

17 November 2022

Final report by the Complaints Commissioner**Complaint number 2022001588***The complaint*

1. On 10 September 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. On 7 June 2022 you lodged a complaint form with the FCA. You also lodged a Formal Data Subject Access Request with the FCA on the same date.
3. In its decision letter to you dated 13 June 2022, the FCA summarised your complaint as follows:

...that the FCA summoned you to a SIF interview under false pretences and you believe you are now secretly "blacklisted" from working in the industry. You have said this is based upon malicious and still unknown allegations made by your previous employer, Firm X in 2016.

You told us that the FCA has denied you the right to due process and appear to have connived with Firm X to use you as a scapegoat for serious compliance and AML shortcomings.

What the regulator decided

4. In its decision letter the FCA set out that its conclusion that your complaint was not a complaint that it could investigate under the Complaints Scheme. It set out that:

Paragraph 3.3 of the Scheme explains that "complaints should be made within 12 months of the date on which the complainant first became aware of the circumstances giving rise to the complaint. Complaints made later than this will be investigated under the Scheme only if the complainant can show reasonable grounds for the delay".

Noting the information you provided in your complaint, the circumstances giving rise to this complaint would appear to be matters you were first aware of on 4 July 2016, yet this complaint was not submitted until more than 12

months later. This is set out in the Final Notice – which was published in August 2017.

Why you are unhappy with the regulator's decision

5. You and your MP have written to my office asking me to review the FCA's decision.

My analysis

6. In your email to me dated 10 September 2022 you set out that you were attempting to lodge a complaint with the FCA about its treatment of you 'dating back to 2016'. This aligns with the summary of the complaint you made to the FCA on 7 June 2022 and summarised by the FCA in its decision letter dated 13 June 2022 and quoted above in paragraph 3.

7. This being the case, I consider that the FCA's decision letter was correct stating that it could not investigate your complaint because Paragraph 3.3 of the Complaint Scheme sets out that:

3.3 - Complaints should be made within 12 months of the date on which the complainant first became aware of the circumstances giving rise to the complaint. Complaints made later than this will be investigated under the Scheme only if the complainant can show reasonable grounds for the delay.

8. From the information provided in your complaint to the FCA and to my office it appears that you are making your complaint more than 12 months after the date on which you would have first become aware of the circumstances giving rise to your complaint. As such I have also not been able to investigate your complaint under the Complaint Scheme.
9. I have noted that in your email to my office on 10 September 2022, you said that you had only recently become aware of some aspects of your complaint and that you have subsequently made requests for information under the Freedom of Information Act and General Data Protection Regulation. You said that some of the documents you received clearly supported your case against the FCA.
10. Neither your complaint form to the FCA, or your email to my office detailed or identified any reasonable grounds for the delay in making your complaint to our respective offices. In my preliminary report I asked that if you were able to provide reasonable grounds why you were only raising this complaint at this time, to do so along with any supporting evidence in response to my preliminary report and I would consider whether it changed my position. You have not done this and as such it remains my position that this is not a complaint that can be considered under the Complaints Scheme.

11. I do note that you wrote to my office on 7 November 2022 and advised that you had referred the matter directly to the FCA CEO. I thank you for informing me of this additional step that you have taken. I do feel that it is still appropriate for me issue this my final report as this relates to your interactions and the decision of the Complaints Team not to investigate your complaint. If for some reason you are not happy with the communications you have with the FCA's CEO, this would be a new complaint which under the Complaints Scheme you would first need to address to the FCA's complaint team to try and resolve before referring it to my office for consideration if you remained unhappy.

My decision

12. This is my final report and I agree with the FCA that this complaint cannot be investigated under the Complaints Scheme.

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Complaints Commissioner

17 November 2022