

CHANNEL ISLANDS FINANCIAL OMBUDSMAN

The Financial Services Ombudsman (Jersey) Law 2014 and the Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 provide for a financial ombudsman. The Financial Ombudsman is independent of the States. The office will be in Jersey, but it will be a joint operation – covering financial services provided in/from Jersey, Guernsey, Alderney and Sark.

If you have a complaint against a financial services business

You should first take up your complaint with the financial services business concerned. If you are dissatisfied with the business's reply, you may be able to refer your complaint to the Financial Ombudsman – once the office opens.

The financial ombudsman is not yet open for business

The financial ombudsman's office will open for business during 2015. It is not possible to refer a complaint to the financial ombudsman until the office opens. An announcement will be made once it is ready to open.

Who will be able to complain to the financial ombudsman?

Broadly, the Financial Ombudsman will be able to look at complaints from individual consumers and microenterprises whether or not they are in the Channel Islands – plus small Channel Islands charities.

What is a micro-enterprise?

It is a Europe-wide definition for a small business or economic enterprise (including a sole trader, partnership or company) that employs fewer than 10 people and does not have a yearly turnover or balance sheet of more than 2 million Euro.

Which financial services businesses can they complain about?

Broadly, financial services businesses involved in banking, lending, money services, insurance, pensions and investments – excluding the managers/functionaries of funds that are not recognized funds (Jersey) or class A funds (Guernsey/Alderney and Sark).

How far back can the financial ombudsman go?

The event that gave rise to the complaint must have happened on or after 1 Jan 2010 (if the financial services business was in Jersey) or 2 Jul 2013 (if the financial services business was in Guernsey/Alderney/Sark).

Are there any other time limits?

The complaint must be brought to the Financial Ombudsman within 6 years of the event or – if it is later than that – within 2 years from when the complainant should have known that he/she had reason to complain.

What will the Financial Ombudsman be able to do?

The Financial Ombudsman will try to resolve the case by mediation – helping the parties to reach a fair settlement. If mediation does not work, the Financial Ombudsman will investigate the case and issue a decision.

What is the effect of a Financial Ombudsman decision?

If the complainant accepts the decision, it becomes legally binding on both parties. The ombudsman can award compensation for loss up to a maximum of £150,000, payable by the financial services business.

What can you do before the financial ombudsman's office opens

If you have a complaint against a financial services business, you should take it up with the business concerned. You may be able to obtain assistance from the Citizens Advice Bureau. You can also notify the relevant Financial Services Commission, which regulates certain financial services, however, neither body has official powers to resolve customer complaints. You could prepare a file of the relevant documents and paperwork regarding your complaint ready for when the Financial Ombudsman opens.

If the financial services were provided from outside the Channel Islands

You may be able to complain to an ombudsman in the jurisdiction from where the financial services were provided.

If the financial services were provided from the UK, approach the Financial Ombudsman Service www.financial-ombudsman.org.uk

Isle of Man - Financial Services Ombudsman Scheme: www.gov.im/oft/ombudsman/welcome.xml

Ireland – Financial Services Ombudsman's Bureau of Ireland: www.financialombudsman.ie

Details of all European complaints schemes: www.ec.europa.eu/internal_market/fin-net/index_en.htm