

Chapter 4

British Steel Consumer Redress Scheme

4.7 Provisions relating to communications with consumers

- 4.7.1** **R** Whenever a *firm* is required by a provision of this chapter to send a letter in a form set out in a specified Annex in ■ CONRED 4, it must:
- (1) do so enclosing any relevant documents or pre-paid envelopes which the *firm* is instructed to enclose in the Annex with that letter;
 - (2) where the letter is a redress determination, enclose the *Financial Ombudsman Service* leaflet and bespoke referral form in respect of such determination;
 - (3) complete the letter by following the instructions in the standard form set out in the specified Annex; and
 - (4) comply with any instructions in the specified Annex to insert, delete, select or complete text.
- 4.7.2** **R** All letters to *consumers* required under this chapter must be printed on the letterhead of the *firm* and dispatched by recorded delivery mail.
- (1) Where a *firm* becomes aware that the contact details it holds for a *consumer* are out of date, it must take all reasonable steps to obtain up-to-date contact details and, where appropriate, resend any letter and repeat the steps to contact the *consumer*, required by this chapter.
 - (2) If, having complied with (1), a *firm* is unable to contact a *consumer*, it need not take any further action pursuant to this chapter in relation to that *consumer* unless (3) applies.
 - (3) If, in reliance on (2), the *firm* has ceased taking action but subsequently becomes aware of up-to-date contact details for that *consumer* within 12 months of the scheme effective date, the *firm* must, where appropriate, resend any letter and repeat the steps to contact the *consumer* required by this chapter.
 - (4) Where a *firm* is required in (1) and (3) to resend any letter and repeat the steps to contact the *consumer*, required by this chapter:
 - (a) it must do so even where it has made a *redress determination* pursuant to ■ CONRED 4.3.8R or ■ CONRED 4.4.20R; and
 - (b) such *redress determination* is void.

- (5) Where a *firm* is resending a letter and repeating steps pursuant to (3), each applicable deadline for those actions by the *firm* is extended according to the length of the delay incurred by the application of (2).

Provisions relating to communications with other firms

4.7.3

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- (1) Where a *firm* becomes aware that the contact details it holds for a *firm* that it has tried to contact pursuant to ■ CONRED 4.3.5R, ■ CONRED 4.3.14(c)R and (d), or ■ CONRED 4.4.14R ('other *firm*') are out of date, it must take all reasonable steps to obtain up-to-date contact details and, where appropriate, resend any letter and repeat the steps to contact the other *firm* as required by this chapter.
- (2) If, having complied with (1), a *firm* is unable to contact the other *firm*, it need not take any further action pursuant to this chapter in relation to that *firm* unless (3) applies.
- (3) If, in reliance on (2), the *firm* has ceased taking action but subsequently becomes aware of up-to-date contact details for that *firm* within 12 months of the scheme effective date, the *firm* must, where appropriate, resend any letter and repeat the steps to contact the *firm* required by this chapter.
- (4) Where a *firm*:
- (a) has already made a *redress determination* pursuant to ■ CONRED 4.3.8R or ■ CONRED 4.4.20R; and
 - (b) obtains further information from the other *firm* within 12 months of the scheme effective date which means that the *firm* has sufficient information to determine, as applicable, the matters in ■ CONRED 4.3.5R(1) or to calculate redress using the BPS calculator,
- such *redress determination* is void and the *firm* must take the remaining actions in relation to the relevant *consumer's* case as if the *redress determination* had not been made.
- (5) Where a *firm* is resending a letter and repeating steps pursuant to (1) or (3), or where (4) applies, each applicable deadline for those actions by the *firm* is extended according to the length of the delay incurred by the application of (2).

Guidance on taking reasonable steps to ascertain missing information

4.7.4

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For the purposes of ■ CONRED 4.3.5R, ■ CONRED 4.3.10R, ■ CONRED 4.4.14R, ■ CONRED 4.4.22R, ■ CONRED 4.7.2 and ■ CONRED 4.7.3, 'reasonable steps' might include, as appropriate:

- (1) checking public sources of information, but without incurring disproportionate cost;
- (2) attempting to contact the *consumer* by telephone (at a reasonable hour when the *consumer* is likely to be available to receive the call) and by email; and

- (3) attempting to contact any other party by telephone (during business hours) and by email.
- 4.7.5** **R** When taking reasonable steps to ascertain missing information and when they contact a *consumer* a *firm* must:
- (1) only make requests for information that are necessary for assessing compliance with the suitability requirements, the causation question or for the redress calculation using the BSPS calculator and which the *consumer* can reasonably be expected to provide;
 - (2) exercise sensitivity when requesting information about a *consumer's* personal circumstances;
 - (3) ensure the *consumer* understands what information they have been asked to provide and in what format;
 - (4) only ask for information that is likely to be readily accessible to the *consumer* (and obtain the *consumer's* authority to approach third parties for information on their behalf);
 - (5) allow the *consumer* at least 14 *days* to respond; and
 - (6) make clear why the *firm* is asking for the information and the consequence if the information is not provided.

Prohibition against influencing consumers against their interests

- 4.7.6** **R** A *firm* must not make any communication to a *consumer* which seeks to influence, for the benefit of the *firm*, the outcome of the steps taken in this chapter, either by seeking to influence the content of information provided by the *consumer* in response to the *firm's* requests made under this chapter or otherwise.

Deceased consumers

- 4.7.7** **R** Where a *firm* is required to contact a *consumer* under a provision of these rules whom the *firm* knows to be or becomes aware is deceased, it must take all reasonable steps to instead communicate with:

- (1) a personal representative of the *consumer's* estate; or
- (2) a beneficiary or beneficiaries of their estate or pension.

- 4.7.8** **R** The provisions of **CONRED 4.7.2R** also apply in respect of a *firm's* communications with *persons* referred to in **CONRED 4.7.7R**.