

Statement on Publication of Decisions

The Financial Services and Pensions Ombudsman (FSPO) does not comment on the investigation of individual complaints.

The *Financial Services and Pensions Ombudsman Act 2017* (the Act) sets out the manner in which the FSPO investigates complaints from consumers about the conduct of regulated financial service providers, and the manner in which the Ombudsman's legally binding decisions are published.

Fair procedures and confidentiality are at the heart of these processes.

The following sections of the Act are relevant in this regard.

Section 56(4)

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

Section 62(2)

*“Subject to subsection (3) **the Ombudsman shall publish decisions** made by him or her after the establishment day in relation to complaints concerning financial service providers and case studies in relation to complaints concerning pension providers in such a manner that—*

(a) ensures that—

(i) a complainant shall not be identified by name, address or otherwise,

(ii) a provider shall not be identified by name or address,

and

(b) in accordance with the Data Protection Acts 1988 and 2003.”

When the FSPO issues a preliminary decision, both parties to the complaint then have the opportunity to make certain additional limited submissions which, if received, will be exchanged between the parties and will then be considered in detail so that the contents can be taken into consideration, before the adjudication of the complaint will be finalised. It is only at that point that a Legally Binding Decision will be issued to the parties.

A Legally Binding Decision issued by the FSPO is subject to a potential statutory appeal to the High Court within a period of 35 calendar days from that date it is issued by the FSPO.

The FSPO complaint handling processes and procedures have been carefully developed to ensure the robust, fair, impartial and confidential investigation and adjudication of complaints by consumers against regulated financial service providers.

This office ensures that decisions are not published before the elapse of the 35 day period available to the parties to maintain a statutory appeal to the High Court, and Decisions which have been appealed to the High Court are not published, pending the outcome of any such Court proceedings.

Furthermore, before any Legally Binding Decision is published by this office, a rigorous and stringent review is conducted to ensure that the non-identification requirements of section 62 of the Act are adhered to.

The Ombudsman intends to publish his decisions from 2019, during February 2020, and these will be available on the FSPO online database, which is accessible at www.fspo.ie/decisions. To accompany this he will also publish a Digest of Decisions 2019.

This will be followed in late February/early March 2020, by the Ombudsman's publication of a separate volume of tracker mortgage decisions, accompanied by his Digest of Tracker Mortgage Decisions.