

29 April 2024

Final report by the Complaints Commissioner**Complaint number 202300686***The complaint*

1. On 13 January 2024 you made a complaint to my office about the FCA.

The complaint to the FCA

2. The FCA said your complaint is that:

"Part One

You are unhappy that you have been told that the FCA will not intervene in court proceedings in relation to your terminal illness claim.

Part Two

You are unhappy that the FCA will not tell you whether it has, or has not, taken action with the firm following receipt of information from you.

Part Three

You have said that the courts and the Financial Ombudsman Service are bias."

What the regulator decided

3. The FCA declined to investigate Part One and Part Two, and excluded Part Three.

Why you are unhappy with the regulator's decision

4. You have asked me to review the FCA's decision.

My analysis

5. I am sorry to hear about your situation. I have reviewed your complaint and my view is that:

Part One

6. The FCA is correct to say that it has a general policy that it does not intervene in court proceedings in private disputes. The FCA, for various legal and policy reasons, including s348 of FSMA, does not offer opinions in legal disputes between individuals and regulated firms. I understand you disagree with this general policy, however, the FCA is correct that complaints which are an expression of general dissatisfaction with the regulator's policies will not be investigated under the Scheme. Therefore, I do not uphold your complaint and agree with the FCA that it is not appropriate to investigate this complaint.

Part Two

7. The FCA has told you that it will not tell you whether it has, or has not, taken action with the firm following receipt of information from you.
8. This is because section 348 (s.348) of the Financial Services & Markets Act 2000 (FSMA) classes some information the FCA holds about firms as confidential, and restricts how that information is dealt with. In addition to this, any information that is not restricted by s.348 FSMA may be restricted due to the FCA's policy on sharing information about regulated firms and individuals, who also have legal protections. Under this policy, the FCA will not normally disclose the fact of continuing action without the agreement of the firm concerned. [There is a good explanation of the statutory and FCA policy restrictions on information sharing at <https://www.fca.org.uk/freedom-information/information-we-can-share>.] This means that, as you were told, there is no general right for members of the public to know the outcome of reports that they make.
9. This does not mean that the FCA has not considered the information you have provided. Having studied the FCA's files I can say that I am satisfied that the FCA has not ignored the information which you have provided, and has given it proper consideration. Unfortunately, I cannot say any more than that as I am

also subject to confidentiality restrictions. I recognise that that will be frustrating for you.

10. I do not uphold your complaint because I have verified that the FCA has given the information you provided appropriate consideration, although it is not in a position to share with you more due to confidentiality restrictions.

Part Three

11. Neither the FCA nor I can review the actions of the courts or the FOS under the Scheme. I agree with the FCA that this complaint is excluded.

My decision

12. I appreciate you will be disappointed, however, I do not uphold Part One and Part Two of your complaint. I exclude Part Three of your complaint.

Rachel Kent

Complaints Commissioner

29 April 2024