

8 December 2016

Dear Complainant,

**Complaint against the Financial Conduct Authority  
Reference Number: FCA00221**

Thank you for your letter of 24 August 2016. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into 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.

You can find full details of how I deal with complaints at [www.fsc.gov.uk](http://www.fsc.gov.uk).

**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**

You complained to the FCA on 1 June 2016 on three separate matters, which the FCA summarised as follows:

1. You have made allegations in your letter dated 1 June 2016 about the FCA's conduct during the FCA's investigation to which you refer in your letter. In particular, you allege that the FCA has intimidated and bribed witnesses to make adverse witness statements against you.
2. You have made allegations in your letter dated 1 June 2016 about the conduct of a member of the FCA's staff in relation to Ms F's application to vary the Restraint Order.
3. You allege that you have not had a response from the member of FCA staff to your letter of 10 May 2016 in relation to Ms F.

The FCA deferred element 1 of your complaint on the basis that it was connected with or arose from continuing action by the FCA, and decided not to investigate element 2 of your complaint, on the basis that it would be better dealt with in another way.

The FCA investigated element 3 three of your complaint and informed you that it had responded to your letter of 10 May 2016 on 10 June 2016.

You then wrote to me on 24 August 2016. In your letter to me you say that you are unable to disagree with the reasons the FCA gave for deferring and not investigating elements 1 and 2 but you are dissatisfied with the way element 3 had been dealt with. This is because you had informed the FCA that your solicitors RR would be dealing with matters connected to the FCA investigation into your affairs only, yet from the FCA decision letter to you it appeared the FCA had sent letters to your solicitors RR on what you consider to be unconnected issues, and in particular, you have still not had sight of the letter dated 10 June 2016.

### **My position**

The FCA has explained that the delay between receiving your letter of 10<sup>th</sup> May (it is not quite clear when the FCA received it, but it was certainly on or before 16<sup>th</sup> May) and sending you the response was because the FCA was checking with your solicitors to clarify which matters they were instructed to deal with, given that there were connections between several sets of proceedings. It is clear from the records that the FCA made these inquiries promptly, but that they had to wait for your solicitors' response, which was not received until 2<sup>nd</sup> June. It is unfortunate that the FCA did not acknowledge receipt of your 10<sup>th</sup> May letter promptly, and that one of the two responses which were sent on 10<sup>th</sup> June appears to have been sent only to your home address and not copied to your prison address (the other letter was correctly sent to your solicitors).

### **Conclusion**

My findings are that:

- a) The FCA Complaints Team should have identified that the FCA letter of 10 June was not sent to your prison address.
- b. The FCA should resend the letter to you if you have not already received it.

I recommend that the FCA apologises for the misaddressing of the correspondence and sends the letter of 10 June 2016 to your prison address if it has not already done so.

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