



An tOmbudsman Seirbhísí
Airgeadais agus Pinsean

Financial Services and
Pensions Ombudsman

FSPO Customer Engagement Policy

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1. Purpose of this policy

This policy sets out how the FSPO will engage with our customers and other stakeholders and how we expect our customers to engage with the FSPO. It includes information on how we approach the registration of a complaint, the nature of the information we will routinely ask for, and some of the things you can expect when dealing with us.

The FSPO is obliged to use the resources that have been assigned to this Office, in a manner that maximises the efficient and effective management of the complaints submitted to us. It should be read together with the FSPO Customer Charter, which outlines the standard of service and behaviour that should underpin our interactions with all customers and expresses our aim to foster an environment of mutual respect between team members in the FSPO and those we serve.

The Financial Services and Pensions Ombudsman Act 2017 (as amended)¹ (the Act) sets out the limits on the FSPO; its jurisdiction. Section 12 (4)² of the Act tells us that the Ombudsman will put in place the “efficient and effective” procedures to investigate complaints. Section 47 (5)³ of the Act confirms that it is for the Ombudsman to set down how we will investigate complaints, which we do through our preliminary enquiries (information gathering) and complaint handling procedures.

Having gathered some information about a complaint, we will decide if we are the correct place for the complaint, or whether it is more suitable for a different organisation to investigate.

To effectively and efficiently process financial services and pensions complaints, the cooperation of our customers and their representatives in keeping to our procedures is needed, and failure to do so will cause delays and affect how well we can progress your complaint, and in some cases, may mean we may not be the appropriate forum, or the right place, for your complaint.

¹ A full copy of the Financial Services and Pensions Ombudsman Act 2017 (as amended) is available via our website www.fspo.ie under “Legal References”.

² Section 12 (4) of the Act states that “The Ombudsman shall establish and maintain efficient and effective systems and procedures for the investigation and adjudication of complaints in a timely and effective manner.”

³ Section 47 (5) of the Act states that: “Subject to any regulations made under section 4, the procedure for the making of complaints and the conduct of investigations shall be such as the Ombudsman considers appropriate in all the circumstances of the case, and he or she may, in particular, obtain information from such persons and in such manner, and make such enquiries, as he or she thinks fit.”

Information on the FSPO's role and our governing legislation (the laws we must follow) can be found at: www.fspo.ie.

1.1 How we manage complaints

The FSPO was set up to resolve complaints between complainants and their financial service or pensions providers, where they have been unable to resolve those complaints themselves.

Our service is provided by following the legal rules the Ombudsman must obey that are set out in the Act, and complaints are investigated in the way that the Ombudsman considers right for the specific complaint. In general, we will manage a complaint by one of the following:

- A) informal means,
- B) mediation,
- C) investigation, or
- D) a combination of the above.

We will only continue with complaints that we are legally allowed to investigate, so if you are a complainant customer, we may ask you to give us information that allows us to check that your complaint is one we can investigate. This means we may need you to provide some of the following information where it is relevant to your complaint, or we may look for other information not listed here:

- A fully completed FSPO complaint form (this is required for all complaints)
- Agreement Terms and Conditions, loan documents, policy or trust documents
- Pension scheme rules or other pension information
- Documents that show that you are an “eligible” complainant, or that you are the person legally allowed to bring the complaint on behalf of another person or the estate of a deceased person for e.g. Grant of Probate, Letters of Administration, Decision Support Arrangement, Power of Attorney or other information such as this
- “Wet” or validated digital signatures for all persons who jointly hold the product or who have signed up to the service, about which your complaint has arisen
- Documents that show that you have first made the specific complaint to the correct financial service or pension provider and allowed it sufficient time to investigate it and issue a response. This may be shown by the complaint itself,

appropriately dated, or the outcome of the provider's investigation, called its Final Response Letter (FRL) or Notification of Determination (NoD).

2. Our accessibility commitments

2.1 Physical access – visiting our offices

We provide clean and accessible public offices to you for visits, that ensure privacy and comply with occupational and safety standards, including facilitating access for those with specific needs. Our team includes a Safety Officer, Fire Wardens and an Access Officer.

To help us ensure the privacy of discussions and to ensure the most appropriate person is there to discuss the processing of a complaint, we encourage visitors to our office to make an appointment before visiting.

2.2 Assistance with our processes

The FSPO is an impartial entity - this means that we are a neutral party, and we do not take the side, or act on behalf of either a complainant or a provider. We cannot provide advice about the complaints we receive. Complainants who need advice must get it from their own legal, financial or business advisors, or from another organisation that helps people with financial issues, like the Citizen's Information Centre (CIC), or the Money Advice and Budgeting Service (MABS).

We are committed to providing a service that accommodates (allows for) the reasonable specific needs of our customers, to make our services accessible to all. Where a complainant or provider customer contacts the FSPO and indicates that they have a visual impairment, physical impairment, poor literacy or any other circumstances that may affect their participation in our complaints service, we will work with them to make sure we collect the information we need to review their complaint and manage it through our processes by making reasonable accommodations where possible.

We have internal procedures about providing access to our services, which we keep under review. The Access Officer provides information and organises any assistance that may be needed to meet your needs, including assistance to those who require any reasonable accommodation. Section 7 provides [contact details for the Access Officer](#).

2.3 Foreign language complaints

We are a member of [FIN-NET](#), a network of national organisations responsible for resolving consumers' financial services complaints. Where a user agreement that is the subject of the complaint is not governed by Irish law, we may provide information to the

customer on any relevant Alternative Dispute Resolution (ADR) Scheme or other appropriate forum.

We provide quality services through Irish, English, or using a mix of both official languages. We also facilitate complaints via Irish Sign Language. Where a complainant makes a complaint in another language, and the complaint is within our remit, we may use interpretation or translation where appropriate, however, we do not provide our service fully through any language other than the two official languages.

3. Safeguarding customers in vulnerable circumstances

We understand that people can find themselves in vulnerable circumstances at any point in their lives and this may be for a temporary period or may be ongoing in the longer term. Our customers may be in vulnerable circumstances arising because of individual or contextual circumstances.

Recognising vulnerable circumstances may be nuanced and will be specific to the particular circumstances that present in each case, we therefore train our team members to recognise signs that customers may have vulnerable circumstances and to understand the effect this can have on customers' ability to access our services. This helps our team members to provide information and support to customers to enable access to our services in a way that best suits customers and still meet our compliance requirements and other procedures.

3.1 Customers at risk of harm

If, after we have been in contact with a customer, we become concerned that they are at risk of harm, whether self-harm, or harm from others, we may take steps to tell the appropriate authorities of our concerns. This may include the HSE, An Garda Síochána, medical persons or family members or representatives whom we have noted on the complaint file. We will do this out of concern for your welfare and because the FSPO as an independent arbiter of unresolved complaints, is not suitably set up, or the appropriate organisation to manage your safety.

Where we receive or are copied on threats to the safety or welfare of our team members or other people, we will report this to An Garda Síochána.

3.2 Minor customers (aged under 18) and “appropriate persons”

We welcome complaints from complainant customers of all ages, and customers legally allowed to bring complaints on behalf of the estates of deceased people. The Act describes how we can deal with complaints brought by these people, or a person who is otherwise unable to act for themselves.

Section 45 (1) (a) of the Act says:

“45. (1) Where a complainant dies, is a minor or is otherwise unable to act for himself or herself, then—

(a) any complaint which a complainant might otherwise have made or referred under this Part may be made or referred by the appropriate person”

and

Section 45 (2) (a) of the Act says:

“(2) For the purposes of subsection (1)—

(a) “appropriate person” means—

(i) where the complainant has died, his or her legal personal representative, or

(ii) in any other case, a member of his or her family, or some other person who is considered by the Ombudsman to be a suitable person to represent him or her,

and

(b) the reference to “complainant”, in so far as that subsection relates to a person who is a minor or who is otherwise unable to act for himself or herself, includes a reference to an intending complainant”

This means that if you are a complainant customer under the age of 18 or are bringing a complaint for the estate of a deceased person, or for a complainant who is unable to legally act for themselves, we will need further information to make sure that the Ombudsman is satisfied that there is an “appropriate person” representing the complainant.

4. Our commitments to equality and human rights

4.1 Defending diversity

We are committed to fulfilling our public service duty to eliminate discrimination, promote equality of opportunity and treatment and to protect the human rights of those we provide services to and our team members. We have made several commitments to deliver on our public service duty and to establishing a specific strategy relating to our actions to support Equality and Human Rights in our organisational goals and operations.

We are dedicated to ensuring that no one is discriminated against in their interactions with us, whether they are external or internal FSPO customers.

5. Engaging with mutual respect

We understand that in times of trouble or stress, people may act out of character. There may have been upsetting or distressing events or circumstances leading up to your contact with the FSPO. We do not view behaviours as unacceptable or unreasonable just because someone is forceful or determined. We believe that people have the right to be heard and respected. However, we also believe that our team members have the same rights. We have developed this policy to set out how we will engage with our customers and the standards of behaviour that we expect in return from those who are in contact with our service.

5.1 Mutual respect and unreasonable behavior

In communicating with you, we require our team members to listen, respond to your concerns and treat you fairly and with respect. We also require them to be professional and courteous. However, we do not expect our team members to tolerate behaviour from any customer that we consider to be abusive, offensive, threatening or, due to the frequency of contact, takes up a disproportionate amount of time and resources.

The types of behaviour which we see as unreasonable behaviour includes, but is not limited to the follow examples:

- **Unreasonable behaviour** - This is behaviour or language that may cause our team members to feel harassed, afraid, threatened or abused. It includes:
 - any threats of violence, abuse of FSPO team members or other people involved in the complaint, including provider customers,

- rude, offensive or aggressive conduct,
 - unfair denigration (bad-mouthing or putting down) of our work or our team members, or repeated unacceptable interactions despite previous instruction to stop them, such as personal attacks on the integrity or professionalism of our team members, where such attacks are found to be without cause or evidence,
 - becoming physically violent or threatening toward anyone, or
 - refusing to leave the FSPO office when asked, and
 - behaviour or correspondence that makes demands of our team members that we consider to be unreasonable, including unfair demands on their time or attention, disproportionate to their overall workload.
- **Unreasonable persistence** – Persisting with an issue that has already been considered and that may or may not be closed by this Office. This may materialise in different ways, for example, refusing to accept an FSPO mediation is over, refusing to accept a decision or determination of this Office, repeatedly insisting that an FSPO team member looks again at an issue, or making contact numerous times over a short period of time through one or more channels, repeatedly seeking explanations and not accepting those offered, attempting to force an action or decision, or repeatedly insisting on speaking to, or meeting with, certain team members.
- **Unreasonable demands** – This can include a demand for an action on a matter outside of our remit, seeking a solution that is not realistic or is disproportionate, insisting your complaint be dealt with within a specific timeframe or ahead of others, demanding a response within a short or specific timeframe, or demanding specific team members must or must not deal with your complaint.
- **Unreasonable lack of cooperation** – This may be demonstrated by withholding information that is requested to progress a complaint. It also includes non-cooperation by customers with us which may hinder, obstruct or delay the complaint review process.
- **Unwillingness to comply with FSPO procedures** – This could consist of customers not clearly identifying the issue being raised, refusing to fully complete the FSPO complaint form, withholding requested information, attempting to bypass or alter FSPO procedures, expecting an immediate response or a decision to be made, refusing to send information or documentation requested by the FSPO, not acting in good faith, or being dishonest in relation to facts. It also includes sending us lots of information or documents without reviewing them and telling us why they are relevant to the specific complaint, or sending us information that includes details about other people not connected to the complaint.
- **Unauthorised public posting, discussion or sharing** – this includes posting about a complaint or copying of the details or names of FSPO team members, our

correspondence or content of our investigations, to people who are not connected to the complaint, or on social media, or other forms of public discussion. The FSPO will never publish the personal, private data of our customers online, and will not accept the publication of the personal private data of our team members without their permission, on any public forum. Where a customer publishes the personal, private data, including names, addresses, emails or other such information, of our team members to any public or closed group including social media or discussion forums, we will ask you to remove it, and for safety, and data privacy reasons, and fairness to all people involved in the complaint, we may close the complaint and refer you instead to the Courts as the appropriate forum, if it is your preference to have the complaint publicised.

5.2 How we will manage unreasonable behaviour

When we consider that a customer's behaviour is unreasonable, we will tell them why we find their behaviour unreasonable, and we will ask them to change it. Where it might be of assistance, we will consider possible adjustments to our service which may help the customer to avoid unreasonable behaviour in the future.

FSPO team members who directly experience unreasonable behaviour may deal with the behaviour at the time of the incident in a way that they consider appropriate and in line with this policy and this may include politely ending a conversation. When they experience unreasonable behaviour, they will report it to their line-manager without delay, for consideration in line with this policy.

If the unreasonable behaviour continues, we will take action to restrict the customer's contact with the FSPO. The decision to restrict access to our Office will only normally be taken after we have reviewed the service we have given to the particular customer. The decision will be taken at Director level. Any restrictions put in place will be appropriate and proportionate.

The options we are most likely to consider are:

- restricting contact to a particular form, such as in writing only,
- requiring contact to take place with a named team member,
- restricting telephone calls to specified days and times,
- asking the customer to enter into an agreement about their future conduct,
- returning of large volumes of documents to the customer for redaction or identification of specific relevance to the complaint,
- requesting to take down or remove any public posts about FSPO team members or ongoing complaints,
- restricting of the format of the investigation, such as restricting access to mediation, or where it is considered appropriate, the closure of complaints, where the unreasonable behaviour shows no signs of abating or the unreasonable behaviour is of such concern or affects the welfare and wellbeing of our team members.

In general, we will write to tell the customer why we believe their behaviour is unreasonable and what action we propose to take. However, where the behaviour threatens the immediate safety and welfare of the FSPO's team members or others, we will consider any, and all other options, for example, reporting the matter to An Garda Síochána or instigating legal action.

6. Sending information to us

6.1 Submitting your complaint and communicating to us

Complaints to us about financial service and pension providers must be made via our online complaint form. The FSPO does not invite or accept financial services or pensions complaints by email or post, unless agreed by us at our discretion.

At our discretion, where there is a specific accessibility need and when reasonable and practicable to do so, we may agree to accept a postal complaint or to facilitate an in-person or telephone complaint submission. You should make contact with our Access Officer (by emailing Access@fspo.ie or by telephoning 01-5677000) if such service is required, to discuss your specific needs.

The FSPO has seen increased engagement from professional third-party representatives (TPRs), as representatives of some complainants and providers. The FSPO is a free service that can be accessed by complainant customers without the need to engage professional TPRs.

However, complainants can choose to engage the services of a professional TPR if they wish to, and where that is the case, complaints must be submitted via the online complaint form and will not be accepted by post or email.

This is because it is considered that online submission is accessible to a professional TPR and is a more efficient way to register a complaint, ensuring that the appropriate information is captured and the required consents and validations are completed efficiently. Failure to submit complaints via the online complaint form will result in a return of the complaint and a request to resubmit via the online form for registration. Please note, where a complainant or provider decides to engage a professional TPR, they will be required to carry the cost of that service themselves.

6.1.1 Multi-party complaints and representation

Joint accounts/policies/investments/loans etc.

Where complaints are brought in connection with financial services which are held jointly by multiple parties, then the contact details and consent of all account holders

must be provided, to both the specific complaint, and to the processing of their private and personal data.

In addition, persons who have rights and obligations that may be impacted by the registration of a complaint with us, or by progression of the complaint through an FSPO mediation, investigation, adjudication, or other process, must be made aware of those potential impacts, and agree to either participate as a co-complainant or consent to the complaint even in circumstances where they do not wish to participate in our process as a co-complainant.

Where a complaint is not submitted with the necessary information or consents, the FSPO will not be able to progress the complaint and will close it.

If you are a complainant who has nominated a representative, then your representative will need to provide the consent and contact details of all of the complainants, as each account/policy holder will need to confirm consent to the complaint, and to confirm the authority of the representative to act on behalf of each complainant.

This will mean that the FSPO will usually engage directly with the representative who you authorise to respond on your behalf. We will take it that anything they say to us, is as if you have said it to us directly. We also reserve the right to contact you directly even when you have nominated someone else to engage with us.

6.1.2 Complaints made by a business (including complaints in connection with buy-to-let mortgages or online selling)

In the case of complaints made by a business, we may have additional requirements to allow us to progress this type of complaint.

For a company, the complaint form must be completed by at least two of the company's officers and signed in accordance with those company's rules. For all business complaints, confirmation from a qualified independent accountant of the business' turnover/income figure for the year before the year the complaint was sent to us is required.

We operate one line of communication for complainants and providers. This means that we will communicate only with one nominated person/email address on each side, in relation to the complaint. Correspondence will be sent via email or other digital means unless by prior arrangement at our discretion due to accessibility or other reasons.

6.2 How we handle graphic or distressing information sent to us

In communicating with us, we expect that the information you provide to us is respectful and does not contain any unacceptable images, profanities or graphic and distressing content. This includes using denigrating or derogatory language

in relation to a provider or its representatives, our team members, or other persons connected to the complaint.

In circumstances where information you provide to us contains any of the above, and does not relate to your complaint, sometimes we may not acknowledge them, and your correspondence may be delayed due to the nature of the content being sent. If you continue to send us items of this nature, we may prescribe the way in which we will communicate with you.

6.3 Volume and relevance of information you send to us

When sending documentation and/or information to us, only submit information that is relevant and material to the specific complaint that has been submitted to the FSPO. Presenting documentation in large volumes or in a disorganised way may lead to delays in correspondence, as it can take up a disproportionate amount of time to review.

We will not accept large volumes of submissions of information or material where you have not identified how it is connected to the complaint. It is your responsibility to identify how the material submitted is relevant and material to the complaint. In order to support the efficient review of your complaint, we require that the information you provide to us is presented clearly and to the point.

Where a large volume of information is received by the FSPO that has not been organised by the customer or their representative, we may return the information for your review and identification of relevance to the complaint. An example of this is the content of a general Data Subject Access Request (DSAR) sent to the FSPO without reference to the specific complaint.

6.4 Use of Artificial Intelligence (AI) in information you send us

We recognise that some customers may use AI to assist them in carrying out research and preparing information they send us about a complaint. AI can be a useful tool to assist with this administrative task, provided that it is used responsibly and does not generate irrelevant or misleading information that is then submitted to the FSPO.

Customers remain responsible for the accuracy and relevance of the submissions they make to the FSPO, including where those submissions cause unnecessary or inefficient use of resources during the investigation of the complaint, or

where the content is not accurate or not relevant to the complaint under investigation.

Customers must ensure that they do not mislead the FSPO by adopting positions or making submissions that rely on non-existent or irrelevant legislation or case law, which in fact have no foundation at all, or are hallucinations of AI.

Customers providing AI-assisted information to us about a complaint to the FSPO must:

- Inform, and identify to, the FSPO where they have used AI in the preparation of information provided to us,
- ensure that information provided to the FSPO is truthful, accurate, and relevant to the complaint,
- check all legal content yourself, by making sure that case law or legal references you provide in support of a position is real, and relevant to the point you are making,
- make sure you understand and can explain what you submit – your complaint should be set out simply, and in your own words,
- whilst customers might reference legislation that is not Irish in their submissions by way of example, submissions seeking to have a complaint considered and decided by way of the provisions of the legislation of foreign jurisdictions will be rejected by the FSPO and returned to the complainant, as the FSPO has a responsibility to ensure the resources of this office are used efficiently.

6.5 Confidentiality

In accordance with Section 56 (4) of the Financial Services and Pensions Ombudsman Act 2017 (as amended), which reads as follows:

“(4) The Ombudsman shall, without prejudice to the form of investigation, ensure investigations are conducted otherwise than in public.”

The Ombudsman has a legal obligation to ensure that the confidentiality of the FSPO process is protected⁴.

The details of any legally binding decision arising as a result of a confidential FSPO investigation may be made public by us in due course but will be published in a manner that will ensure the anonymity of all parties to the complaint.

In compliance with our legal obligation, you cannot share or upload information in relation to the investigation of your complaint to other third parties, who are not party to the complaint, including via email copy, social media posting, uploading complaint details to public, open-access technologies, including AI tools, or other such means.

Where customers breach the confidentiality of the process, the Ombudsman will consider whether any further investigation of the matter can be progressed in accordance with our legislation, or whether the complaint would be more appropriately dealt with through the Courts as a more appropriate alternative forum where complaints are heard in public.

6.6 How we will manage unnecessary information sent to us

We will only process data that is relevant and necessary for the consideration or investigation of a complaint. In circumstances where we believe that information sent to us is unnecessary, we may redact this from our file, at our discretion. Customers will be informed of any such redactions from our file.

⁴ Unless, in certain circumstances, having consulted with the parties to the complaint and having considered the nature or circumstances of the complaint and whether it is in the interests of justice to do so, the Ombudsman decides to hold any required oral hearing in public. Oral hearings are held at the sole discretion of the Ombudsman.

7. Contacting us

For general enquiries, please use our [contact form](#), which is available on our website.

Details of how to seek information or assistance from specific role holders are provided here:

Service / Officer	Contact details	Service overview
Access Officer	Phone: (01) 567 7000 Phone lines are open Monday to Friday (except bank and public holidays) from 9am–1pm and 2pm–5pm. Email: access@fspo.ie Webpage: https://www.fspo.ie/accessibility/	The Access Officer's role is to provide or arrange for, and coordinate assistance and guidance to persons with disabilities and specific access needs.
Data Protection Officer	Phone: (01) 567 7000 Phone lines are open Monday to Friday (except bank and public holidays) from 9am–1 pm and 2pm–5pm. Email: dataprotection@fspo.ie Webpage: https://www.fspo.ie/data-privacy/	Provides a facility for an individual to exercise their rights under the General Data Protection Regulation in respect of personal data records held by the FSPo.
Freedom of Information Officer	Phone: (01) 567 7000 Phone lines are open Monday to Friday (except bank and public holidays) from 9am–1pm and 2pm–5pm. Email: foi@fspo.ie Webpage: https://www.fspo.ie/governance/freedom-of-information.asp	Information is widely available through our website, publications and in response to oral and written enquiries. If information required is not readily available, the request can be made to the Freedom of Information Officer.

Environmental Officer	Phone: (01) 567 7000 Phone lines are open Monday to Friday (except bank and public holidays) from 9am–1pm and 2pm-5pm. Email: facilities@fspo.ie Webpage: https://www.fspo.ie/governance/environment.asp	Requesting access to information on the environment that the FSPO holds.
Director of Corporate and Communication Services	Email: oireachtas@fspo.ie	Members of the Oireachtas seeking information relating to the Office of the FSPO
Irish Language Officer	Phone: (01) 567 7000 Phone Lines are open Monday to Friday (except bank and public holidays) from 9am–1pm and 2pm–5pm. Email: ato@fspo.ie	The Irish Language Officer's role is to provide or arrange for, and coordinate assistance and guidance to persons wishing to access our services as Gaeilge.
Human Rights and Equality Officer	Phone: (01) 567 7000 Phone lines are open Monday to Friday (except bank and public holidays) from 9am–1pm and 2pm–5pm. Email: HRDEI@fspo.ie	The Human Rights and Equality Officer's role is to ensure equal access to our services for all of our customers, promoting fairness and welcoming diversity by working to identify and eliminate barriers to accessing our services.