



08 May 2025

Final Report by the Complaints Commissioner

Complaint number 202400707

1. You allege that an FCA lawyer, acting in bad faith, has participated in a conspiracy to infringe on your right to a fair hearing at Court under article 6 of the European Convention of Human Rights and flouted the Criminal Procedure Rules with the clear intention of perverting the course of justice.
2. The background to your complaint is that you were in the process of appealing an application in the Southwark Crown Court in June 2024 concerning the replacement of an Enforcement Receiver. As part of these legal proceedings, you required an extension of time from the court to submit representations as you wished to oppose the application. The FCA was named as a second respondent in the application. You state that the lawyer representing the FCA sent an email to the Court on 24 June 2024 (the "Email") expressing, among other things, the view that the extension should not be granted.
3. Your complaint is specifically directed at the Email referenced above, and your belief that the lawyer for the FCA acted in bad faith when writing it, with the intention of perverting the course of justice and participating in a conspiracy to infringe your right to a fair hearing as described in paragraph 1 above.
4. The FCA declined to review your complaint on the basis that Paragraph 2.11 (b) of the Complaints Scheme, which provides that:

"we will not investigate complaints that we reasonably consider could have been, or would be, more appropriately dealt with in another way".
5. The FCA's view is that your complaint relates to alleged criminal acts by its lawyer and that this this would be "more appropriately dealt with by instituting

legal proceedings the allegations you are making are of a criminal nature and not something we can make a determination of under the Scheme.”

6. You do not agree because you feel the FCA has an overall responsibility for the conduct of its employees and should not be able to ‘absolve itself’ of responsibility.

My analysis

7. I will begin by saying that whilst you disagree with the FCA’s position in the Email, you have not provided any evidence of bad faith, conspiracy or other wrong doing on the part of the FCA lawyer.
8. The FCA was entitled, as a respondent to the abovementioned application, to make representations to Court, and did so via the Email. The Court then considered both your representations and the FCA’s. I consider the matter has been dealt with by the Court.
9. It appears you are now attempting to reintroduce the same matter through the Complaints Scheme albeit from a different angle. I do not consider you have grounds to do so.

My decision

10. For the reasons above, I do not uphold your complaint that the FCA applied paragraph 2.11 b incorrectly, but even if that were not the case, your grounds for bringing the complaint under the Complaints Scheme would fail because you have provided no evidence to support your allegations.

The Complaints Commissioner

Complaints Commissioner

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