

30 January 2023

Final report by the Complaints Commissioner**Complaint number 202201651***The complaint*

1. On 14 November 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

You are unhappy that you have received late return fines from us, you are also unhappy with how your email address has been updated on our system.

Part one

You have received late return fines for not submitting information. You state that you didn't receive any email reminders and you don't believe the fines have been correctly issued. You told us that a letter was sent to the address 'xxx xxxx xxx, you explained due to Covid you had struggled with mental health issues, you consequently didn't open the letter.

To resolve your complaint, you are seeking for us to conduct a thorough investigation and cancel your fines.

Part two

You spoke to us in April 2022 and notified us of a new email address you held. Your complaint is that the new email address was not recorded correctly on our system. You contacted us twice by email to express concern as to why you had not been contacted after returning our email in April, you were assured you would hear back from us.

What the regulator decided

3. The FCA did not uphold your complaint, they advised you:

I did not uphold Part One of your complaint. This is because reminders were sent to the email address registered on RegData and Connect and it is the firm's responsibility to ensure these details are accurate and up to date.

I did not uphold Part Two of your complaint. This is because it is the firm's responsibility to ensure the contact details on Connect and RegData are accurate and up to date. The Enforcement Team do not have the ability to make these changes.

As mentioned at the beginning of this letter, I am very sorry to hear that you have been struggling with your mental health after being poorly with Covid and I am sorry if my decision affects your recovery.

Why you are unhappy with the regulator's decision

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

My analysis

Part One and Two

5. You contacted the Enforcement department of the FCA in April 2022, during this contact you provided an updated email address.
6. No email reminders were sent to your new email address, and you have received late return fines for not submitting information.
7. Although the FCA sent a reminder by post, you have explained due to Covid you had struggled with mental health issues, and consequently didn't open the letter.
8. I am sorry to learn you have been unwell. Your call to the Enforcement department was not recorded, I am therefore unable to listen to it to understand whether you were given the impression all the FCA's records had been updated with your new email address. However, it should be noted, the FCA are not required to send reminders, it is the firm's responsibility to ensure returns are

made on time. Furthermore, it appears you did receive the postal reminder albeit you hadn't opened it.

9. In response to my preliminary report, you have told me:

1) You state you can't find records of the call to the FCA in April - i can provide length calls to this No in April and throughout the year..

2) I'm surely not to be held responsible for their lack of competency or lack of communication between their departments

3) You state I received letters Re: this whole unnecessary situation WRONG I received a letter to the registered Company address at the time of which was my Accounts office.

It was regarding another matter the year previous.

Wouldn't it be reasonable to assume if the FCA really wanted to contact me then all they had to do was write to the address of which they had previously on file only months earlier ?

I'm accepting no Excuse for this.

The address was in place.

No further action could of and shouldn't of been required from me.

I was told subsequently throughout 2022 not to worry they are extremely busy and not to worry I will hear from them in due course.

I strongly wish to take this further.

I'm simply not accepting phone calls aren't available so therefore it goes in favour of the FCA.

This is absolutely ludicrous and not fair.

10. As I have already outlined above, the FCA are not required to send email or postal reminders. It is the Firms responsibility to ensure all returns are made on time, even if the call recording from April 2022 was available it would not change this fact or my decision.

My decision

11. Whilst I know you will be disappointed, I cannot agree the FCA should waive the late submission fees and do not uphold Part One or Two of your complaint.

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Complaints Commissioner

30 January 2023