



**Financial  
Ombudsman  
Service**

*from* **Caroline Wayman**  
chief ombudsman &  
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17 November 2020

## **By email**

Dear Sheldon,

Thank you for your letter of 16 November, and for the way that you and your teams have continued to work closely with the ombudsman service during this time.

As I outlined in my letter in April, 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 confirm how we will continue to 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 continue to 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 and statements of regulatory forbearance which gives firms additional flexibility to help them deal with difficult conditions. And, I know that the FCA has been maintaining a clear record of the changes it has made and the circumstances in which they apply to help to facilitate this. 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@financialombudsman.org.uk](mailto:technical.desk@financialombudsman.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