



An tOmbudsman Seirbhísí
Airgeadais agus Pinsean

Financial Services and
Pensions Ombudsman

What to expect during the formal investigation process



This leaflet will help you understand our role and how we deal with complaints. It is a quick guide which gives general information and if you have further questions, you can contact us. Our contact details are on the back of this leaflet.

Referral to Investigation Services

If your complaint is not resolved through mediation in our Dispute Resolution Service, we may formally investigate it. Any details of what happened during the mediation process will not be disclosed or be part of the formal investigation, as those details are confidential.

What happens during the formal investigation process?



The investigation process is a detailed gathering and examination of all relevant evidence.

All communications between you and the investigating team must be in writing so that documents can be exchanged with the provider.

We will review your complaint file to make sure that it is suitable for formal investigation.

If a question arises as to whether we can investigate your complaint, we may refer your complaint file to our Legal Services team, for assessment.

➤ Starting the formal investigation

If your complaint is suitable for formal investigation, we start an investigation by issuing a formal document, called a Summary of Complaint, to the provider. We ask questions about the issues that have led to your complaint. We ask for certain evidence, which may include documents and audio evidence. We send a copy of the Summary of Complaint to you for your information.

➤ Exchange of comments and evidence

When we receive the provider's formal response

to the Summary of Complaint, we will share it with you and you can give us your comments on the provider's response. You can also submit any other evidence or comments that you want us to consider.

We will make sure that both you and the provider receive a copy of all evidence submitted by both parties, so that everyone holds the same information. The complaint will proceed to adjudication only when both parties have finished this sharing of comments and evidence.

Adjudication

– how we make a formal decision about your complaint.



Oral hearing

When we are conducting our adjudication, we may need to ask you and your provider to give us your evidence verbally. This is called an oral hearing. We may do this if there is a dispute about a fact between you and the provider that we are finding difficult to resolve without hearing that evidence orally. We do not need an oral hearing for every complaint. The Ombudsman will decide if oral evidence is needed. If we have a hearing and if you give us your oral evidence, you will then be cross-examined about what you have said. In the same way, witnesses from the provider will also be cross-examined.

Preliminary decision

Once your complaint has been fully investigated, we will issue a preliminary decision. The preliminary decision will set out the Ombudsman's potential final decision and any evidence or facts considered to arrive at that preliminary decision.

Two things can happen after the preliminary decision is issued:

- Both parties **accept** the preliminary decision and the Ombudsman issues a legally binding decision in the same terms, **after 15 working days**.
- During the 15 working days, you or the provider can inform us if you believe that the decision is wrong, and the reasons why. We will carefully consider and share any further submissions from you and the provider and then we will issue a legally binding decision taking into consideration those submissions made.

Both the preliminary decision and legally binding decision will set out a summary of both parties' evidence/comments, the complaint for adjudication and the outcome of the complaint, including the grounds for the decision and any directions given for redress or compensation.

What are the potential outcomes of my complaint?

- **Upheld**
- **Substantially upheld**
- **Partially upheld**
- **Not upheld**

When a financial service complaint is upheld, substantially upheld or partially upheld, the legally binding decision may direct the provider to pay compensation to you, or to fix or correct the issue. The Ombudsman can direct a financial service provider to pay compensation of up to €500,000, or €52,000 per annum in the case of annuities.

The Ombudsman's statutory powers are more limited when dealing with complaints against pension providers. The Ombudsman can direct a pension provider to fix or correct an issue, but any direction cannot exceed any actual loss of benefit under the pension scheme concerned. Therefore, no additional compensation can be directed for pension complaints.

Your provider must implement any direction set out in the Ombudsman's legally binding decision, unless the decision is appealed to the High Court, by you or your provider, within a period of 35 days.

If your complaint is **not upheld**, the Ombudsman cannot direct the provider to take any action, or to pay compensation.

Making a statutory appeal

Once a legally binding decision is issued, you or the provider can challenge the decision in the High Court, within a period of 35 days. Pursuing an appeal to the High Court can lead to you becoming liable for legal costs. You can get more information about statutory appeals on our website.

Publishing legally binding decisions

We publish anonymised decisions in relation to financial service complaints and anonymised case studies in relation to pension complaints.



Important information about using our services

Limitations

We are governed by the Financial Services and Pensions Ombudsman Act 2017. This places certain limitations on the type of complaints we can investigate.

Potential costs

Bringing a complaint to us is straightforward and will not cost you anything. You do not need to hire a solicitor or any other professional assistance to handle your complaint, but if you choose to, then any costs incurred for these services are your responsibility.

Accessibility

If you have accessibility requirements or practical needs in making your complaint, please contact our Access Officer by email at access@fspo.ie or by phone.

How to contact us

Lincoln House, Lincoln Place,
Dublin 2, D02 VH29.



www.fspo.ie



info@fspo.ie



+353 1 567 7000



Our offices and telephone lines are open
to the public Monday – Friday:

09:00 – 13:00

14:00 – 17:00

Except on bank and public holidays.



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