

# Chapter 1

## Treating complainants fairly

## 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*, a *payment institution* or a *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.