

24 September 2018

Final report by the Complaints Commissioner**Complaint number FCA00498***The complaint*

1. You are complaining about the FCA as you believe it failed to assist you in your complaint about an insurance provider's (Firm X) conduct and did not provide you with the information you requested under the Freedom of Information Act.

What the complaint is about

2. You believe Firm X is an unscrupulous company and the FCA has failed to take steps to protect the public from it. Furthermore, you believe that the FCA failed to answer your questions and refused to reply to your correspondence.

What the regulator decided

3. The FCA did not uphold your complaint as it believes your correspondence was dealt with appropriately and it gave you all the information it can in relation to the matters you raised. The FCA believes it was reasonable for the Consumer Contact Centre (CCC) to say they would no longer respond to your correspondence on this issue.

Why you are unhappy with the regulator's decision

4. You state that you asked the FCA if the behaviour described by you was right, what the correct way of making a claim is, and asked for a copy of the regulations relating to making claims. Your complaint is that the FCA has refused to help you in any way (*element one*) and refused to provide you with information you requested under the Freedom of Information Act (FOIA) (*element two*).

My analysis

5. You contacted the FCA, both through the CCC and the CEO's office, several times from 2016, complaining about what you describe as the unscrupulous actions of Firm X, a firm which you have not identified, who you state refused to give you information about a policy you paid for, extorted false information from you through coercion and trickery, and made up a pack of lies and created a false claim in your name.
6. The FCA provided you with information about the rules they expect firms to follow, explained to you that they noted the information you provided on their internal systems for the relevant teams to consider, and told how you could escalate a complaint about the firm through the Financial Ombudsman Service (FOS).
7. You have said that the FOS also has not provided you with reasons why the false claims were made by firm X. I cannot comment on this as complaints about the actions of the FOS are excluded from the Complaints Scheme.
8. It is clear from the records that the FCA responded to your correspondence several times over the course of a year, addressing it sufficiently each time. Every effort was made to ensure that you understood the FCA's role, what it can and cannot do and what your next steps were. In my view, the FCA's correspondence with you was full and helpful. I am unable to uphold *element one* of your complaint.
9. You state that you made a FIOA request to the FCA, which was not addressed sufficiently. The FCA in turn has stated that no request was received from you, and asked in a letter dated 23 August 2018 that you contact the relevant department if you wished to submit a request.
10. Please note that FOIA matters do not fall under the remit of this Complaint Scheme. If you remain dissatisfied with the FCA's response to your FOIA request, please refer the matter to the Information Commissioner's Office, the organisation responsible for these matters. Their postal address is:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

My decision

11. I appreciate that you may find this disappointing, but I am unable to uphold your complaint.
12. You are free to share this report with anyone you wish. You have asked which governmental department to write to with your concerns about the FCA. You may wish to approach HM Treasury at 1 Horse Guards Road, London SW1A 2HQ.

Antony Townsend
Complaints Commissioner
24 September 2018