

# Financial Services Tribunal

## Service Standards and Complaints Policy

### Introduction

The Financial Services Tribunal (FST) is an expert and independent adjudicative tribunal established under the *Financial Services Tribunal Act, 2017* (Act). The FST carries out adjudicative functions in connection with appeals or reviews of the decisions or notices of proposal or notices of intended decision of the Chief Executive Officer of the Financial Service Regulatory Authority under applicable legislation.

Section 5 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* requires every adjudicative tribunal to develop a service standard policy which includes “[5(2)(a)] a statement of the standards of service that the tribunal intends to provide [and (b)] a process for making, reviewing and responding to complaints about the service provided by the tribunal...”

This Service Standards and Complaints Policy (Policy) applies to all members of the FST (Members).

This Policy **will not** be used for reviewing the FST adjudicative decisions and may not be invoked during a proceeding, other than in the sole discretion of the panel chair in consultation with the Chair of the FST. Otherwise, where a complaint is received during a proceeding, consideration of the complaint will be postponed until completion of the proceeding.

### FST Service Standards

The FST is committed to achieving excellence in conducting its proceedings, writing quality decisions and maintaining the highest standards in delivering its services to the public.

As part of its strategic planning approach, the FST prepares an annual business plan which includes, among other things, performance measures and service standards. The FST's long-term objective is to develop a body of decisions that will provide clarity in the application of the requirements related to financial services regulation, resulting in greater confidence in the financial services sectors and the independent adjudicative process.

The FST's [service standards](#) have been developed to meet the following commitments:

- The FST will establish and communicate, to the parties to its adjudicative proceedings, identifiable standards for the services offered;
- The FST will monitor and measure the attainment of the standards applicable to the services provided; and

- The FST will provide, to the public and to the parties to its adjudicative proceedings, regular reports respecting the attainment of the service standards promised.

In addition to a business plan, the FST prepares an annual report which reflects the previous years' accomplishments, caseload and performance results.

The FST has developed [Rules of Practice and Procedure](#) for its hearings, a [Guide to Regulatory Proceedings](#), [conflict of interest guidelines](#) and various practice directions which are accessible to the public. The FST has also adopted other internal policies for its own use.

## **Complaints**

The purpose of this part of the Policy is to outline how the FST will deal with public complaints regarding the quality of its services.

### **1. General**

- To be a valid complaint within the meaning of this Policy, the complainant's concern must be related to the quality of service provided by the FST, including the conduct of FST staff, Members and the Chair, as well as the FST's adherence to its service standards.
- Subject to the foregoing, dissatisfaction with any oral or written decision of the FST during the course of a proceeding, whether procedural or substantive, is **not the basis for a complaint** within the meaning of this Policy and will not be considered.
- A party to a proceeding disputing a decision must follow the FST's Rules of Practice and Procedure and the relevant legislation regarding any right to appeal the decision or to request a judicial review or to have the matter reconsidered.
- The FST may not accept a complaint or address repeated or continuing correspondence from a party to a proceeding if a similar complaint or similar correspondence has been answered or if the FST determines the complaint to be frivolous, vexatious or made in bad faith.
- This Policy does not affect any right to raise a complaint with the Ombudsman of Ontario.

## **Making a Complaint**

- A complaint must be in writing.
- A complainant must explain the reasons for the complaint (who, what, where, when), the steps that could be taken to resolve the complaint and the outcome sought.
- Written complaints about FST staff, the Vice Chairs and Members must be sent to [contact@fstontario.ca](mailto:contact@fstontario.ca).

- Written complaints about the Chair of the FST must be made to the Minister of Finance.

### **What You Can Expect**

- The person who is the subject of a valid complaint will be informed, given a copy of the complaint and provided an opportunity to respond.
- A response to a complaint will be provided within 30 working days of receipt of the complaint. If further action is necessary or more time is needed, the complainant will be advised about how much additional time is required.
- A complaint will be dismissed if:
  - It raises a matter that is not properly the subject of the complaints process and procedure (e.g., if it is about a decision or order of the FST);
  - The complainant has failed to respond to requests for additional information and the FST does not have sufficient information to proceed;
  - It is frivolous, vexatious, made in bad faith or an abuse of process; or
  - It is determined that no action is warranted.
- A complainant dissatisfied with the FST's response may raise their concerns with the Ombudsman of Ontario.

### **Alternative Formats/Contact Information**

If you require this Policy in an accessible format, please contact the FST Registrar at [contact@fstontario.ca](mailto:contact@fstontario.ca).

### **Adoption**

This Service Standards Policy will be reviewed every three years along with the other documentation required by the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*.

This revised Service Standards and Complaints Policy was adopted by the Members on September 17, 2024.

*First adopted on August 3, 2021*