

5 April 2019

Final report by the Complaints Commissioner

Complaint number FCA00555

The complaint

1. On 27 February 2019 you complained to me that the FCA had failed to investigate your concerns about bank X and Firm Y.

What the complaint is about

2. You complained to the FCA who summarised your complaint as follows:

You took out a loan with a regulated firm. When you fell into financial difficulties you contacted the firm. You have said that when you did this you experienced issues with the firm. You contacted the FCA's Customer Contact Centre (CCC) to report the problems that you experienced.

You believe the CCC did not take any further action with your information because you have not been contacted by the FCA.

What the regulator decided

3. The FCA did not uphold your complaint. The FCA Complaints Team explained that the information you had provided had been made available to the relevant areas within the FCA but that due to confidentiality restrictions you may not be told what action, if any, the FCA takes.

Why you are unhappy with the regulator's decision

4. You do not think the FCA requested sufficient information from you to be able to adequately review your concerns about bank X and firm Y.
5. You provided me with documents which allegedly show errors in the charges the two companies applied to you, and which you had also provided to Court as part of the proceedings between you and firm Y. You claim the two companies have not investigated your complaints about these charges.

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My analysis

6. You have a dispute with firm Y and/or bank X about an outstanding debt. You were not able to resolve this and the matter was referred to Court, where a judgment was issued on the matter. Neither the FCA nor I can review court judgments, which are legally binding.
7. You remain unhappy about the actions of bank X and firm Y and have referred the matter to the FCA. You do not believe these companies treated you fairly as defined by the FCA's principles of good regulation.
8. The FCA made a record of your concerns but told you it may not be able to provide you with information about what action, if any, it takes against the two companies.
9. You feel the FCA cannot have done its job properly investigating your concerns, as it did not ask you for additional information.
10. I have reviewed the information available to me. I have listened to two conversations you had with the FCA's CCC: one in 2016 and one in 2018. During these conversations you provided extensive details about your complaint. At the end of each conversation, the CCC associate asked you to provide any additional information via email so it could be referred to the relevant areas. You did not provide any information in 2016. You provided additional information in 2018. This was made available to the relevant areas within the FCA.
11. In my view, you have provided sufficient information to enable the FCA to make an assessment. It is up to the FCA to determine what, if any, additional information it may require from you.
12. Like the FCA, I am required to respect confidentiality. This means that sometimes I cannot report fully on the confidential material to which I have access. However, as part of the Complaints Scheme, I have access to all the FCA's complaints papers, including confidential material. This is so that I, as an independent person, can see whether I am satisfied that the FCA has behaved reasonably. Sometimes this means that all I can say to complainants is that, having studied the confidential material, I am satisfied that the FCA has (or has not) behaved reasonably – but I am unable to give further details. This can be frustrating for complainants, but it is better that I am able to see the confidential

material. On occasions, I have persuaded the FCA to release further confidential information to help complainants understand what has happened, but this is not always possible. I shall continue to pursue this matter with the FCA.

13. In your case, I am satisfied that the FCA's complaint response, that it could not inform you of any action to be taken, or not taken, in response to the information you provided about bank X and firm Y, was reasonable in the circumstances. I also consider the information you provided was sufficient to enable the FCA to make a risk-based assessment about what if any action it might take against bank X and firm Y.

My decision

14. For these reasons, I am afraid that I do not uphold your complaint. I appreciate you remain unhappy about the position, and consider that a regulated firm made errors which the FCA has not corrected. However, for the reasons I have given, I consider that the FCA's actions have been reasonable.

Antony Townsend

Complaints Commissioner

5 April 2019

