

The Ombudsman and how to make Consumer Complaints

1 Introduction

- 1.1 Where you have a complaint against a regulated financial services business, report it first to the business, including as much information and evidence as possible to support the complaint. If you are not satisfied with the response of the business, inform the Channel Islands Financial Ombudsman (**CIFO**) who is able to resolve complaints about certain types of financial services, where the complaint relates to a matter that occurred on or after 1 January 2010. CIFO can be contacted by email at: complaints@ci-fo.org, via its website <http://www.ci-fo.org> or by writing to it at:

Channel Islands Financial Ombudsman
PO Box 114
Jersey
Channel Islands
JE4 9QG

- 1.2 Alternatively, you could consider contacting a Jersey-qualified lawyer.

2 When would I make a complaint?

- 2.1 In the event that you are not satisfied with the conduct or service provided by a regulated financial services business operating in/from Jersey, and you wish to complain, you should write to that business in the first instance explaining the situation. The financial services business would normally deal with this under its internal complaints policy.
- 2.2 Details of financial services businesses regulated by the JFSC can be found at: <https://www.jerseyfsc.org>.

3 How do I make a complaint?

- 3.1 It is recommended that you put your complaint in writing, to ensure that there is a record of the communication between you and the financial services business. When making a complaint, ensure you provide as much information as possible. This should include sending the financial services business copies of documents that evidence the matter you are complaining about. The JFSC recommends that you keep a copy of everything you send to the financial services business.

4 What should I do if I am dissatisfied with the outcome?

- 4.1 If following this you remain dissatisfied with the financial services business's action or non-action, you may decide to refer it to CIFO, if the complaint falls under its remit. More information about CIFO can be found [here](#).

- 4.2 If a complaint does not fall under the remit of CIFO then it may be referred to the JFSC. Details on how to refer a complaint to the JFSC, and the role the JFSC plays, can be found at the end of this page.

5 Who else can I contact?

- 5.1 If you have an unresolved complaint that has already been raised with the financial services business and your complaint is outside the scope of CIFO, and you want to discuss further options such as mediation, you may consider contacting the [Jersey Citizens Advice Bureau](#) or the [Jersey Consumer Council](#).
- 5.2 Alternatively, the ultimate recourse is to take your complaint to the Law Courts. For legal advice you may contact a lawyer practising in Jersey. A current list of lawyers [is available from the Law Society of Jersey](#).

6 Should I also contact the JFSC?

- 6.1 The JFSC is concerned when someone has a complaint against a financial services business it regulates and treats all such complaints seriously.
- 6.2 As the regulator of financial services in defined areas, the JFSC is able to investigate complaints, but only in the context of whether they reveal matters of regulatory concern, such as a failure to follow rules on proper conduct of business. It is only CIFO or the Law Courts that are able to decide whether you should be compensated by the business that your complaint is about.
- 6.3 The JFSC has an information sharing gateway with CIFO in order for CIFO to share with us details of complaints that might indicate a regulatory issue.

7 What can the JFSC do?

- 7.1 There are a number of financial services businesses in Jersey that are not regulated by the JFSC. These are referred to as non-regulated financial services businesses (**NRFSBs**). If you have made a complaint against a NRFSB, and are not satisfied with the outcome, unfortunately the JFSC will be unable to help. However, if your complaint relates to lending by a NRFSB, CIFO may be able to consider your complaint.
- 7.2 However, where a regulated financial services business appears not to have observed good conduct of business, or appears to have breached the regulatory laws under which it operates, the JFSC will look into this to check whether the business has acted in accordance with the relevant laws. It is important to be aware that the JFSC is not an Ombudsman. It has no power to compel the regulated business to offer compensation or redress to you as the complainant.
- 7.3 In addition, please note that the law does not allow the JFSC to discuss its investigations, or disclose its findings, with you as the complainant. This is to ensure that the regulated business is able to be completely open and honest with the JFSC. You would only be made aware if, for example, a public statement was issued following any enforcement action that was taken by the JFSC or as a result of court proceedings.
- 7.4 Although this can be frustrating for you as the complainant, it is important to remember that the JFSC is only able to operate within the legal framework.

- 7.5 For the avoidance of doubt, the JFSC cannot generally get involved in disputes about the performance (or non-performance) of a financial services product, as long as the product was correctly sold and/or marketed in the first place.
- 7.6 Where you have a complaint against the JFSC itself, or any of the JFSC's staff members, please write to the Commission Secretary at the JFSC address below. Please refer to the JFSC Guidance on [Complaints against the JFSC](#).

8 How to make a complaint to the JFSC where CIFO does not apply

- 8.1 The JFSC does not normally deal with oral or anonymous complaints, however, please contact the JFSC by telephone if you have any individual difficulties which might prevent you from making a written complaint.
- 8.2 You should provide:
- 8.2.1 The name of the regulated financial services business
 - 8.2.2 Your full name and address and that of any third party acting on your behalf
 - 8.2.3 Full details of the nature of the complaint
 - 8.2.4 Evidence that the third party acting on your behalf is authorised to act for you.
- 8.3 In order to assist with your complaint, the JFSC may need to release details of the complaint to the financial services business. Please provide confirmation in writing to the JFSC that you are happy for us to release the details of your complaint to the financial services business.
- 8.4 If you raise concerns about the JFSC releasing details of your complaint to the financial services business, we will try to avoid doing so. This may mean that we are unable to investigate your complaint fully.
- 8.5 However, if your complaint raises serious concerns about a financial services business, we may still need to release information about your complaint to the financial services business, despite your concerns, in order to fulfil our statutory functions properly. These statutory functions include protecting the public from the dishonesty, incompetence, or malpractice of the financial services businesses we regulate.
- 8.6 Where we disclose information about a complaint to a financial services business, we will always try to limit the information we disclose about the complainant, and any other individuals, to what is necessary for us to fulfil our statutory functions properly. Further information about the JFSC's statutory functions and its approach to protecting your privacy is available at www.jerseyfsc.org.

9 How the JFSC will handle your complaint

- 9.1 The JFSC will acknowledge receipt of a written complaint, normally within five working days.
- 9.2 All complaints will be treated in strict confidence, although to assist with your complaint the JFSC will have to disclose complaint details to the financial services business for its prompt investigation and response. The JFSC may, in some cases, need to send a copy of your written complaint to the business in order for them to follow it up.

- 9.3 The JFSC will ask the business to reply directly to you with as full an explanation as possible of the circumstances surrounding your complaint. Additionally, the business will be asked to provide the JFSC with a copy of its response to you. Once a response has been received, the JFSC will consider the response in order to assess whether:
- 9.3.1 Your complaint has been handled properly in line with requirements set out in the regulatory framework.
 - 9.3.2 The financial services business has followed its own complaint procedures properly.

10 Contact

- 10.1 For further information or clarification, please contact:

Jersey Financial Services Commission
PO Box 267
14 – 18 Castle Street
St Helier
Jersey
JE4 8TP
Telephone: +44 (0)1534 822000
Email: info@jerseyfsc.org