

Consultation Paper 6

Policy on delegation and review of rejection decisions

A: This consultation

The Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 and the Financial Services Ombudsman (Jersey) Law 2014 ('the Ombudsman Laws') give the Channel Islands Financial Ombudsman ('CIFO') powers to reject certain complaints.¹

In respect of those powers to reject complaints, the Ombudsman Laws require CIFO to publish its policy on:

- designation/delegation of investigatory and decision-making functions; and
- arrangements to review rejection decisions made other than by an Ombudsman.²

Designation/delegation of investigatory and decision-making functions

The designated persons with delegated investigatory and decision-making powers to reject complaints are:

- any Ombudsman (including the Principal Ombudsman); and
- any other member of CIFO's staff authorised by the Principal Ombudsman ('case handlers').³

The Principal Ombudsman will only authorise members of CIFO's staff who are appropriately qualified to carry out these functions.⁴

CIFO has published its policy and, while not required to consult on the policy, invites input from stakeholders on the policy as published. The policy can be viewed at <https://www.ci-fo.org/policies-and-guidance/>

Section B of this consultation paper explains how to respond. Section C explains the role of CIFO. Section D explains the questions covered by this consultation.

B: How to respond

Please send any response in writing by email to consultations@ci-fo.org or by post to Channel Islands Financial Ombudsman, P O Box 114, Jersey, JE4 4QG. Responses may be published, unless clearly stated to be confidential.

¹ Section/article 12(1) to (4)

² Section/article 12(7)

³ Schedule 1 paragraph 8(3)

⁴ Section 12(6)(a)(ii) of the Guernsey Ombudsman Law

C: Financial Ombudsman

CIFO is the joint operation of the statutory bodies established by the Financial Services Ombudsman (Jersey) Law 2014 [‘the Jersey Ombudsman Law’]⁵ and the Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 [‘the Guernsey Ombudsman Law’].⁶

CIFO is independent of the States. The joint operation – working from a shared office in Jersey, with the same board, ombudsman and staff – covers complaints about financial services provided in and from Jersey, Guernsey, Alderney and Sark. It opened for business on 16 November 2015.

CIFO resolves complaints against financial services providers – independently, fairly, effectively, promptly, with minimum formality and so as to offer a more accessible alternative to court proceedings. This will help to underpin confidence in the finance sectors, both locally and internationally.

D: Issues covered by this consultation

It is expected that CIFO’s policies will evolve over time and will reflect the experience gained from the handling of specific complaints. Input from interested stakeholders to this initial policy will assist CIFO in ensuring that any rejection of complaints is handled in a manner that is appropriate, consistent with the law, and reflects the circumstances that can be expected to arise from the provision of financial services and the resolution of complaints in the Channel Islands.

Do you have any suggested amendments to the Policy on delegation and review of rejection decisions?

⁵ www.jerseylaw.je/Law/display.aspx?url=lawsinforce%5chtm%5cLawFiles%5c2014%2fl-14-2014.htm

⁶ www.guernseylegalresources.gg/article/115617/Financial-Services-Ombudsman-Bailiwick-of-Guernsey-Law-2014