

05 September 2023

Final report by the Complaints Commissioner**Complaint number 202300314***The complaint*

1. On 4 July 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 experience you had with Bank X and service you have received from the FCA.

Part One

You claim that when you called the Supervision Hub on 23 May 2023 you were not listened to.

Part Two

You want to complaint about the FCA rules in relation to large withdrawals from bank accounts.

To resolve your complaint, you are seeking for the FCA to remove the rules regarding large withdrawals.

What the regulator decided

3. The FCA did not uphold part one of your complaint and did not investigate part two, it said:

Part One – not upheld

You claim that when you called the Supervision Hub on 23 May 2023 you were not listened to.

Part Two – out of scope of the Complaints Scheme

You want to complain about the FCA rules in relation to large withdrawals from bank accounts.

As explained in the letter of 7 June 2023, Part Two of your complaint is not able to be considered as part of the Complaints Scheme.

Therefore, this letter is responding to Part One of your complaint only.

Why you are unhappy with the regulator's decision

4. You have asked me to review the FCA's decision on Part Two of your complaint. You did not refer Part One to me, so I have not investigated this.

Preliminary points (if any)

5. It is important for me to highlight matters which are excluded from the Scheme which I am unable to investigate.

Section 3.4 (c) of the Complaints Scheme provides:

[Exclusions to the Scheme](#)

3.4 Excluded from the Scheme are complaints:

- c) in relation to the performance of the regulators' legislative functions as defined in the 2012 Act;

My analysis

6. You have told me you are over 80 years old, and you have been a customer with the bank in question for over 60 years. You gave the required notice to withdraw funds and took identification with you to the branch. You are unhappy as the bank would not let you withdraw your funds despite providing notice and producing identification, without answering 30 questions from a computer screen which had nothing to do with security and was an invasion of your private life and a violation of your human rights.
7. This Complaints Scheme is concerned with the actions or inactions of the FCA. It cannot deal with complaints against banks, individual firms [or against the Financial Ombudsman Service (FOS)], nor is it a redress service for individual consumer complaints.

The FCA does have a statutory duty to secure an appropriate degree of protection for consumers. It does so by regulating the financial industry through

the setting of standards which firms must meet, and by taking enforcement action where that is justified. It does not investigate individuals' complaints against the firms it regulates as that is the role of the FOS.

8. Whilst I know it will disappoint you, the FCA investigator was right not investigate your complaint under the Complaints Scheme. This is because your complaint relates to the performance of the regulators' legislative functions as defined in the 2012 Financial Services Act (including making rules and issuing codes and general guidance).
9. Although the FCA did not investigate Part Two of your complaint, I am pleased to see it provided you with further information on the rule firms are expected to follow for customer due diligence checks.
10. In response to my preliminary report you have reiterated how unhappy you are with the process at the bank and advised you will take both the bank and I to the High Court.
11. A complainant who wishes to challenge the Commissioner's decision can apply to the High Court (at their own expense) to seek leave to apply for a judicial review of the Commissioner's decision. The Court itself has to give leave before it considers whether or not there should be a judicial review of the decision. An application for leave to apply for judicial review must be made to the Administrative Court Office at the Royal Courts of Justice in London or at the District Registry of the High Court in either Birmingham, Cardiff, Leeds or Manchester promptly and in any event, within three months of the date of the Commissioner's decision letter. A complainant who wishes to consider doing this may wish to seek their own legal advice (which will be at their own cost) before approaching the High Court, since complex legal issues may arise.

My decision

12. For the reasons outlined above, I have not investigated your complaint.

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Complaints Commissioner

05 September 2023