

29 August 2024

Final report**Complaint number 202400123***The complaint*

1. On 23 February 2024, you submitted a complaint to the Office of the Complaints Commissioner about the service you received from the FCA. Your complaint was then sent back to the FCA for a further response. On 6 May 2024 you advised that you were still unhappy with the FCA's decision.

Analysis

2. The events that are the subject of this complaint stem from 2 February 2024. It is understood that there was an initial call which was disconnected, and you did not receive a call back. Unfortunately, it is not clear whether this call was made to the FCA or to the Financial Ombudsman Service (the FOS). The FCA have reviewed its records and was unable to locate the call on its records.
3. On that same date, you then made a call to the FCA's Supervision Hub to discuss your concerns about the FOS.
4. Under the Complaints Scheme, the FCA cannot investigate complaints about the actions or inaction of the FOS (Paragraph 2.9.d. of the Complaints Scheme). The supervisor on that call correctly advised you that you needed to contact the FOS directly, to discuss your concerns, and you agreed that the supervisor would transfer you through to the FOS. The Complaints Commissioner is satisfied that the information provided to you and the actions of the supervisor were correct, it is unfortunate that the attempt to transfer the call to the FOS, being an external phone line, did not then connect.
5. Your complaint relates to the calls that you then made back to the Supervision Hub following the failed attempt to transfer your call to the FOS. This

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subsequent call also appeared to get disconnected. In your complaint you have set out that you were unhappy that you did not receive a call back after being disconnected and that you had concerns about your reasonable adjustments not being made.

6. The FCA did not uphold your complaints in relation to the call backs in its decision letters dated 8 February 2024 and 24 February 2024. These decision letters set out that your calls had not met the criteria to warrant a call back from the Supervision Hub.
7. In order to consider this point, we have listened to your call of the 8 February 2024 in which the Manager explained its policy in relation to making call backs to consumers where there is a disconnection. We have also obtained further clarification as to what the FCA's internal guideline require their supervisors to do in such circumstances. We have then also listened to the call that took place on 2 February 2024 which the FCA was able to locate.
8. In the first instance where the supervisor had attempted to transfer you through to the FOS, but the call appears to have not connected, the FCA's policy is that the supervisor was not required to call you back because the call was being transferred to an external organisation. In the second instance it does not appear that the FCA supervisor was able to complete verification of your personal details at the start of the call, the call was then subsequently disconnected. As a result of not confirming your details at the start of the call, the supervisor was not able to call you back following the disconnection event.
9. As such the Complaints Commissioner is satisfied that the FCA has explained its policy regarding its call back procedures in its 8 February 2024 call to you, and we are also satisfied that the supervisors acted in accordance with the FCA's policy not to call you back on those occasions.
10. However, given that that the FCA supervisor offered to transfer your call to the FOS and failed to do so, the Commissioner thought it reasonable that the FCA should have called you back: however, the FCA has said that it had no way of knowing that this call, made to an external organisation, had not connected properly and that it is difficult to establish if this was the fault of the FOS or the FCA.

11. In its preliminary report, the Commissioner invited the FCA to add information to its website to provide consumers with a better understanding of the service they can expect from the FCA in such circumstances. The FCA responded referring to its Accessibility Services webpage, which can be found [here](#). This refers to the FCA's approach to accessibility, how to request accessible formats and report issues. This webpage also references the FCA's Accessibility Service which details how the FCA adapts its service to meet consumer needs including providing telephone numbers for consumers with specific requirements to be able to communicate these to the FCA.
12. In relation to your request for the FCA to make reasonable adjustments for you, both its decision letters advised that the FCA had received these in your complaint form and that these were now recorded on your record for future use. However, when the FCA carried out a review of its 24 February 2024 decision letter to you (post issuance), it identified that whilst the letter had noted these reasonable adjustments, it had in fact failed to take them into consideration when it issued the letter to you, in particular, it failed to allow you extra time to consider your allegations.
13. We do welcome the fact that when this omission was identified as part of its post issuance review, that the FCA wrote to you and acknowledged its error, apologised and offered you a discretionary payment of £100. As such, the Complaints Commissioner considers that the FCA has itself acknowledged that it failed to meet the relevant standards on that occasion, and the Commissioner upholds your complaint in relation to your request for reasonable adjustments, she is however satisfied that the FCA's response was appropriate and that the discretionary award was reasonable.

Complaints Commissioner

29 August 2024