

05 August 2024

Final report by the Complaints Commissioner**Complaint number 202400039***The complaint*

1. On 19 April 2024, you submitted a complaint to my office about the FCA.

Your FCA complaint

2. In its letter of 18 April 2024 the FCA summarised your complaint to it as follows:

“Part one

You are unhappy that the Investigator looking at your complaint (reference: ending 835) failed to respond to your email dated 16 February 2024.

Part two

You are unhappy as you state that the Investigator looking at your complaint repeatedly failed to respond to several phone calls that you made to the FCA Complaints Team helpline (telephone number 020 7066 9870).

Part Three

You called the FCA switchboard on 23 February 2024. The call was transferred to the Investigator. You accept that the Investigator had to end the call as they were unsure if the transferred call from the switchboard would have been recorded or not. They called again almost immediately from an unknown number at 12:13 and this second call lasted for less than half hour.”

What the regulator decided

3. The FCA upheld Part One of your complaint. It partially upheld Part Two of your complaint and did not uphold Part Three of your complaint.

Why you are unhappy with the regulator's decision

4. In your correspondence with my office you stated that you were not satisfied with the FCA's investigation and outcome of your complaint and as such, wanted an independent investigation of your complaint. You have not provided any further information about why you disagree with the FCA's decision on your complaint or what additional remedy you require.

Preliminary point

5. I understand you have referred two complaints including this one. Reference 202400038 has been looked at concurrently alongside this complaint, essentially both have been considered together.

My analysis

Part One

6. In your email to the FCA on 16 February 2024 you requested the following,
"Please kindly provide me with your direct phone line so that I can call you at a mutually convenient time next week"
7. Your email specifically asked for a direct phone line so that you could speak with the FCA. As part of my investigation I have access to the FCA case file. I could not see from the information and evidence that has been provided to me, that you received a response to this email. In the FCA's investigation it also reached the same conclusion. The FCA apologised that you did not receive a response to your email and it also informed you that feedback was provided to the individual concerned. I am pleased the FCA recognised what went wrong and the steps it has taken to put things right. In my view I think an apology and feedback provided to the Investigator were sufficient. So I do not uphold Part One of your complaint.

Part Two

8. During your call with the FCA on 23 February 2024 it was agreed that you would receive another call to discuss your case on 26 February 2024. I can see you subsequently emailed the FCA following this call. In your email you made a request for your case to be handed over to a more senior and experienced Investigator and a reschedule of the phone call with them.
9. You received a response to your email of 26 February 2024. The FCA Investigator emailed you on 28 February 2024 informing you they did not call you as originally planned as you said you wanted to speak with someone senior. Arrangements should have been made to check if you still wanted to speak with the FCA as per your request and I note the FCA have recognised the error it made here. I am pleased to see the FCA apologised to you in respect of this and provided feedback to the Investigator. As such I do not uphold this part of your complaint, the FCA correctly identified what went wrong and took steps to resolve the matter.

Part Three

10. I have reviewed the call recording that took place on 23 February 2024 and overall, did not find any concerns with the way the Investigator handled the call. The Investigator was patient and listened to your concerns. They also informed you of the FCA powers concerning what it could and could not look at, for example some of your concerns connected to Firm A - the Investigator correctly confirmed that this would be for the FOS. You have not provided me with any new additional information regarding this call recording. Equally, I can also see in your complaint to the FCA regarding this point you did not provide any further information or additional points after receiving the FCA's scope letter dated 26 March 2024 where it invited you to let them know if its summary of your complaint was incorrect. In summary, I do not uphold this part of your complaint.

My decision

11. In Parts One and Two of your complaint the FCA recognised it made errors and took steps to remedy those errors by apologising to you and providing feedback to the Investigator concerned. I am satisfied with the FCA's investigation and remedies offered and do not uphold Parts One and Two of your complaint.

12. In Part Three of your complaint I did not identify any concerns with the way the FCA handled its call with you. As such I do not uphold Part Three of your complaint.

Rachel Kent

Complaints Commissioner

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