

12 September 2022

Final report by the Complaints Commissioner**Complaint number 202201131***The complaint*

1. On 14 June 2022, the FCA passed details of your complaint to my office on your behalf.

What the complaint is about

2. The FCA summarised your complaint as follows:

Part One

You have explained that you spoke to the FCA on 15 March 2022. You state that the person you spoke to did not show any consideration towards your disability (you have explained that you are blind). You are unhappy with how you were treated during the interaction.

Part Two

You are unhappy as you feel the FCA is unable to deal with financial matters for blind people. You feel that the FCA is responsible for ensuring banks make reasonable adjustments for blind people.

To resolve your complaint, you are seeking for the FCA to request that the financial institutions make reasonable adjustments for blind people in accordance with the Equality Act as the industry moves towards online banking.

In our letter of 7 April 2022, we explained that we were unable to investigate Part Two of your complaint as this allegation relates to guidance we have issued, which is an exercise of our legislative functions. Therefore, this part of your complaint was excluded from being considered under the Complaints Scheme, as confirmed in paragraph 3.4(c) of the Scheme.

What the regulator decided

3. The FCA did not uphold Part One of your complaint and did not investigate Part Two of your complaint.

Why you are unhappy with the regulator's decision

4. You have asked me to review the FCA's decision.

Preliminary points

5. It is important for me to highlight, matters which are excluded from the Scheme which I am unable to investigate.
6. Section 3.4 (c) of the Complaints Scheme provides:

[Exclusions to the Scheme](#)

3.4 Excluded from the Scheme are complaints:

- c) in relation to the performance of the regulators' legislative functions as defined in the 2012 Act

My analysis

Part One

7. You are unhappy with the interaction you had with the FCA in relation to your disability. I have listened to the two telephone calls you had with the FCA and I found both advisors were professional and considerate towards your disability.

Part Two

8. The crux of your complaint is a taxi firm refused to take cash as payment and would only accept a card payment. As you are blind making card payments over the phone is not an option.
9. I am sorry to advise you that like the FCA, I am unable to investigate your complaint. The FCA are correct in telling you it is not responsible for what payment methods firms accept.
10. You have told my office you have been told on occasions cash is not legal tender and as we move forward to a cashless society reasonable adjustments need to be put in place as a blind person cannot use a debit or credit card.

Whilst neither the FCA nor myself can investigate this part of your complaint, I am pleased the FCA provided you with the following information:

You can find information on the FCA's expectations of firms to treat vulnerable customers fairly and guidance we provide firm for supporting customers in vulnerable circumstances [here](#).

The FCA has published guidance clarifying its expectations of firms on the fair treatment of vulnerable customers which can be found [here](#).

11. You have asked if the complaint is not within my remit if I could highlight the issues with central government. I am sorry, this is not something I can assist you with, I would suggest contacting your MP to see if they can assist you.
12. In response to my preliminary report you have told my office you appreciate what I have said, however the 2004 Discrimination Act and 2010 Equality Act, are overarching and as such I should review your complaint. I am sorry but this is not correct, whilst I sympathise with your situation, I cannot review a complaint that does not fall within the remit of the complaints scheme.

My decision

13. For the reasons outlined above I am unable to uphold part one your complaint and I cannot review part two of your complaint.

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Complaints Commissioner

12 September 2022