

# **Customer Dispute Resolution Scheme (CDRS)**

A guide for customers

May 2021

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## Section 1- Background to the CDRS and how it works

### Purpose

1. This document is a guide to the Customer Dispute Resolution Scheme (CDRS) which we, the Qatar Financial Centre Regulatory Authority (the Regulatory Authority), operate. We have prepared this guide according to the CDRS Rules 2019 (the CDRS rules), which came into force on 1 January 2020, to help customers understand the scheme and its rules.

### Introduction

2. The CDRS was set up under Article 86(2)(B) of the Financial Services Regulations (FSR), which state that:

*“The Regulatory Authority may make Rules: ... (2) establishing an independent body: ... (B) to require Authorised Firms to pay compensation to the clients or customers that refer such complaints to that body in the event that such complaints are upheld...”.*

3. The CDRS is a free method of settling disputes between a firm we have authorised (authorised firms) and their customers who are eligible to use the scheme (together referred to as ‘the parties’).
4. Rule 8 of the CDRS rules explains who is eligible to use the scheme.
5. We are responsible for administering and operating the CDRS and for helping the parties try to settle the matter through discussion. If it is not possible to settle a complaint through discussion, we can refer the matter to an independent adjudicator. We support the independent adjudicator with their decision where necessary.
6. We have appointed two independent adjudicators to carry out the role of the ‘independent body’ referred to in Article 86 (2) of the FSR.
7. Before you can ask us to refer a complaint to the independent adjudicator, you must have tried to deal with it through the internal complaints procedures of the authorised firm concerned. You cannot apply to the CDRS until the firm has given its final response to your complaint (unless the complaint is about a delay in issuing a response).
8. There is more information about the CDRS and the independent adjudicators on our website at [www.qfcra.com/customer-dispute-resolution-scheme/](http://www.qfcra.com/customer-dispute-resolution-scheme/).

## Our role in the CDRS

9. We do not have a decision-making role in the CDRS. The independent adjudicator reaches their decision on complaints separately and independently of us, in line with the CDRS rules.
10. Our role in the CDRS is administrative and includes the following responsibilities:
  - (a) Operating and administering the CDRS;
  - (b) Receiving complaints;
  - (c) Assessing whether complaints are eligible to be considered under the CDRS. This includes finding out whether you have already tried to deal with the complaint using the authorised firm's internal complaints process and, if you haven't, asking you to do so;
  - (d) Giving you and the authorised firm information about how we operate and administer the CDRS;
  - (e) Arranging a discussion between you and the authorised firm to see if it is possible to settle your complaint in a way that you and they are happy with;
  - (f) If your complaint cannot be settled between you and the authorised firm, and if you ask us to, referring the matter to the independent adjudicator (who will decide the outcome of the complaint);
  - (g) Working with you and the authorised firm to identify and define the issues being disputed;
  - (h) Gathering all relevant information and documents and preparing documents for you and the authorised firm to sign to show you and they agree to the conditions of the independent adjudicator's decision;
  - (i) Arranging communication between the independent adjudicator, you and the authorised firm where necessary, for example if the independent adjudicator needs more information;
  - (j) Monitoring disputes and complaints to identify whether:
    - i. the firm concerned has broken any relevant regulatory requirements; and
    - ii. there are any noticeable trends in complaints about or disputes with the firm.
  - (k) Appointing and paying for the adjudicator;

- (l) Monitoring and enforcing the adjudicator's decision;
- (m) Making sure CDRS complaints remain confidential; and
- (n) Giving you and the authorised firm the independent adjudicator's decision.

## Who is eligible to use the CDRS

11. You can apply for help under the CDRS if you meet **either** condition (a) or (b) **and** condition (c) below:

- (a) You are (or were):
  - i. a retail customer of an authorised firm;
  - ii. a business customer (as defined in the Customer and Investor Protection Rules 2019) of an authorised firm (but only if your business has no more than 20 employees);
  - iii. an individual who is or was a beneficiary under a group policy issued by an authorised firm;
  - iv. an individual who is a surviving dependant of someone who has died and who was a retail customer of an authorised firm;
  - v. a legal personal representative of someone who has died and who was a retail customer of an authorised firm;
  - vi. the widow or widower of someone who was a retail customer of an authorised firm; or
  - vii. an individual who is entitled to benefit from an insurance contract issued to a retail customer of an authorised firm.
- (b) You have made a complaint to the authorised firm concerned, or:
  - i. if you are an individual who is or was a beneficiary under a group policy issued by the firm, the person the policy was issued to has made a complaint to the firm;
  - ii. if you are an individual who is a surviving dependant of someone who has died and who was a retail customer of the firm, that customer has made a complaint to the firm;
  - iii. if you are a legal personal representative of someone who has died and who was a retail customer of the firm, that customer has made a complaint to the firm;

- iv. if you are the widow or widower of someone who was a retail customer of the firm, that customer has made a complaint to the firm; or
  - v. if you are an individual who is entitled to benefit from an insurance contract issued to a retail customer of the firm, that customer has made a complaint to the firm.
- (c) You meet condition (a) or (b) above and:
- i. the response period for the complaint has not ended, but the firm has given a final response to the complaint and you are not satisfied with that response; or
  - ii. the response period for the complaint has ended.
12. For your complaint to be considered by the CDRS, you must meet the following conditions:
- (a) Your complaint must be in writing;
  - (b) Your complainant must be a person as defined in rule 8 of the CDRS rules;
  - (c) You must have already complained direct to the authorised firm and not be satisfied with either:
    - i. the firm's final response;
    - ii. the firm's explanation for its delay in responding; or
    - iii. the firm's failure to respond by the end of the eight-week period from the date you made your complaint.
- and
- (d) You must make your complaint to the CDRS within four months of receiving the authorised firm's final response. This condition does not apply if we consider there are sufficient and compelling reasons that justify making a late referral to the independent adjudicator, although the adjudicator will make the final decision on whether to accept the complaint.

### **Complaints that are not eligible for the CDRS**

13. A complaint cannot be considered under the CDRS if:
- (a) It relates to a firm that we have not authorised;

- (b) It is from a professional or business customer which has more than 20 employees;
- (c) It does not relate to a person as defined in rule 8 of the CDRS rules;
- (d) It is a contractual or commercial dispute not connected with the authorised firm's regulated activities; or
- (e) It is vexatious or frivolous.

### How to apply

14. If you would like us to ask the independent adjudicator to consider your complaint you must contact us by email, by post or through our website at [www.qfcra.com](http://www.qfcra.com).

### Information you should provide to the CDRS

15. You should provide the following details to the CDRS (It is likely that we received some of this information before you asked us to refer your complaint to the independent adjudicator):
- (a) Your name and contact details;
  - (b) The name of the person or authorised firm your complaint is against;
  - (c) A brief summary of the complaint;
  - (d) What you would like to happen in order to settle the complaint; and
  - (e) Details of the communications you have had with the authorised firm about the complaint, including emails, letters, phone calls and the authorised firm's final response.

### Information the authorised firm should provide to the CDRS

16. The authorised firm should provide the following details to the CDRS (It is likely that we received some of this information before you asked us to refer your complaint to the independent adjudicator):
- (a) The name and contact details of the person (or people) at the authorised firm who dealt with the matter you are complaining about;
  - (b) A brief history of the authorised firm's relationship with you;
  - (c) An explanation of why the authorised firm does not consider your complaint to be justified;

- (d) What, if anything, the authorised firm would be prepared to offer in order to settle the dispute; and
  - (e) Details of the communications the authorised firm has had with you about the complaint, including emails, letters, phone calls and a copy of its final response letter to you.
17. The authorised firm should also provide any other information or documents which may be relevant to the complaint.

### **What happens when we receive a complaint**

18. When we receive an eligible complaint and all the relevant documents, a case manager will work with you and the authorised firm to identify whether it is possible to settle the matter by reaching an agreement that both you and the authorised firm are happy with.
19. If the matter cannot be settled by reaching an agreement, you can ask us to refer it to the independent adjudicator, who will decide the outcome. If you decide to do this, the CDRS rules state that the authorised firm must take part in the adjudication.

## **Section 2 - The adjudication process**

### **Independent adjudication**

20. We have appointed independent adjudicators since 1 September 2013. For information about the current independent adjudicators, please see our website.
21. The conditions for appointing an independent adjudicator (as defined in rule 6 of the CDRS rules) are as follows:
- (a) We can appoint a person as an independent adjudicator if we are satisfied that they meet high standards of relevant professional knowledge, integrity and competence; and
  - (b) We are responsible for assessing an individual's professional knowledge (and its relevance), and his or her integrity and competence.
22. When we appoint an independent adjudicator (as defined by rule 7 of the CDRS rules) the following will apply:
- (a) We may appoint an independent adjudicator for a fixed period or to deal with a particular complaint;



- (b) We will confirm the appointment in writing; and
- (c) We will agree the terms of the appointment (including those relating to ending the appointment) with the person we are appointing.

## Costs

- 23. CDRS is a no-cost scheme. This means that you and the relevant authorised firm cannot claim back any costs and expenses that relate to your complaint.

## Confidentiality

- 24. We will not reveal information relating to your complaint to anyone unless you give us your permission to do so. By asking us to refer your complaint to an independent adjudicator, you are giving us permission to share any confidential information we have about the matter, including details of the complaint, with them.

## Outcome of adjudication

- 25. The independent adjudicator will assess your complaint and aim to provide a decision within 30 days of receiving all the information they need.
- 26. The independent adjudicator will give us their decision in writing. We will forward the decision to you and the authorised firm at the same time.
- 27. If you want to accept the independent adjudicator's decision, you must let us know within 21 days of receiving the decision (or within any longer period that we agree to). Otherwise, you will be considered to have rejected the decision.
- 28. If you accept the independent adjudicator's decision, the decision is binding on both you and the authorised firm. If you reject (or are considered to have rejected) the decision, it has no effect.
- 29. You and the authorised firm cannot appeal against the independent adjudicator's decision.
- 30. If you (or the authorised firm) do not act in line with the independent adjudicator's decision, we may take action to enforce it.

## Feedback

- 31. We will ask you and the authorised firm for feedback after you accept or reject the independent adjudicator's decision (or after 21 days from the decision if you do not respond). This is to assess the effectiveness of the CDRS process and also to identify any problems with it or improvements that could be made.

32. You and the authorised firm will have 21 days from the date of our request to provide feedback. If we do not receive any feedback within this period, the case manager will close the case. Any feedback we do receive will be reviewed and saved by the case manager.