

Mrs Natalie Ceeney CBE
Chief Executive & Chief Ombudsman
Financial Ombudsman Service
South Quay Plaza
183 Marsh Wall
London
E14 9SR

13 May 2011

Dear Mrs Ceeney

Thank you for your response, I detail here why I find it unsatisfactory and certainly not supportable in my capacity as a member of the Economic and Monetary Affairs Committee which now holds the 'watching brief' for UK financial regulation.

The point you miss certainly with a view to the British judicial system, is that it is exactly this defence which is denied by the Financial Service Authority. Quite against the principles of English Law IFAs are denied their right to be heard by an independent court. A right not ultimately denied to the plaintive. I did not suggest it was not legal. A quango is not a court of law.

I do not support this breach of English Law principles. I do not believe any procedure which can lead to the loss of jobs or livelihoods should be outside the scope of statute or common law, the presumption of innocence and trial by one's peers. A judicial review is laughably inadequate, just a confirmation the quango followed its own obscure rules.

We are, however, where we are, and until the current appalling system is swept away we must at least operate it with some degree of fairness.

If, as they do, the FSA insist on very specific qualifications for specific advice, in my view of dubious value as the ultimate decision is subjective, especially on pension transfers, any adjudicator simply must be as qualified as the advisor under scrutiny. Indeed I would argue more so.

As well you know if a lawyer were to be struck off, it would be by members of the legal profession, if a doctor, by the BMA, the adjudicators would be qualified. Financial services should be no exception.

I do worry as I look up the Chairman of the FSA and the FOS in "Who's Who?" there is no financial service experience. Even at senior level it is very narrow. Please be guided by such as me who have 40 years financial experience in breadth and depth. There are very considerable philosophical and intellectual arguments here, it would seem, with great respect you simply have not thought them through.

I am sure you need no reminding that the great guide to us all is still what the 'man on the Clapham Omnibus' would deem to be fair. All practitioners I have correspondence with would prefer a court of law where a qualified judge can give a view on the basis of expert witnesses, not unqualified youngsters with deadlines to be met and bonuses to be earned.

Yours sincerely

Godfrey Bloom MEP
Economic and Monetary Affairs Committee