

**WRITTEN QUESTION TO THE MINISTER FOR ECONOMIC DEVELOPMENT
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 4th FEBRUARY 2014**

Question

Further to his responses in questions of 21st January 2014 in relation to Payment Protection Insurance (PPI) mis-selling in the Island, will the Minister agree to produce and publicise lists of companies –

- (i) operating as branches of UK financial services lending institutions who can be pursued by complainants through the UK ombudsman, and
- (ii) operating as local subsidiaries of UK financial services lending institutions who can only be pursued locally

If not, will he state, in light of the limitation contained in Article 11 of the draft Financial Services Ombudsman (Jersey) Law 201- (FSO) that complaints to that office will be treated as premature if respondents have not been given 3 months to respond to the complaint first?

Is the Minister aware that some loan companies have recently agreed to investigate complaints locally when previously they would not and, if so, will he agree to publicise this change to assist residents in pursuing claims?

Will he agree to extend the ‘general time limit’ of 6 years on claims contained in Article 11 of the draft Law and, if not, why not?

What is the timetable for bringing the FSO Law into force?

Answer

Ombudsman jurisdiction is determined by examining all the facts of a complaint, complaints will be transferred to / from the UK Financial Services Ombudsman, where appropriate.

Under Article 12 (1) and Article 11 (1) a complaint will be rejected as premature if the respondent has not had, in the opinion of the Ombudsman, a reasonable opportunity to deal with it. Article 11 (2) states the Ombudsman must not treat a reasonable opportunity as extending beyond 3 months after the date, in the opinion of the Ombudsman, that the respondent first had sufficient information to start investigations or, if sooner, as extending beyond the date on which the respondent notifies the complainant that no further action will be taken on the complaint. In plainer English the reasonable opportunity must not be more than 3 months, unless the respondent has earlier notified the complainant that they will take no further action on it. Also if a complaint is rejected as premature, it can be later referred to the Ombudsman once it is no longer premature.

I am aware that, in some specific circumstances, complaints can be re-evaluated by the financial services provider. However, I am not aware there is an across the board ‘change’ in need of publicising. I would encourage anyone who feels they have a valid complaint against a financial services provider to make contact with them.

Complaints to the Ombudsman must concern acts occurring on or after 1st January 2010; complaints must not be premature (meaning respondent must have had a reasonable time to deal with them) **and** complaints must be referred to the Ombudsman before the expiry of the relevant time limit. If a respondent meets certain conditions in their handling of a complaint the relevant time limit is abbreviated to 6 months after the respondent notifies the complainant they have completed their handling of the complaint, in all other cases the general time limit is the later of 6 years after the act to which the complaint relates or 2 years after the complainant should have been aware they had cause to complain. Even if the general time limit was extended, the act would still need to have occurred after 1st January

2010. That date was chosen as the 'starting point' of the scheme as it was the start of the year closest to the date States members voted to establish an Ombudsman and so enables consideration of complaints about events from the start of the year after the decision.

I fully expect the Financial Services Ombudsman to commence its work in 2014.