

2nd October 2017

Dear Complainant

Complaint against the Financial Conduct Authority**Reference Number: FCA00377****FCA reference: 204778040**

Thank you for your email of 8th August 2017. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into the complaint you made on behalf of your client. I invited you and the FCA to comment on my preliminary decision, but neither you nor the FCA did. This is my final report.

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 your client, take other action to put things right, or make a payment.

Your client's complaint

Your client's complaint is a straightforward one. The FCA have charged him an administrative fee of £250 for late filing of his firm's GABRIEL return. It is not disputed that the return was not made by the due date.

In its decision letter of 8th August 2017, the FCA rejected your client's complaint on the grounds that the return had indeed been late, that your client had been sent several reminders, and that no details had been provided about the flood which your client says affected his business before the deadline for the return. The FCA did, however, repeat its offer to consider further details of the flood if they were supplied.

We wrote to you on 9th August to seek your client's reasons for disagreeing with the FCA's decision, but did not receive a reply. I am inferring from the papers that you consider that in the circumstances the FCA should have waived the fee for a first infraction of their rules.

My findings

I have looked carefully at the full record of the correspondence between you and the FCA on this complaint.

I can see that the firm was sent an email welcome upon authorisation on 25th November 2016, explaining the importance of registering with GABRIEL, the returns the firm was required to submit, and that a £250 administration fee would be charged for each late report.

FCA00377

The FCA also sent your client two reminder emails. However, it appears that the first contact which was made by the firm with the FCA was on 14th June 2017, more than six months after the first request to register on GABRIEL, and more than three weeks after the return deadline.

From the record, it seems clear that the FCA took all the proper steps to inform your client's firm about what it needed to do to complete the GABRIEL return, including sending two reminders.

It seems to me that your client has been treated like other firms, and that the FCA took reasonable steps to remind him of his obligations. The late returns fee is designed to cover the FCA's costs in pursuing late returns (so that firms who complete their returns on time do not subsidise those which do not), and in the circumstances I think it was reasonable for the FCA to charge your client – particularly since he has been given a further opportunity to send in details of the flood which he says prevented him from completing his return.

Conclusion

For the reasons given above, I am afraid that I cannot uphold your client's 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