An tOmbudsman Seirbhísí Airgeadais agus Pinsean

Financial Services and Pensions Ombudsman

Financial Services and Pensions Ombudsman publishes legally binding decisions issued in 2019

This is the second year the FSPO has made the full text of his decisions available to the public

13 February 2020 The Financial Services and Pensions Ombudsman (FSPO) has today published 394 legally binding decisions, issued throughout 2019. The FSPO used informal mediation to successfully resolve most of the complaints closed in 2019. Of the 439 complaints closed by way of formal investigation which resulted in a legally binding decision, 201 were either fully, substantially or partially upheld, while 238 were not upheld.

The FSPO deals with a wide range of complaints relating to insurance, banking, credit facilities and investments as well as pensions. Some examples of directions made by the Ombudsman in 2019 include:

- Compensation of €15,000 after a lender failed to update an individual's Irish Credit Bureau rating to show that their debt was clear, negatively affecting their credit rating;
- Compensation of €35,000 for a couple after a bank overcharged them interest and failed to clearly state the correct interest rate on their loan;
- Compensation of €15,000 to a company after a bank threatened to close its bank account due to 'outstanding debt,' which turned out to be an error;
- Compensation of €9,000 to a complainant after a car insurer cancelled their policy when a document requested by the insurer was blocked by its own firewall;
- A direction to pay veterinary costs and compensation of €300 for a couple with a dog whose pet insurer rejected the claim due to the pet's weight;
- Compensation of €3,000 for an individual who received less than she expected, when she made a claim on a dental policy, because of the poor information given to her by the insurer.

This is the second year the Ombudsman's decisions have been published following the establishment of the FSPO in January 2018. By publishing these decisions, the Ombudsman aims to enhance transparency and understanding of his powers and the services provided by the office.

The Ombudsman has also published a Digest of his 2019 decisions. This publication includes summaries of 33 decisions made in relation to complaints against financial service providers and 3 case studies of decisions made in relation to complaints against pension providers.

Reflecting on the decisions published, the Financial Services and Pensions Ombudsman, Ger Deering, said:

"I believe it will be evident to anyone who reads these decisions that the work of my Office can have a very profound impact on many of those who use our services. I believe that these decisions play a very important role in improving the conduct of financial service providers.

"The decisions published give a sense of the breadth and complexity of the issues we address and resolve. I hope that having access to these decisions will assist consumers and their advocates and financial service providers to avoid and resolve disputes.

"I am very grateful to all my colleagues for their hard work and commitment to providing a fair, impartial, independent and transparent service. I also want to thank complainants and providers for their cooperation with our various processes."

The Ombudsman has decided to separately publish 25 legally binding tracker mortgage decisions by the beginning of March 2020. These decisions and a Digest of tracker mortgage decisions will be published separately in order to illustrate the breadth and complexity of the issues raised and given the interest in these particular legally binding decisions.

Ends

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Notes to Editor

- The ***Financial Services and Pensions Ombudsman Act 2017*** (the Act) prescribes the manner in which the FSPO shall publish decisions.
- When the FSPO issues a legally binding decision, that decision is subject to a potential statutory appeal to the High Court within 35 calendar days from that date.
- The FSPO does not publish decisions before the elapse of the 35-day period available to the parties to make a statutory appeal to the High Court.
- Decisions which have been appealed to the High Court are not published, pending the outcome of any such Court proceedings.
- Before any legally binding decision is published by the FSPO it undertakes a rigorous and stringent review to ensure that the non-identification requirements of the Act are adhered to in order to protect the confidentiality of the parties.
- The FSPO was established by the ***Financial Services and Pensions Ombudsman Act 2017*** and opened for business on 1 January 2018.
- The FSPO deals with complaints informally at first, by listening to both parties and engaging with them to facilitate a resolution that is acceptable to both. Informal mediation allows a faster resolution. When these early interventions do not resolve the dispute, the FSPO investigates the complaint and subsequently issues a decision that is legally binding on both parties, subject only to an appeal to the High Court.
- The Ombudsman can direct a financial service provider to pay compensation of up to €500,000 to a complainant and/or to rectify the conduct that is the subject of the complaint. There is no limit on the value of the rectification that can be directed.
- Decisions issued by the Financial Services and Pensions Ombudsman are legally binding on both parties and can only be appealed to the High Court. Of the 439 decisions issued in 2019, five were appealed by the parties to the High Court.
- The FSPO published 394 decisions in January 2020. As the legislation does not provide the power to publish decisions relating to pension providers, three decisions relating to pension providers that were issued in 2019 are not published. A further five of the 2019 decisions were under appeal to the High Court at the time of publication in February 2020. These five decisions will be not be published pending the outcome of those appeal processes. In addition, there are 13 decisions where the content of the decision is so distinctive that, even when anonymised, it would risk identifying the complainants. For this reason, these have not

been published. Decisions relating to tracker mortgage complaints will be published separately.

- Decisions are available at www.fspo.ie/decisions