



# Jersey Financial Services Commission

## › The Ombudsman and how to make Consumer Complaints

### › Top Tips

- › Where you have a complaint against a regulated financial services business, report it first to the business.
- › Include 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](mailto:complaints@ci-fo.org), via its website [www.ci-fo.org](http://www.ci-fo.org) or by writing to it at:  
Channel Islands Financial Ombudsman  
PO Box 114  
Jersey  
Channel Islands  
JE4 9QG
- › Alternatively, you could consider contacting a Jersey-qualified lawyer.

### › When would I make a complaint?

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.

Details of financial services businesses regulated by the Commission can be found at:

<https://www.jerseyfsc.org/>

### › How do I make a complaint?

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 Commission recommends that you keep a copy of everything you send to the financial services business.

## › **What should I do if I am dissatisfied with the outcome?**

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](#).

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

## › **Who else can I contact?**

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 <https://www.cab.org.je/> or the Jersey Consumer Council <http://www.jerseyconsumercouncil.org.je/>

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 <http://www.jerseylawsociety.je/public/lawyer-search/>

## › **Should I also contact the Commission?**

The Commission is concerned when someone has a complaint against a financial services business it regulates and treats all such complaints seriously.

As the regulator of financial services in defined areas, the Commission 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.

The Commission has an information sharing gateway with CIFO in order for CIFO to share with us details of complaints that might indicate a regulatory issue.

## › **What can the Commission do?**

There are a number of financial services businesses in Jersey that are not regulated by the Commission. 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 Commission will be unable to help. However, if your complaint relates to lending by a NRFSB, CIFO may be able to consider your complaint.

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 Commission 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 Commission is not an Ombudsman. It has no power to compel the regulated business to offer compensation or redress to you as the complainant.

In addition, please note that the law does not allow the Commission 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 Commission. You would only be made aware if, for example, a public statement was issued following any enforcement action that was taken by the Commission or as a result of court proceedings.

Although this can be frustrating for you as the complainant, it is important to remember that the Commission is only able to operate within the legal framework.

For the avoidance of doubt, the Commission will not get involved in a commercial dispute, where for instance a financial product does not perform as well as it might have done, because that is the nature of financial products – whilst they can do well, there is always the possibility that they will not.

Where you have a complaint against the Commission itself, or any of the Commission's staff members, we would ask you to write to the Commission Secretary – please see the guidance at [http://www.jerseyfsc.org/the\\_commission/about\\_us/complaints/](http://www.jerseyfsc.org/the_commission/about_us/complaints/)

## › **How to make a complaint to the Commission where CIFO does not apply**

The Commission does not normally deal with oral or anonymous complaints, however, please contact the Commission by telephone if you have any individual difficulties which might prevent you from making a written complaint.

You should provide:

- › the name of the regulated financial services business
- › your full name and address and any third party acting on your behalf
- › full details of the nature of the complaint
- › evidence that the third party acting on your behalf is authorised to act for you

In order to assist with your complaint, the Commission needs your authority to release details of the complaint to the financial services business. Unless you advise the Commission (in writing) to the contrary, the Commission will operate on the basis that by corresponding with the Commission you have provided the necessary authority.

However, where “sensitive personal data” (as defined in the Data Protection (Jersey) Law 2005) is involved, the Commission will require explicit written authority from you to release details to the financial services business.

## › **How the Commission will handle your complaint**

The Commission will acknowledge receipt of a written complaint, normally within five working days.

All complaints will be treated in strict confidence, although to assist with your complaint the Commission will have to disclose complaint details to the financial services business for its prompt investigation and response. The Commission may, in some cases, need to send a copy of your written complaint to the business in order for them to follow it up.

The Commission 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 Commission with a copy of its response to you. Once a response has been received, the Commission will consider the response in order to assess whether:

- › your complaint has been handled properly in line with requirements set out in the regulatory framework
- › the financial services business has followed its own complaint procedures properly

## › **The contact details of the Commission**

**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](mailto:info@jerseyfsc.org)**