

Accessibility and feedback

Session 8B

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UK - Financial Ombudsman Service

A consumer's ability and background should not act as a barrier to bringing a complaint to the ombudsman – where cases are decided on the facts, not on how well the consumer argues and presents the facts.

Ten readily-identifiable barriers for complainants that applied to the Financial Ombudsman Service and to many of the other schemes were considered –

- *Language* – may not speak the official language sufficiently, or understand industry jargon and *official-ese*,
- *Physical disability* – may not suffer from a readily recognisable disability yet may still find complaining difficult for any number of physical reasons such as age, hearing impediment or arthritis,
- *Mental ill health* – one of the 25% of those unfortunate enough to experience some aspect of adverse mental health,
- *Mental capacity* - further disadvantaged by the negative experience of a complaints process,
- *Low level literacy* – may feel alienated by rigid, written processes and faceless bureaucracy,
- *Inadequate communication skills* – may not be capable of, or at least may not be used to written communication,
- *Access to and familiarity with technology* - be uncomfortable with using computers or the internet, or indeed have no option to do so,
- *Socio-economic differences* - be unable to communicate in normal office hours, find the officialdom of ombudsmen intimidating or be disinclined to discuss certain personal issues with strangers,
- *Cultural change* - have less respect for and tolerance of authority, tending to put more weight on popular opinion and preferred outcome, than fact,
- *The ombudsman 'back-stop'* - be dissuaded from pursuing their cause, having been through firm's complaints procedure already and,
- *The ombudsman as an impartial judge* – may expect the ombudsman to be a consumer champion, whereas the role is to examine facts and to reach fair outcomes, impartially.

Australia - Energy and Water Ombudsman

The scheme has overcome a number of identified barriers to accessibility. 95% of its activity is telephone-based, is free to contact and will accept the costs of calls from mobile telephones. It has agreed with its telephone service provider to allow 'emergency' access for customers who have had their telephone service disconnected.

It assists in forwarding complaints and minimising delays and steps in to resolve deadlock if the complainant has already had to make two calls to the service provider in question. The ombudsman service reaches out to minority groups, which raises its profile and awareness accordingly, eg by visits to citizens advice bureaux and projects to assist prisoners. It offers an interpreter service; around 17% of its complainants do not speak English which compares to the average of 30% across Victoria. There are 14 official languages throughout Victoria, all of which are reflected in the easy to access website.

The scheme publishes a quarterly newsletter which is issued to every community agency in the state. Its annual report is preceded by briefings to scheme member firms and is summarised for overview purposes. It holds an annual conference and encourages participation.

Following a postcard-based awareness campaign, the scheme received requests from around the world for permission to replicate the idea. A strategy has been developed for the youth market; it publishes case studies for public perusal and encourages feedback through surveys. The ombudsman engages with 67 CEOs of industry participants and offers complaint handling training to staff in these firms.

Callers to the scheme first hear a recorded greeting which sets out its position prior to being connected to its enquiry office. The message is from the ombudsman herself and makes complainants feel their needs are being looked after by genuine people who understand their problems. It brings an element of reality and feedback on this has been very positive.

Malta – Financial Services Authority

A thought-provoking, ironic and engaging presentation, featuring the exploits of Mr Incredible, going about his daily customer relations role for an insurance firm. Having studied how the insurer tried to disadvantage 'Harry Hardluck' and 'Sally Sobstory', good triumphed over evil eventually, albeit in a somewhat less than fair and reasonable manner!

Attempts to encourage interaction with the scheme have attracted criticism from some parties for raising complainants' expectations through conducting public relations in the media. It was recognised that some of those expectations require management, notably when consumers are demanding compensation out of line with the disadvantaged suffered.

Care has to be taken with frequent appearances on TV to answer questions on consumer issues. Misinterpretation is a risk, as well as appearing so competent and trustworthy that the public mistakenly expect the ombudsman to be a source of financial advice. Ironically, even though his service is free, there may be adverse feedback from consumers who do not appreciate the degree of assistance that can be provided.

Discussion

Accessibility is clearly an issue for ombudsman services worldwide. Examples included:

- the inability to translate documents into Zulu as the language does not have words for *insurance*, *disclosure* or *ombudsman* – resolved by basic education of terminology for the public, via TV, radio and in schools,
- the failure of firms to give complainants correct referral rights - in France, some firms actually discourage consumers from making a referral. In the UK, 40% of complainants said they had heard of the Financial Ombudsman Service through the media – 100% should have heard of the Service from firms; but only 19% said that!
- the delicate balance between dispute resolution and providing advice. Some complainants simply do not understand the issues in question and, prior to the ombudsman's intervention, have not had a reasonable explanation of issues,
- the lack of public awareness of the ombudsman role, despite the provision of literature and marketing material - resolved in South Africa by the production of a video likening the ombudsman to a soccer referee,
- the difficulty of drawing a balance between promotion of the scheme and encouragement of complaints, especially when under the media spotlight. This was particularly difficult when a scheme is in its infancy, as in Botswana.

In the UK, on average, two-thirds of complaints to the Financial Ombudsman Service do not achieve the desired outcome. This creates a public relations message dilemma and is unlikely to improve accessibility if it were highlighted.

Whilst promotional and media work were undoubtedly necessary, the most appropriate objective might realistically amount to *raising awareness of what an ombudsman service can and cannot do for complainants*.