



## Complaints Handling Policy

Updated by the Board of Directors of Ballynahinch Credit Union Ltd

## 1. Dealing with Member Complaints

Ballynahinch Credit Union Limited (“the credit union”) aims to provide a first class service to their members at all times that is compliant with credit union policies, procedures and all legal and regulatory requirements and guidance that apply to credit unions.

## 2. Policy Objectives

Our objective is to ensure that complainants (members or non-members) are treated fairly, impartially and with dignity when they have a complaint and to ensure that such complaints are dealt with promptly.

## 3. Financial Ombudsman Service

This credit union is covered by the Financial Ombudsman Service (the Ombudsman). If a complainant remains dissatisfied with our final response to their complaint, he or she may refer the complaint to the Ombudsman within 6 months of receipt of the final response. The Ombudsman can be contacted at:

**The Financial Ombudsman Service**  
Exchange Tower  
London E14 9SR  
Phone for consumers: 0800 023 4 567 or 0300 123 9 123  
Email: [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)  
Website: [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)

For general complaints-handling questions or technical queries contact  
020 7964 1400 (10am-4pm, Mon to Fri) or email  
[technical.advice@financial-ombudsman.org.uk](mailto:technical.advice@financial-ombudsman.org.uk)

## 4. Overview & Definitions

The credit union defines a complaint as:

*“Any oral or written expression of dissatisfaction, whether justified or not, which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience. A complaint can be from, or on behalf of, an “eligible complainant” about a credit union’s provision of, or failure to provide, a financial product or service.”*

The credit union ensures that it publishes appropriate information regarding its internal procedures for the reasonable and prompt handling of complaints and those complainants are aware of the Ombudsman by:

- maintaining a prominent notice in the credit union office and any sub offices;
- providing complainants with a copy of the credit union’s internal complaint procedure upon request or where complaints have not been dealt with within three business days;
- providing a summary resolution communication with responses to any complaints resolved within three business days identifying that if the complainant is still not satisfied they **may** be able to refer the complaint to the Ombudsman. The response will

also indicate whether or not the credit union consents to waive the relevant time limits in DISP 2.8.2 R by including the appropriate wording set out in DISP 1 Annex 3R.<sup>1</sup>

- including the standard Ombudsman explanatory “Your Complaint and the Ombudsman” leaflet when providing a final response to a complaint, available at [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)

The credit union maintains an internal complaints handling procedure which is reviewed, updated and approved annually by the board of directors and whenever there is a change in legal and regulatory requirements.

The credit union records the number of complaints received each year. An annual return in respect of the number of complaints received and handled is made to the Financial Conduct Authority (“the FCA”). The reporting period for complaints is April 1<sup>st</sup> to 31<sup>st</sup> March each year. The return is submitted to the FCA within one month of the end of the reporting period.

The credit union aims to meet the following time limits when responding to a complaint:

- It will attempt to resolve most complaints by close of business and in any event within three business day following receipt.
- If the complaint is not resolved within three business days of receipt, a written acknowledgement is promptly sent to the complainant. This acknowledgement contains the complaints officer’s details as well as a copy of the internal complaint handling procedures.
- Before the end of eight weeks following receipt of a complaint, a final response must have been sent to the complainant. The final response informs the complainant that he or she can refer the complaint to the Ombudsman within a six month period if still dissatisfied. The response will also indicate whether or not the credit union consents to waive the relevant time limits where the complaint:
  - is more than six months after the date on which the credit union sent the complainant its final response or redress determination or summary resolution communication or
  - was received more than six years after the event complained of; or
  - if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint)
- A copy of the Ombudsman leaflet “Your complaint and the Ombudsman” and Ombudsman website address is sent with the above response.
- If it is not possible to make a final response within eight weeks, a letter is sent setting out the reasons for the delay, indicating when the issue may be resolved, and informing the complainant that the complaint may be referred to the Ombudsman A copy of the Ombudsman leaflet “Your complaint and the Ombudsman” and Ombudsman website address is included in this response. The response will also indicate whether or not the credit union consents to waive the relevant time limits where the complaint:

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<sup>1</sup> Where the complaint was received more than six months after the date on which the respondent sent the complainant its final response or redress determination or summary resolution communication; more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) then the credit union will confirm if it consents to the waive such time limit by selecting one of the scenarios listed in DISP 1 Annex 3R (see Section e of this policy for further information).

- is more than six months after the date on which the credit union sent the complainant its final response or redress determination or summary resolution communication or
- was received more than six years after the event complained of; or
- if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint)

by including appropriate wording set out in Disp 1 Annex 3R (as set out in Section e of this policy)

Records of complaints received are kept for a minimum of three-years from the date of receipt of the complaint. These records include the name of complainant, the substance of the complaint, copies or details (if verbal) of any correspondence between the credit union and complainant and the measures taken for resolution of the complaint,

#### **5. Ombudsman not applicable**

If the complainant is not eligible to have the complaint dealt with under the Financial Ombudsman Scheme, the parties to a dispute in the credit union may, by consent, refer such dispute to the registrar who shall, in accordance with Article 72 of the Order hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the credit union or by such party to the dispute as he shall think fit, and such determination and order shall be binding and conclusive on all parties without appeal and shall not be removable into any court of law or restrainable by injunction.

#### **6. Decisions made by the Credit Union**

The credit union has appointed a Complaints Officer and has informed the FCA that the name of the Complaints Officer is Caroline O'Brien.

## **Appendix 1**

### **Complaints Handling Procedure**

#### **a. The Credit Union's Commitment**

As a member of the Irish League of Credit Unions and part of the World Council of Credit Unions (WOCCU), this credit union aims to provide members with quality financial services.

We welcome the opportunity to put things right for those who are dissatisfied with our service. Feedback will be used to help improve services and enhance member care.

This procedure sets out how a complaint can be made to the credit union, and how the complaint will be investigated and responded to. This procedure is drawn up in accordance with the Rules and relevant provisions of DISP and FCA CREDS.

#### **Definition of Complaints and Eligible Complainants**

A complaint is any expression of dissatisfaction, whether written or oral, about a service that the credit union has provided, or failed to provide, that has resulted in a financial loss, material distress or material inconvenience or the potential for such loss or inconvenience to occur.

Complaints can be made by, or on behalf of, members (or potential members) who are private individuals. An eligible complainant therefore is:

- a. a credit union member or minor depositor or potential or former member or minor depositor.
- b. a nominated beneficiary or personal representative of (a) above.

This credit union asserts its right to make appropriate business decisions about any area of its operations, including admission of new members to membership and eligibility for loans as referenced in the membership and loan policies of the credit union.

#### **b. Receiving a Complaint**

A complaint can be received at any place that the credit union conducts business. A complaint can be received by any officer, staff or volunteer of the credit union.

A complaint may be made in writing or orally to an officer or volunteer of the credit union. A complaint can be made in person, by letter, by telephone or by email.

The officer or volunteer receiving the complaint must record the following information:

- Name of complainant
- Address and contact details of complainant
- Membership number of complainant (if a member)
- Date and time complaint received
- Date and time complaint occurred
- Substance of complaint
- Type of complaint (e.g. financial loss, inconvenience, distress, behavioural, etc)
- Name of person receiving complaint
- Action taken when receiving complaint e.g. provided copy of internal complaints handling procedure, other information provided
- Date complaint passed to the Complaints Officer responsible for dealing with complaints

### **c. Investigating Complaints**

The Complaints Officer is responsible for investigating the complaint.

If the Complaints Officer is the subject of the complaint, the Chair of the Supervisory Committee may delegate a suitable individual, not involved in the complaint, to investigate the complaint as soon as it is received. In this credit union, the Complaints Officer is: Caroline O'Brien

A thorough investigation is undertaken upon receipt of a complaint.

Appropriate action is taken to identify and remedy any recurring or systemic problems as well as any specific problem identified by a complaint.

### **d. Responding to Complaints**

We aim to resolve the complaint to the complainant's satisfaction as speedily as possible.

#### **Within three business days**

The credit union aims to resolve complaints to the complainant's satisfaction by the close of business, three business days after the day on which the complaint was received. Complaints satisfactorily resolved and completed within this time period will be recorded as "satisfactorily completed". A complaint is resolved where the complainant has indicated acceptance of a response from the credit union, with neither the response nor acceptance having to be in writing.

Where the credit union considers the complaint to be resolved, it will send the complainant a 'summary resolution communication' in writing. A sample template can be found at Appendix 2 of this policy which:

- (1) refers to the fact that the complainant has made a complaint and informs the complainant that the credit union now considers the complaint to have been resolved;
- (2) tells the complainant that if he subsequently decides that he is dissatisfied with the resolution of the complaint he may be able to refer the complaint to the Ombudsman<sup>2</sup>;
- (3) indicates whether or not the credit union consents to waive the relevant time where the complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) by including the appropriate wording.
- (4) provides the website address of the Ombudsman; and
- (5) refers to the availability of further information on the website of the Ombudsman.

The information regarding the Ombudsman required to be provided in a summary resolution communication will be set out clearly, comprehensibly, in an easily accessible way and prominently, within the text of such communication.

The credit union acknowledges that in addition to sending a complainant a summary resolution communication, there may be occasions where other methods of communication are necessary

- In order to better meet the complainant's needs; or
- Where the complainant and credit union have already been using another method to communicate about the complaint.

An example may be where the credit union is aware that a complainant is visually impaired and as a result has been communicating about a complaint by telephone.

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<sup>2</sup> This rule is intended to provide a strong incentive for the credit union to ensure that it settles the complaint correctly the first time that it is dealt with.

### **Over 3 business days**

If the complaint cannot be resolved quickly and within three business days, an acknowledgement will be sent to the complainant, promptly. The acknowledgement will include the following information:

- early reassurance that the credit union has received the complaint and is dealing with it;
- ensure the complainant is kept informed thereafter of the progress of the measures being taken for the complaint's resolution;
- The name or job title of the person handling the complaint; and
- The credit union's internal complaint handling procedure.

### **Within 8 weeks**

If still unresolved within 8 weeks of receiving a complaint, the credit union will send the complainant:

- a final response, or
- a response that explains the delay and advises the complainant when a final response can be expected. The complainant is asked whether they are willing to extend the time for the investigation to be completed. The complainant is advised that if dissatisfied with the delay he or she can refer the complaint to the Ombudsman. A copy of the Ombudsman standard explanatory leaflet and website address of the Ombudsman will be included in the response. The response will indicate whether or not the credit union consents to waive the relevant time where the complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) by including the appropriate wording.

### **Final response**

It is the credit union's intention to provide a complainant with a satisfactory final response within 8 weeks of receipt of the complaint. The final response will include:

- A summary of the complaint;
- A summary of the investigation into the complaint;
- The credit union's views on the issues raised in the complaint;
- Whether the credit union acknowledges that it has been at fault in any way;
- Details of any redress or offer made to settle the complaint;
- The complainant's right to refer the complaint to the Financial Ombudsman Service if remaining unsatisfied with the final response from the credit union;
- A copy of the Ombudsman's standard explanatory leaflet. Copies of the leaflet are available from <http://www.financial-ombudsman.org.uk/publications/>
- The website address of the Ombudsman; and
- indicates whether or not the credit union consents to waive the relevant time where the complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) by including the appropriate wording.

#### **e. Redress to Complainants**

The credit union will seek to improve its services to all members as a result of complaints received.

If appropriate to the circumstances of the case, the Complaints Officer investigating the complaint has the authority to offer an appropriate level of financial compensation as final settlement of the

complaint up to an amount no greater than £50.00. If an amount greater than this amount is considered appropriate, the decision is referred to the Board. Any financial redress offered will not be greater than any actual financial loss incurred, and will be dependent upon the circumstances of the individual complaint.

#### **f. Records and Reporting**

The credit union keeps all records of complaints for a period of 3 years. The credit union makes an annual return to the FCA on the amount and type of complaints handled by the credit union.

#### **g. Financial Ombudsman Service**

Where a complaint is considered to be resolved within the three day period, the credit union must send a 'summary resolution communication' to the complainant in accordance with paragraph 'e' of this policy. The communication must, as well as referring to the complaint and noting that the complaint is now considered to be resolved, inform the complainant that he or she still has the right to complain to the Ombudsman if they subsequently decide they are dissatisfied.

If a complainant remains dissatisfied at the completion of the credit union's internal complaint-handling procedure and receipt of a final response from the credit union, the complaint may be referred to the Ombudsman within six months of receiving the credit union's final response letter.

Please note that Ombudsman can only consider a complaint if:

- the credit union has already sent the complainant its final response or summary resolution communication; or
- eight weeks have elapsed since the credit union received the complaint;

The Ombudsman cannot consider a complaint if the complainant refers it to the Ombudsman:

1. more than six months after the date on which the credit union sent the complainant its final response, redress determination or summary resolution communication; or
2. more than:
  - (a) six years after the event complained of; or (if later)
  - (b) three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint;

unless the complainant referred the complaint to the credit union or to the Ombudsman within that period and has a written acknowledgement or some other record of the complaint having been received;

These time limits can only be waived in limited circumstances if:

- in the view of the Ombudsman, the failure to comply with the time limits above was as a result of exceptional circumstances; or
- the credit union has consented to the Ombudsman considering the complaint where the time limits have expired.

**The credit union will confirm if it consents to waive such time limit by selecting one of the scenarios listed in (1) to (6)<sup>3</sup> below. The credit union acknowledges that it is of paramount importance that**

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<sup>3</sup> Please note that option 4 is not shown within the table below as it relates to mortgage endowment complaints and is therefore not applicable to credit unions



**the summary resolution communication and the final response sets out the appropriate wording tailored to the precise circumstances of the complaint.<sup>4</sup>**

The credit union does not consent to waive the six-month time limit	
(1)	<p><b>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge – but you must do so within six months of the date of this letter.</b></p> <p>If you do not refer your complaint in time, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.”</p>
The complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) and the credit union does not consent to waive those time limits or the six-month time limit.	
(2)	<p><b>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</b></p> <p>The Ombudsman might not be able to consider your complaint if:</p> <ul style="list-style-type: none"> <li>• what you’re complaining about happened more than <b>six years</b> ago, <b>and</b></li> <li>• you’re complaining more than <b>three years</b> after you realised (or should have realised) that there was a problem.</li> </ul> <p>We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances (see below).</p> <p><b>If you do decide to refer your complaint to the Ombudsman you must do so within six months of the date of this letter.</b></p> <p>If you do not refer your complaint to the Ombudsman within six months of the date of this letter, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances.</p> <p>The very limited circumstances referred to above include, where the Ombudsman believes that the delay was as a result of exceptional circumstances.”</p>
The complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) and the credit union does not consent to waive those time limits but does consent to waive the six-month time limit	
(3)	<p><b>“You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</b></p> <p>The Ombudsman might not be able to consider your complaint if:</p>

<sup>4</sup> See DISP 2.8 Was the complaint referred to the Financial Ombudsman Service in time? and DISP 1 Annex 3 Appropriate wording for inclusion in a final response or written acceptance

	<ul style="list-style-type: none"> <li>• what you're complaining about happened more than <b>six years</b> ago, <b>and</b></li> <li>• you're complaining more than <b>three years</b> after you realised (or should have realised) that there was a problem.</li> </ul> <p>We think that your complaint was made outside of these time limits but this is a matter for the Ombudsman to decide. If the Ombudsman agrees with us, they will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.</p> <p>The time limit for referring complaints to the Ombudsman is usually six months but we will consent to the Ombudsman considering your complaint even if you refer the complaint later than this."</p>
<p>The credit union consents to waive all applicable time limits</p>	
(5)	<p><b>"You have the right to refer your complaint to the Financial Ombudsman Service, free of charge.</b></p> <p>Although there are time limits for referring your complaint to the Ombudsman, we will consent to the Ombudsman considering your complaint even if you refer the complaint outside the time limits."</p>
(6)	<p>Where the credit union proposes to waive the time limits where the complaint was received more than six years after the event complained of; or if later three years from the date on which the complainant became aware (or ought reasonably to have become aware) that he had cause for complaint) and appropriate wording for the credit union's circumstances is not set out above in scenarios (1) to (5), the credit union must adapt the appropriate wording as necessary.</p> <p>Further information and advice should be sought from the Legal and HR Department of the ILCU in such circumstances.</p>

The credit union will co-operate fully with any investigation undertaken by the Ombudsman.



## HOW TO COMPLAIN – SUMMARY

**It is the aspiration of your credit union that a complaint against the credit union will be resolved in a fair and equitable manner. In order that this is accomplished the following is the procedure which you should follow in order to have your complaint/dispute, in your capacity as a member or otherwise, resolved.**

This credit union aims to provide members with quality financial services.

We welcome the opportunity to put things right for members who are dissatisfied with our service. Feedback will be used to help improve services for all members.

This procedure sets out how a complaint can be made to the credit union, and how the complaint will be investigated and responded to.

A complaint can be received at any place that the credit union conducts business. A complaint can be received by any officer, staff or volunteer of the credit union.

The complaints officer for this credit union is: Caroline O'Brien

A complaint may be made in writing or orally to an officer or volunteer of the credit union. A complaint can be made in person, by letter, by telephone or by email.

- The credit union aims to resolve complaints to the complainant's satisfaction by the close of business three business days after the day on which the complaint was received.
- If the complaint cannot be resolved with three business days, an acknowledgement will be sent promptly to the complainant.
- If still unresolved within 8 weeks of receiving a complaint, the credit union will send the complainant:
  - a final response, or
  - a response that explains the delay and advises the complainant when a final response can be expected. The complainant is asked whether they are willing to extend the time for the investigation to be completed. The complainant is advised that if dissatisfied with the delay he or she can refer the complaint to the Ombudsman. The Financial Ombudsman Service has official powers to sort out complaints between a complainant and a credit union. There is no charge for the Ombudsman.

It is the credit union's intention to provide a complainant with a satisfactory final response within 8 weeks of receipt of the complaint.



## COMPLAINTS FORM

### Ballynahinch Credit Union Limited

Please read the attached Complaints Procedure before completing this form.

**To:** The Credit Union Complaints Officer

Name/address of Complainant: \_\_\_\_\_  
\_\_\_\_\_

Membership No. of Complainant (if applicable): \_\_\_\_\_

**DESCRIPTION OF COMPLAINT:**

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(Please attach copies of any relevant documentation. Please retain a copy of this form and any relevant documentation for your own records.)

\_\_\_\_\_  
**Signature of Complainant**

**Date:** \_\_\_\_\_