



Treasury Committee

House of Commons, Committee Office, London SW1A 0AA

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Caroline Wayman, Chief Ombudsman and Chief Executive
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4 March 2019

Dear Caroline

On 22 February Christopher Woolard, Executive Director for Strategy and Competition at the FCA, wrote to the Committee regarding the FCA's work on vulnerable customers. In the letter he wrote:

"In addition to the FCA's regulatory role, the Financial Ombudsman Service (FOS) is in place to resolve disputed complaints between consumers and financial services firms. The FOS is required to do so by considering what is "fair and reasonable" in all the circumstances. In doing so, it must take account of a number of factors, including relevant law. This could include the Equality Act 2010. The FOS may be able to award "fair compensation" if it considers the firm has not acted fairly and reasonably. However, it is not the FOS's role to determine legal liability. As such, it is not the FOS's role to make a finding of discrimination under the Equality Act 2010."


Previously the Committee has had sight of a Freedom of Information request response from the FOS to a member of the public which states:

"The FCA has not given the Financial Ombudsman Service any specific powers to pursue banks for complaints about marketing material not being accessible in different formats. But, the Equality Act places a duty on organisations to make reasonable adjustments for individuals who have disabilities. When we look into complaints we take into account the relevant laws, which in the case of complaints about reasonable adjustments would include the Equality Act."

Can you explain to the Committee:

1. What powers does the FOS have to instruct financial services providers to make reasonable adjustments for customers?
2. Does the FOS take forward complaints on behalf of individual members of the public where an individual's provider is not providing a reasonable adjustment and may be in breach of the Equality Act,?

3. Would the FOS describe itself as the primary body that customers should make a complaint to, if their financial services provider is not providing reasonable adjustments, as required by law?
4. Can you give examples of cases where the FOS has instructed a financial services provider to make a reasonable adjustment for a customer?
5. In the FOI request response quoted above, it states the FCA has not given the FOS any "specific powers". Can you set out which specific powers might be of use to the FOS to assist it in compelling financial service providers to comply with the Equality Act?

Yours sincerely


Rt Hon Nicky Morgan MP
Chair of the Treasury Committee