

# How to resolve your dispute



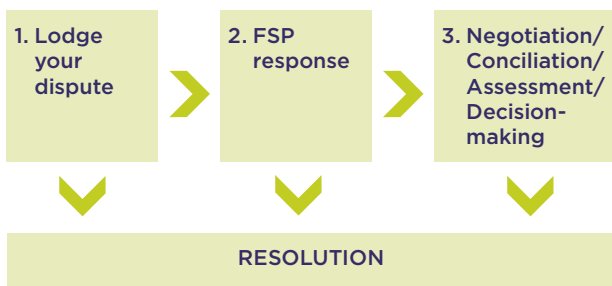
FINANCIAL  
OMBUDSMAN  
SERVICE

The Financial Ombudsman Service is an independent organisation offering free and accessible dispute resolution services to the customers of financial services providers across Australia.

We offer the option of resolving your disputes quickly and efficiently, without the cost and time involved in going to court.

Our service is free to consumers.

## Resolving your dispute – 3 steps



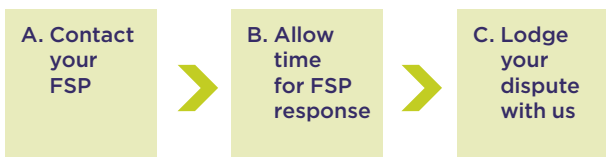
We will work with you and your financial services provider (FSP) to resolve the dispute. We are independent so we do not take sides, but we will do what we can to get the best resolution for both of you.

Our dispute process has different stages and a resolution can come at any point in the process.

### These stages are:

- 1 lodge a dispute
- 2 FSP initial response to a dispute, and
- 3 negotiation/conciliation/assessment/decision-making.

# 1. Lodge your dispute



## STEP A Contact your FSP

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If you have a problem with a financial product or service, the first thing you should do is raise the matter with your FSP. Contact details for all FSP members are available on our website.

It's a good idea to put your dispute in writing, explaining what you're not happy with and asking if the FSP can resolve it. Make a note of the date you do this.

If you choose to lodge your dispute with us before contacting your FSP, or while you are waiting for your FSP to respond to you, we will contact the FSP and send them the details of your concerns. The FSP should then respond to you directly.

You can register your dispute with us by completing our dispute form online. Alternatively you can call, write, email or fax us. Our full contact details are on the last page of this brochure.

## STEP B Allow time for FSP response

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In most cases the FSP has 45 days to respond. For certain types of disputes the response period is shorter or longer than this.

If legal proceedings relating to debt recovery are on foot when a dispute is lodged, the FSP is not given an initial response period. In this situation, a streamlined dispute resolution process is used (see our Operational Guidelines on our website for more information).

Many disputes are resolved during the FSP response period. If the response period has expired and you haven't heard back from your FSP, or you have received a response from your FSP that has not resolved your concerns, then you need to contact us and ask us to help resolve your dispute.



## STEP C Lodge your dispute

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### Have you complained to your FSP directly?

If you have been dealing directly with your FSP and have not previously lodged your dispute with us, then you need to lodge your dispute with us by completing our dispute form. This dispute form is available online at [www.fos.org.au/disputes](http://www.fos.org.au/disputes) or by calling us on 1300 78 08 08.

When you complete the dispute form, it will ask you to include documents and information. It's a good idea to send us all the relevant documents and other information you have so that we can clearly see what has happened. This might include information like account statements, financial plans, insurance documents, or correspondence you have received from your FSP.

Once you lodge a dispute with us we check that your dispute comes within our Terms of Reference. You can find our Terms of Reference at [www.fos.org.au/tor](http://www.fos.org.au/tor). If your dispute does come within our Terms of Reference, then we send all the dispute details to the FSP.

### Have you already lodged your dispute with us?

If you have already lodged your dispute with us at Step A and your dispute hasn't been resolved, then contact us quoting your case number and tell us you want us to help resolve your dispute. You can write to us or call us on 1300 78 08 08.

## 2. FSP Response

### What must your FSP do once you ask us to help resolve your dispute?

#### **The FSP has 28 days to either:**

- contact you again and resolve the dispute directly with you, or
- provide us with a response to your dispute and provide us with all relevant information and documents.

For disputes involving financial hardship or legal proceedings, the FSP has 14 days to respond or resolve the dispute directly with you.

If the FSP resolves the dispute with you directly within these 28 (or 14) days, then we will confirm the resolution with you and the FSP and close our file. If your dispute is not resolved, see Step 3.

### 3. What if the dispute is not resolved?

If your dispute is not resolved after the FSP response, we will review your dispute. This means that we will consider the circumstances of your dispute and use the most appropriate dispute resolution method to help resolve your problem. These methods include:

- negotiation
- conciliation
- assessment, and
- decision-making.

For disputes involving financial hardship we follow a streamlined process and the method we use to help resolve the dispute is usually a conciliation conference conducted by telephone.

**Negotiation** means we talk to you and your FSP to see if we can negotiate an agreement that both of you will be happy with.

**Conciliation** is where we use one of our trained conciliators to talk to you and your FSP (usually by telephone) about the dispute, listening to the perspectives of both parties and helping you both understand each other's perspective. Then the conciliator will help you both to come up with possible ways to resolve the dispute that you and your FSP agree to. You can find out more at [www.fos.org.au/conciliation](http://www.fos.org.au/conciliation).

**Assessment** is where we provide our initial assessment of the dispute. If we think providing an assessment will help resolve the dispute, we will let both parties know. If it's not appropriate to make that assessment, we may progress the dispute to decision-making.

**Decision-making** is where we investigate the dispute in further detail and make a "Recommendation" or "Determination". During this process we will be in contact with you so you know what's happening and what, if any, further information you'll need to give us.

# Recommendations and Determinations

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## What is a Recommendation?

If your dispute cannot be resolved by negotiation or conciliation, then we look at making a Recommendation. A Recommendation is when we consider all the facts and information of the dispute and we make a decision based on the merits of the dispute and how we think it should be resolved.

A Recommendation is not binding. You or your FSP may reject a Recommendation. However, once a Recommendation is accepted by both parties it then becomes binding and we will close our file.

## What if the Recommendation is rejected?

If you or your FSP reject the Recommendation, then you or the FSP will need to tell us why. For instance, you or the FSP may have new information that you think might change the decision. Once you or your FSP reject the Recommendation, then it is referred to an Ombudsman or a Panel (comprising an industry and consumer representative and an Ombudsman) for a Determination.

## What is a Determination?

A Determination is a more formal decision about the merits of the dispute. A Determination is binding on the FSP if you accept it. This means that your FSP is obliged to comply with the decision. If your dispute has been upheld, this might mean the FSP has to compensate you appropriately or remedy the problem in some way.

## What if the Determination is rejected?

If you reject the Determination we cannot consider your dispute further so we will close the file.

You are free to pursue your dispute in another forum; however, we cannot assist you with this.

## Other Information

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### Privacy

We treat all disputes as confidential between you, the FSP and our office.

Find out more about how we protect your privacy at [www.fos.org.au/privacy](http://www.fos.org.au/privacy).

### Legal advice

There is no need to obtain legal advice about your dispute but you may do so if you want to.

If you do want legal advice, you will need to arrange that yourself and know that you will usually have to pay your own legal costs.

We are unable to provide you with legal advice.

### Assistance

If you need any assistance with filling out forms, if you need a translator because English is not your first language, or if you have any other special needs, please call us on 1300 78 08 08.



## Contact us

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We recommend that you visit our website **[www.fos.org.au](http://www.fos.org.au)** for comprehensive information about our services. If you want us to help resolve your dispute, you can lodge the dispute online.

To talk to one of our customer service staff call **1300 78 08 08\***. Other helpful contact details are:

[info@fos.org.au](mailto:info@fos.org.au)

GPO Box 3 Melbourne VIC 3001

[www.fos.org.au](http://www.fos.org.au)

\* 9am – 5pm AEST. Calls will be charged for the cost of a local call from landlines. Calls from mobile phones will be charged at the applicable rate from your carrier.

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