

21 June 2023

Final report by the Complaints Commissioner**Complaint number 202300149***The complaint*

1. On 30 April 2023, you asked me to review a complaint about the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

You are unhappy with the lack of response to the following emails you sent to the Supervision Hub on 22 July 2022 (email one) and 22 August 2022 (email two).

For email one, you emailed the Supervision Hub to ask for the statement of responsibilities for two senior roles at a firm [X], and for the FCA to record your concerns about these individuals at the firm. However, a response from the FCA was not forthcoming. For email two, you reiterated this request but again did not receive a response.

What the regulator decided

3. The FCA partially upheld your complaint. It said that in 2019 you had corresponded with the Supervision Hub about Firm X and its debt collection services. The Supervision Hub replied to you that the information you had provided would be logged against the firm but that the FCA could not provide you with feedback about what action, if any, it had taken with respect to the firm. You were then informed that the Hub had answered your questions and as such, no further information could be provided on this matter.
4. The FCA said that 'in accordance with due process, the Hub were correct in not responding to the subject of your emails. With respect to the actual matter concerning the firm, the Hub were correct that your concerns were logged

against the firm and that the FCA are unable to provide feedback on any matters raised to them from a supervisory and legislative perspective.

5. However, the Hub should not have just filed your emails without at least reaffirming to you that no further responses can be provided on this matter. It is therefore on this basis that I have partially upheld your complaint. Please accept my apologies on behalf of the FCA for the oversight and for any inconvenience this has caused'

Why you are unhappy with the regulator's decision

6. You referred your complaint to me, stating that your emails in 2022 were about different matters than the one you raised in 2019.

My analysis

7. I agree with you that Firm X's debt collection practices is a different matter from a question about the statement of responsibilities for two senior roles at the firm: you have asked about SMF1 and SMF 6 role responsibilities in your first email dated 22 July 2022.
8. I disagree with the FCA that the Supervision Hub was right not to answer your emails about the statement of responsibilities for two senior roles at the firm: SMF1 and SMF 6. The Supervision Hub informed you in 2019 it would not correspond with you about Firm X's debt collection practices only. It did not impose a blanket ban on any correspondence from you about Firm X.
9. I disagree with the FCA that the Supervision Hub should have replied to your emails to merely say that it would not correspond further with you.

My decision

10. I disagree with the FCA's decision on your complaint and uphold your complaint that you deserve an answer to your email 22 July 2022. The FCA has agreed with my view and has said it would like to amend its partial uphold to a full uphold of your complaint.
11. I recommend that the FCA responds to your email dated 22 July 2022. The FCA has accepted this recommendation and will ask the Supervision Hub to provide glossary definitions of SM1 and SM6. I agree that this is what the Supervision Hub should have done.

Amerdeep Somal
Complaints Commissioner
21 June 2023