

# Oral hearing guidelines

In the Financial Services Ombudsman's Bureau we handle consumer complaints about their dealings with all financial services providers.

We are an independent organisation that offers fair resolution of disputes that providers have not settled. Our service is free of charge to you.

The complaints process can have up to five possible phases. We may conclude the process at the end of any phase.

Oral hearings may be part of the investigation phase.



## An oral hearing is not required in every case.

An oral hearing may be necessary where there is an issue of fact in dispute between you and the provider which we cannot resolve fairly on the basis of the documents provided to us by you and the provider.

In such cases we may decide to call a hearing where both you and the provider will be required to give evidence.

Either you or the provider may also ask for a hearing. We may or may not agree to that request.

When reviewing the evidence related to your complaint we will consider whether a hearing is necessary. We alone decide whether a hearing is appropriate.

If we decide a hearing is not necessary, we will issue a finding to both you and the provider after reviewing all the documentary evidence.

If we do hold a hearing, we will review the oral evidence along with the documentary evidence. Then we will issue a finding to both you and the provider.

### Providers

A 'provider' means a Bank, a Building Society, an Insurance Company, an Insurance Intermediary, a Mortgage Intermediary, a Stockbroker, or a Life Assurance Company.

The Central Bank of Ireland must regulate the provider for us to investigate your complaint.

## At a hearing both you and the provider can and will be given the chance to

- Speak.
- Have someone speak on your behalf.
- Give evidence and have witnesses give evidence on your behalf.
- Cross-examine and question witnesses about what they have said at the hearing.
- Cross-examine and question witnesses about any report or document they have shown at the hearing.

## Hearing process

If we decide a hearing is necessary, we will write both to you and the provider notifying you of this.

We will inform you and the provider of the issues about which it is necessary to hear oral evidence, and what witnesses should attend.

We will inform you and the provider of the date, time, and venue for the hearing.

We will hold the hearing in private, and as informally as possible.

You may have someone speak on your behalf. You may bring a relative, friend, colleague, solicitor, or other professional for that purpose.

Both you and the provider can be legally represented, if you choose.

We may have a stenographer type a transcript of the oral evidence and statements.

### Hearing agenda

- At the start we will answer any questions you may have on the process.
- As the person who made the complaint we will ask you, or your representative, to speak first at the hearing.
- The provider may cross-examine and question you and everyone giving evidence on your behalf.
- When you finish your evidence, we will then ask the provider to present their evidence.
- You may cross-examine and question everyone giving evidence on the provider's behalf.
- At the end of the hearing, we may ask both you and the provider to make short final oral statements.

### Witnesses

We may ask witnesses to appear before us.

We may inform you and the provider of the identity of the witnesses whose evidence we want to hear.

Before the hearing, either you or the provider may ask us to allow you to call other witnesses to give evidence on your behalf. You must inform us of this at least ten days before the scheduled hearing date.

We will limit witnesses only to those whose evidence is necessary for settling the disputed issues.

We will require witnesses to give their evidence under oath or affirmation.

Both you and the provider can cross-examine the witnesses. Cross examination should be as informal as possible, concise, polite and professionally efficient.

Witnesses are entitled to the same rights as if before the High Court.

### Postponing hearings

If you do not turn up, the hearing will proceed without you. It is not our policy to cancel or postpone hearings apart from exceptional circumstances.

In such cases we normally need at least 72 hours notice. We will need documents giving proof of the circumstances which require us to consider postponing the hearing.

## Finding

After the oral hearing we will consider all of the information and issue a finding.

The finding is legally binding on you and the provider. This concludes the dispute, ending the complaints process.

## Appeal

Should you or the provider not be satisfied with our finding, either may appeal to the High Court.

Appeals should be made within 21 calendar days after we issue our finding.

## Costs

We will not pay any costs or expenses incurred by either you or the provider in relation to a hearing. You will have to pay your own costs or expenses yourself.

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**Notes**  
We offer a mediation and investigative service only.

We are not authorised to give advice or opinions, except regarding our own procedures or processes, as we must always be impartial.

This leaflet is not legal or other professional advice. It is a basic guide to how we use oral hearings to help you with complaints. It is not a complete description of our oral hearings process.

Visit our website for detailed information on what we do and who we can help.