



Request for Proposal (RFP) Independent Third-Party Evaluator 5-year Regulatory Evaluation

ADR Chambers—Banking Ombuds Office
ADR Chambers—Bureau de l'Ombudsman des services bancaires

Responses to questions received—5-year Regulatory Evaluation

Please find below the responses to questions submitted for the ADR Chambers Banking Ombuds Office (“ADRBO”) Request for Proposal (RFP) for an Independent Third-Party Evaluator.

Posting date: July 16, 2021

Note: No changes to the RFP document are required.

Question 1

There are differences in the framing of the requirements of the RFPs. Will there be a mechanism for the Evaluator to be able to raise proposals for alignment and efficiency of the three Evaluations with the two ECBs and the regulators in the course of the Review Period?

ADRBO Response:

Each ECB has set out their own RFP requirements for the Review Period and each ECB will independently evaluate the proposals they receive on the basis of their own RFP requirements.

ADRBO does not have a mechanism for the Evaluator to be able to raise proposals for alignment and efficiency of the evaluations with the two ECBs and the regulators in the course of the Review Period.

Question 2

It may be necessary for the successful Evaluator(s) to complete the entire Evaluation remotely. Is it accepted that an overseas-based Evaluator will also be bound by their own government's COVID-19 obligations – which may prevent any travel requested by the ECBs?

ADRBO Response:

Yes.

Question 3

For the purposes of case file review, in particular with COVID-19 restrictions and to avoid travel, the Evaluators will need remote access to electronic records of case files. Are all ECB case file records complete in an accessible electronic format (no need to refer to paper documents)?

ADRBO Response:

Yes, ADRBO's case file records are available in an accessible electronic format.

Question 4

The three RFPs allow for revision of the deliverables timetable in consultation with the ECB and regulators but make no mention of coordinating any extension of time, if needed, with all three Evaluations. Will there be a mechanism to coordinate any extension of time if required?

ADRBO Response:

Yes, there will be an opportunity to consult amongst the parties to align the timing between ADRBO's banking review and OBSI's banking review.



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ADRBO is not able to respond to questions surrounding OBSI’s securities review (including coordination of timing) as OBSI’s securities review is under a different regulator and independent of the two banking reviews.

Question 5

An efficient approach to three parallel Evaluations would be to avoid duplication wherever reasonably possible – in particular in stakeholder consultation and reporting on common matters.

- a. Will the ECBs support (permit and assist with) concurrent consultation where appropriate with stakeholders?
- b. Will the ECBs and regulators accept a modular approach to the Evaluation Report with common elements/findings dealt with in sections common to each Report and with elements unique to each ECB dealt with in separate chapters or sections?

ADRBO Response (a and b):

Please refer to the Answer to Question 4.

Each ECB has set out their own RFP requirements for the Review Period. It is expected that the Evaluator will respond specifically to ADRBO’s Terms of Reference as set out in the RFP.

Question 6

ADRBO’s RFP proposes a specific sampling of 150 cases. There may be potential for efficiency in a lesser but nevertheless sufficient sampling. Will ADRBO consider agreeing a different sample size once the successful Evaluator is in a position to assess the nature of the case pool?

ADRBO Response:

No.

Question 7

ADRBO’s RFP requires those consulted be given an opportunity to review their individual interview notes and sign them to confirm accuracy.

- a. For very brief interviews with complainants about their experience of a complaint, this can be very time-consuming, intrusive and difficult to achieve. Will ECBs exclude complainant interviews from this requirement?

ADRBO Response:

ADRBO will support, permit, and assist with staff and investigator interviews, though complainants whose cases were completed during the evaluation review period (August 31, 2018—August 31, 2020) will not be contacted. Under the Personal Information Protection and Electronic Documents Act (“PIPEDA”), ADRBO only collects the personal information of complainants needed for processing and responding to their complaint (“the legitimate identified purpose”) and may only use or disclose personal information for the legitimate identified purpose. Therefore, contact of complainants by the Evaluator does not form a part of ADRBO’s RFP requirements.

- b. For other stakeholder interviews, our experience is that this can be seen as conflicting with the promise of individual confidentiality, and that it can sometimes be difficult to subsequently obtain a signature confirming the notes. Can the ECB’s confirm that, provided a record is kept of the provision of written notes to the interviewee and of their response:
 - i. All interview notes will remain confidential to the Evaluator (unless expressly requested otherwise by the interviewee)



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ADRBO Response:

Yes, all individual interviews and records of those interviews are confidential to the interviewee and evaluator subject to PIPEDA any applicable laws or regulations.

- ii. The Evaluator can continue to rely on notes taken that, after having been given an opportunity to do so, an interviewee has not signed.

ADRBO Response:

Yes. However a note should be made in cases where the Evaluator has relied upon interview notes in the Report that an interviewee has not signed. All interviewees should be given an opportunity to review their individual interview notes and sign them to confirm accuracy.

Question 8

Notwithstanding the need for independence, any such evaluation requires a process of settling the Report, including fact-checking, initial reactions and an opportunity to bring any additional information to the attention of the Evaluator. For each Evaluation, will this step of settling the Report be confined to the Evaluator and individual ECB management or is it envisaged that others such as ECB governors, ECB members and/or regulators might be involved?

ADRBO Response:

For ADRBO's evaluation, the step of settling the Report is expected to be between the Evaluator and ADRBO's management and ADRBO's Board of Directors.

Question 9

The OBSI RFPs state that the Evaluation Reports will be made public at the same time as the Evaluation Report for ADRBO. Can the ECBs confirm that there is no expectation of additional reporting or detail being made available, privately or publicly, to schemes or regulators or other stakeholders?

ADRBO Response:

Clarification or additional information may be required throughout the process of finalizing the Report. Once the Report is finalized, ADRBO can confirm that there is no expectation of additional formal reporting or detail being made available, privately or publicly, to schemes or regulators or other stakeholders for its Report.