Complaints Commissioner

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13 November 2025

Final report by the Complaints Commissioner

Complaint number 202500304

Background

1. On 18 June and 1 July 2025, you asked my office to review a complaint about the FCA.

2. I understand you are personally dissatisfied with the actions of regulated Firm X Ltd (**"X"**), in particular that it had closed certain of your open trades without authorisation, causing you financial loss, and that you were not able to withdraw all the funds in your account.

3. I understand that you consider the FCA is not exercising its regulatory functions appropriately by failing to use the information you had provided to take regulatory action against X, including intervening on your behalf to resolve your dispute with X, and by not discussing that information or its investigation with you.

4. The FCA did not uphold the complaint you made against it which covered the same issues. It told you that it does not intervene in disputes between individuals and their financial services providers, as that is the role of the Financial Ombudsman Service (**"FOS"**).

5. The FCA explained to you that it had passed the information you had provided to its supervisory team to take into account in their work. The FCA has also noted that the supervisory team did review this information. However, it would not be able to tell you what actions, if any, it took, or to provide feedback on the information you provided, due to confidentiality restrictions.

6. You have asked me to review the FCA decision and have provided details about your dispute with X. You have asserted that the FCA should reopen its investigation into X, and provide you with information about this investigation.

You have also asked for a number of remedies which include compensation for the distress and inconvenience you allege the FCA caused you by not upholding your complaint, and that it engage with firms and other regulators on the matters you raise.

7. As a preliminary point, my role, as Complaints Commissioner, is to provide an independent assessment of complaints against the FCA (and the other financial services regulators). I am unable to deal with complaints related to any other organisations.

My analysis

8. Part 6 of the Financial Services Act 2012 requires the regulators to maintain a complaints scheme for the investigation of complaints *"arising in connection with the exercise of, or failure to exercise, any of their relevant functions".*

9. In the case of the FCA, the relevant functions are its functions under the Financial Services and Markets Act 2000 (**"FSMA"**) other than its legislative functions. It is not part of the FCA's relevant functions to intervene in disputes between members of the public and their financial services providers. It does not investigate individuals' personal complaints against the firms it regulates.

10. The reason for this is that Parliament has set up another route for properly considering complaints such as yours. The FOS is the legal complaint resolution scheme set up by Parliament under FSMA, and its role is to resolve individual complaints between regulated financial services firms and their customers.

11. This does not mean that the FCA cannot investigate concerns arising from information about individual complaints, but it investigates those in the context of considering whether or not regulatory action is justified, rather than whether or not the individual requires redress. By way of further explanation, the fact that you have a personal grievance against X does not mean, without further evidence, that the FCA would necessarily take regulatory action against X.

12. However, for confidentiality reasons the FCA does not usually provide feedback about what action it may or may not take, or discuss the information it receives or the progress of any investigation.

13. Any information that is not restricted by s.348 FSMA may be restricted due to the FCA's policy on sharing information about regulated firms and individuals, who also have legal protections. Under this policy, the FCA will not normally disclose the fact of continuing action without the agreement of the firm concerned. There is a good explanation of the statutory and FCA policy restrictions on information sharing at https://www.fca.org.uk/freedom-information/information-we-can-share.

14. I consider that the FCA was correct in explaining that it could not disclose anything about its investigation or its views on the information you provided due to s.348 FSMA and its confidentiality rules. You have pointed out that there is information whose disclosure is not restricted by s.348 FSMA, but the FCA follows confidentiality rules, set out in FCA Handbook ENFG 4.1, which states: "The FCA will not normally make public the fact that it is or is not investigating a particular matter, or any of the findings or conclusions of an investigation except as described in other sections of this chapter."

15. None of the listed exceptions apply in this matter, so the FCA will not disclose its opinion on whether X is complying with its rules.

16. In your comments on the Preliminary Report, you suggest breach of procedural fairness, but I have reviewed whether it would be reasonable for the FCA to disclose confidential information, and in this case, I can see no reason to override the FCA's application of ENFG 4.1.

17. Like the FCA, I am also required to follow those same confidentiality requirements. I am unable to comment on the FCA's viewpoint on your complaint or what action it may or may not take towards X, and I recognise this will be frustrating for you.

18. I have reviewed the FCA's case file, and I can see that the information you provided was passed onto and received by the relevant supervision teams for their consideration. I am satisfied with how the FCA has handled this information. For the reasons above, I do not uphold your complaint, do not recommend remedy, and I cannot help you further under the Complaints Scheme.

Other

19. In your 22 May 2025 complaint to the FCA you state that you had submitted a complaint to the FOS. You add that the assigned case officer told you that the FOS *"lacks access to the technical resources or investigative tools necessary to adjudicate the complaint fairly and effectively*."

20. I also understand that the FOS is yet to provide a final report on your complaint about Firm X. I have suggested you provide a copy of the final report when you receive it to the FCA, together with any other information you consider relevant to the FCA's supervision of Firm X for its review.

21. If the FCA receives a copy of the final FOS report or additional information, it will only review it for the purposes of its supervision of X, and not in order to provide you with any further redress. The FCA may not be able to tell you what action it may or may not take but it will use what you provide to inform its regulatory purposes.

22. In your comments on the Preliminary Report, you suggest that the FCA has failed to consider redress and has fettered its own discretion. You also assert that I have breached my duty by repeating the FCA's reasoning without independent review. I can assure you that I have considered the question of redress, but I have not seen evidence, nor have you provided any, of conduct on the part of the FCA which would justify me recommending that you be awarded compensation for any financial or non-financial loss.

23. I note that in your complaint to my office, you assert that as a whistleblower acting in the public interest, the FCA should have engaged with you and given feedback on the information you provided on X. You have not raised this with the FCA, previously.

24. I appreciate that you want to be more involved with any investigation the FCA might conduct into X, but I consider that you have not demonstrated that you meet the criteria for being treated as a whistleblower.

25. According to FCA guidance, a whistleblower would have to be either: an employee of X; someone with a close personal relationship to an individual who works for X and who has witnessed wrongdoing at X; or a family member or close associate of an individual committing wrong at X.

26. You have not demonstrated that you fit any of these criteria. In your comments on the Preliminary Report, you again assert that you should be treated as a whistleblower, but I have been unable to locate much of the apparent FCA guidance you quote. If you believe there are grounds to suggest you may be a whistleblower, you should raise this with the FCA. That said, I have reviewed the substance of your complaint and can confirm that my decision would be the same, irrespective of your whistleblower status.

27. You have also asked whether the role of the Complaints Commissioner is independent or an administrative rubber stamp, and you paraphrase s.84(1) Financial Services Act 2012. The independence of my office is, as you say, provided for by Parliament as set out in the Financial Services Act 2012 (as amended by the Financial Services and Markets Act 2023). For example, it provides in s.84(1A) that *''The Treasury must appoint an independent person ("the investigator") to be responsible for the conduct of investigations in accordance with the complaints scheme.''*

28. The same legislation goes on to provide in s.84(5) that the terms on which I am appointed must be *"such, as in the opinion of the Treasury, are reasonably designed to secure – (a) that the investigator will be free at all times to act independently of the regulators, and (b) that complaints will be investigated under the complaints scheme without favouring the regulators."*

29. I am also obliged to prepare an annual report which the Treasury must lay before Parliament.

30. I do understand that you are dissatisfied. However, many of the points you complain about were established by Parliament, such as the FCA having no oversight of FOS cases and s.348-349 FSMA.

The Complaints Commissioner

Complaints Commissioner

13 November 2025