

06 November 2023

Final report by the Complaints Commissioner**Complaint number 202300415***The complaint*

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

What the complaint is about

2. The FCA set out in its decision letter dated 21 August 2023 that your complaint was as follows:

You are unhappy that your firm has received a late return fee.

Part One

You claim that it is not fair that you have been charged a late return fee as the FCA system would not accept the address you entered.

(Element One)**Part Two**

You allege that the supervisor you spoke to was dismissive and wanted to end the call as soon as possible. You claim that you waited a long time for the call to be answered and the supervisor was not helpful.

(Element Two)

To resolve your complaint, you are seeking for the fee to be waived.

What the regulator decided

3. The FCA did not uphold your complaint it found that the fee remained outstanding as the firm did not submit its Firm Details Attestation on time and the calls were handled correctly. It advised you that the firm would need to pay the fee as soon as possible.

Why you are unhappy with the regulator's decision.

4. You called my office on 1 September and ask that I investigate the FCA's decision set out in its letter dated 21 August 2023. You then wrote to my office on 19 September 2023 and set out the reasons you had not managed to submit your returns to the FCA on time.

My analysis

Element One

5. I have reviewed the FCA's decision letter and investigation file. I agree with the FCA that whilst it is unfortunate that the person who previously handled your FCA online returns left the organisation, the firm was still required report to the FCA and your firm should have had the correct systems in place to do so in the event of staff leaving.
6. My review of the FCA's file shows that on 26 June 2023 you were sent a reminder to complete the firms returns by 2 July 2023. A further reminder was then sent to you on the 3 July 2023 as you had not yet lodged your returns by the due date. You did not contact the FCA until 4 July 2023 to inform it about the issues you were having with using the system. At which time you had already incurred the £250 late fee for not completing your Firms Attestation on the FCA's Connect system.
7. It is a firm's responsibility to ensure all reporting and returns are made on time on the appropriate system. I have found no evidence of you contacting the FCA to advise it of the issues you have said you were having issues until after the first late fee had been incurred, I am therefore unable to recommend the FCA waive this fee and I cannot uphold this element of your complaint.
8. Whilst I have not upheld your complaint, I do have some sympathy with your situation. In your interactions with the FCA and in your correspondence with my office you have repeatedly set out that you are 'nearly 70' and largely IT illiterate. You have explained that when it came to completing the forms you were unable to get past a certain point because the system would not recognise your postcode. You have explained that as a result of your difficulties with the system you decided to cancel your authorisation with the FCA and to stop conducting any regulated activities.

9. The FCA does generally encourage all firms to complete their reporting using its online system. I appreciate that this can be difficult for people who have not used computers throughout their life or who for various reasons struggle with IT generally, and that such people may not understand that data may have to be inputted in a particular format on online forms.
10. You have reported that in your case, after repeatedly failing to get through the online forms you managed to get in contact with your ex-employee who agreed to try and assist you and had the same issue. It was only after a number of attempts that your ex-employee put a space in the middle of the postcode and the system would except this. He says that in the four previous years he had used the FCA's online system he had never encountered this problem.
11. Unfortunately, there is no way to confirm whether or not your ex-employee had inputted the postcode with or without the space in previous years. As you have pointed out, that as a person of a certain age you do not have experience using online forms and understandable that you may not know that there is a requirement to input data in a specific way.
12. I do think that it is important for the FCA to ensure that its systems are accessible and self-explanatory for all users. As such when a data field requires a user to input the data in a specific way this should be clearly set out to users. I **invited** the FCA to provide me with details about any issues it might be aware of with the Connect system requiring postcodes to be inputted in a specific. In response, the FCA did not advise that there were any issues that it was aware of, but it did provide me with the details of the postcode lookup service it employs on its Connect system. When I used the postcode search on this site it appears to work whether or not I used a space in the postcode. It appears to me that the version of the service on this site works with different variations of postcode formats and would not need specific guidance to complete the field.
13. This being said, I find that because you did not raise this issue with the FCA until after you had incurred the late fee, this cannot be considered an extenuating circumstance. You should have contacted the FCA before 2 July 2023 if you were experiencing these issues.

Element Two

14. Firstly, I do acknowledge that it can be frustrating when you experience long wait times for your telephone call to be answered, but unfortunately when there are high volumes of calls to an organisation delay can occur.
15. Having reviewed your communications with the FCA supervisors, I am satisfied they acted reasonably. The FCA's summary of the calls reflects the conversations that took place and that the information provided on the calls and the tone of the calls appeared to be appropriate.
16. In view of this I agree with the FCA's decision for this complaint element and I have not upheld your complaint.

My decision

17. As set out above I have agreed with the decisions set out in the FCA's decision letter to **not uphold** your complaints. This is my final report about your complaint.

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Complaints Commissioner

06 November 2023