

13 January 2017

Dear Complainants

Complaint against the Financial Conduct Authority
Our reference: FCA00263

Thank you for your email of 13 December 2016. I have completed further enquiries of the FCA, and can now write to you.

How the complaints scheme works

Under the complaints scheme, I can review the decisions of the FCA Complaints Team. If I disagree with their decisions, I can recommend that the FCA should apologise to you, take other action to put things right, or make a payment.

Your complaint

You were unhappy with the service you received from Company S and submitted your complaint to the Financial Ombudsman Service (FOS), who did not uphold it.

You then submitted your complaint to the FCA, both in terms of what you perceived to be poor service from Company S but also from the FOS, whose ‘processes and competence’ you question. The FCA excluded your complaint from the Complaints Scheme.

My findings

My role, as Complaints Commissioner, is to provide an independent assessment of complaints against the Financial Conduct Authority (and the other financial services regulators). I am unable to deal with complaints related to any other organisations, including complaints about the actions, or inactions, of the FOS.

The Complaints Scheme is to allow those who are unhappy with the regulators’ (in your case, the FCA’s) conduct to be able to challenge the regulator without incurring the significant expenses associated with the legal process and the courts.

I appreciate that your complaint goes beyond the narrow issue of what the Financial Ombudsman Service should or should not have done, and includes what the FCA should do in response to concerns such as yours about the conduct of Company S and ‘the processes of fairness and competence’ you believe are lacking at the FOS. However, this is something neither the FCA nor I can look at under the Complaints Scheme, for the reasons which the

FCA has explained. The information which you provided has, however, been forwarded by the FCA to the departments which are responsible for the insurer and for the FOS.

Conclusion

I believe the FCA was correct to exclude your complaint and provided you with reasonable responses as to why it was doing so.

I have sympathy with your circumstances, but am unable to help you further under the Complaints Scheme.

I appreciate that you will be disappointed with my decision but hope that you will understand why I have reached it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend', with a large, stylized flourish at the end.

Antony Townsend
Complaints Commissioner