

MEMBER COMPLAINTS PROCEDURE

It is the aspiration of Ennistymon & District Credit Union that a complaint against the credit union will be resolved in a fair and equitable manner. In order that this is accomplished the following is the procedure which you should follow in order to have your complaint/dispute, in your capacity as a member, settled. For a full description of this procedure, please see Rule 160 of the Standard Rules of the Credit Union.

Step 1. The complainant discusses the complaint with the complaints officer of the credit union who will, where possible, resolve the complaint. The complaints officer is **Paul Morgan**.

If the complaint is not resolved to the satisfaction of the complainant:

Step 2. The complainant completes the "Complaints Form" which is pre-addressed to the complaints sub-committee. The complainant will have the right to be heard by this sub-committee who will investigate, discuss and, wherever possible, resolve the complaint.

If the complaint is not resolved to the satisfaction of the complainant:

Step 3. The complainant should request the secretary of the credit union to forward the complaint to the board of directors. The complainant will have the right to be heard by the board, which will investigate and, wherever possible, resolve the complaint.

Note: Nothing in Rule 160 shall prevent the Financial Services Ombudsman from investigating and adjudicating a complaint made against a credit union about the provision of, or failure to provide, a financial service, so long as the complaint:

- (a) falls within the jurisdiction of that Ombudsman, and
- (b) does not relate to a matter that involves only the governance of the credit union.

In accordance with the Credit Union Act, 1997 ("the Act"), because the Rules of the credit union give directions as to the manner in which disputes are to be decided, every dispute to which the credit union is a party shall be decided in that manner. Thus a dispute by a member against the credit union under a contract constituted by the Rules of the credit union may not normally be referred to the courts and must be dealt with in accordance with the complaints procedure. Where no decision is made on a dispute within 50 days from the date on which the Complaints Form is submitted to the credit union, any party to the dispute may apply to the District Court which may hear and determine the matter in dispute.

An application for the enforcement of a decision made under the scheme may be made to the District Court. As an alternative to availing of this scheme, the complaining member and the credit union may by consent refer a dispute to the Registrar of Credit Unions who shall hear and decide the dispute. If a dispute is referred to the Registrar in this way, it will not be heard under this scheme.

The Member Complaints Procedure is drawn up in accordance with the Rules and the Act. It is a standard scheme for all credit unions in the Republic of Ireland affiliated to the Irish League of Credit Unions and applies to the credit union following registration of its amended Rules under the Act. It will be appreciated this guide only contains the principal features of the scheme and is not intended as a full legal analysis nor should it be relied on as such. Full details of the scheme are contained in Rule 160 of the Rules of the credit union, a copy of which will be available to the member on request from the credit union. The legal basis for the scheme is contained in Part VIII of the Act.