

23 March 2023

**Final report by the Complaints Commissioner****Complaint number 202201708***The complaint*

1. In your letter of 20 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:

My understanding of your complaint is that you notified the FCA of your concerns about Firm X in December 2019. You are unhappy that the FCA failed to investigate the firm.

To resolve your complaint, you are seeking that the FCA compensates you £5,000 for your losses.

*What the regulator decided*

3. The FCA said it would not investigate your complaint because it had, in fact investigated your complaint about Firm X in 2020 and you are out of time to raise other complaints about this firm.

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

4. You believe you are not out of time as it was only recently that you applied for compensation from the Financial Services Compensation Scheme (FSCS) which rejected your claim on the basis Firm X was not authorised by the FCA. (Element One)
5. You also say that you have only recently come to believe that the FCA can, and indeed ought to, fine Bank X for providing banking services to Firm X when it was not authorised. (Element Two)

## *My analysis*

### Element One

6. I am sorry to hear that you have incurred losses which you allege are attributable to Firm X. You complained about this firm in 2020 and the FCA reviewed your complaint. It explained that your concerns had been passed to its Unauthorised Business Department and considered appropriately, but that it could not tell you what action it had taken due to confidentiality restrictions. The FCA also explained that it was not a dispute resolution service and would not intervene in individual cases.
7. I understand that you have recently been unsuccessful in submitting a claim to the FSCS. I am sorry to hear that, however, your interactions with the FSCS, or indeed, any other third parties in the pursuit of resolving your claim for losses, is excluded under the Complaints Scheme and is not something either the FCA or I can investigate. Nor is the fact that the FSCS denied your claim a valid reason for you to request that your complaint about the FCA in connection with Firm X is reopened.
8. My view is that your complaint should not be investigated again for the reasons given above.

### Element Two

9. I understand you wish Bank X to be fined by the FCA for providing banking facilities to Firm X. You base this assertion on the fact that you have read that the FCA fined bank Santander for anti-money laundering failures. You therefore feel that the FCA should also fine Bank X for breaches of the money laundering regulations (MLRs) because it provided banking facilities to Firm X when it was not authorised by the FCA. This is a new allegation, which the FCA has not reviewed as part of its decision on your complaint, but I consider it is connected to your original complaint. To begin with, as a general point, a firm does not have to be authorised by the FCA to have a banking account. Further, the fact that the FCA fined another bank for money laundering failures is not evidence, as you allege, that Bank X breached the MLRs. I am afraid there is insufficient evidence or rationale in your allegation to make a plausible connection between

these two very disparate events, and therefore I do not think it warrants further investigation. I understand you are concerned with the actions of Firm X, but the FCA has already looked at that in 2020.

*My decision*

10. For the reasons given above, I have not investigated your complaint.

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Complaints Commissioner

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