



hearings

This is a quick guide to how hearings fit into our complaints-handling process. It explains how we decide whether a hearing is needed and what it involves.

We resolve most disputes between consumers and businesses *without* the need for face-to-face meetings (formally called “hearings”). We only hold hearings if a complaint cannot be settled by an adjudicator and we think a hearing will help resolve issues that are relevant to the ombudsman’s final decision.

at what stage would a hearing be held?

If we decide to hold a hearing, it will usually take place:

- *after* the adjudicator has investigated the complaint and sent both sides a copy of their findings or recommendations; *and*
- *before* an ombudsman has made a final decision on the case. The final decision is the last stage of our complaints-handling process.

how does the ombudsman service decide whether a hearing is needed?

An ombudsman is under no obligation to hold a hearing. If either side in a dispute would like a hearing, they must make a formal request to us. They need to explain why they want a hearing and what points or evidence they plan to raise.

The request will be referred to an ombudsman, who will consider the issues that the person requesting the hearing wants to raise. The ombudsman will only agree to a request for a hearing if – in their view – the case cannot be fairly decided on the basis of the documentary evidence and the material that the two sides have already provided in writing or orally (usually over the phone).

If the ombudsman turns down a request for a hearing, they will write to the person who made the request. The ombudsman will explain why they do not consider a hearing would help in reaching a final decision on the case.

Sometimes, even if neither side has requested a hearing, an ombudsman may decide it would be helpful to have a hearing to clarify certain issues.

“surely I’m entitled to my day in court, to get a fair hearing?”

We deal with complaints differently from the courts, and our procedures are less extensive and formal.

We generally decide complaints on the basis of the paperwork that the consumer and the business send us. We do not take evidence on oath, summon witnesses or cross-examine the parties.

Our procedures do not involve giving either side the right to have a hearing as a matter of course, to inspect all the papers personally, or to ask their own questions.

where are hearings held?

If an ombudsman decides that a hearing is needed, we will arrange a date that is convenient to both sides. Hearings are usually held at our office in East London, unless there are very good reasons to hold one somewhere else.

Any request for an alternative location should be made to us formally, stating the reasons for the request. We would consider holding a hearing elsewhere if, for example, someone who had to attend faced significant travel difficulties in getting to our office because of ill-health.

what happens at a hearing?

At a hearing the ombudsman will normally:

- summarise the complaint and the issues for consideration;
- give each side the opportunity to put forward their views and comments;
- ask any questions that they consider relevant; *and*
- explore any further issues which they think may need clarifying.

Each side in turn will have the opportunity to put questions (through the ombudsman) to the other side. The ombudsman may then

ask more questions, before inviting both sides to make any closing comments. The purpose of a hearing is for the ombudsman to get a clearer picture of the events that led to the complaint. A hearing is *not* intended for those involved in a dispute to interrogate each other or just get their feelings off their chest.

Since hearings are informal, neither side needs to be represented legally – and this is not something we encourage. If the business wants their lawyers to attend, then in the interests of fairness we will invite it to consider paying for the consumer to have legal representation as well. If only one side is represented legally, the ombudsman will ensure the hearing remains fair to both sides.

The hearing will be recorded and a copy of the recording will be available on request. We do not usually produce written transcripts, so we may need to make a small charge if either side asks for one.

what happens after a hearing?

After the hearing, the ombudsman will review the complaint file again and consider all the available evidence.

If the ombudsman decides that further evidence is still needed from one or both sides, they will usually request this in writing. Otherwise the ombudsman will issue the final decision on the complaint and send it to both sides at the same time.

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This quick guide gives general information only. It is not a definitive statement of the law, our approach or our procedure.

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