

# Are the FOS/FCA weakening access to justice?

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# Four Issues

- Contribution to the cost of running FOS
- Volume of cases submitted by CMCs and others
- The challenge of “Professional” representation
- Case management strategy

# Contribution to the cost of FOS

- Respondent Firms (e.g. banks) pay £650
- Individuals pay nothing – receive 100%
- CMCs pay nothing – take a %
- Professional representatives pay nothing – take a %

# Contribution to the cost of FOS

- Should CMCs and others be able to make a profit with no cost risk?
- No!
- But .....
  - the number of free cases should be higher  
(Charities, families and Advisory Organisations are free)
  - the fee per case should be less
  - it should be fully refundable on uphold.

# Cases submitted by CMCs & others

- 20% of cases are submitted CMCs (and other professional representatives)
- BUT ..... fewer than 25% result in a different outcome from what the firm offered but many are still referred to an Ombudsman
- BECAUSE ..... cases have little chance of success or are poorly presented

# “Professional” representation (1)

- Is there a growing resistance to Professional representation?
- I believe that there is!
- This concerns me more than the fee issue.

# “Professional” representation (2)

- Case Study A - Foster Parent / Agent
- Case Study B - “Another Person”

# Case Management

- Case Study C - 200+ people / £19m
- Case Study D - Company Liquidation



# FOS is “Uncomfortable” ?

- Is the FOS Leadership uncomfortable in dealing with Professional Representatives?
- If so, why?
- Is this a real concern in respect of Access to Justice?

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