

Sample CASE documentation from Complainant for a Financial Services Tribunal or “Ombudsman”

Disclosure - ¹ [Ministry of Justice, Civil Procedure Rules, Part 31](#) , ¹ [Ministry of Justice, Civil Procedure Rules, Part 31a](#) , ¹ [Ministry of Justice, Civil Procedure Rules, Part 31b](#) and SAR documentation available (after multiple attempts) and Documents Index together with nine witness statements.



Ombudsman feedback - which can be published as assisting in other submitting Complaints

“Our ombudsman thought there was a useful summary of the complaint at the beginning, providing clear background to the complaint. The complaint was set out clearly – the documents were set out in a logical order and the evidence was well-referenced throughout. We scan documents onto our system, so the colour tabs put on individual documents can go astray in that process. For us, it's probably easier to mark the paper document itself with any referencing number – but that isn't too much of an issue for us.

There was a useful chronology, again with references to the documents provided. The file contained the sort of documents we would expect to see – point of sale documents, witness statements, internal notes and call transcripts, correspondence with the bank.

It was helpful to have the XXXXXX balance sheets and evidence to show us the XXXXXX was a small/medium business. That's information we often need to ask for, so to have it already saves time.

Some of the news articles that provided a bit of general background to the mis-selling issues and the House of Commons report probably didn't need to be included. Our staff are familiar with the general context and background to this type of dispute.”... FOS email 11 May 2018

While the FCA who had received a duplicate set in October 2017 stated in a letter in August 2018

“ My second observation is that I concur with the assessment of Mr Little and the Financial Ombudsman Service that the documentation provided by Mr Little and the Semples was detailed and of high quality...”

Ombudsman or Financial Services Bundle Submission - Index

Case Summary / Background to Complaint

List of People /roles in case - Dramatis Personae

Time line / Chronology

Witness Statement (s)

Documents Index and Documents

Statement of Financial Claim – with any forensic "expert support"

Witness Statement of XXXXXXXXXXXXXXXXXXXX for submission to Financial Ombudsman or
Financial Services Tribunal

I, XXXXX XXXXXXX of XXXXXXXXXXX,XXXXXXXXXXXX,XXXXXXXXXXXX WOULD SAY as follows

The contents of this statement are true to the best of my knowledge and belief

Signed Date

SAMPLE CASE - CHRONOLOGY / DOCUMENTS (Page 1:2 part only)

2 September 2004	Begin process of Moorcroft Estates Limited formation Memorandum and Articles etc
18 November 2004	Invoice of £160 for services for creation
9 February 2005	Name registered at Companies House
16 February 2005	Moorcroft Estates Limited incorporated
16 February 2005	Form 296: Hubert and Marjorie Armstrong appointed as Directors - received 19 May 2005 by DTI Companies Registry
16 May 2005	Form 233: Change of Accounting Reference date to 31 March 2006 – received 20 May 2005
4 August 2005	Letter to Northern Bank Mr David Montgomery requesting that an account should be opened in the name of Moorcroft Estates Limited
October 2005	Glenburn Cash Flows
1 November 2005	Letter to Northern Bank David Montgomery please forward funds to complete purchase of Glenburn Road
2 November 2005	Joint Personal Account opened by Northern Bank
12 December 2005	Northern Bank Land bank account Facility letter for £1.31m for Landbank account (Glenburn) - Danske Margin = 1.75%
	Northern Bank Development Account Facility letter for £360K Overdraft account. Danske Margin = 1.75% (total £1.671m)
	Form 402 re Solicitors Undertaking to deliver the documents of title and equitable charge in favour of the bank.
14 December 2005	Moorcroft Estates Limited Resolution re accepting Overdraft Facility letter (produced to the meeting) and terms and conditions in letter.
18 December 2005	Memorandum of Sale Glenburn Manor - £1.8m – date for completion 22 December 2005
15 Aug 2005 / 7 Feb 2006	Moorcroft Estates Limited Danske Current Account statement....see 21 December transactions.
9 January 2006	402 Form , Danske Charge over all book debts -filed 13 Jan
2 March 2006	371s Annual return filed... dated 27 January 2006
13 March 2006	Hubert Armstrong letter attaching a notice recording decision to purchase lands at Glenburn.
31 March 2006	Accounts for first year ended – filed 30 March 2007.
3 April 2006	Joint savings account opened with £40,000

14 April 2006	Moorcroft Estates Limited LANDBANK Statement 1 - balance transfer of £1.31m with debit interest at 6.25%
18 April 2006	£12955.15 credited to Joint Personal Account
30 June 2006	Moorcroft Estates Limited DEVELOPMENT Statement 1 – limit of £360,000 at debit interest at 14.5% Moorcroft Estates Limited Current Account Number 2
10 August 2006	Land Registry - Glenburn – split up for leases – which commence 12 February 2007.
26 September 2006	Planning Application for Glenburn Manor . One Block awaiting final sign off etc etc etc

The Position Statement from the All-Party Parliamentary Group on Fair Business Banking dated 14 November 2018 states at Page 4 *“For those cases that are not resolved within this six month timeframe, there will be a duty of disclosure of documentation by the Banks, which will be in accordance with the legal Civil Procedure Rules (CPR) 31, 31A and 31b and certified by the appropriate person under the FCA’s Senior Managers and Certification Regime (SM&CR) and the case moves to independent dispute resolution.”* or equivalent in their Civil Courts jurisdictions.

SAMPLE SAR Individual Request That our standard SAR request will confirm details of whether any personal data is being processed and as individuals we will require:

- any document sent by the bank to the Client / us
- any document sent by you to a third party.
- any document sent by a third party to you.
- any telephone audio file between you and the Client / us and any audio file or telephone transcription between you and a third party.
- confirmation and documentation for any credit lines associated with the Client /us or any partnership or Company he is party to and/or provides guarantees for
- where there has been any event in the Client’s / our account history over this period which has required manual intervention by any person, we require disclosure of any indication or notes which have either caused or resulted in that manual intervention.
- specific details of the fees/charges levied by any other agency in respect of these accounts and a detailed breakdown of said fees/charges and what each charge relates to and on what date said fees/charges were levied.
- a genuine copy of any notice of fair use of the Client’s / our data as required by the Data Protection Act 1998.
- a list of third party agencies to whom you have disclosed the Client’s / our personal data and a summary of the nature of the information you have disclosed.



PART 31 - DISCLOSURE AND INSPECTION OF DOCUMENTS

Contents of this Part

Title	Number
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Right of inspection of a disclosed document	Rule 31.3
Meaning of document	Rule 31.4
Disclosure	Rule 31.5
Standard disclosure – what documents are to be disclosed	Rule 31.6
Duty of search	Rule 31.7
Duty of disclosure limited to documents which are or have been in a party's control	Rule 31.8
Disclosure of copies	Rule 31.9
Procedure for standard disclosure	Rule 31.10
Duty of disclosure continues during proceedings	Rule 31.11
Specific disclosure or inspection	Rule 31.12
Disclosure in stages	Rule 31.13
Documents referred to in statements of case etc.	Rule 31.14
Inspection and copying of documents	Rule 31.15
Disclosure before proceedings start	Rule 31.16
Orders for disclosure against a person not a party	Rule 31.17
Rules not to limit other powers of the court to order disclosure	Rule 31.18



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PRACTICE DIRECTION 31A – DISCLOSURE AND INSPECTION

This Practice Direction supplements CPR Part 31

Contents of this Practice Direction

Title	Number
General	Para. 1.1
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Specific disclosure	Para. 5.1
Claims to withhold disclosure or inspection of a document	Para. 6.1
Inspection of documents mentioned in expert's report (Rule 31.14(2))	Para. 7.1
False disclosure statement	ANNEX

General

1.1 The normal order for disclosure will be an order that the parties give standard disclosure.

1.2 In order to give standard disclosure the disclosing party must make a reasonable search for documents falling within the paragraphs of rule 31.6.

1.3 Having made the search the disclosing party must (unless rule 31.10(8) applies) make a list of the documents of whose existence the party is aware that fall within those paragraphs and which are or have been in the party's control (see rule 31.8).

1.4 The obligations imposed by an order for standard disclosure may be dispensed with or limited either by the court or by written agreement between the parties. Any such written agreement should be lodged with the court.

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The search

2 The extent of the search which must be made will depend upon the circumstances of the case including, in particular,



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PRACTICE DIRECTION 31B – DISCLOSURE OF ELECTRONIC DOCUMENTS

This Practice Direction supplements CPR Part 31

Contents of this Practice Direction

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Disclosure of metadata	Para. 28
Lists of documents	Para. 30
Provision of disclosure data in electronic form	Para. 31
Provision of electronic copies of disclosed documents	Para. 32
Specialised technology	Para. 36
SCHEDULE	

Purpose, scope and interpretation

1 Rule 31.4 contains a broad definition of 'document'. This extends to Electronic Documents.

2 The purpose of this Practice Direction is to encourage and assist the parties to reach agreement in relation to the disclosure of Electronic Documents in a proportionate and cost-effective manner.