



An tOmbudsman Seirbhísí
Airgeadais agus Pinsean

Financial Services and
Pensions Ombudsman

What to expect during mediation in our Dispute Resolution Service

Dispute Resolution Service



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This leaflet will help you understand our role and how we deal with complaints. It is a quick guide which gives general information and if you have further questions, you can contact us. Our contact details are on the back of this leaflet.

About the Financial Services and Pensions Ombudsman (FSPO)

If you have a complaint about the conduct of a financial service provider or pension provider, and you cannot resolve your complaint with your provider, you can bring your complaint to the FSPO.

We provide an **independent, fair, impartial, confidential** and **free** service to resolve complaints. We deal with complaints informally first through our dispute resolution service. We listen to you and the provider and help you to reach an agreement that is acceptable to both parties. We resolve the majority of complaints informally in this way. If you and your provider don't reach a resolution through the dispute resolution service, we may formally investigate your complaint.

Following our formal investigation, the Ombudsman issues a legally binding decision. The Ombudsman may direct the provider to pay compensation to you, or he may direct the provider to fix or correct the issue. If we don't uphold your complaint, the Ombudsman will not direct the provider to take any action, or to pay compensation.

Decisions made by the Ombudsman are legally binding on both parties: you and the provider. Decisions can be appealed, by either party, only through a statutory appeal to the High Court.

We regularly publish decisions in relation to financial service complaints and case studies of pension complaints on our website. We can publish the name of a financial service provider which had at least three complaints against it upheld, substantially upheld or partially upheld in a year. We can also bring matters of concern to the attention of the Central Bank of Ireland or to the Pensions Authority.

What happens in Dispute Resolution?

Dispute Resolution is a confidential mediation service. Mediation is a process where we aim to help you and your provider to design and agree a solution you are both satisfied with.

Mediation is voluntary and completely confidential and you, your provider, or we, may end the process at any time. Mediation begins on the telephone and if needed, the FSPO mediator will invite both you and your provider to attend a meeting. All documents created for the purpose of the mediation process are considered confidential and are not shared outside the mediation process, even within the FSPO.

What are the potential outcomes of Dispute Resolution?

A settlement agreed between you and your provider.



Clarification from your provider around the issue(s) which you complained about, which solves your complaint.



No settlement agreed and your complaint transfers to investigation.

If you don't reach a settlement your complaint may be transferred within the FSPO to formal investigation. During the dispute resolution process, we will try to identify any issues which might stop your complaint proceeding to the formal investigation process. The investigation process is a detailed gathering of all evidence and can take between 6 and 12 months and leads to a legally binding decision.

Principles of Dispute Resolution

When your complaint enters our informal mediation process, it will be dealt with under the following five principles.

Voluntary Participation

The dispute resolution process is a voluntary process, which you, your provider, or we, may end at any time.

Confidentiality

All information arising from the dispute resolution process is confidential, unless agreed otherwise by the parties. All documents created for the purpose of the mediation process are considered confidential and will not be shared beyond the dispute resolution process, including as part of a Subject Access Request*. This allows you to speak freely.

Fairness

We will act independently and fairly throughout the Dispute Resolution Process and will facilitate communication between you and your provider either remotely by telephone or face to face, together or separately. We help you both explore all possible options for resolution of the complaint.

* See our full Data Privacy notice on our website

Facilitating informed decisions

While we are responsible for the process, you and your provider make the decisions. We are not a judge in this process, but we will help you to identify the strengths and weaknesses of your complaint. Our role is to identify all the relevant issues in the complaint and this may involve asking you and your provider challenging questions. The outcome of the process belongs to you and your provider.

Respect

Good faith is essential to the dispute resolution process. We expect the parties to enter the process with a genuine intention to try to resolve the complaint.



Important information about using our services

Limitations

We are governed by the Financial Services and Pensions Ombudsman Act 2017. This places certain limitations on the type of complaints we can progress. We will tell you about such limitations.

Potential Costs


Bringing a complaint to us is straightforward and will not cost you anything. You do not need to hire a solicitor or any other professional assistance to handle your complaint, but if you choose to, then any costs incurred for these services are your responsibility.

How to contact us

Lincoln House, Lincoln Place,
Dublin 2, D02 VH29.

 www.fspo.ie

 info@fspo.ie

 +353 1 567 7000



Our offices and telephone lines are open to the public
Monday – Friday:

09:30 – 13:00

14:00 – 17:00

Except on bank and public holidays.

We welcome all feedback: feedback@fspo.ie