

21 July 2017

Dear Complainant

Complaint against the Financial Conduct Authority
Reference Number: FCA00348

Thank you for your letter of 6 June 2017. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint. Before finalising my decision, I invited comments from you and the FCA, and I have considered your comments in response to my preliminary decision issued 13 July 2017.

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.uk. If you need further information, or information in a special format, please contact my office complaints@frccommissioner.org.uk, or telephone 020 7562 5530, and we will do our best to help.

Your complaint

You complained to the FCA about your insurer and claim that the FCA has done nothing to assist you. You have also explained that you have a disability.

The FCA did not uphold your complaint. You then submitted your complaint to me, and you also say that you wish to complain about the FCA's handling of your complaint against another company.

My position

Your original complaint to the FCA did not include reference to whistleblowing or the other company, and the FCA did not investigate these complaints. Under the Complaints Scheme, the FCA generally are given an opportunity to review a complaint before it is escalated to me. As this element of your complaint has not been reviewed by the FCA, I recommend you send it to the FCA for a review in the first instance. If you are dissatisfied with the outcome, you may refer it back to me for an independent review. In your letter of 14th July, you made it clear that you did not wish to do that, but that is the way in which the Complaints Scheme operates.

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I now turn to your complaint about the FCA with respect to D. You have a continuing dispute with D and you wish the FCA to assist you in this dispute.

I appreciate that you are dissatisfied with D, and you have supplied the FCA and me with details about that. However, the Financial Ombudsman Service (FOS) is the organisation which deals with individual complaints by consumers. I understand that you have already approached the courts about your dispute, but you may also wish to consider approaching the FOS – see <http://www.financial-ombudsman.org.uk> for further details.

For that reason, the FCA was correct not to uphold your complaint.

However, although the FCA concluded that it could not help you with your complaint, it has referred your concerns about your insurer to its Supervision Division. The FCA's Supervision Division is responsible for monitoring the conduct of regulated firms and ensuring that they comply with the FCA's rules. The FCA is a risk-based regulator and has discretion over which issues and concerns it decides to pursue. If it did decide to take any further action because of the information which you have supplied, it would not be able to provide you with any compensation or redress, and most of the actions it takes are confidential, so it is unlikely that you would receive any further information from the Supervision Division.

In its decision letter, the FCA explained that the first reference you made to your disability was in your complaint letter; and that, even if they had been aware of your disability at an earlier point, they could not have provided you with any assistance in your individual dispute. The FCA did, however, offer you £100 on an ex gratia basis in consideration for the amount of time it took to review your complaint, which I find appropriate.

Conclusion

For the reasons above, I am unable to help you 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