

## Chapter 2

# Recognition requirements

2.16 Complaints

2.16.1 UK Schedule to the Recognition Requirements Regulations, Paragraph 9

(1)	The [UK RIE] must have effective arrangements for the investigation and resolution of complaints arising in connection with the performance of, or failure to perform, any of its <i>regulatory functions</i> .
(2)	But sub-paragraph (1) does not extend to -
(a)	complaints about the content of rules made by the [UK RIE], or
(b)	complaints about a decision against which the complainant has the right to appeal under procedures of the kind mentioned in paragraph 8(2)(b).
(3)	The arrangements must include arrangements for a complaint to be fairly and impartially investigated by a <i>person</i> independent of the [UK RIE], and for him to report on the result of his investigation to the [UK RIE] and to the complainant.
(4)	The arrangements must confer on the <i>person</i> mentioned in sub-paragraph (3) the power to recommend, if he thinks appropriate, that the [UK RIE] -
(a)	makes a compensatory payment to the complainant,
(b)	remedies the matter complained of,
	or takes both of those steps.
(5)	Sub-paragraph (3) is not to be taken as preventing the [UK RIE] from making arrangements for the initial investigation of a complaint to be conducted by the [UK RIE].

2.16.2 UK [deleted]

2.16.3 G In determining whether a *UK recognised body* has effective arrangements for the investigation and resolution of complaints arising in connection with the performance of, or failure to perform, any of its *regulatory functions*, the *FCA* may have regard to the extent to which the *UK recognised body's* resources and procedures enable it to:

- (1) acknowledge complaints promptly;
- (2) make an objective, prompt and thorough initial investigation of complaints;
- (3) provide a timely reply to the complainant after that initial investigation;

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- (4) inform the complainant of his right to apply to the *UK recognised body's complaints investigator*; and
- (5) keep adequate records of complaints and investigations.
- In determining whether a *UK recognised body's* arrangements for the investigation of complaints include appropriate arrangements for the complaint to be fairly and impartially investigated by an independent *person* (a "*complaints investigator*"), the *FCA* may have regard to:
- (1) the arrangements made for appointing (and removing) a *complaints investigator*, including the terms and conditions of such an appointment and the provision for remuneration of a *complaints investigator*;
  - (2) the *complaints investigator's* access to, and relationship with, the *UK recognised body's governing body* and *key individuals*;
  - (3) the arrangements made for giving complainants access to the *complaints investigator*;
  - (4) the facilities made available to the *complaints investigator* to enable him to pursue his investigation and prepare his report and recommendations, including access to the *UK recognised body's records, key individuals* and other staff (including, where appropriate suppliers, contractors or other *persons* to whom any functions have been outsourced and their staff); and
  - (5) the arrangements made for the *UK recognised body* to consider the *complaints investigator's* report and recommendations.