

**Complaint number 202400238**

On 13 June 2024, you submitted a complaint about the FCA

The Commissioner has considered your complaint. Comments follow below:

1. You do not think the FCA has understood your personal circumstances when it imposed a £250 late fee to you. You say you were in hospital mentally unwell when you received a late fee. You told the FCA that you had not received any emails to complete your returns as your wife would have told you, as she was running your business during your hospitalisation. You feel the FCA caused you considerable anxiety and increased your stress levels.
2. The FCA did not uphold your complaint. It reviewed your contact with the Supervision Hub between October 2022 and October 2023 in relation to the late return fee. In its decision letter, the FCA stated the late return fee could not be waived as you submitted your return late, which incurred a late return fee. It referenced the fact that reminder emails were a courtesy and it was a Firm's responsibility to be aware of the obligations and applicable rules in submitting returns on time.
3. Your personal circumstances have been considered in this complaint. Further discussions with the FCA have taken place and the FCA has provided additional information and evidence in response to information requests. In summary given the information and evidence that has been provided, the FCA are correct in its assessment that the late return fee is applicable.
4. On 12 January 2023 you submitted the Firm's REP008 return. This return was returned late as it was due on 1 February 2021. The FCA did not issue you a fee for this late reporting.
5. On 12 January 2023 you submitted the Firm's CCR007 return. This return was returned late as it was due on 14 January 2021. The FCA did not issue you a fee for this late reporting.

6. On 12 January 2023 you submitted the Firm's REP008 return. This return was returned late as it was due on 31 January 2022. The FCA issued you a fee for this late reporting.
7. As per the above, the FCA did not charge you a late return fee for all the submissions that were late. The FCA also asked for medical evidence so that this could be reviewed alongside the pay dispute. You did not provide the FCA with any medical evidence that it could have the opportunity to review.
8. The FCA have also pointed out that your firm has submitted its reporting, continued to generate revenue from using its permissions and in addition, the forms for your firm are also up to date on Companies House. This shows that you should additionally have been able to file your FCA returns.
9. Subsequently the FCA was correct in deciding that the late return fee was applicable. Accordingly, if for any reason you do not want to use your permissions you should cancel this with the FCA.
10. For the reasons above, your complaint is not upheld. And there is no further help that can be offered to you under the Complaints Scheme.

The Complaints Commissioner

Complaints Commissioner

22 August 2024