

PROCEDURE FOR REVIEW BY THE BOARD OF THE INVESTIGATION OF COMPLAINTS AGAINST THE COMMISSION

(Public document)

OVERALL REVIEW PROCESS

1. A complainant who feels that their complaint against the Commission has not been properly addressed, or has not been handled properly, may apply to the Board of Commissioners for a Review of the decision, providing that:
 - the application for a Review is:
 - in writing;
 - gives reasons for the application;
 - states why the complainant disagrees with the decision; and
 - states any pertinent facts;
 - the application is received within four weeks of the date of the letter of response to the complainant.

A Review will not be undertaken if it appears that there is no prima facie case to answer or that the request is frivolous, malicious, trivial or vexatious.

2. The Complaints Officer will write to the complainant to:
 - acknowledge the application for a review on behalf of the Board;
 - confirm that the Board will only review the evidence that has been considered by the Investigating Officer and that no new issues will be considered in the review; and
 - ask the complainant if they wish their complaint to be heard at a Hearing, or whether they wish the review to be of the documentation already held by the Commission.
3. The review process will take place within two months of the application for a Review, except in exceptional circumstances, and will be conducted by a quorum of the Board of Commissioners.
4. If the complainant confirms to the Complaints Officer that they wish a Hearing to take place:
 - the complainant will be notified of the time and place of the Hearing two weeks in advance;
 - an adviser may accompany the complainant to the Hearing, if the complainant so wishes;
 - a copy of any relevant papers will be sent to the complainant and to the relevant Commissioners two weeks before any Hearing;
 - the Secretary to the complaints Hearing will take minutes to record the Hearing.
5. The decision of the Board will be taken in private and will be conveyed to the complainant in writing as soon as possible and usually within two months of the request for a Review.
6. If the Board's Review is not complete within two months, the complainant will be advised on the progress of the Review and when it is expected to be completed.

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AT THE HEARING

1. Chairman to ask the complainant to identify him/herself and anyone accompanying them.
2. (a) Chairman to introduce to the complainant: the Commissioners and Secretary to the Hearing.
(b) Chief Executive (or his nominee) to introduce himself and anyone accompanying him.
3. Secretary to the Hearing to record a summary of the discussions at the Hearing.
4. Chairman to ask the complainant to give his reasons for their view that their complaint has not been properly addressed, or has not been handled properly. These reasons must be related to the original complaint and not stray into new areas. The complainant may ask questions. The Chief Executive may cross examine.
5. Chairman to ask the Chief Executive (or his nominee) to give his comments on the points made by the complainant. The Chief Executive (or his nominee) may ask questions. The complainant may cross examine.
6. Commissioners may ask any questions of either party.
7. Chairman to ask all parties if they have anything further to add.
8. Chairman to thank the parties for attending and explain that the Commissioners will consider their decision and advise the complainant of their decision in writing.

Extract from Complaints' procedure - public document:

What if I feel that my complaint has not been properly addressed?

If you feel that your complaint has not been properly addressed, or has not been handled properly, you may write to the Board of the Financial Supervision Commission to seek a Review. Your request for a Review must be submitted within four weeks of the date of our report to you following our investigation. The Review procedure is available on the Commission's website www.fsc.gov.im, alternatively please contact us at the address shown overleaf if you would like us to send you a copy.