

Chapter 1

Treating complainants fairly

1.2 Consumer awareness rules

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

1.2.1

R

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

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

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

Relevant motor finance discretionary commission arrangement complaints

1.2.1A **G** ■ DISP App 5.2.4R requires a *respondent* to update the information it has published pursuant to ■ DISP 1.2.1R(1) in relation to the *complaint* handling time limits that apply to a *relevant motor finance DCA complaint*.

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

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

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

1.2.2B **R** [deleted]

Content of summary details

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

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

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

Financial Ombudsman Service logo

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

- (1) branches and sales offices to which *eligible complainants* have access; or
- (2) marketing literature or correspondence directed at *eligible complainants*;

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

1.2.5A **G** [deleted]

The Pensions Ombudsman

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

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