

07 November 2022

Final report by the Complaints Commissioner**Complaint number 202201160***The complaint*

1. On 26 July 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. In its decision letter the FCA described your complaint as follows:

Part One

You are unhappy about a fine you have received from the FCA for £250. You believe reminders should be sent and would like an explanation as to why they are not.

You state you previously submitted your last Firm Details Attestation on 21 June 2021 and so the FCA has had a submission within the last 12 months.

Part Two

You are unhappy that the FCA emails you receive come from an unattended email address leaving you with no idea who to contact.

You have stated that you would like to make a freedom of information enquiry as to how many of administration fee letters the FCA have sent out in the last 12 months.

What the regulator decided

3. The FCA did not uphold your complaint.
4. In Part One of your complaint the FCA found that your Firm was correctly fined as the relevant processes and procedures were followed. It also confirmed that three reminders were sent to your email address. The FCA also highlighted that

202201160

although you state you had submitted your last Firm Details Attestation on 21 June 2021 which meant the FCA had a submission in the last 12 months, this did not change the fact that this year's Attestation was due on 27 April 2022.

5. The FCA concluded Part One of your complaint by adding that it was a Firm's responsibility to update its email address when necessary. A Firm also needed to be responsible and aware of the reporting requirements. The FCA stated Firms are required to pay annual fees and submit regular reports/returns and attestations, failure to do so will attract late fees.
6. In Part Two of your complaint the FCA explained that although the email you received on 4 May 2022 came from an unattended email address, it clearly provided an email address and phone number you could contact and quoted what was provided in the email to you.
7. In the remainder of the FCA's decision letter it went on to explain why Firm Details Attestation is important.

Why you are unhappy with the regulator's decision

8. You mention in your complaint to me that you are unhappy with the FCA's decision for the following reasons:

Element One

You mention that you sent two letters to the Chief Executive of the FCA and to date have not received an acknowledgement or a reply

Element Two

You state that you tried to call to speak to a person but only get answering machines. You allege emails are sent to you with no names or contact numbers and find the service standards appalling. You are tired of receiving emails from servers that do not receive replies. You also say the FCA are not treating customers fairly.

Element Three

You state you never received the original email or the two reminders and despite your requests for copies the FCA has never been able to send these

Preliminary points (if any)

9. During my analysis of your complaint, it is my intention to look at and investigate the points that are appropriate and closely connected with the Complaints Scheme.
10. I also acknowledge the complaint you made directly to the FCA and the further information you have provided to me regarding your complaint.

My analysis

Element One

11. In Element One of your complaint, you mention you have not received an acknowledgement or a reply to the two letters you sent to the Chief Executive of the FCA. I have looked at the letters you sent to the Chief Executive on 16 June 2022 and 6 July 2022. The right course of action as per the [Complaints Scheme](#) if one is affected with the way the FCA has carried out its functions is to complain directly to the FCA Complaints Team. In this case as the FCA Complaints Team did not uphold your complaint it followed the correct procedure and gave you referral rights in its decision letter to ask me to review its decision. As the Complaints Commissioner I am the independent person responsible for the conduct of investigations in accordance with the Complaints Scheme and consequently, the independent party the matter needed to be raised with. This was made clear in the FCA's decision letter when it gave you referral rights. As such, I do not think the Chief Executive was wrong to have not acknowledged or responded directly to your letters.

Element Two

12. You state that you tried to call to speak to a person but only get answering machines. You allege emails are sent to you with no names or contact numbers and find the service standards appalling. You are tired of receiving emails from servers that do not receive replies. You also say the FCA are not treating customers fairly.
13. For operational reasons, the FCA helpline provides a voicemail service where callers can leave a message, which the Complaints Team then aim to respond to within one working day. My office operates a similar approach with our phone

lines, we use a telephone bureau to take our calls and we subsequently return calls within two working days. So, I cannot see any issues with the way the FCA operate their helpline from an operational point of view or that this needs to be amended in any way.

14. I appreciate you may have always wanted emails with names or contact numbers. However, there are instances for example automatic update emails from centralised email addresses that may not include names or contacts. This is not an uncommon practice and I do not think this put you at detriment in being able to contact the FCA if you ever needed to. It is also not an uncommon practice receiving emails from servers that do not receive replies. Some of the FCA systems such as sending out reminders operate from within a system sending out the email. Again, I don't think this put you at a detriment being able to contact the FCA if you ever needed to.
15. Overall, with respects to Element Two of your complaint I am unable to find that there were issues with the FCA's service standards or that it is treating customers unfairly.

Element Three

16. You state you never received the original email or the two reminders and despite your requests for copies the FCA has never been able to send these.
17. 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. Regarding Element Three of your complaint, I sought my own enquiries with the FCA in order to seek some further clarity.
18. From the information and evidence that has been provided to me, I'm able to see from the FCA systems, that emails were sent to you on 1 February 2022, 21 March 2022 and 14 April 2022. I understand your point that despite your requests for copies the FCA has never been able to send these. I think it would be helpful for you to have the information that shows the emails were sent from the FCA systems. As such, I have shared the screenshots that the FCA provided to me when I sought further enquiries, so you can at least see

information which demonstrates the emails were sent. I hope this provides you with more helpful context on this point.

19. With respects to Element Three, given the information that I have seen, it shows that the FCA sent you the email reminders for the Firm Details Attestation. I appreciate you say you did not receive the emails and I am sorry to disagree with you, but for the reasons outlined above I am satisfied that the FCA sent the email reminders.

My decision

20. For the reasons above I have not upheld your complaint.

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Complaints Commissioner
07 November 2022