

15 February 2023

Final report by the Complaints Commissioner**Complaint number 202201694***The complaint*

1. On 9 January 2023 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 a late administration fee for an overdue return.

Part One

You have stated that you spent a considerable amount of time trying to gain access to the RegData web portal and have found it impossible.

Part Two

You have also emailed and called the Supervision Hub (the Hub) on numerous occasions and couldn't understand why no one from the Hub could contact you back. Further to this, you have also stated that when you finally got through, you were on hold for 85 minutes.

Part Three

You have been advised to cancel your FCA authorisation which you now want to do and are not happy with the £250 late administration fee imposed.

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 the reason you were unable to use RegData was down to inputting incorrect information.

I did not uphold Part Two of your complaint because the email responses you received from the Supervision Hub were consistent with our expectations. The FCA strive to keep call wait times to a minimum but unfortunately sometimes our call volume means call wait times are longer than we would like.

I did not uphold Part Three of your complaint. This is because you were regulated at the time the returns were due, you were sent reminders and did not alert us to any issues with RegData until after the due date.

Why you are unhappy with the regulator's decision

4. You have asked me to review the FCA's decision, you have told me:

I run a small car sales/motor trade business from home, I am not a massive business with millions of pounds.

I was originally told by Firm X that if I became FCA approved I could offer their products. I was FCA approved in December 2015, because of my business situation Firm X decided I wouldn't be suitable to offer their services!!!

I have to express this firmly but I HAVE NEVER USED FCA SERVICES IN ANY WAY, I HAVE NEVER SOLD FINANCE IN ANY WAY.

I have paid my annual fees every year, they kept switching from system to system, Chrystalis, Regdata, Connect, Gabriel and with all these systems mistakes are made by the user who only use it once a year.

On 01/06/2022 I started receiving emails stating I had to submit my firms details, I tried to log in but found it impossible, originally password and user data was wrong, but then other issues were found and so the nightmare started, endless hours on the phone to FCA, emails with no reply's, I cannot quite remember or prefer to forget the amount of time I

spent on hold trying to get someone to contact me regarding this problem, hours and hours and hours of my time wasted because they wouldn't answer the phone.

The end result was that their system was not compatible with the web browser I was using, (I think I was using Google Chrome) I eventually spoke to their website technical department who confirmed this and I did confirm my company details, but by this time they decided to fine me £250 which they took by DD without my consent.

So, the end result was that I decided wasting hours and thousands of pounds was not the way to do business so on 20/07 I contacted the call centre to complain about the fine and to cancel my expensive subscription to the FCA THAT I NEVER USED ONCE.

My membership was cancelled and then I received an invoice for £408.24 for 01/03/22 – 28/02/2023 now as far as I was concerned I cancelled in June so 3 months of membership but they want me to pay for 12 months.

I made a formal online complaint and was really just told to pay it or court proceedings would be taken, no discussion, no negotiation, just unreasonable replies, so while this is going on they just took the money from my account and kept sending me weekly demanding emails!!!

I cannot express in words my anger and frustration of using this organisation, you cannot contact them to sort an issue, they send threatening emails weekly even with an active dispute ongoing, it's like it's all designed to wear you down, the stress and anxiety I am showing over this is dreadful, I'm happy to pay an invoice for something I have had or used and if there is a dispute to negotiate, but these people just threaten, please help me sort this out, I understand you have all the emails from the FCA so you can see my problems

My analysis

5. Part One

I have listened to the telephone conversation you had with the FCA on 22 July 2022. Whilst I can agree the FCA told you to try a different browser (Google Chrome) to gain access to RegData, when you tried you were still unable to login. The reason you were unable to login was due to you using an incorrect email address. Therefore, I am unable to uphold this part of your complaint.

6. Part Two

Having reviewed your communications with the FCA Supervision Hub, I am satisfied they acted reasonably. I acknowledge it can be frustrating when you experience long wait times for your telephone call to be answered. I am pleased this was not your experience when you called the FCA on 22 July 2022, as you were able to get straight through to an advisor. I have been unable to locate an email to the FCA dated earlier than the deadline date for your firms return, although I note you mention in one of your emails you had been trying to call the FCA for some time. For the reasons outlined above, I am unable to uphold this part of your complaint.

7. Part Three

I do not agree the FCA should waive the £250 late fee your firm has incurred. It should be noted the FCA are not required to send reminders to firms, it is the firm's responsibility to ensure returns are made on time. Furthermore, the reminders were sent to the email address which was set up for RegData. Despite the reminders being sent to this email address, which you have confirmed receipt of, you tried to access RegData using a different email address. Whilst I understand you have never needed to be FCA approved, it was your decision to continue with your firm's authorisation every year. I am unable to uphold this part of your complaint.

8. I am pleased to see the FCA acknowledged the delay in reviewing your complaint and have offered £50 in recognition.

9. In your complaint to me you have advised you are unhappy with the invoice you have received for being FCA approved despite cancelling your authorisation. I

am unable to respond to this complaint point as you have not raised this with the Complaints Department at the FCA, please contact the FCA to review this in the first instance. You can refer this part of your complaint to me if you are dissatisfied with the response you get from the FCA.

10. In response to my preliminary report you have advised:

It seems pointless in complaining or reporting an issue with your department when you totally ignore my complaint, my issue is why should I have to use a specific browser to gain access, I did not have the incorrect email address, they did because they incorrectly identified my business using an incorrect email address, why should I pay a year's fee when I have only been with them for 6 months, this just sounds like the left hand walking the right, I'm disgusted by your findings, Sadly as always this is over money, I feel ripped off and bloated and will probably go bankrupt, hope you will be happy with the end result because of the greed of the FCA

The other issue I have is that you've totally ignore the hours and hours I've spent trying to sort this issue, for them not for me

11. I am sorry you are unhappy with my findings, but I cannot agree you incurred a late fee because of the browser you were using. The email address on your firm's RegData account was not chosen by the FCA, so cannot be an FCA error. It is a firm's responsibility to ensure they have provided correct information and to make returns on time. I have acknowledged in Part Two of your complaint how frustrating long wait times can be for your telephone call to be answered, however I cannot agree you spent hours and hours sorting the issue for the FCA.

My decision

12. Whilst I know you will be disappointed, for the reasons outlined above, I am unable to uphold Parts One, Two and Three of your complaint. I am unable to investigate your complaint about the invoice you have received since cancelling your permissions until the FCA have had the opportunity to review this complaint in the first instance.

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Complaints Commissioner
15 February 2023