

**COMPLAINTS AGAINST THE FSA SCHEME (AMENDMENT NO 3)
INSTRUMENT 2006**

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000:
- (1) section 157(1) (Guidance); and
 - (2) paragraph 7 of Schedule 1.

Commencement

- B. This instrument comes into force on 6 October 2006.

Amendments to the Handbook

- C. The Complaints against the FSA sourcebook (COAF) is amended in accordance with the Annex to this instrument.

Citation

- D. This instrument may be cited as the Complaints against the FSA Scheme (Amendment No 3) Instrument 2006.

By order of the Board
28 September 2006

Annex

Amendments to the Complaints against the FSA sourcebook (COAF)

In this Annex, underlining indicates new text and striking through indicates deleted text.

- 1.3.2 G (1) The *Complaints Commissioner* is appointed for a period of three years and may be dismissed from office only for reason of becoming:
- (a) incapacitated by physical or mental illness; or
 - (b) otherwise unfit to discharge the functions of his office;
- and subject in either event to the approval of the Treasury.
- (2) ~~No person who has attained the age of 70 years is eligible to be or to remain a *Complaints Commissioner*.~~[deleted]
- (3) The *Complaints Commissioner* must not be an employee of the *FSA* and is required to act independently of, and without favouring, the *FSA*.

...

- 1.4.7 G The *FSA* will not make any charge to complainants ~~in relation to~~ for the operation of the *complaints scheme*.

...

- 1.5.2A G In carrying out the investigation, the suitably senior member of staff will undertake a paper-based review of the complaint, by considering any documents supplied initially by the complainant, and any relevant *FSA* documents, or following communications from the *FSA* under *COAF* 1.5.1CG. The investigation will not involve an interview of the complainant.

...

Time limit for the referral of a matter to the Complaints Commissioner

- 1.5.6A G (1) When the *FSA* writes to a complainant with its final report of its investigation, or explaining that it will not investigate a complaint under the *complaints scheme* under *COAF* 1.5.1BG, the *FSA* will inform the complainant that, if he is dissatisfied, he must refer the *FSA's* decision to the *Complaints Commissioner* within three months of the date of that letter.
- (2) If the *Complaints Commissioner* receives a referral of a matter outside the three months time limit, it will be for the *Complaints*

Commissioner to decide whether there is a good reason why the matter should be considered out of time.

...

- 1.5.19A G (1) The *Complaints Commissioner* will send a preliminary report, with a time limit within which the *FSA* and the complainant may indicate in writing any disagreement with or comments on the preliminary report.
- (2) At the end of this time limit, the *Complaints Commissioner* will produce a final report after taking into account, at his discretion, any disagreements or comments notified to him. The final report will be the conclusion of the investigation procedure set out in *COAF* 1.5 and the complaint will then be regarded as closed by the *Complaints Commissioner* and the *FSA*.

2 Transitional complaints scheme

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2.3 Coverage and scope of the scheme

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2.3.7 G The *FSA* will not make any charge to complainants ~~in relation to~~ for the operation of the *transitional complaints scheme*.

...

2.4.2A G In carrying out the investigation, the suitably senior member of staff will undertake a paper-based review of the complaint, by considering any documents supplied initially by the complainant, and any relevant *FSA* documents, or following communications from the *FSA* under *COAF* 2.4.1BG. The investigation will not involve an interview of the complainant.

...

Time limit for the referral of a matter to the *Complaints Commissioner*

- 2.4.6A G (1) When the *FSA* writes to a complainant with its final report of its investigation, or explaining that it will not investigate a complaint under the *complaints scheme* under *COAF* 2.4.1AG, the *FSA* will inform the complainant that, if he is dissatisfied, he must refer the *FSA's* decision to the *Complaints Commissioner* within three months of the date of that letter.
- (2) If the *Complaints Commissioner* receives a referral of a matter outside the three months time limit, it will be for the *Complaints Commissioner* to decide whether there is a good reason why the

matter should be considered out of time.

...

- 2.4.18A G (1) The *Complaints Commissioner* will send a preliminary report, with a time limit within which the *FSA* and the complainant may indicate in writing any disagreement with or comments on the preliminary report.
- (2) At the end of this time limit, the *Complaints Commissioner* will produce a final report after taking into account, at his discretion, any disagreements or comments notified to him. The final report will be the conclusion of the investigation procedure set out in *COAF 2.4* and the complaint will then be regarded as closed by the *Complaints Commissioner* and the *FSA*.