

COMPLAINTS AGAINST THE FSA SCHEME (AMENDMENT) INSTRUMENT 2004

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) (a) paragraphs 7 and 8 of Schedule 1;
(b) section 157(1) (Guidance); and
 - (2) (a) article 2(2) of the Financial Services and Markets Act 2000 (Commencement No.4 and Transitional Provisions) Order 2001 (SI 2001/2364); and
(b) article 18 of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman Scheme and Complaints scheme) Order 2001 (SI2001/2326).

Commencement

- B. This instrument comes into force on 1 October 2004.

Amendments to the Complaints against the FSA sourcebook

- C. The Complaints against the FSA sourcebook is amended in accordance with the Annex to this instrument.

Citation

- D. This instrument may be cited as the Complaints against the FSA Scheme (Amendment) Instrument 2004.

By order of the Board 15 July 2004

Annex Amendments to the Complaints against the FSA sourcebook

In this Annex underlining indicates new text and striking through indicates deleted text.

Complaints against the FSA Transitional

provisions TP 1 Transitional Provisions

Complaints against the FSA

COAF 1 There are no transitional provisions in COAF. However, COAF
2 (Transitional Complaints Scheme) is itself a separate Transitional
Complaints Scheme covering complaints against the FSA or
PIA, IMRO or SFASFA in respect of matters arising before
the date that section 19 (the general prohibition) of the Act
comes into force.

2 Table: Transitional Provisions

(1)	(2)	(3)	(4)	(5)	(6)
	Material to		Transitional provision	Transitional	Handbook
	which the			provision:	provision:
	transitional			dates in	coming
	provision applies			force	into force
1	Every provision in COAF	G	The FSA and the <i>Complaints Commissioner</i> will continue to treat complaints received before 1 October 2004 in accordance with COAF as in force before amendment by the <i>Complaints against the FSA Scheme (Amendment) Instrument 2004</i> .	From 1 October 2004 for eighteen months	3 September 2001

1.1 Introduction ...

1. 1.1.2 G The *complaints scheme* provides that there may be two distinct stages for each complaint. In the first stage, the FSA itself will investigate any complaint that meets the requirements of the *complaints scheme* (see COAF 1.4 (Coverage and scope of the scheme)) and take whatever action to resolve the matter it thinks appropriate. A complaint will normally only proceed to the second stage if the complainant is dissatisfied with the FSA's determination of his complaint or how it has been handled. This second stage consists of investigation of the complaint by the *Complaints Commissioner*, followed, wherever he finds for the complainant, by his recommendation to the FSA on the form of redress, if any, that is appropriate in the circumstances.

.1.1.3 G (1) ...

(2)

(3) Each provision in the *complaints scheme* is, consistent with the style and format of the Handbook, identified by the letter "G". It nevertheless constitutes a definitive

statement of the *complaints scheme* which the *FSA* is required to maintain.

...

1.1.5 G In this *complaints scheme*, “complaint” means any expression of dissatisfaction about the manner in which the *FSA* has carried out, or failed to carry out, its functions under the *Act* other than its legislative functions.

...

1.2 Application

1. 1.2.1 G Anyone directly affected by the way in which the *FSA* has carried out its functions, or anyone acting directly on such a *person’s* behalf, may bring a complaint under the *complaints scheme*, provided the complaint meets the requirements of the *complaints scheme* (see *COAF* 1.4 (Coverage and scope of the scheme)). This includes *firms* and *issuers*issuers of *listed securities*listed securities and any *customer* or prospective *customer*, whether an individual or a *body corporate*, or *market counterparty*. Groups, such as trade associations, may bring a complaint under the *complaints scheme* where they themselves have been directly affected by the *FSA’s* actions or inactions. Groups may also bring complaints on behalf of one or more named members that have been directly affected by the *FSA’s* actions or inactions, but cannot bring complaints on behalf of their members generally if it is not apparent that all of the group’s members have been directly affected.

2. 1.2.2 G The *complaints scheme* applies in relation to complaints made about the way in which the *FSA* has carried out, or failed to carry out, its functions

under the *Act*. The *FSA* is also applying the main elements of the *complaints scheme* in respect of complaints against the *FSA* arising in connection with the exercise of its functions under previous legislation and in respect of complaints made against *PIA*, *IMRO* and *SFA*. Those arrangements are set out in the *transitional complaints scheme*.

1.3 The Complaints Commissioner

1.3.1 G (1) ...

(2) In appointing the *Complaints Commissioner*, the *FSA* is advised by an appointment panel comprising the Deputy Chairman of the *FSA*, the Chairmen of the Practitioner and Consumer Panels *Consumer Panels* established under sections 9 and 10 of the *Act* and another person who is independent of the *FSA*.

...

1. 1.3.3 G The *FSA* will provide remunerate the *Complaints Commissioner* and will provide him with sufficient financial and other resources to allow him to fulfil his role under the *complaints scheme* properly equip him with suitable accommodation and staff. No member of the *Complaints Commissioner’s* staff may be an employee of, or perform any duties for, the *FSA*.

2. 1.4 Coverage and scope of the scheme

1.4.1 G (1) ...

~~.(2) Because the *complaints scheme* is concerned with complaints about the way in which the FSA has discharged its functions, it does not cover complaints about the actions of the *Financial Ombudsman Service* or the *Financial Services Compensation Scheme*. [deleted]~~

.(3) To be eligible to make a complaint under the *complaints scheme*, a *person* (see COAF 1.2.1G) must be seeking a remedy, (which for this purpose may include an apology, see COAF 1.5.5G) in respect of some inconvenience, distress or loss which the *person* has suffered as a result of being directly affected by the FSA's actions or inaction.

Exclusions from the scheme

1.4.2 G Each of the following is excluded from the *complaints scheme*:

- .(1) ...
- .(2) ...; and
- (3) ...; and

. (4) complaints about the actions, or inactions, of the *Financial Ombudsman Service* or the *Financial Services Compensation Scheme*.

Circumstances under which the FSA will not investigate

1.4.2A G The FSA will not investigate a complaint under the *complaints scheme* which it reasonably considers amounts to no more than dissatisfaction with the FSA's general policies or with the exercise of, or failure to exercise, a discretion where no unreasonable, unprofessional or other misconduct is alleged.

Complaints that are more appropriately dealt with in another way ~~Alternative remedies~~

1.4.3 G The FSA will not investigate a complaint under the *complaints scheme* which it reasonably considers: (1) could have been, or would be, more appropriately dealt with in another way (for example by referring the matter to the *Tribunal* or by the institution of other legal proceedings); or

~~(2) amounts to no more than dissatisfaction with the FSA's general policies or with the exercise of discretion where no unreasonable, unprofessional or other misconduct is alleged.~~

Investigations that may be deferred

1.4.4 G ...

~~Certain complaints to be in writing~~

1.4.5 G (1) ~~A complaint made orally by a consumer will be investigated by the FSA. If the complaint cannot be resolved quickly, the FSA will write to the complainant inviting him to confirm its understanding of the complaint.~~

~~(2) Other persons complaining orally will be asked to confirm their complaint in writing (this includes in electronic form), and the FSA will not normally investigate a complaint until the complainant has done so.[deleted]~~

...

1.5 Procedure

The FSA's initial response to complaints Telling complainants how the Complaints Scheme works

1.5.1 G The FSA will acknowledge a complaint within five working days of receipt. It will, in response to a each complaint made in a *durable medium*, send to theeach complainant a leaflet, in a *durable medium*, explaining how the *complaints scheme* works, including details of his right to refer the complaint to the *Complaints Commissioner* if he is dissatisfied with the way in which the FSA has dealt with it (see COAF 1.5.56G).

The FSA's initial analysis of complaints

1.5.1A G On receiving a complaint, the FSA will determine whether it can be dealt with under the *complaints scheme* and whether it can be dealt with under the 'fast track' complaints handling procedure (see COAF 1.5.1DG).

1.5.1B G Where the FSA does not investigate a complaint under the *complaints scheme*, either because the FSA considers it to be outside of the scope of the *complaints scheme* or for another reason described in COAF (see COAF 1.2 (Application) and COAF 1.4 (Coverage and scope of the scheme)), the FSA will write to the complainant explaining why this is the case and informing him of his right to ask the *Complaints Commissioner* to review the decision. The FSA will do this within four weeks of receiving the complaint or, where COAF 1.5.1GG(1) applies, within four weeks of the complainant notifying the FSA that he is dissatisfied with the way his complaint has been handled.

Asking for information in writing

1.5.1C G (1) A complaint made orally by a *consumer* will be investigated by the FSA. However, if the FSA requires clarification from the complainant as to the nature or scope of the complaint, the FSA may either invite the complainant to confirm or clarify the details of the complaint, or it may communicate its understanding of the nature or scope of the complaint to the *consumer*, in a *durable medium*.

. (2) Other *persons* complaining orally will be asked to confirm their complaint in a *durable medium*.

. (3) The FSA may ask the complainant to explain what remedy he is seeking or to provide any factual information that supports his complaint in a *durable medium*.

.(4) The FSA may not be able to progress its investigation of a complaint until it has received the information described in (1) to (3), as it needs to understand from the complainant what the complaint is about if it is to investigate it properly.

'Fast track' complaints handling procedure

1.5.1D G (1) The FSA will use a 'fast track' procedure for investigating a complaint where it believes the complaint:

.(a) is of low impact from the perspective of both the complainant and the FSA (for example, it is about a minor administrative mistake); and

.(b) can be dealt with within five *business days* of the FSA first receiving communication of the complaint, in a way that the FSA believes remedies any adverse effect on the complainant.

(2) If, after initiating the 'fast track' complaints handling procedure for a particular complaint, the FSA then considers that the complaint does not meet the criteria in (1), it will then deal with it as described at COAF 1.5.1HG.

1.5.1E G The 'fast track' procedure will involve the complaint being dealt with under the *complaints scheme* by the area of the FSA most closely concerned with the matter complained of.

1.5.1F G For all complaints dealt with under the 'fast track' procedure, the FSA will advise the complainant of his right to refer his complaint to the FSA's Company Secretariat if he believes the complaint has not been resolved or is otherwise dissatisfied with the way it has been dealt with.

Handling of 'fast track' complaints referred to the Company Secretariat

1.5.1G G (1) If the complainant refers his complaint to the FSA's Company Secretariat, the FSA will acknowledge this complaint within five *business days* of receiving this referral.

(2) The FSA will review the complaint, at this point, to make sure that it falls within the scope of the *complaints scheme*. If the FSA considers that the complaint is outside the *complaints scheme*, it will follow the procedures in COAF 1.5.1BG. Otherwise, it will handle the complaint in accordance with COAF 1.5.2G.

'Non-fast track' complaints: the FSA's initial response

1.5.1H G Where a complaint is not suitable for the 'fast track' complaints handling procedure, the FSA will acknowledge it within five *business days* of receipt and will deal with it in accordance with COAF 1.5.2G.

Stage 1: Investigation of complaints by the FSA

1. 1.5.2 G The FSA will arrange for an initial investigation by its own staff of any complaint which is a complaint under the terms of the *complaints scheme* and which does not come within satisfies the provisions of COAF 1.4.1G to COAF 1.4.6G. That investigation will be carried out by a suitably senior member of staff who has not previously been involved in the matter complained of, with a view to resolving the matter to the complainant's satisfaction. The FSA will seek to resolve the complaint as quickly as possible.

2. 1.5.3 G The FSA will seek to resolve the complaint as quickly as possible. The FSA will either complete aim to ensure that all investigations are completed within eight weeks. If it has not completed the investigation of a complaint within four weeks, or it will write to the complainant within this time setting out a reasonable timescale within which it plans to deal with the complaint. If the FSA has not already confirmed whether or not the complaint will be admitted to the complaints scheme, the FSA will include this informationthe FSA will write to the complainant reporting ~~that fact~~.

What are the possible outcomes for the complainant?

1. 1.5.4 G If the FSA concludes that a complaint is well founded, it will tell the complainant what it proposes to do to remedy the matters of complaint complained of.

2. 1.5.5 G Remedying a well founded complaint may include offering the

complainant an apology, taking steps to rectify an error or, if appropriate, the offer of a compensatory payment on an ex-gratia basis. If the FSA decides not to uphold or to reject a complaint, it will give its reasons for doing so to the complainant, and will inform the complainant of his right to ask the Complaints Commissioner to review the FSA's decision.

1.5.6 G Complainants who are dissatisfied with the outcome of an investigation, or who are dissatisfied with the FSA's progress in investigating a complaint, may refer the matter to the *Complaints Commissioner*, who may decide will consider whether or not to carry out his own investigation.

When will the If the FSA does not investigate a complaint, will the Complaints Commissioner investigate a complaint that the FSA has not investigated? do so?

1. 1.5.7 G When the FSA has told a complainant in writing that it will not investigate his complaint, as provided for by COAF 1.5.1AG, it will also notify the Complaints Commissioner of this fact. Within ten working days of ~~receiving a complaint, the FSA will notify the Complaints Commissioner of each complaint which it decides not to investigate and will inform the complainant that it has done so.~~ The Complaints Commissioner will not review the FSA's decision unless the complainant requests this. Where the complainant does request this, tThe Commissioner will, after considering any representations from the complainant and the FSA, then decide whether the complaint falls within the scope of the *complaints scheme* and, if so, whether to conduct an investigation.

2. 1.5.8 G (1) If a complaint is referred or notified to the *Complaints Commissioner* before the FSA has had the opportunity to conduct or complete an investigation, the *Complaints Commissioner* will consider whether it would be desirable to allow the FSA that opportunity before conducting his own investigation.

(2) Paragraph (1) also applies to a complaint received by the Complaints Commissioner when he is conducting a Stage 2 investigation into another complaint from the same complainant.

...

Stage 2: Conduct of investigations by the *Complaints Commissioner*

1.5.10 G The *Complaints Commissioner* may conduct an investigation in whatever manner he thinks appropriate including obtaining, at the *FSA*'s expense, such external resources as may be reasonable. In considering what is appropriate, the *Complaints Commissioner* will take into account the need to ensure that complaints are dealt with fairly, quickly and cost effectively.

1.5.10A G In performing his functions in accordance with the *complaints scheme*, the *Complaints Commissioner* must at all times act independently of the *FSA*. ...

1.5.18 G The *Complaints Commissioner* may, if he thinks it appropriate, recommend that the *FSA* remedy the matters complained of, as described in *COAF* 1.5.5G. take either or both of the following steps:

- ~~(1) remedy the matters of complaint; or~~
- ~~(2) make a compensatory payment to the complainant. ...~~

Responding to the *Complaints Commissioner*

1.5.24 G In deciding how it should respond to a report from the *Complaints Commissioner*, the *FSA* will, as well as having regard to its statutory objectives and the considerations set out in section 2(3) or 73(1) of the *Act*, normally take into account the following:

- .(1) ...
- .(2) ...
- .(3) whether what has gone wrong is at the operational or administrative level (rather than in relation to matters of policy or where the *FSA*'s ~~actions have necessarily had to reflect a balancing of conflicting interests and complex issues~~);

- (4)

Annual Reports

1.6.2 G The *Complaints Commissioner* will each year submit a report to the *FSA* Board, for publication.;

.(1) a report on investigations concluded by him during the 12-month period ending 31 March. The report may include information concerning trends in the subject matter of complaints and on the general lessons which he considers the *FSA* should learn; and

.(2) information on his activities during that year, including such matters as the approach he adopted to handling different types of complaint and the extent to which he has met his service standards for dealing with complaints. (The *Complaints Commissioner* will set these standards himself.)

Transitional complaints scheme ...

2.1.5 G (1) Where the *FSA* is required to make a particular arrangement as part of the *transitional complaints scheme*, this is recognised in the following text by use of

the word 'must'. In contrast, where a provision in the transitional *transitional complaints scheme* states that someone "will" do something, this denotes that the *FSA* is committing itself or the *Complaints Commissioner* to some action which, though not specifically required, is nevertheless viewed as necessary to give effect to the intentions of the *Act*.

- (2) Each provision in the *transitional complaints scheme* is, consistent with the style and format of the Handbook *Handbook*, identified by the letter "G". It nevertheless constitutes a definitive statement of the *transitional complaints scheme* which the *FSA* is maintaining.

...

2.1.9 G In this *transitional complaints scheme*:

(1) "complaint" means any expression of dissatisfaction about the manner in which the *FSA* has carried out, or failed to carry out, its statutory functions (other than its legislative functions) and about the manner in which *PIA*, *IMRO* or *SFA* have carried out their functions arising in connection with the Financial Services Act 1986 (other than their functions of making rules and issuing guidance);

(2) ...

(3)

2.2 Application

1. 2.2.1 G Anyone directly affected by the way in which the *FSA*, *PIA*, *IMRO* or *SFA* has carried out their functions, or anyone acting directly on such a *person's* behalf, may bring a complaint under the *transitional complaints scheme*, provided the complaint meets the requirements of the *transitional complaints scheme* (see *COAF 2.3* (Coverage and scope of the scheme)). This includes *firms* and issuers *issuers* of listed securities *listed securities* and any customer *customer* or prospective customer *customer*, whether an individual or a body corporate *body corporate*, or market counterparty *market counterparty*. Groups, such as trade associations, may bring a complaint under the *transitional complaints scheme* where they themselves have been directly affected by the *FSA's* actions or inactions. Groups may also bring complaints on behalf of one or more named members that have been directly affected by the *FSA's* actions or inactions, but cannot bring complaints on behalf of their members generally if it is not apparent that all of the group's members have been affected.

2. 2.3 Coverage and scope of the scheme

2.3.1 G (1) ...

(2) The *transitional complaints scheme* does not cover complaints about ~~the actions of the *Financial Ombudsman Service*, the *Financial Services Compensation Scheme*, the *Investors' Compensation Scheme* or of any independent complaints investigation body established by *PIA*, *IMRO* or *SFA*.~~[deleted]

(3) ...

(4) To be eligible to make a complaint under the *transitional complaints scheme*, a *person* (see *COAF 2.2.1G*) must be seeking a remedy (which for this purpose may include an apology, see *COAF 2.4.5G*) in respect of some inconvenience, distress or loss which the

person has suffered as a result of being directly affected by the actions or inaction of the *FSA, PIA, IMRO* or *SFA*.

Exclusions from the scheme

2.3.2 G Each of the following is excluded from the *transitional complaints scheme*:

.(1) ...

...

.(4); and

.(5) complaints about the actions, or inactions, of the *Financial Ombudsman Service*, the *Financial Services Compensation Scheme*, the Investors' Compensation Scheme or of any independent complaints investigation body established by *PIA, IMRO* or *SFA*.

Circumstances under which the FSA will not investigate

2.3.2A G The *FSA* will not investigate a complaint under the *transitional complaints scheme* which it reasonably considers amounts to no more than dissatisfaction with the general policies of the *FSA* or of *PIA, IMRO* or *SFA* or with the exercise of a discretion by any such body where no unreasonable, unprofessional or other misconduct is alleged.

Complaints that are more appropriately dealt with in another way

~~Alternative remedies~~

2.3.3 G The *FSA* will not investigate a complaint under the *transitional complaints scheme* which it reasonably considers: (1) could have been, or would be, more appropriately dealt with in another way (for example by referring the matter to the Financial Services Tribunal or to the committees, tribunals and appeal bodies or to any successor tribunal of *PIA, IMRO* or *SFA* or by the institution of other legal proceedings); or
(2) ~~amounts to no more than dissatisfaction with the general policies of the *FSA* or of *PIA, IMRO* or *SFA* or with the exercise of discretion by any such body where no unreasonable, unprofessional or other misconduct is alleged.~~

Investigations that may be deferred

2.3.4 G ...

~~Certain complaints to be in writing~~

2.3.5G (1) ~~— A complaint made orally by a consumer will be investigated by the *FSA*. If the complaint cannot be resolved quickly, the *FSA* will write to the complainant inviting him to confirm its understanding of the complaint.~~

~~—(2) Other persons complaining orally will be asked to confirm their complaint in writing (this includes in electronic form) and the *FSA* will not normally investigate a complaint until the complainant has done so.[deleted]~~

...

2.4 Procedure

The FSA's initial response to complaints

2.4.1 G The FSA will acknowledge a complaint within five *business days* working days of receipt. and will deal with it in accordance with COAF 2.4.2G-2.4.4G. Where the complaint is in a durable medium, the FSA It will send each complainant a leaflet, in a *durable medium*, explaining how the *transitional complaints scheme* works, including details of his right to refer the complaint to the *Complaints Commissioner* if he is dissatisfied with the way in which the FSA has dealt with it (see COAF 2.4.6G).

2.4.1A G Where the FSA does not investigate a complaint under the *transitional complaints scheme*, either because the FSA considers it to be outside of the scope of the *complaints scheme* or for another reason described in COAF (see COAF 2.2 (Application) and COAF 2.3 (Coverage and scope of the scheme)), the FSA will write to the complainant explaining why this is the case and informing him of his right to ask the *Complaints Commissioner* to review the decision. The FSA will do this within four weeks of receiving the complaint.

Putting complaints in writing

- 2.4.1B G (1) A complaint made orally by a consumer will be investigated by the FSA. However, if the FSA requires further clarification from the complainant as to the nature or scope of the complaint, the FSA may either invite the complainant to confirm or clarify the details of the complaint, or it may communicate its understanding of the nature or scope of the complaint to the consumer, in a durable medium.
- . (2) Other persons complaining orally will be asked to confirm their complaint in a durable medium.
 - . (3) The FSA may ask the complainant to explain what remedy he is seeking or to provide any factual information that supports his complaint in a durable medium.
 - . (4) The FSA may not be able to progress its investigation of a complaint until it has received the information described in (1) to (3), as it needs to understand from the complainant what the complaint is about if it is to investigate it properly.

Stage 1: Investigation of complaints by the FSA

1. 2.4.2 G The FSA will arrange for an initial investigation by its own staff of any complaint which is a complaint under the terms of the *transitional complaints scheme* and which does not come within satisfies the provisions of COAF 2.3.21G to COAF 2.3.56G. That investigation will be carried out by a suitably senior member of staff who has not previously been involved in the matter complained of, with a view to resolving the matter to the complainant's satisfaction. The FSA will seek to resolve the complaint as quickly as possible.

2. 2.4.3 G The FSA will seek to resolve the complaint as quickly as possible. The FSA will either complete aim to ensure that all investigations are completed within eight weeks. If it has not completed the investigation of a complaint within four weeks, or it will write to the complainant within this time setting out a reasonable timescale within which it plans to deal with the complaint. If the FSA has not already confirmed whether or not the complaint will be admitted to the *complaints scheme*, the FSA will include this information the FSA will write to

the complainant reporting ~~that fact~~.

What are the possible outcomes for the complainant?

1. 2.4.4 G If the *FSA* concludes that a complaint is well founded it will tell the complainant what it proposes to do to remedy the matters of complaint complained of.
2. 2.4.5 G Remedying a well-founded complaint may include offering the complainant an apology and taking steps to rectify an error. If the *FSA* decides not to uphold to reject a complaint, it will give its reasons for doing so to the complainant, and will inform the complainant of his right to ask the *Complaints Commissioner* to review the *FSA*'s decision.
3. 2.4.6 G Complainants who are dissatisfied with the outcome of an investigation, or who are dissatisfied with the *FSA*'s progress in investigating a complaint, may refer the matter to the *Complaints Commissioner*, who may decide will consider whether or not to carry out his own investigation.

When will the If the *FSA* does not investigate a complaint, will the *Complaints Commissioner* investigate a complaint that the *FSA* has not investigated?do so?

2.4.7 G When the *FSA* has told a complainant in writing that it will investigate his complaint, as provided for by *COAF* 2.4.1BG, it will also notify the *Complaints Commissioner* of this fact. Within ten working days of receiving a complaint, the *FSA* will notify the *Complaints Commissioner* of each complaint which it decides not to investigate and will inform the complainant that it has done so. The *Complaints Commissioner* will not review the *FSA*'s decision unless the complainant requests this. Where the complainant does request this, Tthe *Commissioner* will, after considering any representations from the complainant and the *FSA*, then decide whether the complaint falls within the scope of the *transitional complaints scheme* and, if so, whether to conduct an investigation.

- 2.4.8 G (1) If a complaint is referred or notified to the *Complaints Commissioner* before the *FSA* has had the opportunity to conduct or complete an investigation, the *Complaints Commissioner* will consider whether it would be desirable to allow the *FSA* that opportunity before conducting his own investigation;
- (2) Paragraph (1) also applies to a complaint received by the *Complaints Commissioner* when he is conducting a Stage 2 investigation into another complaint by the same complainant.

...

Stage 2: Conduct of investigations by the *Complaints Commissioner*

2.4.10 G The *Complaints Commissioner* may conduct an investigation in whatever manner he thinks appropriate including obtaining, at the *FSA*'s expense, such external resources as may be reasonable. In considering what is appropriate, the *Complaints Commissioner* will take into account the need to ensure that complaints are dealt with fairly, quickly and cost effectively.

2.4.10A G In performing his functions in accordance with the *transitional complaints*

scheme, the *Complaints Commissioner* must at all times act independently of the *FSA*, *PIA*, *IMRO* and *SFA*.

...

Responding to the Complaints Commissioner

2.4.22 G The *FSA* must, in any case where the *Complaints Commissioner* has reported that a complaint is well founded or where he has criticised the *FSA*, *PIA*, *IMRO* or *SFA* in his report, inform the *Complaints Commissioner* and the complainant of the steps which it proposes to take by way of response.

...

Annual Reports

2.5.2 G The *Complaints Commissioner* will each year submit a report to the *FSA* Board, for publication:

. (1) a report on investigations concluded by him during the 12-month period ending 31 March. The report may include information concerning trends in the subject matter of complaints and on the general lessons which he considers the *FSA* should learn; and

.(2) information on his activities during that year, including such matters as the approach he adopted to handling different types of complaint and the extent to which he has met his service standards for dealing

with complaints. (The *Complaints Commissioner* will set these standards himself.)