

**JON MCLEOD:** Hello and welcome to this, the second Business Banking Resolution Service webinar. Thanks for joining us. I am Jon McLeod and I am the Director of Communications with the BBRS; and I have an excellent panel here for you this afternoon to talk about the work to set up the BBRS and to take your questions about how the scheme will work in practice.

I am going to get our panellists to introduce themselves in turn and I am going to start by asking our chair, Lewis Shand Smith, to introduce himself and give a little of his background.

**LEWIS SHAND SMITH:** Good afternoon, everyone, and thank you very much for joining us. I am the Chair of the BBRS, as Jon has said, and I have also been, and still am, the independent chair of the implementation steering group that is responsible for setting up the BBRS, and I have been in that position for the last 18 months or so.

My background was relevant to this. It is the fact that I have been an ombudsman for most of this century and I started in the public sector, the ombudsman covering everything in the public sector in Scotland; and then I moved on, in 2009, to be the UK energy and telecommunications ombudsman, as well as property ombudsman and eventually consumer ombudsman for the UK. My background is understanding what makes it easy for people to bring a complaint without risk, without cost, and to make sure that the balance between provider and customer is one that is met by the organisation in the middle, so complaints can be heard fairly, and decisions reached fairly and independently; so basically putting things right when something has gone wrong. And that has been my life for the last 18 years.

**JON MCLEOD:** Thanks, Lewis. I am conscious that we are stretching a wire all the way to the Shetlands to join you into this webinar.

**LEWIS SHAND SMITH:** Yes. And if you hear snoring in the background, it is not me; it is my dog who is lying at my feet. I took her for a walk before we came on and I should have done it after. So now she is sleepy, and she is snoring loudly.

**JON MCLEOD:** Excellent. Well, to tire her out, that was a good job done. But I will say to the audience on the line that if we do lose signal, do accept our apologies but we will be working up a transcript for you after this session, and indeed there is a transcript of the previous session already on our website.

I am going to hand now to Samantha Barrass who is the Chief Executive of BBRS and very much involved in getting the organisation up and running. I would like to hand over to you, Samantha.

**SAMANTHA BARRASS:** Hi, welcome. I am Samantha Barrass. I have got three dogs, in case you hear barking. They are under instruction to keep quiet as well.

I am a New Zealander by background and an economist. You cannot really tell I am a New Zealander from my accent, but it is a country that is well known for exploring alternative dispute resolution. My career background is mainly regulation, financial services regulation and legal services regulation. One of the things that I think is frustrating for a regulator is when an issue comes to your attention, requiring dispute resolution rather than a regulatory response and there is no dispute resolution available. I am delighted to have the opportunity to take this role in the BBRS, to fill a vacuum and to provide dispute resolution for various needs. I am really looking forward to being in a position this year, or early next year, as we emerge from the covid-19, to have an opportunity to meet you all in person.

**JON MCLEOD:** Samantha, thank you. Again, I think we are struggling with some connectivity, but we will press on. And I am delighted also to welcome our Chief Adjudicator, Alexandra Marks. I would like to invite Alexandra to talk a little bit about her background, and to talk about the role that she will play with the BBRS, once it is up and running.

**ALEXANDRA MARKS:** Thank you, Jon. I am aware that the sound quality is terrible, so I expect you cannot hear what I am saying. If that is true, I will stop.

**JON MCLEOD:** Well, I would suggest we press on, Alexandra, because as we work our way through it, it may be that we will get some improvement in the quality. So, I would be delighted if you are able to press on and introduce yourself.

**ALEXANDRA MARKS:** Thank you. By background I am a lawyer. I am a solicitor who practised for many years in property and property finance. I did that for about 20 years. I then moved to the judiciary, first as a recorder sitting in the Crown Court, presiding over jury trials; and then as a High Court Deputy Judge, dealing with judicial review; and more recently as a tribunal judge dealing with information rights. Most recently I was a commissioner of the Criminal Cases Review Commission, dealing with miscarriages of justice.

A key feature of all of those roles is that they involve an individual up against the state or a large public body, and therefore the David and Goliath dynamic which is involved in the complaints that the BBRS is dealing with, I am very familiar with.

**JON MCLEOD:** Thank you, Alexandra, for that. And I am also very pleased that Stephen Pegge, who is the managing director for commercial finance at UK Finance, is with us today; and Stephen has been very heavily involved in the work

to set up the BBRS. Stephen, perhaps you could introduce yourself?

**STEPHEN PEGGE:** Will do. Thank you very much, Jon. I am delighted to be here today. UK Finance is a trade association for financial companies, banks and finance providers more broadly; everything from the smallest financial technology business and little building society up to larger banks and even international ones. My background is 37 years in banking and I have also been a director of a number of charities and businesses, particularly involved with small and medium-sized businesses. I sit as an observer on the implementation steering group of the Business Banking Resolution Service and have been involved since the beginning. Thank you.

**JON MCLEOD:** Thank you. And we are also hoping to be joined by Lucy Armstrong, who is the chief executive of The Alchemists and also a BBRS board member, but unfortunately, we have not been able to get her online. We may be able to get her back during the broadcast, but it was our ambition to have her to talk about the SMEs, but we will press on. And in any event, I am going to start with a conversation about the context for the setting up of the BBRS. I will start with Stephen, because this is an initiative which originated from the work of UK Finance to address an issue which was identified by a review by Simon Walker, perhaps just to set out a little bit of context for the people who are online today.

**STEPHEN PEGGE:** Yes. Thank you, Jon. I mean, the starting point, I suppose, is the recognition that commercial disputes are a normal feature of business life and very often, and certainly in the case of bank and business disputes, they're settled by the parties themselves. But where they require intermediation, as an alternative to courts, the ombudsman and alternative dispute resolution can be extremely productive.

The challenge we have had in financial services is that that has only really been available until recently for the smallest micro businesses through the Financial Ombudsman Service. That has been extended more recently in response to the recommendations of - as, Jon, you mentioned - the Walker review of dispute resolution. There have also been a number of collective schemes to review difficulties and disputes, provide remediation to businesses where things have not gone well, and the view was taken, actually, that we needed to have a different way of settling these issues. So consequently, having looked around the world at all sorts of good practice, having really dug into the statistics and data with a couple of professors helping him to undertake this independent review, a gap was identified that the Business Banking Resolution Service are gearing up to fill for those businesses that are larger than can be helped by the

Financial Ombudsman Service, both for the future and also for those businesses who in the past have not had the benefit of any kind of independent review of their case, where it had not been sorted.

I think the hope is that, actually, that will provide a way of finding a way forward that enables the business and the bank to preserve that relationship, to identify issues which are common, nip those issues in the bud, so that you do not build up big problems into the future, and make sure that you have got something which is accessible, quick and is making decisions on a fair and reasonable basis. I think that in the end, Jon, will help preserve the trust built, that less adversarial approach that is typical through a court-type process and also enable banks and finance providers and the market to improve. You have got that positive feedback, then, that really can help us all.

**JON MCLEOD:** Thanks, Stephen. I will turn to Lewis in a second, just to talk about approaching the set-up of the scheme. But Stephen, perhaps you could just remind us about the voluntary character of the scheme and the fact that it is intended to be a scheme that the participating banks contract into, and it is one with particular policies as well. Perhaps you could share some background.

**STEPHEN PEGGE:** Yes. It is unusual, in the sense that many schemes are the product of statute of law. This goes beyond that and is set up on a voluntary basis and, rather than having a set of rules based in statute, you have got a set of rules based on contract; but equally a series of policies that go into a bit more detail, that bring that to life essentially.

There are seven participating banks at the moment that have been involved in this process and they are the ones who constitute the largest element of lending and probably have had more of the historic disputes which are being looked to resolve. But the aim and hope is that there will be more firms interested in joining from the financial sphere in due course; and I know that there are many who are interested in doing so. But for all sorts of practical reasons, it started with seven and I know there will be others who are interested afterwards.

**JON MCLEOD:** Thanks, Stephen, for that context. And apologies to the audience. I am conscious that we are operating on a very slow quantity of bandwidth today; there may just be a very heavy load on the network, so sometimes we will go dark, not because we do not want to be seen, but because we are conserving our bandwidth. Thank you.

I am going to turn to Lewis now. Lewis, we have had the context set out for us by Stephen, in terms of where the scheme has come from and what it is intended to do. What is your philosophy in approaching it and, indeed, can you

share with us a little bit of context for the philosophy of alternative dispute resolution generally, because not everyone will be familiar with how it fits into the dispute resolution grand scheme.

**LEWIS SHAND SMITH:** Thank you, Jon, there are two big questions there and two quite different questions.

So, let us do the second one first. What is alternative dispute resolution? Actually, it is quite simple. It is an alternative. What is it an alternative to? It is an alternative to the courts. In the court process, somebody has a complaint or wants to go through the civil courts, they take somebody through litigation. It is a very formal process. It can be an expensive process, particularly if it is a big claim, and it can be a very stressful process. The whole point of alternative dispute resolution is to find a way to get the complaint resolved, to get the dispute resolved, without having to go to court. It has been used for a long time in administrative justice and for more than a century in administrative justice and in the UK, though, since 1967; and in the private sector increasingly, in the last 30 or 40 years, and particularly since the advent of the financial ombudsman.

The whole aim is that someone who has a complaint is able to make that complaint without having to go through expensive litigation. And different types of ADR have different mechanisms they can use. For example, one that is very well known is mediation. Mediation is where a facilitator assists both, or several parties in some cases, to come to a resolution that suits them all.

You have something like investigative adjudication, which is probably most normally associated with ombudsman schemes, where you hand your complaint over to the ombudsman or to the alternative dispute resolution body. They look at the evidence in front of them. They ask for evidence from both sides. They make an assessment of that evidence, based usually against law, against statute, against codes of conduct, against regulation. They work out, they look at what should have been done, what has been done and they make a decision based on that. Importantly, they also make a decision on restitution, on the redress that will put somebody back into the position they would have been in, if nothing had gone wrong.

However, with most of these kinds of techniques, they will try to find some sort of informal resolution without having to go through the whole process, so a means by which both sides can be facilitated and encouraged to come to a decision that is sensible and actually brings a conclusion to the dispute. So those are just kind of three examples and there are more examples of alternative dispute resolution.

But the important thing is to stress: it is an alternative to the courts and that is exactly what we are setting up in this imaginative new scheme. I say "imaginative" because given that it is going to take complaints back to 2001, that, I do not think is something that has been done by any alternative dispute resolution scheme that has been created. Imaginative, too, in that we are going to assist people who would require that, as they make their complaints through our customer champions and I am sure we will say more about that later.

Can I go on, Jon or have I spoken enough? Because I would like to speak about the second part of your question, which is: what is the philosophy that we have used to create where we are now? And as I say, I am the independent chair of the steering group. And really interestingly, the steering group has the seven participating banks represented, but it also has the SME community represented. So there are voluntary ombudsman and ADR schemes out there, but I think it is very unusual for that to be set up by not just the industry, but by people representing those who may wish to bring a complaint. Around the table and as equals, we have had the banks and representatives of the SME community and we have moved forward in a spirit of openness, trust, collaboration. And I think that is what will help the scheme, when it launches, to be successful. It does not mean to say that we have always agreed with each other, but in the best spirit of alternative dispute resolution, we have found ways to move forward and agree, and I guess it is a kind of mediation sometimes.

So, I think, for me, it has been really remarkable to watch that process and I am very proud to have been part of it so far.

**JON MCLEOD:** Yes. I am wondering whether I can now bring in Alexandra to talk a little bit, then, in the context that Lewis has said, about what the role of the Chief Adjudicator will be in delivering what are intended to be fair and reasonable outcomes in relation to the cases that are brought to the BBRS. Alexandra, I would like to hand that to you.

**ALEXANDRA MARKS:** Thank you, Jon. I do hope that the audience can see and hear us now. I know it is very frustrating when the quality is bad. It is very frustrating for us too, because we cannot see or hear you, so we only have very limited means of communication, but I really hope that you can hear now.

The role of Chief Adjudicator during this set-up phase comprises, I think, principally two things.

The first is to ensure that we have got a strong and robust and, crucially, fair process for resolving disputes involving some of the alternative dispute resolution techniques that Lewis has just described because, as far as I am concerned,

after many years of being involved in dispute resolution, the only way that parties can be confident that the result is fair is for the process to be fair. So that is why we are spending so much time and effort focusing on our process.

The second is to ensure that we have a process such that all the parties, and I include the banks in this, not just the customers who bring their complaints to us, feel that they have been heard and their side of the story has been told.

I sometimes say that people often claim that they want to have their day in court, but I can say after 17 years of sitting in the courts, many parties are disappointed by that experience, because they find that they do not get to tell their story at all. They may be called as witnesses and can answer questions, but that is about it. We are going to be very different in the BBRS and we want to ensure that people can tell their story in their own words. That is why, crucially, we have, for the benefit of complainants, introduced the customer champions who will have dialogue with complainants so that they can properly understand their case, ensure that they have extracted all aspects of the story, work out what the root of the complaint or complaints, plural, might be and assist the complainant in identifying what documentation is needed to support those complaints.

It is equally important that the bank's side of the story is heard. Another, I think, innovative feature of our scheme is that both sides, the customer complainants on the one side and the banks on the other, will see each other's documentation. Clearly if either side wants to withhold documentation because they think it is sensitive or confidential, that is up to them, but of course it means that we cannot rely on it for the case assessment process.

So those two things I see very much as my role in the set-up phase. When we go live, and indeed to some extent during the live pilot as that draws to a close, my job will be ultimately to make the decisions, if they have already not been made by the case assessors. Some of the trickier issues will be referred to our director of case assessments. But I am the ultimate decision-maker for any very tricky issues that have not been resolved by either of those two.

**JON MCLEOD:** Fantastic. Thank you for that, Alexandra. I am going to turn now to Samantha Barrass, Chief Executive of the BBRS, just to get us in the picture about how she is working to get the organisation up and running and what the issues are in relation to that, in terms of how the organisation will be structured to deliver the alternative dispute resolution system that is intended for it. Samantha, perhaps you could just give us a bit of the nuts and bolts background to bringing the BBRS on-stream.

**SAMANTHA BARRASS:** Thanks, Jon. We are working very hard to get the service up and running, as soon as we can,

and we are looking at the autumn now to do that. A lot of work is being done to make sure that we are set up to be able to deal with two things.

The first is a range of cases that will come in, where there could be a high degree of complexity and variability, cases that go back to as far as 2001; right through to being prepared to deal with the cases and provide confident dispute resolution services, for cases arising from the covid-19 crisis. So that is the first thing. We need to be able to set ourselves up to deal with a wide variety of cases, a lot of which we need to anticipate will be complex.

The second thing that we are working hard to set ourselves up to be able to do is to be able to scale up and scale down, in terms of the number of cases that will come through. We are aware that there are a lot of cases going back, as I said, to 2001. We are also really aware that in the current covid-19 environment, we need to be ready to deal with potentially a very large number of cases that are emerging from the current crisis. So we need to be able to deal with a large capacity, a large number of cases coming through.

We are very lucky to be partnering with the Centre for Effective Dispute Resolution. We announced the partnership with them earlier this year and they will be supporting us, bringing their skills, talents and experience to bear, to be working with us to do the day-to-day work of the dispute resolution and a lot of our work at the moment is piloting with them the approach to dispute resolution and that is an essential part of making sure that we are ready to go in the autumn and that we are testing our policies and our processes and procedures, working closely with CEDR.

**JON MCLEOD:** Thank you, Samantha. That is very helpful. You mentioned the pandemic crisis and just touching on a couple of questions which have already been submitted and I would say to anyone who is on the line: I can still see the questions coming in, so please do let us have live questions as well. But I have got a sheaf of questions that have already been submitted by those who have an interest. And Stephen, I was just going to turn to you, because one of those questions was really about asking the question as to whether or not the banks have too much on their plates at the moment because of dealing with the covid-19 crisis, to actually see through delivery of the BBRS. And I wondered whether you wanted to provide some comment and reassurance on that particular point which has been raised in the questions submitted in advance.

**STEPHEN PEGGE:** Well, there is no question there is a lot on everybody's plates at the moment. But this is a priority. Banks, as recently as last night actually, at the chief executive level, this was one of the topics that we discussed and

they are very much reaffirming their commitment to ensure that there is the alternative dispute capability that we need, particularly for a period which is quite likely to require a real sense of partnership between small and medium-sized businesses and finance providers.

This is not something separate. I think we see this as part of the service that we need to provide.

I think for every type of business, there is the emergency period and then there is the aftermath, and the aftermath might be one which represents change for lots of businesses and, in that sense, having the ability to have these facilitated conversations is helpful, I think, to guide the business in how you improve your service and cope in a different environment and this could be very valuable.

**JON MCLEOD:** Thanks for that, Stephen. And you mentioned earlier your aspiration over time to perhaps attract other lending providers and banking organisations to join in the service by becoming effectively contracted parties to it. To what extent do you think the need to deal with some of those economic aftershocks of the pandemic crisis would actually make the service more attractive to other joiners, as it were, to line up with the services and offer to customers?

**STEPHEN PEGGE:** I think the best advert for it is successfully settled disputes, really, where you can see that customers are pleased with the outcomes and that that feedback is valuable to the industry. We will certainly be doing our bit to promote that. But I think the business groups have a key role to play in encouraging and supporting this as a positive move. I know that there are one or two that are keen to get involved beyond the seven already, so we have a membership of 270. It is not going to be another 263, I am afraid, because not everybody is involved in commercial banking. But there certainly should be more than the current number.

**JON MCLEOD:** Brilliant, thanks for that. I am actually going to go into the questions we have had submitted in advance now. I have got an eye out to see whether or not Lucy Armstrong is going to be able to get on the line, so I will turn to her as soon as she joins, if she is able to, to provide an SME perspective, as it were, and I am seeing questions now being submitted by people who have dialled in, so thanks for that and do keep those coming.

But I am going to work through some of these questions, because they are very interesting and there are some important points to be made in relation to them.

And maybe turning initially to Lewis, if I may, which is a question about the timescale for the scheme to be fully

operational and also for decisions to be made about cases being adjudicated and by all means refer part of the question to Alexandra, as you wish.

But we are looking at the autumn. How do you feel about that timescale and what are the next steps in relation to getting the service up and running and live, Lewis?

**JON MCLEOD:** So, the question is really: how is the timescale? That is the question that has been asked.

**LEWIS SHAND SMITH:** For me, the timescale, I think it is actually connected to the question that you asked Stephen about covid-19 as well: does that affect us and how does that affect us? And I think for me, I take great delight in knowing, and I have just had confirmed from the banks themselves, that we are on target and they will commit for us to be on target for a launch in the autumn. So as you know, the live pilot is underway at the moment. The full launch will definitely happen in the autumn and that is when the first decisions actually will be announced.

But I think on the first decisions, and when people will know, I am going to turn to Alexandra because it may not be possible to give decision before go-live, but I know that with some of the banks she has been looking at the possibility of decisions going out even before the final go-live. It may not be legally possible, and Alexandra is shaking her head which means that she has now found out it is not legally possible. So decisions will not go out until go-live, but that will be in the autumn.

**JON MCLEOD:** Alexandra, do you want to comment, then, on that? Because clearly you are working on live pilot cases. There are over 40 of those that are being worked through. Do you want to just talk us through how that is going to dovetail into the moment of going live and how those cases would be carried over into the live operating service?

**ALEXANDRA MARKS:** Yes. Thank you, Jon. You are quite right; we are working on a number of cases in the live pilot, but we will not be issuing any decisions until we go live.

There are two principal reasons for that. One is that the implementation steering group, which is the governing body of the organisation at the moment, needs to be satisfied that our pilot has been completed satisfactorily, that we have implemented any changes to our policies or procedures that we have learned about during the course of dealing with those cases.

And secondly, I think in many ways most importantly of all, until go live the BBRS is not fully independent, and we believe that for its credibility and authority, we must be independent before we start issuing any decisions.

So that is why we are where we are. But as recognition of the help that those who have agreed to participate in the live pilot and have been selected to do so, we have said to them that their decisions will be amongst the first to be issued when we go live, because of course we have had a bit of a head start in working on their cases during the live pilot period. We are very appreciative of the support they have given us to enable us to learn lessons about our policies and procedures and make sure they are fit for purpose and working smoothly when we open our doors for real in the autumn.

**JON MCLEOD:** Thank you for that. And just a couple of nuts and bolts questions that have been coming in, whilst we have been on the line. We have heard that there are just over 40 live pilot cases. Are we able to say how many customers have registered overall with the BBRS to date and how many customer champions are already engaged by the BBRS to deal with incoming cases? I guess that is again for you, Alexandra.

**ALEXANDRA MARKS:** Yes. There are between 200 and 300 registrations of interest. Not all of those will turn into cases we can review: for example, if the bank complained about is not one that is one of the seven participating banks in the BBRS, or if, for example, whatever the customers are complaining about did not take place in the United Kingdom. So the number of registrations is not necessarily the number of cases that we will be dealing with. We have also had quite a few repeat registrations, I think perhaps because people wondered whether we had received their first one, but I promise we did.

As for the number of customer champions, as Samantha said earlier, we are partnering with CEDR, the Centre for Effective Dispute Resolution; and one of the reasons we did that was because it meant that we could scale up and scale down, as necessary, our resource because they provide the necessary number of people to be able to service our cases and the complaints that we are dealing with. It is therefore a flexible number and we did that deliberately so that we would not be employing a large number of people within the BBRS as permanent employees, that we would have a much more flexible and indeed expert resource. The advantages that CEDR bring us is that they have 30 years of experience of dealing with complaints in a variety of sectors; they have people who are very skilled and experienced in all kinds of different complaints and different resolution techniques. If we were recruiting ourselves, of course, we would have to train people up from scratch, because this BBRS service is new. There has not been anything like it before.

So there are enough customer champions to deal with all the customers. Each customer will have a dedicated customer champion who will talk to them, continue dialogue with them, trying to make sure that they have picked out all the aspects of their case and understood it properly, help the customer identify what materials they need to support their complaint, what evidence, what documents, and so on; and that customer champion will remain with that customer throughout the lifespan of their complaint with the BBRS. So they have always got someone that they can talk to about what is going on, what is happening with their case. If there are any points of information or clarification that are needed, they will know that they can go back to the same person. So that is the way that we have designed the model.

**JON MCLEOD:** And it is fair to say, is it, that CEDR is the chosen partner, on the basis that it has processed 400,000 cases since it first came into existence as an ADR body and has that capacity to flex for BBRS, alongside potentially other providers, should that be necessary, as the demand comes down the pipe, as it were? Is that a reasonable statement to make about your approach?

**ALEXANDRA MARKS:** Absolutely; and the way that CEDR itself operates is that it has lots of, as it were, consultants. It operates a bit like a massive set of barrister's chambers, in a way, because there are a lot of practitioners whose skills and accreditation and experience and expertise, we and they are confident about. They do not work full-time for CEDR; they do a number of other things, but they are on call, as it were, to provide the service that we need and CEDR needs for various other complaints handling that it does. But as you rightly say, Jon, over 30 years they have dealt with hundreds of thousands of complaints and disputes, some of them absolutely massive, involving international disputes, even states in dispute with each other. And that is why we are very confident that we are dealing with very senior and experienced people here who know what they are doing.

**JON MCLEOD:** And Lewis, I was just going to turn to you about the language point there. You have defended the use of the term "customer champions" because you feel that strikes an appropriate note in relation to the difference of approach that the BBRS will take in practice. I just wondered whether you could comment on that and what that will mean for customers as they approach the organisation for support and advice?

**LEWIS SHAND SMITH:** Yes, thank you, Jon. Yes. Whether we call them "customer champions" or "user champions", the whole point is that we want people to make sure that when they come to this organisation, that they will get the

maximum amount of help that they require. For example, if someone is just unable to collate all the information they have, the customer champion will help them collate that information. If they are able to do it themselves, the customer champion will guide them as to what documents and what pieces of evidence are important. The customer champion will also help them through the process. We do not want the kind of organisation that says: right, we are going to deal with your complaint and we are going to do it this way. We want to make sure that we are dealing with complaints in the best way for any particular individual and to keep them as part of that decision.

And I think, too, it is really important, when it comes to the end of it, the customer champion is there for them when the decision is made; whether that decision is the one they want and expect or whether it is one that is not in their favour. It is part of making the service as easily accessible as it possibly can be, and I think the customer champion actually makes it quite different from any other ADR body I am aware of. Yes, some other ADR bodies provide support, but our customer champions are going to provide support on a remarkable level.

And I think it is important to stress that those customer champions will not be part of making any of the decisions either, and neither will they make decisions for either side. They will not make decisions on behalf of the BBRS, nor will they be making decisions on the part of the person bringing the complaint or dispute. They will be supporting them, guiding them, and for me it is really important too for people to understand that they do not need anybody else outside to help them. We will provide that support from within the organisation.

I think it is a really important characteristic of the organisation and the complaints handling body that we are setting up.

**JON MCLEOD:** Thanks. I am going to come on, in a moment, to the very wide question of eligibility and it was a talking point in the last webinar which we covered pretty extensively. But I wanted just to make sure that we visit those points.

But before I do that, I was just going to run a couple of points past Stephen in relation to governance and the set-up of the BBRS, because this has been raised by a couple of audience members in questions submitted in advance. It really boils down to two things. How can the BBRS be independent from the banks? It has been set up by the banks and it will be paid by the banks. So how can it be a truly independent organisation? And then secondly, and I suppose it is associated to a degree: to what extent have the voices of victims or people who feel that they have been really poorly

treated by the system in the past, to what extent have their voices been heard in the setting up of the BBRS and making sure that it is a genuinely responsive organisation? Stephen, I wonder if you could pick up on those two points.

**STEPHEN PEGGE:** Yes, of course. So first of all, from the outset of commissioning Simon Walker, that was chosen by an independent panel, including the all-party Parliamentary Fair Business Banking Group, as the right person to undertake that review and his report was independent. The implementation steering group does have bank representation, but it has a larger number of SME representatives sitting on it and, of course, Lewis is the independent chair.

The BBRS itself has a board for governance purposes, and so on, and there are advisory groups which are, I think, envisaged, one of which will give a channel to have discussions with the banks, one a channel for discussions with SMEs.

Amongst those organisations who are represented on the implementation steering group was the SME Alliance as well, which brought together a number of people who have had disputes and issues and have been involved in some of the historic complaints over the last few years as well.

So that whole set-up process, I suppose, has been designed to ensure that it does reflect the views and needs of businesses. And then going forward, I do know that the whole approach of the BBRS is to engage with stakeholders and its audiences to make sure that it is responsive; and of course very much responding to what it sees through the clients it deals with.

**JON MCLEOD:** Stephen, thanks. And yes, I would point out to that question as well that there is a consultation on the BBRS's website which has gone live today, so there are certainly plenty of opportunities to make those voices heard. I am going to move on now to the very wide topic of eligibility, and maybe bundle up a question with this preface, which is that the then chancellor, Phillip Hammond, said that the scheme needed to consider as many cases as possible, a vision of very wide eligibility.

And Alexandra, in that context I just wondered whether you could let us know when the eligibility criteria will be finalised and the extent to which cases which have been through previous dispute resolution procedures will be able to be included and indeed what happens at the margins, at the borders of eligibility. What role will you play in determining whether or not cases will be considered by the service, once it is live? So maybe we could kick off with

those points.

**ALEXANDRA MARKS:** Yes, thank you, Jon. Well, as you intimated in your question, the eligibility criteria are not quite finalised yet. Although the majority of points are already set out on our website, it does say that they are to be finalised. But the basic structural issues around turnover and asset levels are set, as are the fact that, as I indicated before, the complaint has to be against one of the seven participating banks and the act or omission complained about has to have occurred in the United Kingdom. But there are other issues that are still being considered, one of which you referred to, which is that there are a variety of remediation and redress schemes that have been run by banks themselves. Some of them, for example, have been supervised or even instigated by the Financial Conduct Authority and those schemes may be regarded as 'independent' as that term was used by Simon Walker in his review. It was not intended that the voluntary ombudsman, as he called it, that was to become the BBRS would have jurisdiction over complaints that had already had an independent review. And he said by that he meant cases that had already been to the Financial Ombudsman Service or had been through the court where the subject matter of that complaint had been dealt with by the court, or where there had been an independent review of another kind. That latter issue is still being considered at the moment, but it will be finalised, of course, by the time we go live.

For live pilot purposes, we attempted to identify cases that would not be within the fuzzy zone, as it were, of eligibility, that we would look for cases that were very clearly eligible, so that we would not have to make decisions in an area of policy that was not yet settled. Yet there are some cases in the live pilot that we have had to put on hold for the moment, because it turns out that there are eligibility concerns, although they are not fully resolved, and so we will have to come back to those when we fully launch our service.

And that is the position at the moment.

**JON MCLEOD:** And then a couple of quick questions. So effectively the eligibility criteria will be finalised at the conclusion of the live pilot and clearly ahead of the launch this autumn?

**ALEXANDRA MARKS:** Correct.

**JON MCLEOD:** That is the timeline. Will those criteria be reviewed, and will that be an annual review, or how does that work in terms of an evolving perspective on eligibility?

**ALEXANDRA MARKS:** Yes, they will be reviewed. It is important for me to say that the policies before we go live are to

be signed off by the implementation steering group. They are not policies that are going to be made by the BBRS. Indeed, one might say that it would be wrong for us to do so, because we are implementing them. But the policies are going to be signed off in time, obviously, for go live. But once we go live, we will be reviewing that eligibility policy, along with all our other policies, on at least an annual basis so that we can reflect things that we have learned from seeing cases. Obviously, we will not do it just off our own bat. We will consult with stakeholders, so that will include obviously the banks, but it will include the SME community as well, and that is one of the reasons that we are setting up liaison panels, which will be part of our governance structure, to ensure that those voices are heard within the BBRS once we go live.

I realise there was another aspect of your question, Jon, that I did not address earlier and that is about so-called boundary cases. The BBRS jurisdiction has been designed to fill in the gaps to cater for those SMEs who are too large to qualify for the Financial Ombudsman Service, but too small realistically to take their claims to court against banks, and that is precisely what has been done. Many will be aware that the extent of the Financial Ombudsman Service jurisdiction increased with effect from 1st April 2019 and we are, as it were, backfilling that space back to 2001. But we are also, from 1st April 2019, going to be looking at cases for slightly larger SMEs whose turnover is between £6.5 million and £10 million. But we are aware that there are some businesses whose turnover or asset levels fit within the Financial Ombudsman Service's criteria but they have, for example, too many employees. And those sorts of boundary cases, we would expect to look at in the BBRS.

**JON MCLEOD:** Thank you for that. Sorry for the protracted cross-examination on eligibility, but it is a hot topic.

**ALEXANDRA MARKS:** It is.

**JON MCLEOD:** Another issue which has been touched on in the debate over eligibility is the issue of insolvency and also the situation in relation to companies that have gone into liquidation. That is something that is under active examination at the moment, as I understand it.

**ALEXANDRA MARKS:** It is. I would not regard insolvency as an eligibility issue. I actually think it is much more about what we do with those cases, given that this is a very highly complex area of law - and a topic not, I would say, strictly related to eligibility. It is not that we aren't going to review those cases: it is about what we do with them and what we can do with them, given that the entity, if it is a company, no longer exists. So that is a very knotty problem. We are

still looking at it. I heard, just before we came on live with this webinar, from Stephen that there was a very constructive meeting on that topic just before we started. The stakeholders are making progress with that and, as with eligibility, that policy will also be finalised by the time we go live in the autumn.

**JON MCLEOD:** Great. And just a couple of quickfire ones. We have been asked in a couple of places, both in advance and online, live, about whether or not interest rate swap products would be likely to be capable of falling within the scope of the service. Is that something that you would anticipate? Obviously, you could not comment on an individual case. But in principle, is that something which might be anticipated?

**ALEXANDRA MARKS:** In principle, yes. But I would caution that many of those products, and mis-sale of those products, have been the subject of remediation and redress schemes already, so one of the tricky issues that I referred to before is whether those previous remediation and redress schemes were "independent" and therefore those complaints have already had a bite of the cherry, as it were, by having been through a previous scheme. That is not yet entirely resolved and not all of the IRHP schemes necessarily fall within that particular category. But that is yet to be finalised and, again, obviously will be resolved by the time we go live.

**JON MCLEOD:** Thanks for that, Alexandra. Lewis, I wonder if I could turn back to you, because there has been quite a focus on cases which might find their way, all the way through to some form of adjudication by Alexandra. But to what extent would you see and anticipate other steps to try to resolve disputes, short of adjudication, playing a role as the scheme moves forward and what emphasis will you be placing on that?

**LEWIS SHAND SMITH:** Yes. One of the professors that Stephen referred to earlier made this really quite clear: that there are different types of dispute resolution, as I said earlier. Really, we want to make sure that we can settle the dispute or have the dispute settled in the most appropriate way; the way that provides the most appropriate route for the customer who brings the complaint. In some ways, investigative adjudication may, in fact, end up being for the minority of cases. There are other techniques and that is another reason for using the Centre for Effective Dispute Resolution. They have huge experience, not only in adjudication, but they have huge experience in mediation and other forms of dispute resolution and they have the people there who know how to use those processes.

So we want to make sure that this service, and somebody once described it to me as a boutique service; it is based on the individual complaint and we want to approach each complaint as a fresh complaint, a fresh dispute and it will be

dealt with on its own merits and in the best possible way to handle that dispute and in the best possible way for the person who has brought that dispute.

So investigative adjudication is one. But the professor that I referred to, and Stephen referred to, his name is Chris Hodges, he put investigative adjudication at kind of the top of a pyramid where other methods are probably more likely to be used; so as I said before, mediation, perhaps conciliation, facilitated negotiation. There are a whole lot of different processes. And in some ways, investigative adjudication perhaps sits at the top of that pyramid.

The downside of investigative adjudication; I mean, yes, using it, you can get absolutely into the details of the problem. But sometimes getting into the details of the problem is not the way to find the solution. And the other thing about it is that you then get an answer and you may not like the answer. It is not as cold as a court process, and we will try to make it as empathetic as possible by using the customer champions. But at the end of the day, the complaint goes into the machine and at the end of it, there is a decision made. I think it is much better if the parties to the dispute are involved throughout the process and if they could come to a common mind before getting to that point, I think that is a good way to resolve the dispute.

We just want to be careful that we have every tool possible, available to us and available to those bringing complaints to us and, of course, available to the banks.

**JON MCLEOD:** Thanks, Lewis. I will turn to Alexandra in a moment on the question of prioritisation which has been raised in a variety of different ways by the questions submitted to us.

But I am going to ask Samantha Barrass first, as Chief Executive, a couple of questions challenging how resources are balanced between dealing with historical cases, where there may be longstanding issues needing resolution, versus the deployment of resources to address cases which may well be coming down the track as a result of the economic effects of the pandemic crisis. How do you balance the resources of an organisation between those two competing demands where many might say: well, you need to sort out the difficult history first, before dealing with the future?

**SAMANTHA BARRASS:** Yes. It is a good question and a fair one. And the answer lies in the points that I made earlier, over the significant amount of work that we are doing with CEDR, the Centre for Effective Dispute Resolution, to make sure that it is not a competition; that we will be in a position to be able to resource all of the cases as they come in.

And so that as, for example, happens in health care, we are not needing to ration the resources that are available; that

we are in a position to be able to scale up; so that as cases come in, they will be dealt with on a first come, first served basis; and Alexandra will pick up on some of the nuancing around that. But I do not anticipate a competition for resources around historic and future cases.

**JON MCLEOD:** Thanks. Alexandra, if I could turn to the question of prioritisation. We have already heard that cases which have worked their way through the live pilot will in all circumstances hopefully be determined early, once the service goes live. We have had questions saying that is fair and questions saying it is unfair; and also questions about whether or not you will prioritise cases where, for example, a customer may be very poorly and really to defer considering would create a very difficult situation for someone who may be receiving hospital treatment. What is your approach to prioritisation and how can you be fair to all the customers, if you like, when you are trying to balance these competing demands?

**ALEXANDRA MARKS:** Thank you, Jon. Well, you are quite right. It is obviously very important that we do prioritise cases where there is a real urgent need. By definition, that has to be exceptional, because clearly everyone thinks that their case is urgent and should be dealt with first. But if that was the case, it would not help us genuinely to prioritise. We are working on developing a policy which will identify the factors that we will consider in determining whether the case should be prioritised, including some of the things that you have mentioned. We are looking at, for example, where an immediate, irretrievable situation is looming. So that might be, for example, that someone is very ill. It might be that they are facing imminent court proceedings. It might be a somewhat different reason; for example, we have identified a theme that there are several cases involving very similar circumstances, perhaps involving the same bank, involving the same individuals at a bank, involving the mis-sale of very similar products; and it may therefore be sensible for us to take all those cases together and treat them as a group, rather than individually. But that has to be our decision and it is partly because it is a qualification of what Sam just referred to as being our first-come-first-served principle. But that does mean, by the way, for anyone who is listening who is a registered customer who has already registered, that their cases will be dealt with first when we go live, because clearly they are well ahead of any covid-19 type cases. And we will start work on those cases already registered just as soon as we can after go live.

And again, as Sam said, and I think it is very important to emphasise this, we are striving to get, through CEDR, a very flexible resource so that we are not going to be taking cases sequentially. We are not going to start with number 1 on

the registration of interest and then, when we have finished that, start with number 2. It is going to be a much, much broader approach than that, with numerous cases being worked on alongside each other.

**JON MCLEOD:** Thanks very much, Alexandra. And I have just heard that Lucy Armstrong will not be able to join us now unfortunately, but we will make sure that we spend extra time listening to SME perspectives in the final of the three webinars on 16th June, when indeed we will also have Andy Keats, who is the Chief Executive of the SME Alliance, on the line; so plenty of SME perspectives to come in that session. And indeed, this session, the future session and the previous session will all be transcribed and uploaded on to the website, so for those of you who have suffered with difficult sound quality today, apologies again, but you will be able to acquire a copy of the text from our website in reasonably short order.

I am going to go on to the question of awards and a bit of a bundled question, if I may, and Alexandra I am very sorry, again, it is for you. You are the voice of many things in these sessions. But I will try and make it nice and simple and a bit of a quickfire question if you like. And in these four parts.

Firstly, what are the award levels that will be open to the BBRs?

Secondly, what will the BBRs do about claims which include claims for consequential loss? Can you treat those in any way?

Thirdly, how will you make a bank pay, how do you enforce payment in this context?

And then lastly, we have had a question, and these are all questions that have been submitted to us, we have had a question about whether or not we will, in inverted commas, "name and shame" banks against whom you may make a finding, whether or not that forms part of this new service.

So, it would be good to tick off those points in a bundle, if we could.

**ALEXANDRA MARKS:** That is a lot of questions in one go, but I will do my best.

First on the award. The situation is as summarised on our website. For what we are calling the historic part of the scheme, which is for the legacy cases from 1st December 2001 until 31st March 2019, there is a binding limit for awards of 350,000, plus 8 per cent interest on top of that, depending on when the act or omission occurred. And for the current, contemporary or general scheme, we have not quite settled on the terminology yet, but for that part of scheme which covers acts or omissions arising after 1st April 2019, the binding limit is £600,000 again, plus

compensatory interest of 8 per cent.

Now, what I should explain is that the binding limit means that that is the amount which the banks are contractually bound to pay: the BBRS can recommend higher amounts than that, and we would expect banks to pay that higher amount. So that is the position on awards and, as I say, it is summarised on our website.

Consequential loss, again, is something that we will be looking at. It is not something that we have been attempting to test in the live pilot, for the simple reason that until there is an award, there cannot be an assessment of consequential loss and as I have said we are not going to be making any awards or determinations in the live pilot. We are only going to be doing that when we go live. But yes, consequential loss is going to be a loss that the complainants can claim for. We will be applying the normal legal principles about causation, remoteness, the burden and standard of proof, and quantum, and we recognise that we may need expert assistance to help us with the calculation of quantum in what will sometimes be some very complex cases.

How do we make the banks pay? Well, as I have said already, there is going to be, and it is not concluded yet - it is one of the things that is going to be done and needs to be done before we go live - a contractual arrangement whereby the banks agree to be committed to paying those binding limits that I have referred to. As I have said already, we can recommend more and, although we cannot force them to pay that amount, we expect that they will do so.

And finally, "name and shame". What we are discussing at the moment and precisely how we do it, is how we publish our determinations, so that we can show transparently the way that we have reached particular decisions. The challenge for us at the moment is to make sure that we protect complainants' privacy on personal matters, because we do not feel it would be appropriate to name them or even necessarily give the full factual circumstances which may be recognisable to many in the community. We are considering how we can appropriately publish a summary of the decisions we make, so that the main point is understood, without all the nitty-gritty detail necessarily being available on our website for people to pore over. But it is our intention to publish.

I should also say that one of the important aspects of our service is to learn from the cases that we are seeing. The participating banks, I know, are receptive to this, as are others such as the FCA and the Treasury. We all want to learn what has gone wrong. We will identify themes from the cases that we are seeing and we can therefore feedback that material to the banks themselves, to the regulators, to the Treasury, et cetera, to try and make sure that these kinds of

problems do not arise in the future: that is a very important part of our remit.

**JON MCLEOD:** Thanks for that, Alexandra. And a side question, that I think may be one that I will put to you, Lewis, that has come in, is about the boundaries between the Financial Ombudsman Service and the BBRS; the BBRS obviously being targeted more at larger SMEs; FOS at individuals and smaller SMEs. Would it not make more sense simply for the BBRS to be within the FOS envelope? Why does there need to be this separate non-statutory service, has been the question that has been asked.

**LEWIS SHAND SMITH:** I think that is probably a question that Stephen can answer better than I can. I think if you go back to Simon Walker's report, there are three recommendations within it. The first one was following on from a previous study which said that the financial ombudsman's remit should be extended to take in larger SMEs. The second one was that there should be a voluntary scheme to deal with even larger SMEs, as has already been said, those with a turnover of between £6.5 and £10 million; but also a voluntary scheme to look at historical cases.

The decision was made that because the financial ombudsman itself is not particularly set up to deal with SMEs, except for micro businesses or was not at that time, that the first group should be part of the FOS, and they should build up their experience and their knowledge on how to deal with those cases.

It would be quite difficult for an organisation like the financial ombudsman to suddenly go back into dealing with historical cases. Remember, it was set up by statute; it is not a voluntary scheme. It was never set up by statute to deal with historical cases and it is quite a different approach.

And so I think it was felt by Simon Walker and by UK Finance that it was better to have this separate from the FOS.

And as I said, the contemporary scheme, it was to give the FOS the space to build up its capability in dealing with SMEs and another organisation to deal with the historical cases and the contemporary cases for much larger businesses.

Remember, too, that FOS is basically an organisation which has responsibility for dealing with complaints from individuals about a huge range of financial products and from individuals, so not from businesses, and for a huge range of financial products. The BBRS is quite narrow. It is looking mainly at loans and it is a voluntary scheme at the moment, dealing with those seven banks; so again to use the term, quite a boutique service, quite a specialist service.

And the expectation is that the contemporary complaints will be very complex and therefore I think the idea and the view was taken by our stakeholders, by those who have an interest in this, both in the FCA and in the Treasury, that it

was really an organisation that could look at these cases, these contemporary cases that are complex and of high value, was something that BBRS could add.

And across the board, and correct me if I am wrong here, but I think between the FOS and the BBRS, something like 99.9 per cent of SMEs are now covered by ADR, so they can take their dispute to alternative dispute resolution and they do not have the expense, the risk and the stress of going through the court system.

**JON MCLEOD:** Stephen, from UK Finance's perspective, that philosophy of providing coverage is presumably something that you would align yourself with. But I guess it does depend on you being able to grow the footprint of the BBRS to include lenders who are not currently within this envelope. Is that a fair summary?

**STEPHEN PEGGE:** Well, I guess it is not for me to grow the BBRS. I am very interested and engaged supporter of it, really. And we are certainly doing our best to promote it. But just to echo Lewis' point. Simon Walker identified the range of businesses up to £10 million turnover, is the gap below which access to the courts might be difficult. The government took the view that the extension of the FOS should only be up to £6.5 million. That would have left a gap. It was important, the banks felt, that gap should not be left and therefore an alternative solution was needed. I think the particular aspects which are relevant for that, and also particularly important for undertaking the historic review which could only be done because it was a retrospective approach on a voluntary basis, was expertise and you have this opportunity from a greenfield site, if you like. with really expert people and a fantastic board and expert people like Alexandra coming in, to have the relevant design specifically geared to the purpose. And actually, I think it will set a template.

In the meantime, I would just add that the Financial Ombudsman Service have made great progress in undertaking the support for SMEs with disputes which they had previously not done. So, since April they have looked at several hundred cases, so that is good.

**JON MCLEOD:** Thanks for that, Stephen. I have just one final question for Alexandra and then I am going to invite closing remarks from the panel. Alexandra, this is a point that has been raised in two submitted questions, which is: how will the BBRS handle cases where there has been a data breach and what will be the interaction with, for example, regulators like the Information Commissioner? And then secondly, in some cases it may well be that prima facia evidence of criminal conduct is uncovered. What steps would the BBRS be taking, when it comes across that type

of evidence and how does that fit into your work once the scheme is fully live?

**ALEXANDRA MARKS:** Thank you, Jon. Well, they are obviously separate topics. So taking the data breach one first. As you said in your introduction to the question, obviously the Information Commissioner's office may well be involved in the data breach. It depends what kind of data breach it was. But it may well be that it does have a bearing on the complaint that we are looking at and so the fact that the Information Commissioner may have a role will not necessarily mean that the BBRS cannot look at it; or indeed vice versa. It may be that we will ourselves be referring matters to the Information Commissioner.

There's not a dissimilar answer, actually, on criminal matters. But it is important to stress that the BBRS is a dispute resolution service; it is not a criminal investigation body, and it would not be appropriate for us to attempt to undertake a criminal investigation. But it does not mean to say that we cannot investigate a particular complaint, because it may not be the crux of the matter whether or not there was criminality. Of course, if we come across criminality, we will refer it, if appropriate, to the relevant authorities, the police or the regulator. But it may not mean that it is a complaint we cannot investigate. For example, we have been looking at some cases that involve authorised push payment frauds. The fact that there may have been a fraud does not mean to say that we cannot investigate the principal complaint.

So, there is obviously an overlap, but it does not mean that we cannot look at the case. Equally, it does not mean that we can look at all aspects of it. It may be that certain features, if there is criminality established, will be referred to the authorities and, to be honest, as I know from sitting in the criminal courts, that does not necessarily mean that the victim of that criminal behaviour gets compensation. Clearly what we are talking about at the BBRS is awards where it is demonstrated that there have been bank acts or omissions or behaviour which fall short of the necessary standards.

**JON MCLEOD:** Thanks for that, Alexandra. Would it be fair to say, then, that when you encounter what looks like breaches in relation to data protection laws or when you encounter what looks on the face of it like criminal conduct, that those facts would not stand in the way of your being able to pursue your own resolution in relation to the complaint itself? Is that a fair statement?

**ALEXANDRA MARKS:** In most cases, we are hoping that is so. That will not always be the case and there may be some situations in which we will have to stop what we are doing and refer it elsewhere, but we are not necessarily saying to

complainants: "Well, you have to take your complaint to the police first and only when they have finished will we deal with it". I want to make that clear.

**JON MCLEOD:** Thanks. That is very helpful indeed. Well, we are about to come to the final remarks from the panel. I would like to thank everyone who has joined the webinar today. The majority of the questions which were questions rather than statements have been covered, but what we will be doing after today's webinar, as we have been doing with the first webinar, is working our way through all submitted questions to see whether or not we can provide an answer; and indeed some questions submitted are very practical ones which we will just answer directly to the person submitting. So please do not be concerned if you have not had your question answered in this session, because they are all captured and will be looked at and we will look to respond reasonably promptly in relation to those. In terms of the other webinars, as I said earlier, you can review the transcript of the first webinar on our website and there will be the opportunity to revisit the audio and video in relation to them and we will, of course, also offer a transcript of this. I am conscious that there have been some difficulties with the audio quality.

So I am just going to ask now finally, starting with Stephen, and then going on to Samantha, before closing with Lewis, just to ask them to give some final thoughts on what their vision is for the service, what we should expect next this autumn and what their aspirations and ambitions are for it as it moves forward in seeking to resolve the cases that are brought to it.

So maybe I could start with you, Stephen, asking you just to set out your vision for the future of this one.

**STEPHEN PEGGE:** I think this is an important extension to a lot of work that has been undertaken by the banks to improve their service and their complaint management over the last few years; you know, learning lessons really from the financial crisis. And it is a mechanism by which there is real, live kind of feedback and learning from customers that can help continue that pace of change. It is one of the great strengths, I think, of the UK to complement the unrivalled English legal system that we have. We actually have a very good framework of organisations and support that work on a more voluntary and consensual basis. There are other countries in the world and many in Europe which have a much more structured approach to these things, whether it is the complete regulation of business - you have to have a licence to start up - or the way arbitration works and the extent of the courts.

But I think in the end, I prefer the system, as I know many people in business do, that encourages scope for enterprise

and innovation, enabling competition to flourish, having transparency to keep a lid on things and ensure that people can go where the good practice is. And then very importantly, professional standards, based on the principles of fairness.

And I think these sorts of dispute resolution schemes are a really critical part of that and I very much hope that the BBRS will be a really important contributor to that and one that will set a standard actually for the rest of the word.

**JON MCLEOD:** Stephen, thank you for that and thank you for joining again today. Samantha Barrass, Chief Executive, can we just hear you briefly on your vision, as you construct the organisation that will deliver this?

**SAMANTHA BARRASS:** For me, what is really important is that the experience of the process, whether you are a bank or an SME, is a good one, is a human one and that we bring the human qualities to that. We have all, in our own lives, whether it be our personal lives or professional lives, experienced the need for dispute resolution. I have had complaints about organisations that I have run and I have made complaints myself. The thing that is most important is that the process is one that is responsive, it is kind and it is one that is capable of bringing resolution to issues where both the banks and the SMEs can move on and get on with their lives. That is a really important outcome. It is will be free for SMEs to use and will be getting up and going in the autumn. I am looking forward to metaphorically opening up our doors then for both the historic and the future.

**LEWIS SHAND SMITH:** OK. Three things to say.

First of all, I want to make absolutely sure that this organisation is independent and seen to be independent.

Secondly, I want it to be absolutely clear that its decisions are made on the basis of what is fair and reasonable in the circumstances.

And my third point is one that Sam has already made. I want it to be a kind organisation.

And I said I had three points, but I am going to make a fourth one. That fourth one is to say that I really believe firmly in an organisation like this, where the decisions are made on making sure that the right thing is done.

And I am just really proud to be part of it and excited and, like Stephen, I want to see this as a world class organisation, something that we are blazing a trail and we are going to make a good job of it.

Thank you. Thank you all for spending time with us this afternoon.

**JON MCLEOD:** Thank you very much, Lewis. It only remains for me to say that it is 5.30. I would like to thank

Stephen Pegge from UK Finance. I would like to thank Alexandra Marks, the Chief Adjudicator of the BBRs who has answered so many of the questions. Samantha Barrass, Chief Executive. And Lewis Shand Smith, Chair of the BBRs. Thank you and thank you to everyone who has joined us, and we will be back on 16th June. Thank you and goodbye.