



position specification

independent assessor
Financial Ombudsman Service

February 2010

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position specification

background

The Financial Ombudsman Service, a company limited by guarantee, was created under the *Financial Services and Markets Act 2000* to act as an alternative to the courts to resolve individual disputes between consumers and financial services businesses – in a fair, reasonable, quick and informal manner.

It was formed through the merger of eight independent ombudsman and complaints-handling schemes, including the Banking, Building Societies, Insurance and Personal Investment Authority (“PIA”) ombudsmen.

The company was incorporated in 1999 and, in April 2000, about 320 staff from the former schemes moved to newly refurbished premises at South Quay Plaza in London Docklands. In its first year (2000-01) 31,350 new cases were received and the number of staff had increased to 390 employees.

In the current year (2009-10) the service expects to receive approximately 975,000 enquiries and 160,000 cases requiring investigation. The total number of staff has increased to approximately 1,520, of whom about 380 are outsourced contractors. The budget for the year 2009-10 is £92 million.

Firms authorised by the Financial Services Authority (“FSA”) and businesses with a standard consumer-credit licence issued by the Office of Fair Trading (OFT) are subject to the compulsory jurisdiction of the service. Other firms may apply to join the voluntary jurisdiction of the service. The compulsory jurisdiction was widened to include mortgage intermediaries from October 2004, insurance intermediaries from January 2005 and complaints arising under the *Consumer Credit Act* from April 2006.

The service is funded by levies and case fees paid by financial services businesses. Approximately 21% of its income is raised by a general levy on businesses, which is calculated in proportion to their size. The remaining 79% is raised from case fees which are paid by individual businesses at a flat rate for each case closed. The current case fee is £500 for the fourth and subsequent cases referred to the service each year.

Further information about the Financial Ombudsman Service can be found on the service’s website (www.financial-ombudsman.org.uk).

In 2007-08, the board commissioned Lord Hunt to carry out an independent review which focused on the openness and accessibility of the service to its wide range of customers and stakeholders. His findings are on the service’s website (www.financial-ombudsman.org.uk/news/Hunt_report.pdf).

This followed an earlier review in 2004 which was carried out by the personal finance research centre at Bristol University. The findings of this review are also on the website (at www.financial-ombudsman.org.uk/publications/pdf/kempson-report-04.pdf).

For the 2008-09 *annual review* and further details about the types of complaints and trends in caseloads, please see www.financial-ombudsman.org.uk/publications/ar09/ar09.pdf.

The corporate plan & budget provides details of our workload forecasts and proposed budget for the financial year 2010-11. It also contains details of progress with our longer term corporate plan (www.financial-ombudsman.org.uk/publications/pb10/cpb-10-11.pdf).

structure

The head of the service is both chief executive and chief ombudsman. She reports to the board and attends all board meetings. In addition to executive functions, the chief ombudsman is heavily engaged with questions of policy, casework and external relationships. There are two principal ombudsmen reporting to the chief ombudsman, one of whom, the decisions director, oversees a panel of 50 ombudsmen. The other principal ombudsman is responsible for corporate policy, legislation and jurisdiction.

There are five lead ombudsmen who report to the decisions director, and who specialise in a range of sectors including banking/credit, insurance, investment/mortgages and endowments. In addition, others at executive director level reporting to the chief ombudsman include operations, finance and IT, business planning and assurance, communications and HR directors, plus the company secretary.

The structure is based on two case-handling units, each of which consists of a number of mixed teams dealing with banking, insurance and investment complaints. In addition, there is a separate customer-contact division (which deals with all enquiries and new complaints), an early resolution and administrative unit, plus a range of support services.

aims and values

The service aims to achieve its objectives by:

- being independent, balanced, competent and efficient;
- being trusted – an extensive range of communications initiatives with stakeholders include countrywide seminars and workshops, the monthly publication of newsletters, regular meetings with industry and consumer liaison groups, and the provision of a technical advice helpdesk;
- learning through stakeholder engagement by talking, and listening, to a wide range of stakeholders and by carrying out regular surveys of consumers, businesses and staff.

the board

The governing body of the service is a board of eight non-executive directors who represent a wide range of business, financial and consumer expertise. The board meets ten times a year. Directors are appointed by the FSA, but under terms which secure their independence from the FSA. The current chair is Sir Christopher Kelly. Please see appendix 1 for details of board members.

The board is responsible for:

- determining overall strategy;
- ensuring the service is properly resourced and is able to carry out its work effectively and independently;
- approving the rules;
- appointing the chief ombudsman, principal ombudsmen and ombudsmen. The board also appoints the independent assessor who deals with complaints about the level of service provided by the service;

- the approval of the draft budget each year for recommendation to the FSA;
- the preparation and approval of the *annual review*.

The board has three sub-committees, the audit, nomination & remuneration and quality committees. Other temporary working groups are established on an ad hoc basis.

the role

The independent assessor considers on behalf of the board complaints about the standard of service provided by the Financial Ombudsman Service (service complaints) under the Independent Assessor's terms of reference – which are at appendix 2.

job specification

The independent assessor has the following responsibilities:

- to carry out a final review of complaints about the level of service provided by the Financial Ombudsman Service in cases where a user of the service has previously referred a complaint to the service review manager but remains dissatisfied;
- to make findings, and recommendations for redress in cases where this is justified, and communicate them to the person with the complaint and the service;
- to understand the distinction between dealing fairly with genuine grievances about service standards and not providing an avenue for appealing the merits of a particular case;
- to report to the quality committee twice a year about the caseload and discuss issues of concern;
- to compile an annual summary of the number and nature of complaints received, and recommendations made – for inclusion in the service's *annual review*

candidate profile

The independent assessor should have the following experience and qualifications.

experience and qualifications:

- degree level or relevant professional qualification
- be able to demonstrate sound and robust judgement, integrity and fairness
- have relevant casehandling and investigatory experience in a legal environment, or in a dispute-resolution, regulatory or public body
- be familiar with customer-service and public-policy issues
- be IT literate

personal qualities:

- impartial
- pragmatic and focused
- problem-solving ability
- flexible
- analytical skills
- ability to work under pressure and meet deadlines
- excellent communication skills

terms & location

The appointment is for an initial term of three years, requiring a time commitment of two days a week. It is possible that this commitment may vary in future in accordance with the workload.

Based on two days a week, the salary is currently £47,876 *per annum*.

The position is based at the offices of the Financial Ombudsman Service at South Quay Plaza in London Docklands – but some of the work may be carried out from home. Administrative support is available at South Quay Plaza.

selection and recruitment process

Date	Action
Sunday 28 February 2010	advertisement in the <i>Sunday Times</i> appointments section
Thursday 25 March 2010	advert closes
Tuesday 30 March 2010	preparation of long-list
Tuesday 6 April 2010	short-list meeting
Friday 7 May 2010	candidates' final interview

application instructions

Please submit your full application to either of the following addresses:

by email: barbara.cheney@financial-ombudsman.org.uk

by post to: Barbara Cheney
 company secretary
 Financial Ombudsman Service
 South Quay Plaza 2
 London
 E14 9SR

Your application should include:

- a short covering letter of not more than two pages, explaining why this appointment is of interest and how you can meet the appointment criteria;
- a CV showing educational and professional qualifications and employment history.
- where possible, day time, evening and mobile phone contact numbers, and a preferred email address for correspondence, which will be used with discretion;
- the completed equal opportunities form (at appendix 3). This form will not be disclosed to anyone involved in assessing your application.

The deadline for receipt of applications is Thursday 25 March 2010

questions and informal discussion

If you have queries about any aspect of this appointment, or for an informal discussion, please call Barbara Cheney on 020 7964 0102.

appendices

1. board members
2. independent assessor's terms of reference
3. equal opportunities form – *must* be completed and returned with any application.

chair:

Sir Christopher Kelly KCB

- chairman of the Committee on Standards in Public Life
- chairman of NSPCC

formerly:

- permanent secretary at the Department of Health
- head of policy at the Department of Social Security
- director of monetary & fiscal policy *and* director of the budget & public finances at HM Treasury

other board members:

Alan Cook CBE

- managing director of Post Office Ltd
- a non-executive board member at the Department for Transport

formerly:

- chief executive of National Savings and Investments (NS&I)
- chief operating officer at Prudential

John Howard

- non-executive director of National Counties Building Society
- non-executive director of the Board of the Gas and Electricity Markets Authority

formerly:

- chair of the Financial Services Consumer Panel
- principal presenter of BBC Radio 4 *You and Yours*
- member of the Mortgage Code Compliance Board

Elaine Kempson CBE

- professor and director of the Personal Finance Research Centre at the University of Bristol
- member of the Social Security Advisory Committee
- member of the Financial Inclusion Taskforce
- member of the Department for Business, Enterprise and Regulatory Reform (BERR) advisory group on over-indebtedness

formerly:

- member of the Banking Code Standards Board
- independent reviewer of the Banking Code
- member of the DTI taskforce on over-indebtedness
- member of the DTI foresight sub-panel on personal financial services
- member of a Treasury policy action team about access to financial services

Kate Lampard

- chair of NHS South East Coast
- associate of Verita Limited, consultants in incident investigations and inquiries
- trustee of Esmée Fairbairn Foundation
- non-executive director of RHS Enterprises Ltd

formerly:

- chair of Kent and Medway Strategic Health Authority
- chair of the Independent Housing Ombudsman Limited
- chair of the Invicta Community Care NHS Trust

Julian Lee

- interim chair of NHS Surrey
- commissioner at the Legal Services Commission
- non-executive director of the Maritime and Coastguard Agency Advisory Board
- justice of the peace to the North Sussex Bench
- crisis & change management consultant

formerly:

- chair of NHS Brighton & Hove
- chair of Brighton & Sussex University Hospitals Trust
- non-executive director of the South East Coast Ambulance Trust
- chairman, then chief executive, of the Allied Carpets Group
- joint managing director of British & Commonwealth Holdings plc

Roger Sanders OBE

- head of employee benefits, Helm Godfrey Partners Ltd
- chairman of the financial services committee of the Insurance Institute of London and a council member of the Institute

formerly:

- joint chairman of the FSA's smaller businesses practitioner panel
- deputy chairman of the Association of Independent Financial Advisers
- member of the Financial Services Practitioner Panel
- director of the PIA Ombudsman Bureau
- a PIA board member

Maeve Sherlock OBE

- commissioner at the Equality and Human Rights Commission ("EHRC")
- non-executive director of the Child Maintenance and Enforcement Commission
- chair of the National Student Forum
- currently doing research for a doctorate at Durham University

formerly:

- chief executive of the Refugee Council
- chief executive of the charity One Parent Families
- member of the council of economic advisers in the Treasury

independent assessor – terms of reference

1. Any person or firm directly affected by the statutory functions of the Financial Ombudsman Service may raise with the independent assessor any complaint about the standard of service provided by the Financial Ombudsman service (a service complaint), provided:
 - (a) the service complaint has first been made to the chief ombudsman or one of the principal ombudsmen or the service review manager, and they have had a reasonable opportunity of responding to the service complaint; *and*
 - (b) the person or firm making the service complaint remains dissatisfied and complains to the independent assessor within three months of the Financial Ombudsman Service confirming that it has completed its own internal procedures in relation to the service complaint.
2. If the independent assessor receives a service complaint that also relates to other matters, the independent assessor shall only investigate the service complaint. Service complaints exclude, amongst other things:
 - (a) the merits of any decision concerning any complaint against a firm under the law and/or rules relating to the Financial Ombudsman Service, including: jurisdiction; the wider-implications process; dismissing, rejecting or upholding such a complaint; and any redress; *and*
 - (b) employment issues relating to the staff of the Financial Ombudsman Service and issues concerning commercial transactions between the Financial Ombudsman Service and third parties.
3. Generally, the independent assessor will only consider service complaints after the complaint against the firm has been concluded. In exceptional cases, the independent assessor may require the Financial Ombudsman Service to suspend investigation of the complaint against the firm while the service complaint is considered.
4. The independent assessor shall have access to all files held by the Financial Ombudsman Service relating to the service complaint and may seek any further information that he considers necessary from the person or firm making the service complaint or from the Financial Ombudsman Service.
5. If the independent assessor considers that a service complaint should be upheld in whole or in part, he may recommend to the chief ombudsman that the Financial Ombudsman Service makes an apology or pays appropriate compensation (equivalent to that which the Financial Ombudsman Service would award against a firm in similar circumstances) for any damage, distress or inconvenience caused by the Financial Ombudsman Service's standard of service to the person or firm making the service complaint.
6. If the chief ombudsman does not accept that recommendation, the independent assessor shall refer the matter to the board of the Financial Ombudsman Service – which shall normally decide on its response at the next meeting of the board, following receipt of the recommendation, for which it is possible to include the relevant papers in the agenda.
7. If the board of the Financial Ombudsman Service declines to comply with a recommendation referred to it by the independent assessor, it shall inform the independent assessor and the person or firm making the service complaint of its reasons for doing so, and shall publish them in its annual report.

independent assessor – terms of reference

8. The independent assessor shall communicate his findings in writing to the person or firm who made the service complaint and to the Financial Ombudsman Service. There is no further appeal against the independent assessor's decision.
9. Each year the independent assessor shall compile, for inclusion in the annual report of the Financial Ombudsman Service, a summary of the number and nature of the complaints received by him/her, and of any recommendations made to the chief ombudsman or referred to the board of the Financial Ombudsman Service.

equal opportunities

appendix 3

this information will remain totally confidential and we respect your right not to provide this information

disability

do you consider yourself to have, or have had a disability? Yes No

please state any workplace adjustments that are necessary for you to carry out your role:

gender

my gender is: Male Female

sexual orientation

Heterosexual Bisexual Homosexual prefer not to say

religion or belief

Christian Buddhist Hindu Jewish Muslim Sikh
no religious or philosophical belief prefer not to say other

ethnic origin

- | | | | |
|---|--------------------------|-----------------------------------|--------------------------|
| a) White | | b) Mixed | |
| English | <input type="checkbox"/> | White and Black Caribbean | <input type="checkbox"/> |
| Irish | <input type="checkbox"/> | White and Black African | <input type="checkbox"/> |
| Scottish | <input type="checkbox"/> | White and Asian | <input type="checkbox"/> |
| Welsh | <input type="checkbox"/> | Other mixed background | <input type="checkbox"/> |
| Northern Irish | <input type="checkbox"/> | | |
| Other White background | <input type="checkbox"/> | | |
| | | | |
| c) Asian | | d) Black | |
| Indian | <input type="checkbox"/> | Caribbean | <input type="checkbox"/> |
| Pakistani | <input type="checkbox"/> | African | <input type="checkbox"/> |
| Bangladeshi | <input type="checkbox"/> | Other black background | <input type="checkbox"/> |
| Other Asian background | <input type="checkbox"/> | | |
| | | | |
| e) Chinese or Other ethnic group | | prefer not to state ethnic origin | <input type="checkbox"/> |
| Chinese | <input type="checkbox"/> | | |
| Other ethnic background | <input type="checkbox"/> | | |

nationality

I would describe my nationality as:
