

21 December 2023

**Final report by the Complaints Commissioner****Complaint number 202300447***The complaint*

1. On 8 September 2023, you asked me to review a complaint about the FCA.

*What the complaint is about*

2. The FCA summarised your complaint as follows:

## Part One

You claim that on 4 April 2023 outside Southwark Crown Court, Court 8 an FCA employee using inappropriate language about you.

## Part Two

You allege that on 30 March 2023 you were sent an email which said 'Evidently, at least one of your devices is usable as you are able to reply to the FCA by email' and you would like to know how the FCA know how you are accessing emails. You also allege that your emails of 31 March and 3 April 2023 have not been responded to.

## Part Three

You claim that you have been told that a charging decision has been made against you, but you have not been formally informed, and you have chased for this confirmation on 5 April 2023

## Part Four

You claim that since 1 August 2018 the FCA Restraint Order has forced you to only use cash, which is difficult, and the FCA has not made provisions for how you will be able to access cash for day to day living expenses.

## Part Five

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You claim that since February 2023 the FCA team you are dealing with has to failed to reply to your emails within what you consider a reasonable period of time. You allege this has caused you stress and anxiety

#### Part Six

You have explained that you believe the FCA is racist and unfairly targets black and brown people. You have made a Freedom of Information request as follows: I would like to know how many white people you charge vs brown/black people?

#### *What the regulator decided*

3. The FCA did not uphold Part One to Five of your complaint and did not consider Part Six on the basis that it falls outside of the Complaint Scheme.

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

4. You have written to me that you find the FCA complaint investigation is defective and as remedy you wish for the FCA to 'admit their guilt'

#### *Preliminary points (if any)*

5. Your complaint stems from an ongoing relationship with the FCA Criminal Prosecution Team relating to a restraint order imposed by the Courts which has been in place since 2018. The restraint order impacts your financial affairs and you had contacted the FCA to try to increase the amount of money you receive for living expenses and to release additional funds for various reasons. The FCA has requested additional information that you deem to be personal and unnecessary for the FCA to request. This has been, and clearly continues to be a very stressful and frustrating experience for you.
6. The restraint order has been issued by the courts, as such any issues that you have in relation to the restraint order or any changes you want to be made to the restraint order are matters for the court to consider and cannot be considered under the complaints scheme. I understand that you may have had a further court date since you made your complaint to my office. If you did not raise the issues with the court on that occasion, you may wish to do so at a

future date if the matter is still not concluded through the courts, as that is the appropriate forum.

7. I have reviewed matters related to this which you have submitted for my review under complaint 202201774 published on my website:  
<https://frccommissioner.org.uk/wp-content/uploads/202201774-Issued-17-July-2023.-Published-03-August-2023.pdf>

*My analysis*

8. The FCA issued a thorough and detailed decision letter on 8 September 2023 addressing in detail Complaint Parts One to Six above. It provided the background and context for each complaint part, its actions in that context and the reasons for it, as well as through explanations about circumstances where the decision making power lay with the Courts and not the FCA.
9. You have said to me that you find the FCA investigation defective but you have provided no further reasons or evidence for your allegation.
10. From my review of the information made available to me, and without any specific evidence from you to the contrary apart from your general dissatisfaction, I have to conclude that I cannot uphold your complaint. In my investigation I have found that for each of the six parts to the FCA decision letter I could see that the FCA has reviewed the relevant correspondence, considered the information available, considered its own guidelines appropriately to reach the correct conclusion that each part of your complaint was not upheld for parts one to five and excluded for part six. As such I am satisfied that the FCA carried out the appropriate steps to investigate your complaint and taking that into consideration that its decisions to not uphold each of the five parts and exclude the sixth was reasonable.

*My decision*

11. I agree with the FCA's decision on your complaint and I do not uphold it for the reasons given above.

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Complaints Commissioner  
21 December 2023