Chapter 1

Treating complainants fairly
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

[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**

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]

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 respondent may choose to treat the whole complaint in accordance with ■ DISP 1.6.2AR (see also ■ DISP 2.8AR).

1.6.3 G [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.
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.