his satisfaction within eight weeks of receiving it.
- 1.11.19 **G** The *Society* should give the *FCA* adequate notice of all proposed changes to the *byelaws* relating to the schemes referred to in ■ DISP 1.11.13 R.
- 1.11.20 **G** When considering what is required to ensure the operational independence of the schemes referred to in ■ DISP 1.11.13 R, or proposed changes in such schemes, the *Society* should take account of similar arrangements operated by the *Financial Ombudsman Service*.
- 1.11.21 **R** A contravention of ■ DISP 1.11.13 R or ■ DISP 1.11.14 R does not give rise to a right of action by a *private person* under section 138D of the *Act* (Actions for damages) and each of those *rules* is specified under section 138D(3) of the *Act* as a provision giving rise to no such right of action.

Complaints return form

Complaints return form

This annex consists only of one or more forms. Forms are to be found through the following address:

Complaints return form - DISP 1 Annex 1 R

Electronic money and payment services complaints return form

DISP 1 Annex 1AD

Notes on completing electronic money and payment services complaints return form

Payment Services Complaints Return

Nil returns

If no complaints concerning payment services or electronic money have been received during the reporting period and no such complaints were outstanding at the beginning of the period, the respondent may submit a NIL RETURN by clicking on the relevant box.

Valuing data to be reported

Respondents should report the actual data requested in this complaints return, using single units, apart from in Table 3 where data should be reported in thousands. If the figure is less than one thousand, respondents should enter the figure as a decimal fraction: e.g. if the payment volume for a service is 200, this should be entered as '.2'.

Service groupings

In Table 1 and Table 3 complaints should be allocated to the service groupings based on the service the complaint relates to. If a single complaint relates to more than one category of service, respondents should allocate that complaint to the category that it most closely relates to, rather than reporting such a complaint twice. For example, if a complaint is about ATM withdrawal with a credit card, but the complaint is primarily about the ATM withdrawal, it should be recorded under the ATM withdrawal category.

The service groupings do not correspond directly with those set out in the Payment Services Regulations.

If a respondent has not received any complaints relating to a particular product or service during the reporting period, the relevant box should be left blank.

If complaints relate to the issuing or redemption of e-money and not a payment service executed using e-money, these complaints should be allocated to the 'issuing or redemption of e-money' category.

The 'other payment service' category should only be used in exceptional circumstances when none of the specific service categories are appropriate. A PSP should provide information for up to a maximum of five payment services.

Tables 1, 2, 3 and 4

In Tables 1, 2, 3 and 4 respondents should report all complaints relating (either wholly or in part) to payment services and electronic money. Note that this is a wider category than PSD complaints and EMD complaints as defined in the glossary, and would include, for example, complaints about breaches of the Principles for Businesses (for firms) or breaches of contract in connection with the issuance of electronic money or provision of payment services.

The complaints time limit rules (■ DISP 1.6) require EMD complaints and PSD complaints to be closed (by way of a final response) within 15 business days after the day on which the complaint is received (or, in exceptional circumstances, by the end of 35 business days after the day on which the complaint is received).

However PSPs must complete Table 2 with data on all complaints about payment services or electronic money (including those that are not EMD complaints and PSD complaints).

Contextualisation (Table 3)

When providing information giving context to its complaints data, respondents should provide payment volumes for payment services and e-money issuance in the reporting period, as indicated in the form.

The contextualisation metric for pre-paid cards and e-money payments, credit cards, debit cards / cash cards, direct debits, standing orders, credit transfers, money remittance, payment initiation services, merchant acquiring and ATM withdrawal is number of transactions in the reporting period (in thousands).

The contextualisation metric for ATM withdrawals should include withdrawals from the PSP's ATM network in the reporting period for both the PSP's own and other PSPs' customers.

The contextualisation metric for issuing or redemption of e-money is the value of e-money issued or redeemed in the reporting period (in thousands).

The contextual information for account information services should be the number of customers that have used the firm's account information services (AIS) in the reporting period. For authorised PIs this figure should be the same as that provided by payment and e-money institutions in Q80 of the Authorised Payment Institution Capital Adequacy Return and for authorised EMIs, in Q76 of the Authorised Electronic Money Institution Questionnaire.

Complaints relating to alleged *authorised push payment fraud* (Table 4)

Information on complaints relating to alleged *authorised push payment fraud* should be provided in Table 4. Data in this table should not be included in any total complaint figures as these complaints should already be reported in the preceding tables under the appropriate product/service groupings (for example, under 'Credit transfer'). ...

DISP 1 Annex 1R

This return (Payment Services Complaints Return) only relates to complaints made in relation to payment services or electronic money. All complaints should be reported in ■ DISP 1 Annex 1R.

Transparency

To improve consumer awareness and to help payment service providers compare their performance against their peers, the FCA may publish aggregated and anonymised complaints data.

The FCA may also publish respondent level complaints data where it has the respondent's consent. If the respondent ticks the 'Yes' box in this report it is consenting to the FCA publishing the complaints data.

Claims management complaints and redress return form

Currency: Sterling only

Units: Integers

		A
Group reporting		
1	Does the data reported in this return cover <i>complaints</i> relating to more than one <i>firm</i> ? (NB: You should always answer "No" if your <i>firm</i> is not part of a <i>group</i> .)	
2	If "Yes" then list the firm reference numbers (FRNs) of all of the additional <i>firms</i> included in this return.	
Nil return declaration		
3	We wish to declare a nil return (If yes, leave all questions on <i>complaints</i> activities, including contextualisation, blank.)	
Return details required		
4	Total <i>complaints</i> outstanding at reporting period start date.	
5	Total number of <i>complaints</i> opened during the reporting period.	
Complaints data publication by FCA		
6	If you are reporting 1000 or more <i>complaints</i> , do you consent to the FCA publishing the complaints data and information on context contained in this report in advance of the <i>firm</i> publishing the data itself?	
7	If "Yes", do you confirm that the <i>complaints</i> data and information on context contained in this report accurately reflects the information required to be published by the reporting <i>firm</i> under <i>DISP</i> ?	
Contextualisation data		
8	Total number of leads generated or obtained during the reporting period	
9	Total number of <i>claims</i> opened during the reporting period	

Table 1

	A	B	C	D	E	F
	Type of claim					
Numbers of complaints during reporting period	<i>personal injury claims</i>	financial services or financial product <i>claims</i>	<i>housing disrepair claims</i>	<i>claims for a specified benefit</i>	<i>criminal injury claims</i>	<i>employment-related claims</i>
10	Total number of complaints					

		A	B	C	D	E	F
		Type of claim					
Main focus of complaint							
11	Lead generation, unsolicited marketing and cold calling						
12	Quality of advice / provision of misleading information (including in advertisements)						
13	Customer service issues (including call handling)						
14	General administration						
15	Upfront fees						
16	Fee dispute (at settlement – other than one in 17 below)						
17	Fees in excess of the <i>claims management fee cap</i>						
18	Claim outcome						
19	Process for obtaining and/or sharing of customer data						
20	Delay in processing claim						
21	Other – please provide details						

Table 2

Number of complaints closed during the reporting period (22 to 25) and complaints upheld (26)

Redress paid, in integers (27 to 30): for example, figures for redress paid should be to the nearest pound not to the nearest thousand pounds. Include all amounts in excess of the *claims management fee cap*, whether a refund of fees paid or a waiver of excess fees.

22	Complaints closed within 3 days
23	Complaints closed within 8 weeks, but after more than 3 days
24	Complaints closed after more than 8 weeks
25	Total complaints closed
26	Complaints upheld
27	Redress paid for upheld complaints
28	Redress paid for complaints not upheld
29	Redress in relation to the <i>claims management fee cap</i> , where this was done at the <i>firm's</i> instigation rather than as the result of a <i>complaint</i> about the fee
30	Total redress paid

Complaints publication report

This table belongs to ■ DISP 1.10A.2 R - DISP 1 Annex 1B R

Illustration of the online reporting requirements, referred to in DISP 1.10.2AR

This annex belongs to ■ DISP 1.10.2A R -DISP 1 Annex 1C R

Application of DISP 1 to type of respondent / complaint

1. The table below summarises the application of DISP 1. Where the table indicates that a particular section may apply, its application in relation to any particular activity or *complaint* is dependent on the detailed application provisions set out in DISP 1.
2. In some cases the application of DISP 1 to *firms* depends on whether responsibility for the matter is reserved under an *EU* instrument to an *incoming EEA firm's Home State regulator*. Reference should be made to the detailed application provisions set out in DISP 1.

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
<i>firm</i> in relation to <i>complaints</i> concerning non-MiFID business (except as specifically provided below)	Does not apply	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i> (DISP 1.3.4G does not apply)	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Applies in relation to <i>payment services for payment service users</i> and in relation to <i>electronic money for eligible complainants</i>
<i>firm</i> in relation to <i>MiFID complaints</i> concerning <i>MiFID business</i> carried on from an establishment in the UK	Applies for <i>retail clients</i> and <i>professional clients</i> , and (where relevant) <i>eligible counterparties</i> (see also DISP 1.1A.6R)	Does not apply	Does not apply	DISP 1.7 applies as set out in DISP 1.1A	Does not apply (but see DISP 1.1A.37EU)	Applies as set out in DISP 1.1A	Applies as set out in DISP 1.1A	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
<i>UK UCITS management company in relation to complaints concerning collective portfolio management services in respect of a UCITS scheme or an EEA UCITS scheme provided under the freedom to provide cross border services</i>	Does not apply	Applies for <i>unitholders</i>	Applies for <i>unitholders</i>	Applies for <i>eligible complainants</i>	Applies for <i>unitholders</i>	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Does not apply
<i>branch of a UK UCITS management company in another EEA State in relation to complaints concerning collective portfolio management services in re</i>	Does not apply	Applies for <i>unitholders</i>	Applies for <i>unitholders</i>	Does not apply	Applies for <i>unitholders</i>	Does not apply	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Com- plaints handling rules	DISP 1.4 - 1.8 Com- plaints resolu- tion rules etc.	DISP 1.9 Com- plaints record rule	DISP 1.10 Com- plaints reporting rules	DISP 1.10A Com- plaints data publica- tion rules	DISP 1.10B Com- plaints reporting directions
spect of an <i>EEA UCITS</i> <i>scheme</i>								
<i>branch of a UK firm (other than a UK UCITS management company when providing collective portfolio management services in respect of an EEA UCITS scheme) in another EEA State in relation to complaints concerning non-MiFID business</i>	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
<i>branch of a UK firm in another EEA State in relation to MiFID complaints</i>	Applies for <i>retail clients</i> and <i>professional clients</i> , and (where relevant) <i>eligible counterparties</i> (see also DISP 1.1A.6R)	Does not apply	Does not apply	Does not apply	Does not apply (but see DISP 1.1A.37EU)	Does not apply	Does not apply	Does not apply
<i>incoming branch of an EEA</i>	Does not apply	Applies for <i>eligible</i>	Applies for <i>eligible</i>	Applies for <i>eligible</i>	Applies for <i>eligible</i>	Applies for <i>eligible</i>	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
<i>firm (other than an EEA UCITS management company when providing collective portfolio management services in respect of an EEA UCITS scheme) in relation to complaints concerning non-MiFID business</i>		<i>complainants</i>	<i>complainants</i>	<i>complainants</i>	<i>complainants</i>	<i>complainants</i>		
<i>incoming branch of an EEA firm in relation to MiFID complaints</i>	Applies for <i>retail clients</i> and <i>professional clients</i> , and (where relevant) <i>eligible counterparties</i> (see also DISP 1.1A.6R)	Does not apply	Does not apply	Applies as set out in DISP 1.1A	Does not apply (but see DISP 1.1A.37EU)	Applies as set out in DISP 1.1A	Does not apply	Does not apply
<i>incoming branch of an EEA UCITS management company in relation to complaints con</i>	Does not apply	Applies for <i>unitholders</i>	Applies for <i>unitholders</i>	Applies for <i>eligible complainants</i>	Applies for <i>unitholders</i>	Applies for <i>eligible complainants</i>	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Com- plaints handling rules	DISP 1.4 - 1.8 Com- plaints resolu- tion rules etc.	DISP 1.9 Com- plaints record rule	DISP 1.10 Com- plaints reporting rules	DISP 1.10A Com- plaints data publica- tion rules	DISP 1.10B Com- plaints reporting directions
<i>cerning collective portfolio management services in respect of a UC-ITS scheme</i>								
<i>incoming EEA UC-ITS management company in relation to complaints concerning collective portfolio management services in respect of a UCITS scheme provided under the freedom to provide cross border services</i>	Does not apply	Does not apply	Does not apply	Applies for <i>eligible complainants</i>	Does not apply	Applies for <i>eligible complainants</i>	Does not apply	Does not apply
<i>incoming EEA firm providing cross border services from outside the UK</i>	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
<i>equivalent business of a third country investment</i>	Applies as set out in DISP 1.1A	Does not apply	Does not apply	Applies as set out in DISP 1.1A	Does not apply (but see DISP 1.1A.37EU)	Applies as set out in DISP 1.1A	Applies as set out in DISP 1.1A	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
<i>firm in relation to MiFID complaints</i>								
<i>branch of an overseas firm (in relation to all other complaints)</i>	Does not apply	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply
<i>payment service provider in relation to complaints concerning payment services</i>	Does not apply	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply	Does not apply	Applies for payment service users
<i>EEA branch of a UK payment service provider in relation to complaints concerning payment services</i>	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
<i>incoming branch of an EEA authorised payment institution in relation to complaints concerning payment services</i>	Does not apply	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply	Does not apply	Applies for payment service users

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
incoming EEA authorised payment institution providing cross border payment services from outside the UK	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
electronic money issuer in relation to complaints concerning issuance of electronic money	Does not apply	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply	Does not apply	Applies for eligible complainants
EEA branch of an authorised electronic money institution or an EEA branch of any other UK electronic money issuer in relation to complaints concerning issuance of electronic money	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
incoming branch of an EEA authorised electronic money institution in relation to complaints concerning issuance of electronic money	Does not apply	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply	Does not apply	Applies for eligible complainants
incoming EEA authorised electronic money institution providing cross border electronic money issuance services from outside the UK	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
VJ participant	Does not apply	Applies for eligible complainants	Applies for eligible complainants (DISP 1.3.4G to DISP 1.3.5G do not apply)	Applies for eligible complainants (DISP 1.6.8G does not apply)	Does not apply	Does not apply	Does not apply	Does not apply
complaints relating to auction regulation bidding	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
a full-scope UK AIFM, small authorised UK AIFM or an incoming EEA AIFM, for complaints concerning AIFM management functions carried on for an AIF that is a body corporate (unless it is a collective investment scheme)	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
a depositary, for complaints concerning activities carried on for an authorised AIF	Does not apply	Applies for eligible complainants	Applies for eligible complainants (DISP 1.3.4G does not apply)	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply
a depositary, for complaints concerning activities carried on for an unauthorised AIF that is a charity AIF	Does not apply	Applies for eligible complainants	Applies for eligible complainants (DISP 1.3.4G does not apply)	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Applies for eligible complainants	Does not apply

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Type of respondent/ complaint	DISP 1.1A Require- ments for MiFID invest- ment firms	DISP 1.2 Con- sumer awareness rules	DISP 1.3 Com- plaints handling rules	DISP 1.4 - 1.8 Com- plaints resolu- tion rules etc.	DISP 1.9 Com- plaints record rule	DISP 1.10 Com- plaints reporting rules	DISP 1.10A Com- plaints data publica- tion rules	DISP 1.10B Com- plaints reporting directions
(other than a body corporate that is not a collective investment scheme)								
a depos- itary, for com- plaints con- cerning activities carried on for an unau- thorised AIF that is a UK ELTIF (other than a body corporate that is not a col- lective invest- ment scheme)	Does not apply	Applies for eli- gible com- plainants	Applies for eli- gible com- plainants (DISP 1.3.4G does not apply)	Applies for eli- gible com- plainants	Applies for eli- gible com- plainants	Applies for eli- gible com- plainants	Applies for eli- gible com- plainants	Does not apply
a depos- itary, for com- plaints con- cerning activities carried on for an unau- thorised AIF that is not a charity AIF or a UK ELTIF	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
a depos- itary, for com- plaints	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Com- plaints handling rules	DISP 1.4 - 1.8 Com- plaints resolu- tion rules etc.	DISP 1.9 Com- plaints record rule	DISP 1.10 Com- plaints reporting rules	DISP 1.10A Com- plaints data publica- tion rules	DISP 1.10B Com- plaints reporting directions
con- cerning activities carried on for an <i>unau- thorised AIF</i> that is a <i>body corporate</i> (other than a <i>collective invest- ment scheme</i>).								
an <i>in- coming EEA AIFM</i> , for <i>com- plaints</i> con- cerning <i>AIFM manage- ment functions</i> carried on for an <i>au- thorised AIF</i> or a <i>UK ELTIF</i> under the free- dom to provide <i>cross-bor- der services</i>	Does not apply	Applies for <i>eli- gible com- plainants</i>	Applies for <i>eli- gible com- plainants</i> (DISP 1.3.4G does not apply)	Applies for <i>eli- gible com- plainants</i>	Applies for <i>eli- gible com- plainants</i>	Applies for <i>eli- gible com- plainants</i>	Does not apply	Does not apply
a <i>CBTL firm</i> in relation to <i>com- plaints</i> con- cerning <i>CBTL business</i>	Does not apply	Applies for <i>eli- gible com- plainants</i>	Applies for <i>eli- gible com- plainants</i>	Applies for <i>eli- gible com- plainants</i>	Does not apply	Does not apply	Does not apply	Does not apply
a <i>desig- nated credit</i>	Does not apply	Applies for <i>eli- gible</i>	Applies for <i>eli- gible</i>	Applies for <i>eli- gible</i>	Does not apply	Does not apply	Does not apply	Does not apply

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
<i>reference agency in relation to complaints about providing credit information</i>		<i>complainants</i>	<i>complainants</i>	<i>complainants</i>				
<i>designated finance platform in relation to complaints about providing specified information</i>	Does not apply	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Applies for <i>eligible complainants</i>	Does not apply	Does not apply	Does not apply	
<i>complaints relating to administering a benchmark</i>	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply

Appropriate wording for inclusion in a final response or written acceptance

	The respondent does not consent to waive the six-month time limit in DISP 2.8.2 R (1)
(1)	<p>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge – but you must do so within six months of the date of this letter.</p> <p>If you do not refer your complaint in time, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.”</p>
	The complaint was received outside the time limits in DISP 2.8.2R(2) and the respondent does not consent to waive those time limits or the six-month time limit in DISP 2.8.2 R (1)
(2)	<p>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</p> <p>The Ombudsman might not be able to consider your complaint if:</p> <ul style="list-style-type: none"> • what you’re complaining about happened more than six years ago, and • you’re complaining more than three years after you realised (or should have realised) that there was a problem. <p>We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances (see below).</p> <p>If you do decide to refer your complaint to the Ombudsman you must do so within six months of the date of this letter.</p> <p>If you do not refer your complaint to the Ombudsman within six months of the date of this letter, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances.</p> <p>The very limited circumstances referred to above include, where the Ombudsman believes that the delay was as a result of exceptional circumstances.”</p>
	The complaint was received outside the time limits in DISP 2.8.2 R (2) and the respondent does not consent to waive those time limits but does consent to waive the six-month time limit in DISP 2.8.2 R (1)
(3)	<p>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</p> <p>The Ombudsman might not be able to consider your complaint if:</p> <ul style="list-style-type: none"> • what you’re complaining about happened more than six years ago, and • you’re complaining more than three years after you realised (or should have realised) that there was a problem. <p>We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able</p>

	<p>to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.</p> <p>The time limit for referring complaints to the Ombudsman is usually six months but we will consent to the Ombudsman considering your complaint even if you refer the complaint later than this.”</p>
	<p>The respondent does not consent to waive the time limits in DISP 2.8.7 R relating to mortgage endowment complaints</p>
(4)	<p>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge — but you must do so within six months of the date of this letter.</p> <p>The Ombudsman might not be able to consider your complaint if:</p> <ul style="list-style-type: none"> • you received a letter warning you that there was a high risk that your mortgage endowment policy would not produce a sum large enough to repay the target amount at maturity; and • you’re complaining more than three years after you received that letter, and • you’re complaining more than six months after the date on which we sent you a further communication notifying you when the three-year period would expire. <p>We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in limited circumstances.”</p>
	<p>The respondent consents to waive all applicable time limits</p>
(5)	<p>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</p> <p>Although there are time limits for referring your complaint to the Ombudsman, we will consent to the Ombudsman considering your complaint even if you refer the complaint outside the time limits.”</p>
	<p>Other circumstances not dealt with above</p>
(6)	<p>Where the <i>respondent</i> proposes to waive the time limits in DISP 2.8.2 R or DISP 2.8.7 R and appropriate wording for the <i>respondent</i> circumstances is not set out in (1) to (5), the <i>respondent</i> must adapt the appropriate wording as necessary.</p>

Appropriate wording for inclusion in a final response, written acceptance or summary resolution communication

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Reference to the availability of The Pensions Ombudsman

“You have the right to refer your complaint to The Pensions Ombudsman free of charge.

The Pensions Ombudsman can be contacted at [full current contact details and current website address].”

