

03 August2017

Dear Complainant

Complaint against the Financial Conduct Authority**Reference Number: FCA00317**

Thank you for your email of 14 June 2017. 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.frccommissioner.org. If you need further information, or information in a special format, please contact my office at complaints@frccommissioner.org.uk or telephone 020 7562 5530, and we will do our best to help.

Your complaint

You have been in correspondence with the FCA for some time on the subject of the FCA oversight of Financial Ombudsman Service (FOS). You believe the FOS is corrupt and the FCA should investigate it. The FCA Complaints Team asked you to clarify your complaint on 6 July 2017. As you did not do that, the FCA declined to investigate your complaint under paragraph 3.5 of the Complaints Scheme.

You were not satisfied with this response and submitted your complaint to me.

My position

I should say at the outset that I cannot investigate complaints against the FOS (see paragraph 3.4 of the Complaints Scheme). The FOS is operationally independent of the FCA, and the FCA cannot become involved in the FOS's decision making - on individual cases or jurisdictional matters.

Although the FOS is operationally independent of the FCA, and the FCA cannot interfere in individual decisions relating to complaints (including issues of jurisdiction), the FCA does have an oversight role, as set out in the memorandum of understanding between the two organisations.

In your correspondence to me, you referred to a link in FT Adviser -

<https://www.ftadviser.com/regulation/2017/04/27/fca-told-to-review-monitoring-of-ombudsman-after-complaint/>

which in turn refers to a report I published here:

<http://frecommissioner.org.uk/wp-content/uploads/FCA00283-FD-1704061.pdf>

in which I urged the FCA to satisfy itself that the questions of procedural fairness which the complainant alleged had been adequately addressed by the FOS. The FCA have subsequently informed me that it has looked into the matter thoroughly, and I am satisfied that proper consideration has been given to this matter.

On the subject of your general allegations of FOS corruption, I agree with the FCA that unless you provide details and evidence of your allegations, the matter cannot be reviewed because of paragraph 3.5 of the complaints scheme, which provides that the FCA will not investigate complaints which amount to no more than dissatisfaction with the FCA's general policies or with the exercise of, or failure to exercise, discretion where no unreasonable, unprofessional or other misconduct is alleged. You have not provided me with evidence of a kind which could be investigated.

In your email to me of 17 July 2017 you say that

‘I have a full bundle of Files which the FCA corruptly hid during it's Investigation , and it is now up to you to handle the matter accordingly.

THESE FILES WERE ALREADY ON FCA SERVERS ; AND AS SUCH DID NOT REQUIRE ANY ADDITIONAL NOTIFICATION FROM ME.’

If you do have any additional information, you will need to clearly identify and provide it to the FCA for its consideration, if you wish to take your complaint any further. As it stands, I am unable to help you under the Complaints Scheme.

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