

Blanchardstown & District Credit Union Ltd.

Complaints Policy

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Overview

Blanchardstown & District Credit Union endorses a mechanism for resolving complaints in a fair, equitable and efficient manner.

The Policy forms part of a suite of human resources policies outlining the responsibilities, authorities and obligations of the Board collectively, individual Board members, Committee members, management and staff.

Purpose

The purpose of the Complaints Policy is to outline the clear mechanism BDCU has for dealing with complaints in line with the Rules of the Credit Union and relevant legislation. Furthermore, the policy aims to ensure Members are informed and aware of the complaints' mechanism which exists for them within their Credit Union.

Legislation and Regulation

Credit Union Act 1997 (as amended by the Central Bank and Financial Services Authority of Ireland Act 2004 and the Credit Union and Co-Operation with Overseas Regulators Act 2012), Part VIII

Central Bank Act 1942, Part VIIB (as inserted by the Central Bank and Financial Services Authority of Ireland Act 2004, section 16 and amended by Schedule 1 of the Central Bank Act, 2010)

Financial Services Ombudsman Recommendations and Procedures

Scope

The Policy will apply to the Board of the Credit Union, the CEO, the Compliance Officer, all Credit Union employees and, where applicable, volunteers.

Principles

The Policy seeks to ensure that the Credit Union has engaged appropriately with its members, has adopted a "fair and reasonable" approach to all its dealings with its members, acts consistently in relation to any complaints received from its members and engenders a positive customer service approach to all complaints received.

Structure and Responsibilities

The Board of Directors retain ultimate responsibility for the Members' Complaints Policy. However the CEO (or where the CEO has delegated his/her responsibility, the Compliance Officer) has the responsibility for developing, implementing, maintaining and updating the Policy.

Complaints Procedure

The Credit Union has a number of mechanisms for dealing with disputes which are outlined below.

Neither the legislation nor the Credit Union Rules can be used to deprive a member of any remedy that they may have under a contract under the Credit Union (section 125(7), Credit Union Act 1997) nor can the Financial Services Ombudsman's right to investigate and adjudicate complaints be excluded so long as it relates to the provision of a financial service or failure to provide a financial service and does not relate solely to the governance of the Credit Union.

A written record of all complaints (both written and oral, formal and informal) is kept by the Operations Manager.

1.1. Complaint Mechanism No. 1 - Informal Complaint

This will generally be the first option for members who wish to make a complaint to the Credit Union and will result in resolution without escalation. An informal complaint can be made orally or in writing. When a written complaint has been received, it is acknowledged in writing within two business days. Each complainant should be given a copy of the Credit Union's policy and any relevant Rules with respect to complaints. In particular, the complainant should be made aware of the processes and personnel involved and the likely timescale for a resolution of the complaint by the Credit Union.

An informal complaint can be resolved by the CEO or Operations Manager through an informal discussion or meeting with the complainant. Where the complaint cannot be resolved through such a discussion or meeting, the complaint should be elevated to the next stage – Complaint Mechanism No. 2. If the unresolved complaint was originally submitted orally, the CEO or Operations Manager should request that the complainant submit the complaint in writing. The written (unresolved) complaint then be dealt with in accordance with the procedures as set down under the Credit Union Rules.

1.2. Complaint Mechanism No. 2 – Procedures under the Credit Union Rules

The Rules of the Credit Union must outline procedures for the resolution of formal complaints. Formal complaints include complaints which were originally submitted by a member informally but which could not be resolved by the Credit Union informally and complaints which were initiated through the formal complaints mechanism.

Once a formal complaint has been received by the Credit Union, the complainant should be given a copy of the relevant Rules with respect to formal complaints. In

particular, the complainant should be made aware of the processes and personnel involved and the likely timescale for a resolution of the complaint by the Credit Union.

All complaints to the Board of Directors should be copied in full to the Board together with a summary of additional information to assist them, including the following information:

- Member number
- Name & Address of member
- Joining date
- Details of the complaint or dispute, including dates of any events from which the complaint or dispute arises
- Copies of all supporting documentation, including letters, statements, etc.

The complaint will be discussed by the Board of Directors or a dedicated sub-committee of the Board at their next meeting. The Board will consult with the CEO or any other relevant officers, and, if necessary, may consult with other external advisors or experts.

The Board of Directors may offer the member a meeting if appropriate. Once a decision has been reached by the Board of Directors, they will issue a letter to the member outlining that decision. The Board of Directors has two months from the date of the complaint to conclude their investigation and assessment and inform the member of their decision. This letter will include a statement that the member may refer the matter to the Financial Services Ombudsman.

1.3. Complaints Mechanism No. 3 – Referral to Arbitration under the Credit Union Rules

The Rules of the Credit Union provide that a dispute shall be determined by arbitration, the relevant regulatory and statutory rules on the conduct of arbitration apply.

The Rules of Blanchardstown & District Credit Union shall be deemed to be an arbitration agreement and the arbitrator(s) will be selected in accordance with the method as set down in the Rules. Where no procedure is set down in the Rules, one arbitrator shall be appointed by the Board of Directors and one arbitrator shall be appointed by the member whose complaint is the subject of the dispute (section 126(b)).

The Rules can also provide that a dispute be determined by the Registrar of Credit Unions and if so, the Registrar shall be deemed to be the single arbitrator [or shall appoint an arbitrator].

1.4. Complaints Mechanism No. 4 – Referral to the Financial Services Ombudsman

There are generally two types of member complaints that may be referred to the FSO:

- The provision of a financial service by the Credit Union.
- The failure of the Credit Union to provide a financial service that has been requested.

It is preferable that all member complaints go through the Credit Union's internal complaints procedure as outlined above before being referred to the FSO to allow the Credit Union and its member an opportunity to resolve the complaint inter parties.

Where a complaint is made directly to the FSO so that the Credit Union's internal processes have been by-passed or where the complainant remains unhappy with the Credit Union's response, the Credit Union will receive written confirmation of a member complaint from the Financial Services Ombudsman and will be called upon to issue in writing its Final Response. The Credit Union has 25 working days in which to try to resolve the complaint by its internal complaint procedures, unless previously exhausted.

If at the end of the twenty five working days, a resolution has not been attained, a Final Response letter must be issued to the complainant by the nominated member of senior management. All Credit Unions must designate an officer to fulfil this role. If the Credit Union requires more time to review the complaint, for example if it requires the complainant to undergo a medical examination, the FSO must be notified of same.

The Final Response letter must:

- Contain a detailed account of the dispute at hand
- Address all issues outlined in complainant's Complaint Form
- Quote the applicable loan contract terms/policy conditions/terms of business etc
- Give details of any redress offered to the complainant by the Credit Union
- State that it is the Final Response of the Credit Union for the purpose of referring the matter to the Financial Services Ombudsman's Bureau
- Advise the complainant that he/she has 15 working days from the date of said Final Response to refer the matter to the Financial Services Ombudsman's Bureau for investigation.

If the Complainant is not satisfied with the Credit Union's final response, the Financial Services Ombudsman will assess the complaint and the option of mediation will be offered to both parties by the Ombudsman as a means of resolving the matter. If mediation is not availed of or is unsuccessful then a formal investigation of the complaint by the Ombudsman will begin.

1.4.1. Investigation

In the course of investigation, the Credit Union will be required to answer a series of questions posed by the FSO and to submit any material and make any submissions which the Credit Union sees as being desirable to put before the Ombudsman or which the Ombudsman requires to see, to enable the Ombudsman to investigate and adjudicate upon the complaint. This must be done within **20 working days**.

- These responses and documents will be copied to the complainant who will be given **10 working days** to submit any observations.
- Any observations from the complainant will be copied to the Credit Union who will be given **5 working days** to submit any further observations.

All the circumstances surrounding the complaint will then be examined. Further information or supporting documentation may be requested from both parties. Every case is judged on its individual merits.

The time taken to investigate a dispute depends on the complexity of the individual case as well as outside factors, such as the availability of relevant material.

- In general, the investigation is completed within **6 - 8 weeks** after a full exchange of documentary evidence has taken place. However, for certain cases supplementary information will be necessary which may cause this period to be extended.

In the course of reviewing the evidence the Ombudsman will consider whether an oral hearing is necessary. If an oral hearing is held then the oral evidence given under oath at that hearing will be reviewed together with the documentary evidence and a Finding will be issued to both parties.

Where an oral hearing is not deemed to be necessary a Finding will issue to both parties after all the evidence has been reviewed in full.

1.4.2. Finding

The Finding of the Financial Services Ombudsman is legally binding on both parties, subject only to appeal by either party to the High Court. **A party has 21 calendar days** from the date of the Financial Services Ombudsman's Finding in which to appeal to the High Court. Regardless of the nature of the complaint or the actual finding, the FSO will have regard to what procedures the Credit Union had in place for complaints handling and the manner in which the subject complaint was handled both before and after referral to his office.

1.5. Complaints Mechanism No. 5 – Application to the District Court

There are two instances where a member's complaint to a Credit Union may result in an application to the District Court.

- Where the Rules of the Credit Union contain no directions regarding the resolution of disputes or where the Credit Union has not made a decision within 50 days after the member notified his/her complaint to the Credit Union, the member may apply to the District Court to hear and determine the dispute (section 125(5), 1997 Act).
- In addition, where a decision has been made by the Credit Union pursuant to its Rules or by the Registrar, such a decision is binding and conclusive and cannot be appealed by either parties. The decision is, however, enforceable through the application of either party to the District Court (section 125(4), 1997 Act).

2. Training

No mandatory training is currently required by legislation in relation to this policy. The CEO, all officers and Members of the Board should be familiar with the Members' Complaints Policy and training should be provided as required.

3. Policy Review

The Members' Complaints Policy should be reviewed by the Board of Directors annually, particularly in light of the complaints experience each year.