

Chapter 1

Treating complainants fairly

1.6 Complaints time limit rules

Keeping the complainant informed

1.6.1

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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

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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

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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

[**Note:** *respondents* are reminded of their obligations under regulation 19 of the *ADR Regulations*, which requires *respondents* to provide equivalent messaging in respect of the time limit in ■ DISP 2.8.9R (Payment protection insurance complaints)]

(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

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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

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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	R	As the time limits in ■ DISP 1.6.2AR are shorter than those in ■ DISP 1.6.2R a <i>respondent</i> may choose to treat the whole <i>complaint</i> in accordance with ■ DISP 1.6.2AR (see also ■ DISP 2.8AR).
1.6.3	G	[deleted]
1.6.4	R	<p>Complainant's written acceptance</p> <p>■ DISP 1.6.2 R does not apply if the complainant has already indicated in writing acceptance of a response by the <i>respondent</i>, provided that the response:</p> <ol style="list-style-type: none"> (1) informed the complainant how to pursue his <i>complaint</i> with the <i>respondent</i> if he remains dissatisfied; (2) referred to the ultimate availability of the <i>Financial Ombudsman Service</i> if he remains dissatisfied with the <i>respondent's</i> response; (3) enclosed a copy of the <i>Financial Ombudsman Service</i> standard explanatory leaflet; (4) provided the website address of the <i>Financial Ombudsman Service</i>; and (5) indicated whether or not the <i>respondent</i> 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 <i>complaint</i> is an <i>EMD complaint</i> or a <i>PSD complaint</i> 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	<p>The information regarding the <i>Financial Ombudsman Service</i>, required to be provided in responses sent under the <i>complaints time limit rules</i> (■ 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.</p> <p>[Note: article 13 of the <i>ADR Directive</i>]</p>
1.6.6B	G	A <i>respondent</i> may, where relevant, in a response sent under the <i>complaints time limits rules</i> (■ DISP 1.6.2R and ■ DISP 1.6.4R) refer to the availability of the <i>Pensions Ombudsman</i> , in addition to the <i>Financial Ombudsman Service</i> , by including the wording set out in ■ DISP 1 Annex 4G.

Speed and quality of response

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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.

1.6.8

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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.