



25 February 2026

Final report by the Complaints Commissioner

Complaint number 202500378

The complaint

1. On 23 July 2025, you submitted a complaint to my office about the FCA.
2. I have summarised your complaint as follows:
 - a. The FCA charged your firm a Late Returns Fee (“**Late Fee**”) on 23 February 2023 for non-submission of the Firm Details Attestation (“**FDA**”). You say that you submitted the FDA to the FCA before the deadline of 26 January 2023, but the FCA has no record of receiving it. You asked the FCA to waive the Late Fee and it declined to do so on the basis that there was no evidence that you had submitted the FDA to the FCA’s Connect system prior to the deadline.
 - b. You do not consider that the FCA provided you with a detailed timely response when you raised an issue with the Late Fee in March 2023 and you therefore thought the issue was resolved and you did not need to pay the Late Fee. The Late Fee remains outstanding. From my review of the FCA file, it appears that the FCA provided you with timely responses explaining why it could not waive the Late Fee and provided you with the process by which you could submit a complaint.
 - c. Following reminders received in 2023 and 2024, you decided to submit a complaint to the FCA on 31 March 2025 disputing the Late Fee as you say you had submitted it prior to the deadline. The FCA refused to investigate your complaint under section 2.4 of the Complaints Scheme because you had submitted the complaint over 12 months after you became aware of the circumstances of your complaint. The circumstances giving rise to your

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complaint arose in 2023 when you were advised by the FCA that you could raise a complaint about the Late Fee. Your complaint was not submitted until 31 March 2025 which is more than 12 months later. The FCA's Decision Letter of 15 April 2025 provided some further details regarding the correspondence between you and the FCA in 2023 and I address these matters further below.

3. **Outcome – not upheld.** I agree with the FCA's decision that your firm's complaint was submitted out of time. I consider that the FCA has acted reasonably in stating that it was unable to investigate your complaint under section 2.4 of the Complaints Scheme because you were aware of the circumstances giving rise to your complaint over two years before you submitted your complaint.

Background

4. The FDA is a mandatory annual requirement for FCA authorised firms. In order to successfully submit the FDA, the FCA requires firms to sign into the FCA's online portal, Connect, review the firm details required for the attestation, update the details if necessary and then submit the FDA by the due date. There is an option within the Connect system to save a draft application in the system for submission if needed prior to formally submitting it. Once the FDA is submitted, the FCA provides an electronic confirmation receipt confirming the Application Reference Number.
5. Your firm was obliged to submit an FDA to the FCA by the deadline of 26 January 2023. You allege that you submitted the FDA to the FCA in the Connect system in time to meet the deadline.
6. You then received a Late Fee invoice on 22 February 2023 which detailed that your firm was being charged a Late Fee of £250 as you had not submitted the FDA by the deadline. You responded to the FCA by email on 22 February 2023 stating that you had completed the FDA on time, and you asked the FCA if it had sent the Late Fee communication in error.
7. You telephoned the FCA on 24 February 2023 to say that you had submitted the FDA in time so you did not agree that you should pay the Late Fee. The FCA told you that it had not received the FDA.

8. As a result, you completed a new FDA, and because you received an Application Reference Number, you understood you had submitted it correctly to Connect. You notified the FCA on 24 February 2023 that you had submitted the new FDA and asked the FCA to confirm if it had been received. You also asked to be informed of the process to dispute the Late Fee.
9. The FCA responded on 28 February 2023 to provide you with instructions as to how to contact the Supervision Hub to check if it had received the newly submitted FDA. The FCA advised you that the Late Returns Team would only consider a waiver of the Late Fee if there were exceptional reasons and you should inform the FCA of the reasons if this was the case.
10. You responded to the FCA on 1 March 2023 to reiterate that you thought you had submitted the original FDA before the deadline, and you wanted to know who to contact to ask for the Late Fee to be waived. The FCA responded on 1 March 2023 to ask you to send through the details of why the FDA was submitted late and these would then be passed onto the Late Returns Team to consider if the Late Fee could be waived.
11. You responded to the FCA on 10 March 2023 stating that you did not consider that you had submitted the original FDA late. You said that you remembered *“completing it on your portal”* and it was only when the FCA issued the Late Fee invoice that you were notified that there was an issue. At that point, you stated that you had gone through the process again and submitted a new FDA for which you received an Application Reference Number. You wanted the Late Fee to be waived on that basis.
12. The FCA responded to you on 13 March 2023, thanking you for your reply and stating that it had passed the request to the Late Returns Team for them to consider. The FCA communicated the conclusions of the Late Returns Team to you on 17 March 2023. The FCA had checked its systems and there was no record of you starting or completing the application or submitting it before the deadline so it would not be possible to waive the Late Fee. If the application had been started but not submitted it would be possible to see a draft of it on the firm’s profile. There was no record of a draft FDA which had failed to be submitted correctly on the firm’s profile. On that basis, the Late Fee Team could

not waive the Late Fee. You have been unable to provide evidence that you submitted the FDA prior to the deadline.

13. You responded on 18 March 2023 to state that you disputed the information given and asked for the details of how to contact the Late Returns Team so you could speak to them directly. The FCA responded to you on 20 March 2023 to say that if you remained unhappy with the response from the Late Returns Team then you could click on the FCA webpage link provided which set out how to submit a complaint to the FCA.
14. You responded on 25 March 2023 with a follow-up request to waive the Late Fee. The FCA responded to this on 25 April 2023 to advise that it could not waive the Late Fee, in line with their previous response of 17 March 2023. It invited you to send any evidence that you had of submission. It also directed you to the relevant link on the FCA website to make a complaint. You did not pay the fee. I cannot see any correspondence from you in the FCA file providing the evidence that you had submitted the original FDA in time or at all, or that you used the link to make a complaint at the time.
15. You then received an email nearly a year later on 20 March 2024, stating that the Late Fee remained due and would be sent to debt collection if the full payment was not received. On 8 October 2024 you were also sent a further reminder by the FCA to pay the Late Fee.
16. You submitted a complaint to the FCA on 31 March 2025, stating that you had submitted the original FDA prior to the January 2023 deadline date. You said that you thought that the matter had been resolved as the FCA did not respond to you in a timely manner when you told them that you were unhappy about the Late Fee not being waived.
17. The FCA considered your complaint but said that as you did not notify the FCA within 12 months of the date of you first becoming aware of the issues of your complaint (i.e. before March 2024), it could not investigate your complaint under section 2.4 of the Complaints Scheme.
18. You referred your complaint to my office as you are very unhappy that the FCA has refused to investigate your complaint, as the FCA says that it is out of time in accordance with section 2.4 of the Complaints Scheme.

Analysis

19. The FCA did not waive the Late Fee because, as it confirmed to you on 17 March 2023, when it looked at your firm's profile on the system, the FDA had not been submitted to the Connect system before the deadline. You did not provide any evidence to the FCA that you had submitted it nor were you able to provide the FCA receipt detailing an Application Reference Number for the alleged original submission. The FCA could not therefore waive the Late Fee, and I agree this was a reasonable approach, given that there was no evidence that you had submitted the original FDA before the deadline.
20. There is nothing in the FCA file to suggest that the FCA did not respond to you in a timely manner. The FCA responded to you on 17 March 2023 with its decision that it could not waive the Late Fee. It then followed up with you on 18 March 2023 with a link to an FCA webpage with details of how to complain. It sent a further email to you on 25 April 2023, again providing you with the link if you wished to complain. I consider that the FCA acted reasonably in informing you of its decision and explaining how you could complain.
21. You complained to the FCA on 31 March 2025, which was over two years after you had received the FCA's decision regarding the Late Fee waiver. I consider that the FCA provided you with all the information that you needed to submit a complaint in 2023 when the circumstances relating to your complaint arose. The FCA webpage that you were provided with states that complaints must be made within 12 months, and you failed to follow this without having any extenuating circumstances for doing so.
22. You then submitted your complaint to my office more than three months after receiving the FCA's Decision Letter, but on this occasion, I agreed to use my discretion to look into your complaint. I consider that the FCA applied the time bar correctly in your case and I am therefore unable to recommend that it investigates your complaint.
23. As the Late Fee remains outstanding, it would be advisable to pay the outstanding fee in full to avoid further action, for example referral to debt collection, as the FCA has mentioned to you in its reminders.

Decision

24. For the reasons given above, I agree with the FCA's decision to not investigate your complaint under section 2.4 of the Complaints Scheme. I have provided an explanation above as to why the FCA charged your firm a Late Fee and why it was justified in not waiving the Late Fee.
25. You now contend that the FCA's systems may have been faulty and that it did not investigate the possibility of IT and technical faults. However, this does not affect the question I must determine, which is whether the FCA acted reasonably in applying the time bar. The possibility of a system malfunction does not alter the date on which you became aware that the FCA had no record of your submission, nor does it render the FCA's decision to apply its time bar unreasonable.
26. I am satisfied that it was reasonable for the FCA to conclude that you were aware of the substance of your complaint in March 2023 and to apply the time bar accordingly.

The Complaints Commissioner

Complaints Commissioner

25 February 2026