

## Chapter 1

# Treating complainants fairly

1.5 Complaints resolved by close of the third business day

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

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

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

When a complaint is resolved

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

1.5.3 **G** [deleted]

Summary resolution communication

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

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

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

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

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