

09th November 2015

Dear Complainant,

**Complaint against the Financial Conduct Authority
Reference Number: FCA00099**

Thank you for your email of 7th September 2015. I would like to apologise for the length of time it has taken to respond to you, but I have had to make inquiries of the Financial Conduct Authority (FCA) to double check some factual information, which has prolonged the investigation. I have now completed my review of the FCA consideration of your complaint.

How the complaints scheme works

Under the complaints scheme, I can review the decisions of the FCA's 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.

As you can find full details of how I deal with complaints at www.fsc.gov.uk I do not intend to set them out fully below. If you need further information, or information in a special format, please contact my office at complaintscommissioner@fsc.gov.uk, or telephone 020 7562 5530, and we will do our best to help.

What we have done since receiving your complaint

We have now reviewed all the records you and the regulator have sent us. My decision on your complaint is explained below.

Your complaint

From your emails and the papers submitted to me by the FCA I understand that you have a 'huge issue with the appointment of a Senior ex-Direct Line Chief Operating Officer to the position of Director of Supervision – Retail and Authorisations', namely John Davidson.

You also raise concerns about the FSA/FCA failing to regulate properly and the structure of the FCA/FOS.

My position

I appreciate you are unhappy with Mr Davidson's appointment. However, paragraph 3.4 (a) of the Complaints Scheme excludes complaints about the FCA's relationship with its employees. Therefore it is not within my remit to review Mr. Davidson's appointment within the FCA. For that reason, I agree with the FCA's decision to exclude your complaint.

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

Although I cannot consider your complaint, I note that the FCA has given you an explanation of its recruitment process in its Decision Letter of 13 August 2015 which appears to point to the necessary safeguards being in place for ensuring appointments are carefully vetted.

I now turn to your allegation that the FSA/FCA is failing to regulate properly and that the structure of the FCA/FOS is inadequate. In your email to me the allegation that the FCA is failing to regulate properly is made in general terms: I note however that in your initial complaint to the FCA you raised concerns about the FCA's regulation of 'the banking scandal, PPI and LIBOR' specifically (which the FCA addressed). The issue of the structure of FCA and FOS was not raised at all at the time.

Under the rules of the Complaints Scheme, I can only investigate a complaint once it has been reviewed by the FCA as a stage one investigation (except in very exceptional circumstances, which do not apply here). The matters you raise above, specifically regarding the FCA's overall regulatory failings and the FCA/FOS structure are different from your original heads of complaint and have not been reviewed by the FCA. If you wish to pursue those complaints you should, in the first instance, approach the FCA with your concerns.

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