

29th August 2017

Dear Complainant

Complaint against the Financial Conduct Authority**Reference Number: FCA00350**

Thank you for your email of 9th June 2017. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint. I have also considered the points which you made in your email of 24th August 2017 in response to my preliminary decision.

Your complaint

In its decision letter of 8th June 2017, the FCA summarised your complaint as follows:

You allege the FCA has published misleading and contradictory information in a press release on its website about the Royal Bank of Scotland's Global Restructuring Group (<https://www.fca.org.uk/news/press-releases/review-royal-bank-scotland-treatment-customers-referred-global-restructuring-group>). You have explained that you think some of the information could be substantiated with further work.

The FCA did not uphold your complaint. It argued that some of the contradictions which you had identified were due to the fact that there had been more than one report into the GRG problems, and that those reports had reached different conclusions. The FCA also queried your argument that there were contradictions between the FCA statement and information given in a television interview with Jon Pain.

In your email of 9th June you have asked me to look at the FCA's conclusions, with which you do not agree. You have said that the FCA did not prevent the GRG scandal from happening, and that they are rewriting history.

My position

I have looked carefully at the material which you and the FCA have supplied.

The first thing to say is that, as the FCA have explained in their decision letter, there were two separate reports. The first – the Tomlinson Report – was not commissioned or published by the FCA. (RBS also commissioned a third report.) It was in response to the Tomlinson Report that the FCA appointed its own independent investigation (the skilled person's report). The press release, about which you complain, refers to the skilled person's report.

You have complained that the FCA's decision letter, referring to the press release summary of the section 166 report, says that "It is important for me to add that these are not the findings of the FCA." In your view, the FCA is wrong about that.

I have considered this point. The press release was summarising the findings of an independent investigation: in that sense, the findings were not the FCA's. The investigation was, of course, commissioned by the FCA, so in another sense, the FCA owned the findings – which I believe

is your point. However, I do not think that the FCA's statement in the decision letter was wrong, or intended to mislead.

Second, I turn to the question of contradictions between the skilled person's report and the Tomlinson Report. You are correct that there are differences in the conclusions drawn by the Tomlinson Report and those in the skilled person's report. Both were independent reports, based upon separate investigations. The fact that they did not agree on every point does not mean that the FCA was at fault: the FCA's press release was summarising the skilled person's report, not making comparisons between the two reports.

In your email of 24th August, you have drawn my particular attention to the eight bullet points in the press release, and the differences between those and the conclusions of the Tomlinson Report. You have also cited some other statements which disagree with the conclusions of the Tomlinson Report. I have also watched the Newsnight interview with Jon Pain. The interviewer was alleging malpractice of the kind alleged in the Tomlinson Report, and I agree with you that those allegations are to some extent inconsistent with the findings of the skilled person's report (in particular, the allegation that defaults were "provoked" and that firms were transferred to GRG for reasons other than financial distress).

All of these discrepancies are ones which I would expect the FCA to have explored as part of its general investigations, but they do not demonstrate that the FCA's press release about the skilled person's report was wrong. Although you suggest that the publication of the press release is part of efforts to discredit the Tomlinson Report, I see nothing to support that suggestion. Furthermore, as the FCA has indicated in its decision letter, its work in response to the skilled person's report is continuing.

Conclusion

I understand the serious concerns which you have raised, but they do not demonstrate that the FCA has done anything wrong. For that reason, I cannot uphold your complaint.

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