

ENGAGEMENT CHARTER

July 2024

We are an independent and fair dispute resolution service. We resolve complaints about financial service providers that are members of our service.

This engagement charter sets out our expectations about how consumers, financial service providers, and third parties should engage with us and each other when using our service.

What you can expect from FSCL

You can expect us to:

- > treat you fairly and with respect
- > explain our process to you
- > be open and transparent with you
- > keep you informed about our progress with the complaint
- > explain the reasons for our actions and decisions.

We are impartial and independent of consumers and financial service providers. This means we do not advocate for consumers or financial service providers, we do not take sides, and we cannot give legal or financial advice.

What we expect

We expect consumers, financial service providers, and third parties to:

- > treat us and each other with respect
- > cooperate with our process
- > respond to our requests for information on time and give us all information relevant to the complaint
- > act in good faith.

Good faith means having a genuine intention to resolve the complaint and actively engaging with us, so we can resolve the complaint. It includes listening

to what others have to say, being open to changing your view, and considering all options to resolve the complaint that have been offered or suggested.

To help us provide our service fairly and efficiently, please let us know if you:

- > are not able to give us information we asked for and the reason for this
- > need more time to respond to us and the reason for this
- > need to correct something you have told us
- > need help to use our service – for example, if you have a sight, speech, or hearing impairment or you would like to speak with us through an interpreter
- > have a health or wellbeing challenge you want us to know about.

We set out below more information about what we expect from consumers, third parties, and financial service providers.

What we expect from consumers

We expect consumers to tell us about all aspects of their complaint at the start of our process. If a consumer unreasonably delays telling us about part of their complaint, we may decide not to investigate that part of the complaint.

What we expect from third parties

A consumer can have a third party, such as a family member or financial mentor, represent them or help them with their complaint.

We expect the third party to act in the best interests of the consumer. The third party should give the consumer all information about our process and the complaint, including all settlement offers. It is for the consumer (not the third party) to decide whether they will settle with the financial service provider or accept our decision on the complaint.

What we expect from financial service providers

We expect financial service providers to treat us, consumers, and third parties fairly. This includes:

- > investigating and responding to complaints in a timely manner
- > being open and transparent
- > offering a fair remedy to the consumer if the financial service provider did something wrong, they made a mistake, or their service was not acceptable.

Financial service providers must comply with our rules, known as our [terms of reference](#) and [terms of participation](#). If we make a final decision that the consumer accepts in final settlement of their complaint, the financial service provider must comply with our final decision.

We do not tolerate unreasonable conduct

We expect consumers, third parties, and financial service providers to treat us and each other with respect and to cooperate with our process. We understand people can be stressed, angry, and frustrated, but we do not tolerate unreasonable conduct.

Unreasonable conduct includes:

- > not cooperating with our process, including withholding relevant information
- > dishonest or misleading conduct
- > unnecessary or excessive emails or telephone calls
- > making unreasonable demands
- > rude, aggressive, abusive, or threatening behaviour
- > discriminating against someone – for example, because of their age, ethnicity, or gender.

How we respond to unreasonable conduct

If a consumer, third party, or financial service provider does not meet our expectations under this engagement charter, we will tell the party about this and take the action we consider appropriate to respond to the unreasonable conduct.

Unreasonable conduct by consumers

If a consumer does not engage with us or the financial service provider in a reasonable manner, we may change or limit the way we communicate with the consumer.

For example, we may decide to:

- > only communicate with the consumer by email (not by telephone)
- > only communicate with the consumer at set times
- > limit which FSCL staff members the consumer can contact
- > no longer respond to the consumer about matters we have already dealt with.

In exceptional circumstances, we may decide that we will no longer assist the consumer with their complaint. We will discontinue our investigation and close our case file.

Under [our rules](#), we can refuse to consider a complaint if we decide that it is frivolous or vexatious, or that the consumer is not pursuing the complaint in a reasonable manner.

Unreasonable conduct by third parties

If a third party helping or representing a consumer does not engage with us or the financial service provider in a reasonable manner, we may decide not to communicate with the third party. We will contact the consumer directly about their complaint, or the consumer can ask someone else to help them.

If we are concerned that a third party is not acting in the best interests of the consumer, we may contact the consumer directly to satisfy ourselves that:

- > the third party has given the consumer all information about the complaint and our process
- > the consumer has enough information to make informed decisions about their complaint.

Unreasonable conduct by financial service providers

A consumer should not be disadvantaged if a financial service provider withholds information.

If a financial service provider does not comply with our request for information within a reasonable timeframe or they withhold relevant information from us, we will decide the complaint in the absence of the financial service provider's information. This means we may uphold (or partially uphold) the complaint because:

- > we only have the consumer's information, or
- > we draw an adverse conclusion about why the financial service provider withheld their information.

If there are other forms of unreasonable conduct, we expect the financial service provider to take immediate action to stop the conduct. If needed, we will:

- > escalate the conduct to the financial service provider's chief executive officer (or other senior manager) to deal with as a priority

- > report the conduct to a government regulator.

In exceptional circumstances, we may end the financial service provider's FSCL membership and ask the Registrar of the Financial Service Providers Register to deregister the financial service provider. This has serious consequences for a financial service provider because they must be:

- > registered to provide financial services
- > a member of a dispute resolution service if they provide financial services to consumers (unless an exemption applies).

Threats of violence

We take threats of violence and self-harm seriously. If we believe a person or property is at risk, we will call the Police.

We can disclose personal information to the Police (and other law enforcement agencies) if we have reasonable grounds to believe this is necessary to prevent or lessen a serious threat to:

- > public health or safety
- > the life or health of a person.

Our [privacy policy](#) is located on our website.