

06 February 2023

Final report by the Complaints Commissioner

Complaint number 202201652

The complaint

1. On 16 November 2022 you asked me to investigate a complaint against the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

Part One

You are unhappy that the FCA will not help or intervene with your complaint about the firm

Part Two

The Hub has sent you information following your contact about the above matter. You are unhappy with the information that you have received from the Hub.

Specifically, you have said that receiving a hard copy of ICOBS 6 was unhelpful and comment about the situation surrounding your issue is wrong.

What the regulator decided

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

You are unhappy with the information that you have received from the Hub.

I have reviewed the call and email correspondence with the Supervision Hub. I understand that you are unhappy with the responses you have received as the FCA will not intervene in your

situation and we have not answered specific questions about Firm Y.

As the supervisors explained to you the FCA cannot intervene in individual situations, and where a consumer is in dispute with a firm the Financial Ombudsman Service is the appropriate dispute resolution service.

The FCA and the Financial Ombudsman Service are separate organisations and the FCA cannot intervene with individual cases or decisions. You have raised a number of points relating to your case and these would need to be addressed to the Financial Ombudsman Service.

I am sorry that you have not found your engagement with the FCA to be helpful and do not agree that the FCA cannot support you in resolving your issues with Firm Y. However, the supervisors provided you with the correct information and although you may not agree with the information you have been provided with this does not mean the information was incorrect.

Why you are unhappy with the regulator's decision

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

My analysis

5. You have told me:

I'm trying to obtain information from Firm X who were my actual insurers before this issue. It's not a personal issue, no 1 has been nasty to me but no 1 will agree that Firm Y should have given me all the relevant information so I can use it for a judicial review. The FOS said they did not need to inform me as it was commercially sensitive. The FCA won't make any comment, it's just not good enough. How am I supposed to go into a judicial review without the law being documented by the UK regulator? I'm trying to present my case correctly. All investigator X would need to state is that Firm Y should have followed the rules mentioned in this letter and that the part that was commercially

sensitive was not ..it simply is not the ombudsman is wrong and im going to prove this but how can i without the regulator stepping in

6. The Complaints Scheme is concerned with the actions or inactions of the FCA. It is also important for me to highlight, matters which are excluded from the Scheme which I am unable to investigate. Section 3.4(e) of the Complaints Scheme provides that complaints about the actions or inactions, of the Financial Ombudsman Service, The Financial Services Compensation Scheme or the Money Advice Service are excluded from the scheme
7. I can only look at the actions (or the inactions) of the FCA as part of my investigation. Complaints about the FOS are excluded from the Complaints Scheme.
8. The FOS is the legal complaint resolution scheme set up by Parliament under the Financial Services and Markets Act 2000 (FSMA). Its role is to resolve individual complaints between regulated firms and their customers. The FOS is operationally independent from the FCA, which in practice means the FCA has no remit to intervene in the decisions it makes in individual cases.
9. For the reasons outlined above, I am unable to review your complaint as it is excluded from the Complaints Scheme. Whilst neither the FCA nor my office can investigate your complaint, there should be no reason why you cannot pursue a juridical review based on the decision letter you have received from the FOS.
10. In response to my preliminary report, you have told me:

Commissioner some 1 did not correctly read my file I was not un happy with the hard copy of the fca rule on discloser it was helpful the issue is that the Fca could of simply stated in black and white that the broker was wrong in not disclosing the information in line with the rules they said similar but not worded strongly enough in my opinion and your correct I may be ok to go to a review but how do I prove my point if the regulator sits on the fence it's not good enough. I need the regulator to state that all relevant information ought to have been passed over to me to include the any changes in cover types this is all iv needed it Beggars belief that they cant state that .

My decision

11. I am sorry you remain unhappy, however I cannot agree the FCA should provide you with the information you have requested. For the reasons outlined above, I am unable to investigate your complaint as it is excluded from the Complaints Scheme.

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Complaints Commissioner
06 February 2023