



**Financial
Ombudsman
Service**

from **Caroline Wayman**
chief ombudsman &
chief executive

write to **Financial Ombudsman Service**
Exchange Tower
London
E14 9SR

phone 0207 093 5828
fax 0207 093 5829
dx 141280 Isle of Dogs 3

Sheldon Mills
Financial Conduct Authority
12 Endeavour Square
London
E20 1JN

16 April 2020

By email

Dear Sheldon,

Thank you for your letter of 15 April, and for the continued close engagement of your teams during this time.

We understand that financial businesses are facing unprecedented challenges in the current circumstances and recognise that there will be concerns about the longer-term consequences of the action they are being asked to take in response to the crisis. So, we are happy to clarify how we will approach complaints which might arise from this period.

The basis on which the ombudsman makes decisions is clearly set out in both statute and within the FCA's own rules, and we do not have a discretion to depart from this. However, I am confident that it continues to provide an appropriate framework, which should give financial businesses the certainty that complaints will be dealt with fairly.

As you note, in deciding what is fair and reasonable in the circumstances of an individual complaint, we must take into account relevant law; regulators' rules, guidance and standards; codes of practice and what the ombudsman considers to have been good industry practice at the time. We do not make decisions with the benefit of hindsight.

What this means is that we will take account of the FCA's revised expectations of what constitutes compliance with its rules, guidance and standards, as well as good industry practice at this time. This includes guidance which gives firms additional flexibility to help them deal with difficult conditions. And, I know you will recognise the importance of the FCA maintaining a clear record of the changes it has made and the circumstances in which they apply.

We will continue to engage with firms directly on the issues affecting them, and firms are welcome to contact our Technical Advice Desk which is available at technical.desk@financial-ombudsman.org.uk for further informal help and assistance.

I am pleased that the FCA has acted quickly to provide additional guidance for firms in these unprecedented circumstances, and the ombudsman service stands ready to help in any way that we can.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C Wayman', with a horizontal line extending to the right.

Caroline Wayman
Chief executive and chief ombudsman