

## Minutes – Consumer Credit Trade Body Forum

14 October 2024, Exchange Tower/MS Teams

<b>Financial Ombudsman Service attendees</b>	<b>Industry attendees</b>
<p>James Dipple-Johnstone, Deputy Chief Ombudsman</p> <p>Richard West, Ombudsman Director</p> <p>Viv Kelly, Ombudsman Director</p> <p>Alex MacDonald, Ombudsman Leader</p> <p>Kevin Wright, Ombudsman Leader</p> <p>Mark Dungworth, Policy and Communications Manager (via Teams – taking note)</p>	<p>Jackie Barodekar, <b>UK Finance</b></p> <p>Dan Cockle, <b>Consumer Credit Association (CCA)</b></p> <p>Stephen Haddrill, <b>Finance and Leasing Association (FLA)</b></p> <p>Gerry Keaney, <b>British Vehicle Rental and Leasing Association (BVRLA)</b></p> <p>Robert Kelly, <b>Association of British Credit Unions (ABCUL)</b></p> <p>Chris Leslie, <b>Credit Services Association (CSA)</b></p> <p>Elaine Morton, <b>Building Societies Association (BSA)</b></p> <p>Rachel Waggott, <b>Innovate Finance (IF)</b></p> <p>Jason Wassell, <b>Consumer Credit Trade Association (CCTA)</b></p> <p>A number of lending firms joined the meeting for the discussion on cases affected by s.140A Consumer Credit Act. Representatives from <b>Barclays, Capital One, HSBC, Lloyds, Nationwide, NatWest, NewDay, Santander, Vanquis/Moneybarn</b> and <b>Very Group</b> were present.</p>

<b>Item number</b>	<b>Agenda</b>
<b>1.</b>	Welcome and introductions
<b>2.</b>	Cases affected by s.140A Consumer Credit Act
<b>3.</b>	Professional representatives
<b>4.</b>	Consumer Duty
<b>5.</b>	Closing remarks and AOB

### 1. Welcome and introductions

1.1 The Financial Ombudsman welcomed attendees to the meeting.

## **2. Cases affected by s.140A Consumer Credit Act**

- 2.1 The Financial Ombudsman set out its approach to cases affected by s.140A Consumer Credit Act following the Supreme Court judgment in the Smith case. It emphasised the need for industry to work with the Service to progress cases and that this would help to make it clear to professional representatives which cases were unlikely to succeed.
- 2.2 The group noted the potential implications of this issue. They discussed concerns about how professional representatives were approaching this type of case, the need for clarity on what was required of firms, whether the Consumer Duty would be relevant and how case fees would be applied.

## **3. Professional representatives**

- 3.1 The Financial Ombudsman gave an update on its work relating to representatives. It noted that it had received a significant response to the recent consultation on charging professional representatives and would respond once Parliamentary and FCA approval was in place. It also set out work with regulators for representatives, the introduction of new processes for representatives to bring complaints, and discussions with Government on powers to dismiss inappropriate complaints.
- 3.2 The group welcomed progress on this issue noting widespread industry concern over professional representatives. They discussed timelines for introducing charging and what the level of fees might be, as well as issues raised with other regulators beyond FCA and SRA.

## **4. Consumer Duty**

- 4.1 The Financial Ombudsman set out the Service's work with the FCA towards the best possible shared understanding of the Duty's requirements, and the themes seen so far in consumer credit complaints where the Duty was relevant. This was mostly in consumer understanding and customer support.
- 4.2 The group welcomed the presentation and asked for more information and engagement from the Financial Ombudsman and the FCA. They referenced the need for clear positions to be arrived at quickly.

## **5. Closing remarks and AOB**

- 5.1 One attendee raised issues around case fees being charged for cases that were out of jurisdiction – the Financial Ombudsman agreed to discuss this further, thanked the group for the discussion and closed the meeting.