Chapter 1

Treating complainants fairly
1.1 Purpose and application

Purpose

1.1.1 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

1.1.2 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 (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 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 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 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 depositary, 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 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 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 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 CREDS 9 sets out rules for credit unions in relation to reporting complaints.

1.1.6A 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 This chapter applies to the Society, members of the Society and managing agents, subject to the Lloyd’s complaint rules.

1.1.8 [deleted]

1.1.9 [deleted]
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).

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

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

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

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.

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.
1.1.11 **FSAVC Review**

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.

1.1.11A **Consumer redress schemes**

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 limit rules, the complaints record rule and the complaints reporting rules do not apply.

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

(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) 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 **Application to VJ participants**

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 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 For the MiFID complaints of a third country investment firm, the provisions marked “EU” shall apply as rules.

1.1A.3 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 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]
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) 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?

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
### Section 1.1A: Complaints handling requirements for MiFID complaints

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<th>(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?</th>
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Section 1.1A: Complaints handling fairly

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:

<table>
<thead>
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<td>“complaint”</td>
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<td>“investment firm” and “firm”</td>
<td>MiFID investment firm</td>
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[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
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+4df78f26-41c987484e75]

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+4df78f26-41c987484e75]

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;

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.


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
Section 1.1A: Complaints handling fairly

**Complaints time limits**

**1.1A.28** 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** 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** 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.


**1.1A.31** 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
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*]

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]

■ 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

■ DISP 1.7 also applies to a *MiFID complaint* received by a *MiFID investment firm*.

### Complaints time barring

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

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

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*]

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 The complaints data publication rules apply to the MiFID complaints of a firm.

1.1A.41 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 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

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]
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.

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).

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

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.

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

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  ■ 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  ■ 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  ■ 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.
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

A UK UCITS management company must ensure that the procedures it establishes under DISP 1.3.1R 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

These procedures should:

1. allow complaints to be made by any reasonable means; and
2. recognise complaints as requiring resolution.

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 FCA, other relevant regulators and the Financial Ombudsman Service and communicating it to the individuals dealing with complaints in the respondent.

1.3.3 R

A respondent must put in place appropriate management controls and take reasonable steps to ensure that in handling complaints it identifies and remedies any recurring or systemic problems, for example, by:

(1) analysing the causes of individual complaints so as to identify root causes common to types of complaint;

(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

The processes that a firm or CBTL firm should have in place in order to comply with 1 DISP 1.3.3 R may include, taking into account the nature, scale and complexity of the firm’s or CBTL firm’s business including, in particular, the number of complaints the firm or CBTL firm receives:

(1) the collection of management information on the causes of complaints and the products and services complaints relate to, including information about complaints that are resolved by the firm by close of business on the third business day following the day on which it is received;

(2) a process to identify the root causes of complaints (1 DISP 1.3.3 R (1));

(3) a process to prioritise dealing with the root causes of complaints;

(4) a process to consider whether the root causes identified may affect other processes or products (1 DISP 1.3.3 R (2));

(5) a process for deciding whether root causes discovered should be corrected and how this should be done (1 DISP 1.3.3 R (3));

(6) regular reporting to the senior personnel 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 senior personnel in response to management information on the root causes of complaints.

1.3.4 G [deleted]

1.3.5 G [deleted]

1.3.6 G

Where a firm identifies (from its complaints or otherwise) recurring or systemic problems in its provision of, or failure to provide, a financial service or claims management service, it should (in accordance with Principle 6
(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 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;

3. Taking into account all relevant factors;

4. offer redress or remedial action when it decides this is appropriate;

5. 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

6. comply promptly with any offer of remedial action or redress accepted by the complainant.

1.4.2 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

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

When a complaint is resolved

1.5.2A 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 [deleted]

Summary resolution communication

1.5.4 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 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 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 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

(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 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 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 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).
Complainant's written acceptance

[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.
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 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 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 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

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 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 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 (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 £1 million or more in client money in the next 12 months.

1.10.1-A 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.

Forwarded complaints

1.10.1A 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 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 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 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 (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 Part B of DISP 1 Annex 1R requires (for the relevant reporting period) information about:
Section 1.10: Complaints reporting rules

1.10.2A

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

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 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

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

(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

The complaints data summary required by DISP 1.10A.1 R must be published in the format set out in DISP 1 Annex 18 R.
## Time limits for publication

**1.10A.3**

1. Where the firm's relevant reporting period (as defined in [DISP 1.10.4](#) or [DISP 1.10.4A](#) 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](#) or [DISP 1.10.4A](#) 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**

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**

A firm will be taken to have complied with [DISP 1.10A.1R (1)](#), [DISP 1.10A.1R (1A)](#), [DISP 1.10A.1R (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](#) 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**

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**

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 [deleted]

**Meaning of revenue**

1.10A.9 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 (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 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 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.

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.

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 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 ■ 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 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 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 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 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 (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 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 (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 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 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 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 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 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 (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 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 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 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 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 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 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 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 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 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 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 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 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 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 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

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
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 and 3
In Tables 1, 2 and 3 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.

**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

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group reporting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Does the data reported in this return cover complaints relating to more than one firm?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(NB: You should always answer “No” if your firm is not part of a group.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>If “Yes” then list the firm reference numbers (FRNs) of all of the additional firms included in this return.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Nil return declaration

3 | We wish to declare a nil return |
(If yes, leave all questions on complaints activities, including contextualisation, blank.)

Return details required

4 | Total complaints outstanding at reporting period start date. |
5 | Total number of complaints opened during the reporting period. |

Complaints data publication by FCA

6 | If you are reporting 1000 or more complaints, do you consent to the FCA publishing the complaints data and information on context contained in this report in advance of the firm publishing the data itself? |

7 | If “Yes”, do you confirm that the complaints data and information on context contained in this report accurately reflects the information required to be published by the reporting firm under DISP? |

Contextualisation data

8 | Total number of leads generated or obtained during the reporting period |
9 | Total number of claims opened during the reporting period |

Table 1

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of claim</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numbers of complaints during reporting period</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Total number of complaints</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>personal injury claims</th>
<th>financial services or financial product claims</th>
<th>housing disrepair claims</th>
<th>claims for a specified benefit</th>
<th>criminal injury claims</th>
<th>employment-related claims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------</td>
<td>---------------------------------------------</td>
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<td>---------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td></td>
<td><strong>Type of claim</strong></td>
<td><strong>Main focus of complaint</strong></td>
<td></td>
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</tr>
<tr>
<td>11</td>
<td>Lead generation, unsolicited marketing and cold calling</td>
<td>Lead generation, unsolicited marketing and cold calling</td>
<td>Quality of advice / provision of misleading information (including in advertisements)</td>
<td>Customer service issues (including call handling)</td>
<td>General administration</td>
</tr>
<tr>
<td>12</td>
<td>Quality of advice / provision of misleading information (including in advertisements)</td>
<td>Quality of advice / provision of misleading information (including in advertisements)</td>
<td>Quality of advice / provision of misleading information (including in advertisements)</td>
<td>Customer service issues (including call handling)</td>
<td>General administration</td>
</tr>
<tr>
<td>13</td>
<td>Customer service issues (including call handling)</td>
<td>Customer service issues (including call handling)</td>
<td>Customer service issues (including call handling)</td>
<td>Customer service issues (including call handling)</td>
<td>General administration</td>
</tr>
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<td>General administration</td>
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<td>General administration</td>
<td>General administration</td>
<td>General administration</td>
</tr>
<tr>
<td>15</td>
<td>Upfront fees</td>
<td>Upfront fees</td>
<td>Upfront fees</td>
<td>Upfront fees</td>
<td>Upfront fees</td>
</tr>
<tr>
<td>16</td>
<td>Fee dispute (at settlement – other than one in 17 below)</td>
<td>Fee dispute (at settlement – other than one in 17 below)</td>
<td>Fee dispute (at settlement – other than one in 17 below)</td>
<td>Fee dispute (at settlement – other than one in 17 below)</td>
<td>Fee dispute (at settlement – other than one in 17 below)</td>
</tr>
<tr>
<td>17</td>
<td>Fees in excess of the claims management fee cap</td>
<td>Fees in excess of the claims management fee cap</td>
<td>Fees in excess of the claims management fee cap</td>
<td>Fees in excess of the claims management fee cap</td>
<td>Fees in excess of the claims management fee cap</td>
</tr>
<tr>
<td>18</td>
<td>Claim outcome</td>
<td>Claim outcome</td>
<td>Claim outcome</td>
<td>Claim outcome</td>
<td>Claim outcome</td>
</tr>
<tr>
<td>19</td>
<td>Process for obtaining and/or sharing of customer data</td>
<td>Process for obtaining and/or sharing of customer data</td>
<td>Process for obtaining and/or sharing of customer data</td>
<td>Process for obtaining and/or sharing of customer data</td>
<td>Process for obtaining and/or sharing of customer data</td>
</tr>
<tr>
<td>20</td>
<td>Delay in processing claim</td>
<td>Delay in processing claim</td>
<td>Delay in processing claim</td>
<td>Delay in processing claim</td>
<td>Delay in processing claim</td>
</tr>
<tr>
<td>21</td>
<td>Other – please provide details</td>
<td>Other – please provide details</td>
<td>Other – please provide details</td>
<td>Other – please provide details</td>
<td>Other – please provide details</td>
</tr>
</tbody>
</table>

**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.

<p>| | | | | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>22</td>
<td>Complaints closed within 3 days</td>
<td></td>
<td></td>
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<tr>
<td>23</td>
<td>Complaints closed within 8 weeks, but after more than 3 days</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>24</td>
<td>Complaints closed after more than 8 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>25</td>
<td>Total complaints closed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Complaints upheld</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Redress paid for upheld complaints</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>28</td>
<td>Redress paid for complaints not upheld</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>29</td>
<td>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</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>30</td>
<td>Total redress paid</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>
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 1.10.2AR DISP 1 Annex 1C
### 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.

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

Please refer to the detailed application provisions set out in DISP 1 for further information.
<table>
<thead>
<tr>
<th>Type of respondent/complaint</th>
<th>DISP 1.1A Requirements for MiFID investment firms</th>
<th>DISP 1.2 Consumer awareness rules</th>
<th>DISP 1.3 Complaints handling rules</th>
<th>DISP 1.4 - 1.8 Complaints resolution rules etc.</th>
<th>DISP 1.9 Complaints record rules</th>
<th>DISP 1.10 Complaints reporting rules</th>
<th>DISP 1.10A Complaints data publication rules</th>
<th>DISP 1.10B Complaints reporting directions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>Does not apply</td>
<td>Applies for unitholders</td>
<td>Applies for unitholders</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>branch of a UK UCITS management company in another EEA State in relation to complaints concerning collective portfolio management services in re</td>
<td>Does not apply</td>
<td>Applies for unitholders</td>
<td>Applies for unitholders</td>
<td>Does not apply</td>
<td>Applies for unitholders</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>Type of respondent/complaint</td>
<td>DISP 1.1A Requirements for MiFID investment firms</td>
<td>DISP 1.2 Consumer awareness rules</td>
<td>DISP 1.3 Complaints handling rules</td>
<td>DISP 1.4 - 1.8 Complaints resolution rules etc.</td>
<td>DISP 1.9 Complaints record rule</td>
<td>DISP 1.10 Complaints reporting rules</td>
<td>DISP 1.10A Complaints data publication rules</td>
<td>DISP 1.10B Complaints reporting directions</td>
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</tr>
<tr>
<td>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</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>branch of a UK firm in another EEA State in relation to MiFID complaints</td>
<td>Applies for retail clients and professional clients, and (where relevant) eligible counterparties (see also DISP 1.1A.6R)</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply (but see DISP 1.1A.37EU)</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>incoming branch of an EEA</td>
<td>Does not apply</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
</tbody>
</table>
## DISP 1: Treating complainants fairly

<table>
<thead>
<tr>
<th>Type of respondent/complaint</th>
<th>DISP 1.1A Requirements for MiFID investment firms</th>
<th>DISP 1.2 Consumer awareness rules</th>
<th>DISP 1.3 Complaints handling rules</th>
<th>DISP 1.4 - 1.8 Complaints resolution rules etc.</th>
<th>DISP 1.9 Complaints record rule</th>
<th>DISP 1.10 Complaints reporting rules</th>
<th>DISP 1.10A Complaints data publication rules</th>
<th>DISP 1.10B Complaints reporting directions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
</tr>
<tr>
<td>Incoming branch of an EEA firm in relation to MiFID complaints</td>
<td>Applies for retail clients and professional clients, and (where relevant) eligible counterparties (see also DISP 1.1A.37EU)</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Applies as set out in DISP 1.1A</td>
<td>Does not apply (but see DISP 1.1A.37EU)</td>
<td>Applies as set out in DISP 1.1A</td>
<td>Applies as set out in DISP 1.1A</td>
<td>Applies as set out in DISP 1.1A</td>
</tr>
<tr>
<td>Incoming branch of an EEA UCITS management company in relation to complaints concerning MiFID clients and complaints concerning non-MiFID business</td>
<td>Does not apply</td>
<td>Applies for unitholders</td>
<td>Applies for unitholders</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
</tr>
<tr>
<td>Type of respondent/complaint</td>
<td>DISP 1.1A Requirements for MiFID investment firms</td>
<td>DISP 1.2 Consumer awareness rules</td>
<td>DISP 1.3 Complaints handling rules</td>
<td>DISP 1.4 - 1.8 Complaints resolution rules etc.</td>
<td>DISP 1.9 Complaints record rule</td>
<td>DISP 1.10 Complaints reporting rules</td>
<td>DISP 1.10A Complaints data publication rules</td>
<td>DISP 1.10B Complaints reporting directions</td>
</tr>
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</tr>
<tr>
<td>incoming EEA UCITS management company in relation to complaints concerning collective portfolio management services in respect of a UCITS scheme</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>incoming EEA firm providing cross border services from outside the UK equivalent business of a third country investment</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td></td>
<td>Applies as set out in DISP 1.1A</td>
<td>Does not apply</td>
<td>Applies as set out in DISP 1.1A</td>
<td>Does not apply</td>
<td>Applies as set out in DISP 1.1A</td>
<td>Applies as set out in DISP 1.1A</td>
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<td>Does not apply</td>
</tr>
</tbody>
</table>
### Type of respond-\-ent/ complaint

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

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<th>DISP 1.4 - 1.8 Complaints resolution rules etc.</th>
<th>DISP 1.9 Complaints record rule</th>
<th>DISP 1.10 Complaints reporting rules</th>
<th>DISP 1.10A Complaints data publication rules</th>
<th>DISP 1.10B Complaints reporting directions</th>
</tr>
</thead>
<tbody>
<tr>
<td>incoming EEA authorised payment institution providing cross border payment services from outside the UK</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>Electronic money issuer in relation to complaints concerning issuance of electronic money</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td></td>
</tr>
<tr>
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<td>--------------------------------------------</td>
</tr>
<tr>
<td>incoming branch of an EEA authorised electronic money institution in relation to complaints concerning issuance of electronic money</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td></td>
</tr>
<tr>
<td>incoming EEA authorised electronic money institution providing cross border electronic money issuance services from outside the UK</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>VJ participant</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants (DISP 1.3.4G to DISP 1.6.8G)</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>complaints relating to auction regulation bidding</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
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## DISP 1: Treating complainants fairly

### Annex 2

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<td><strong>a full-scope UK AIFM</strong>, 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)</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td><strong>a depositary</strong>, for complaints concerning activities carried on for an authorised AIF</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
</tr>
<tr>
<td><strong>a depositary</strong>, for complaints concerning activities carried on for an unauthorised AIF that is a charity AIF</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
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<tr>
<td>a depositary, for complaints concerning activities carried on for an unauthorised AIF that is a UK ELTIF (other than a body corporate that is not a collective investment scheme)</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>a depositary, for complaints concerning activities carried on for an unauthorised AIF that is not a charity AIF or a UK ELTIF</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
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<th>DISP 1.9 Complainants record rule</th>
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<th>DISP 1.10A Complainants data publication rules</th>
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<tr>
<td>An incoming EEA AIFM, for complaints concerning AIFM management functions carried on for an authorised AIF or a UK ELTIF under the freedom to provide cross-border services</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants (DISP 1.3.4G does not apply)</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>A CBTL firm in relation to complaints concerning CBTL business</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
<tr>
<td>A designated credit</td>
<td>Does not apply</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Applies for eligible</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
</tr>
</tbody>
</table>

Concerning activities carried on for an unauthorised AIF that is a body corporate (other than a collective investment scheme).

Does not Apply | Applies | Applies | Applies | Does not apply | Does not apply | Does not apply | Does not apply | Does not apply |
### Annex 2

#### DISP 1 : Treating complainants fairly

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</tr>
</thead>
<tbody>
<tr>
<td>reference agency in relation to complaints about providing credit information</td>
<td>complainants</td>
<td>complainants</td>
<td>complainants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>designated finance platform in relation to complaints about providing specified information</td>
<td>Does not apply</td>
<td>Applies for eligible complainants</td>
<td>Applies for eligible complainants</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td></td>
<td></td>
</tr>
<tr>
<td>complaints relating to administering a benchmark</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td>Does not apply</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Release 39**

Jun 2019

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- Jun 2019
### Appropriate wording for inclusion in a final response or written acceptance

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Wording</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The respondent does not consent to waive the six-month time limit in DISP 2.8.2 R (1)</strong></td>
<td><strong>“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.</strong> 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.”</td>
</tr>
</tbody>
</table>
| **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 or the six-month time limit in DISP 2.8.2 R (1)** | **“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.** The Ombudsman might not be able to consider your complaint if:  
- 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.  
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).  
**If you do decide to refer your complaint to the Ombudsman you must do so within six months of the date of this letter.**  
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. The very limited circumstances referred to above include, where the Ombudsman believes that the delay was as a result of exceptional circumstances.” |
| **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)** | **“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.”** The Ombudsman might not be able to consider your complaint if:  
- 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.  
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).  
**If you do decide to refer your complaint to the Ombudsman you must do so within six months of the date of this letter.**  
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. The very limited circumstances referred to above include, where the Ombudsman believes that the delay was as a result of exceptional circumstances.” |
to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.

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."

The respondent does not consent to waive the time limits in DISP 2.8.7 R relating to mortgage endowment complaints

(4) "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.

The Ombudsman might not be able to consider your complaint if:

- 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.

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."

The respondent consents to waive all applicable time limits

(5) "You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.

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."

Other circumstances not dealt with above

(6) Where the respondent proposes to waive the time limits in DISP 2.8.2 R or DISP 2.8.7 R and appropriate wording for the respondent circumstances is not set out in (1) to (5), the respondent must adapt the appropriate wording as necessary.
Appropriate wording for inclusion in a final response, written acceptance or summary resolution communication

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].”