

4 January 2023

**Final report by the Complaints Commissioner****Complaint number 202201632***The complaint*

1. You sent me a letter dated 13 October 2022 asking me to investigate a complaint against the FCA.

*What the complaint is about*

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

You are unhappy that Firm A are not providing transactional details being requested by you. You are requesting this due to a charge that was made on your loan, which Firm A never advised you of. You believe that this is a result of Banks hiding behind their terms and conditions and that the FCA are allowing this to happen. You believe the FCA have lacked in regulation, are not protecting the consumer and instead, are protecting the banks

*What the regulator decided*

3. The FCA stated that it could not investigate your complaint under [3.6 of the Complaints Scheme](#) as your complaint relates to an individual dispute with a Firm. The FCA stated that your complaint would be more appropriately dealt with by raising the matter with the Financial Ombudsman Service (the FOS). It understood that you had already raised a complaint with the FOS.
4. With respect to the concerns you raised about Firm A, the FCA stated that the information that you provided had been passed to the relevant Supervision team for the Firm.

*Why you are unhappy with the regulator's decision*

5. I have presented your complaint points into Elements. In your complaint to me you mention,

Element One

The FCA is presiding over a banking system whereby the customer is not at the heart of the banking license.

Element Two

Throughout this whole process I have felt the complaints process has been intentionally stacked against me, the bank customer, unduly favouring the Bank(s)

Element Three

I have been unable to get an up to date picture of the transactions on my account

I was therefore unable to protect myself from fraudulent activity

Throughout this process, it has not been clear whether even Firm A has visibility of the transactions on my account – how are they monitoring activity on my account to ensure that their customer remain safe?

I was completely unaware of the additional interest charged on my loan (until I received my annual statement). If that had happened early on in the loan tenure, then I would have not been able to challenge it for nearly a year

It facilitates roguish behaviour from the Banks

*Preliminary points (if any)*

6. I have not investigated Element One and Element Three of your complaint as I agree with the FCA, these complaint points cannot be investigated under the Complaints Scheme. For this reason, [Section 3.6 of the Complaints Scheme](#) is relevant here. The FOS is the appropriate body to look at complaints against individual Firms and Banks. Therefore, I have investigated Element Two of your complaint only.

*My analysis*

Element Two

7. You have raised concerns with me stating that you have felt the whole process has been intentionally stacked against you as a bank customer and there is unduly favouring of the Banks.
8. I have considered all the information that has been provided to me, which includes the FCA case file in investigating this matter. From my perusal of the evidence, I am satisfied that when the FCA looked into your complaint there was a fair and unbiased investigation. I can additionally see that the FCA Complaints Team liaised internally with those who worked in Supervision, to share the concerns you had raised. So, I am unable to agree that the FCA were in favour of the Banks in investigating your complaint or that there was any bias displayed.
9. I hope it provides reassurance for you that I have been able to see first-hand that the FCA gave the matters you raised proper consideration.

*My decision*

10. I am sorry but for the reasons above I have not upheld Element Two of your complaint. I have also not investigated Elements One and Three of your complaint.

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Complaints Commissioner

4 January 2023