

Consultation Paper 5

Policy on factors to be considered in rejecting complaints

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 the reasons and factors that will be considered by CIFO in deciding whether or not to reject complaints.² 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 [here](#).

Factors that will be considered

In deciding whether the complaint is one that *will* be rejected because it is not a complaint that may be referred under the Ombudsman Laws³, reasons and factors that will be considered include those set out in schedule 1 to the policy.

In deciding whether the complaint is one that *may* be rejected because there are compelling reasons why it is inappropriate for the complaint to be dealt with by CIFO⁴, reasons and factors that will be considered include those set out in schedule 2 to the policy.

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 Section/article 12(1)

⁴ Section/article 12(2)

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 the factors to be considered in rejecting complaints are fair and reasonable and reflect 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 factors to be considered in rejecting complaints?

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