

07 November 2022

**Final report by the Complaints Commissioner****Complaint number 202201579 Formerly FCA001579***The complaint*

1. On 28 August 2022 you asked me to investigate a complaint against the FCA.

*What the complaint is about*

2. The FCA summarised your complaint as follows:

Our understanding of your complaint is that you are unhappy with the FCA's latest action to clampdown on the marketing of high-risk investments to consumers, you describe this as too little too late. To resolve your complaint, you are seeking that the FCA cracks down on companies, especially FCA regulated companies, who conduct and are complicit in fraudulent practices. You want the FCA to be more proactive and forceful in punishing those who deliberately mislead investors and set up a proper support system that offers real help to victims of fraud.

*What the regulator decided*

3. The FCA said this in response to your complaint:

After carefully considering the information, you have provided, we have concluded that this is not a complaint we would investigate under the Complaints Scheme. Paragraph 3.5 of the Complaints Scheme provides that we will not investigate complaints that we reasonably consider amount to no more than dissatisfaction with our general policies or with the exercise of, or failure to exercise, a discretion where no unreasonable, unprofessional or other misconduct is alleged. Your complaint relates to the FCA's general regulation of the High-Risk Investment Market. This is not a specific complaint about our actions or inactions connected to our relevant functions. Therefore, we will not investigate your complaint under the Complaints Scheme. Although I have not investigated your complaint,

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I have provided some relevant information below. In terms of our regulation of the High Risk Investment Market, we published our Consumer Investment Strategy and Feedback statement in September 2021. This explains the work we will be doing to ensure consumers can invest with confidence. It also outlines a road map which details the actions we'll be taking and when. Related to our actions in the Consumer Investment Market, we have also recently published a Policy Statement on Strengthening our financial promotion rules for high-risk investments and firms approving financial promotions. In addition to this Policy Statement, page 17 of FCA Strategy 2022-2025 details our strategy for improving oversight of Appointed Representatives. This is part of the actions we said we would take in our Consumer Investment Strategy. This is so we can prevent the Appointed Representative regime being misused. There are further details about this in our latest Business Plan 2022-23.

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

4. You reiterated your dissatisfaction with the FCA in several emails to me and provided these reasons to say how you have been directly affected:  
  
‘firstly, I am still bombarded by unsolicited emails that offer unregulated investments which is itself distressing. Second, the FCA’s constant refusal to acknowledge the true nature of these schemes means I am unable to get compensation. Thirdly, the lack of any support network being established by the FCA for victims like myself means we are left isolated with no formal help or recognition’.

*My analysis*

5. I am sorry to hear that you are distressed by receiving unsolicited emails about unregulated investments, however, this is not the fault of the FCA.
6. I turn to your second point: the issue of compensation. This is connected to matters that have been reviewed in published reports FCA001530 and FCA001746. In my view there are no grounds to reopen the complaints and therefore I will not review this point further.

7. I invited the FCA, in response to this preliminary report, to provide you with information about its initiatives in supporting victims of financial scams. The FCA has confirmed to me that it has now done so.
8. I do not find that you have been directly affected by the FCA's regulation of the High Risk Market as your losses were incurred before the 'FCA's latest clampdown' to which you refer, and in addition the reasons you give above do not show that you have been directly affected in any way.

*My decision*

9. I understand you feel strongly about this, however, for the reasons above I do not uphold your complaint.

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Complaints Commissioner

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