



OBSI Fairness Statement

Updated: 25 September 2024

OBSI is committed to fairness as an essential guiding principle and considers fairness to be essential to all processes and outcomes. OBSI acts fairly toward complainants, participating firms and OBSI staff. Fairness at OBSI falls into three categories: procedural, substantive and relational fairness.

- **Procedural fairness** is about the steps we follow before, during and after our decisions are made and respect for the principles of natural justice in our process
- **Substantive fairness** is about ensuring that our case outcomes and decisions are appropriate, within our mandate and based on relevant considerations
- **Relational fairness** is about how stakeholders are treated in our process. Relational fairness includes respect for the parties' needs, being accessible and ensuring that our process is free from any abuse of power

Procedural, substantive and relational fairness are the common foundational elements of ombudsman dispute resolution.

To meet our procedural fairness commitment we will:

- ensure that everyone involved in the decision-making process will be impartial and independent of the parties and will not have any relationships that could cause a reasonable concern about bias or conflict of interest
- as impartial decision makers, not advocate for consumers or for financial services firms
- ensure that all parties have notice of the process and are aware of what to expect from our process including relevant timeframes and our escalation and reconsideration procedures
- comply with the commitments we make and our stated procedures
- ensure that all parties have a full and fair opportunity to present their side of the dispute
- disclose to each party any evidence or allegations that could turn a recommendation against them and ensure they have the opportunity to respond
- thoroughly and thoughtfully consider and assess the arguments and evidence and consider each party's specific circumstances
- never act with an improper purpose or in bad faith
- communicate clearly with each party throughout the process
- avoid undue delays and address all cases within a reasonable timeframe
- evaluate our processes and methodologies on an ongoing basis, make improvements to enhance fairness or clarify existing fairness-related policies as appropriate, and correct mistakes whenever they are identified

To meet our substantive fairness commitment we will:

- consider only matters that are within our mandate, as set out in our Terms of Reference
- make decisions and resolve complaints taking into account:
 - the legal rights and obligations of each party
 - applicable regulatory policies and guidance
 - general principles of good financial services and business practice
 - applicable professional body standards and codes of practice or conduct
 - all relevant issues and arguments raised by the parties
 - the circumstances of each party and the consequences of our decision on them
- ensure that our approach to cases is consistent and that similar complaints result in similar outcomes. Notwithstanding this, our decisions are not bound by precedent. We consider the unique circumstances of each case, and our approach may evolve over time. If we depart from long-standing practices or established internal guidance, we will explain why this is appropriate.
- only reach conclusions that are rationally connected to the evidence in the case and we will not make decisions based on irrelevant matters
- when making a final recommendation or decision, provide the parties with clear reasons for the outcome of each case that address:
 - all relevant issues and arguments raised by the parties
 - how each party's specific circumstance was considered
 - how we have considered the consequences of our decision on the parties and why those consequences are appropriate in the circumstances
- ensure that a complete record of the process used to resolve the complaint and all relevant documents are kept for a reasonable period of time

To meet our relational fairness commitment we will:

- understand and respect the diversity of all stakeholders, treating everyone equitably and taking into account different circumstances and requirements
- ensure our services are accessible and provide reasonable accommodations as needed
- resolve complaints using an approach that ensures our service is accessible to all parties without the need for legal representation
- ensure all stakeholders are treated with professionalism and respect, including OBSI staff
- approach every interaction with integrity in a way that is honest and principled
- ensure that if an imbalance exists in the parties' knowledge, resources or power, it does not influence their ability to meaningfully participate in our process or the outcome of their dispute
- communicate clearly and in plain language
- be responsive to reasonable stakeholder communications
- keep our commitments
- maintain accessible processes for all stakeholders to provide feedback on our service and raise compliance complaints
- maintain a commitment to continuous improvement and be responsive to feedback received from stakeholders