



25 November 2024

Final report by the Complaints Commissioner

Complaint number 202400381

The complaint

1. On 9 August 2024, you submitted a complaint about the FCA.

Your complaint

2. On 4 July 2024 you received a £250 fee notification stating that your Firm Details Attestation (FDA) was overdue and was required to be submitted on 2 July 2024. When you queried this with the FCA it informed you that you had left the return in draft in the FCA Connect system and did not submit it – therefore it was overdue. You did not think this was correct. You subsequently checked following your call with the FCA and saw on the system that there was a very clear submit button. You alleged that you would never have missed this. You also alleged that the system failed to flag to you that you had not submitted the FDA. You feel the system is outdated and not user friendly and has therefore wasted your time.

What the regulator decided

3. The FCA did not uphold your complaint. It reviewed all the emails and telephone recordings and liaised with the relevant areas in relation to any connectivity or technical issues with the online Connect system during the relevant period. You were provided with information and directed to the FCA Handbook regarding fees in the FCA's Decision Letter. The FCA also confirmed that three courtesy reminders were sent to you on 8 April 2024, 28 May 2024 and 21 June 2024 although it highlighted that these were courtesy reminders and the obligation relied on the Firm to directly ensure compliance was maintained.

4. The FCA checked with the relevant team regarding the Connect system and it did not identify any issues with the system in the way that you alleged. It reiterated that it was important to ensure that returns were completed on time to comply with the FCA rules and regulations. The FCA also directed you to ongoing work it was doing in relation to transforming the authorisation forms. It provided a link to this work and informed you that you were able to provide feedback about the Connect system.
5. The FCA concluded that the fee was still payable and directed you to the email you received from the Finance team for further details about how you could pay.

Analysis

6. Your complaint about the FCA Connect system is similar to one other complainants have made. For example, complaint 202300548 published on my website <https://frccommissioner.org.uk/wp-content/uploads/202300548-issue-17-April-2024.-Publish-02-May-2024.pdf> concerns a firm which did not realise that although the user had finished completing the FDA required fields, they had not pressed the 'submit' button, (leaving the attestation in draft form) due to the fact that the FCA Connect system is not user friendly, as you have said.
7. Like the firm in complaint 202300548, it is likely you did not see the 'submit' button. Although you have attempted to argue that this is because the button may not have been there when you filled in the form - which the FCA has disputed because it does not have a record of system issues/faults on the day you filled in the FDA – it is a known fact that firms are prone to this type of error (e.g. not pressing the submit button) due to the system not being user friendly, and that the FCA recognises that this is an issue - one which it hopes to address in future.
8. More details about the shortcomings about the Connect system and how the FCA plans to improve it are recorded in complaint 202300548, in which I upheld the complaint and recommended that the FCA waive the late fee, which the FCA accepted.
9. The FCA responded to my preliminary report and it does not agree with my recommendation that it should waive the £250 fee on the basis that in case 202300548 the complainant told them that they pressed 'save and close'

instead of the 'submit' button, whereas you are alleging that there was not a 'submit' button in the first place.

10. I agree with the FCA that there is no evidence that there was no 'submit' button and that it was on the system. Yet clearly you did not press it. You did not press it not because it was not there, as you argue (I can only assume because you do not fully recall what happened), because clearly it was there, but for some other reason. Given the known problems with the connect system, it is not unreasonable to assume that the reason was that you did not see it, as in case 202300548.
11. Given this is a known problem and that others have been affected, and that the FCA system is not user friendly, both of which the FCA has said it will be addressing in future, I ask the FCA to reconsider its position and the recommendation I have set out below in my Decision.

My decision

12. For the reasons above and in complaint 202300548 I uphold your complaint and I do consider that in view of the deficiencies in the Connect system that the FCA should waive the £250 fee.

The Complaints Commissioner

Complaints Commissioner

25 November 2024