

25 November 2025

Final report by the Complaints Commissioner

Complaint number 202500381

The complaint

1. On 23 July 2025, you submitted a complaint to my office about the FCA. I have investigated your complaint and set out my findings below.

Background

2. Your firm was charged a £250 administrative fee because your firm's Directory Persons Attestation ("**DPA**") was submitted to the FCA late. It was due for submission by 10 March 2025, and you were prompted to make the submission on 11 March 2025 when you received a notification from the FCA Returns Compliance department detailing that you would be charged a late fee.
3. You contacted the FCA Supervision Hub to dispute the late fee and you are unhappy with how the Hub supervisor handled your concerns.
4. You complained to the FCA as you did not feel that the supervisor handled your call appropriately. You allege that the FCA failed to notify you regarding the DPA submission date, and you were unhappy that reminders are only sent by email. I am very sorry to hear that you have been suffering with long covid for 2 years and this has affected your ability to work. You raised your medical condition with the FCA, and you consider that the FCA should have treated you as vulnerable and provided additional support to you given your medical condition.
5. The FCA did not uphold your complaint regarding the DPA reminders as firms are expected to have systems and controls in place to enable them to fulfil their reporting requirements within the required timescales. The FCA told you that it sends email reminders to firms as a courtesy, but it is not required to do so. The

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FCA said that it had sent three reminders to you in advance of 7 March 2025, but you do not appear to have received these. It does not send reminders in any other format as it considers that this would be an inefficient use of FCA resources. The FCA also did not waive the fee on the basis of your medical condition because the medical evidence that you provided did not refer to an extenuating circumstance (unforeseen, exceptional, short term and outside of your firm's control) that would impact your ability to submit the regulatory return. The FCA partially upheld your complaint that the supervisor lacked empathy during the call when you raised your medical condition and apologised for that. The FCA also apologised that details of how to complain about the FCA were not provided to you on the call. The FCA did not uphold the other complaints you raised about the call as it considered that you had been given correct information on the call.

6. Dissatisfied with the FCA's decisions, you have brought the following complaints to me, and I provide my analysis and preliminary decisions about those in the Analysis section from paragraph 8 onwards below. With regards to the information provided to you on the call, you allege that:
 - a. You did not receive the DPA email reminders from the FCA and on that basis you thought the late fee should be waived.
 - b. You did not agree with the Hub supervisor that the DPA submission date was within 12 months of when the previous DPA submission was made.
 - c. The FCA failed to recognise your vulnerability given your medical condition. You consider that the FCA should have offered you additional support in the circumstances as your medical condition makes you vulnerable.
 - d. You did not consider that your complaints were referred internally to the late fees team by the supervisor as promised on the call.
 - e. The supervisor gave you an incorrect email address when you asked which email address the reminders would have come from.
 - f. You were not provided with information about how you can make a complaint about the FCA during the call.

7. Separate to your complaints about the call, you consider:
- a. That the FCA has given you conflicting information about the submission dates for submitting the DPA.
 - b. You consider that the FCA did not properly process your Data Subject Access Request (“**DSAR**”).
 - c. You say that you received misleading information on financial penalties. You were told the late fee was a flat fee of £250. When you subsequently received an email it stated, “*Late payment of fees will incur a surcharge of £250 (plus interest at 5% above the Bank of England’s repo rate, calculated from the original due date)*”.
 - d. You are unhappy that you received a threat of debt recovery a day after receiving the FCA’s Decision Letter.
 - e. You do not believe your complaint has been properly dealt with by the FCA as it was not reviewed within the Complaints Department.

Analysis

8. The FCA does not have an obligation to send firms reminders to complete their DPA returns and other regulatory obligations. The FCA is correct when it says that it sends the reminders as a courtesy and the fact that you may not have received a reminder does not mean that your obligation to submit the DPA on time is waived. In your case, the FCA says that it did send three courtesy reminders, and it has looked into the matter and concluded that there were no technical reasons why you would not have received those reminders. Nevertheless, whether you received the reminders or not, firms are expected to have systems and controls in place to enable them to fulfil their reporting requirements within the required timescales.
9. The FCA is correct that the DPA submission date is within 12 months of when the previous DPA submission was made. I note the dates you say you submitted returns in the past. However, this is not evidence that the FCA’s rules on submission deadlines are incorrect.
10. I am very sorry to hear about your medical condition. I have considered how the FCA have dealt with this issue. The FCA has discretion to waive the fee if it

deems the circumstances merit it. The medical evidence would need to refer to an extenuating circumstance (unforeseen, exceptional, short term and outside of your firm's control) that would impact your ability to submit the regulatory return. As a requirement of authorisation, firms need to have systems and controls in place to ensure that regulatory obligations are met and to deal with issues such as staff illness. In your case, the FCA evaluated your personal circumstances and medical condition and did not waive the fee as it did not meet the extenuating circumstances required (as set out above). I consider that this was not an unreasonable approach by the FCA. I note that you also failed to submit the DPA on time in 2023 due to the same medical condition and the FCA evaluated the medical evidence provided at the time and did not consider a waiver was appropriate in the circumstances. I do not see that you complained about this issue in 2023.

11. I understand that your complaint was referred within the FCA to a team who evaluated your circumstances and informed you on 18 May 2025 that the late fee would not be waived.
12. With regards to the incorrect information that the FCA gave to you regarding the email address, I agree that this was unhelpful, and I have **recommended** that the FCA ensures that its supervisors are aware of the correct email address so that it can communicate the correct information going forward. The FCA has accepted this recommendation, and supervisors have received refresher training in which the correct email address has been highlighted so this can be provided to callers in the future.
13. You were not told on the call how to complain about the FCA in relation to the fee waiver. The FCA has acknowledged this and provided an apology. I have **recommended** that the FCA should provide this information to callers, but in this instance, I consider that the FCA apology is sufficient. The FCA has accepted this recommendation and details of informing firms how to complain has been incorporated into the refresher training and will be provided to callers going forwards where appropriate.
14. The FCA appears to have made an error in its Decision Letter in stating that the DPA should have been submitted by 7 March 2025. The DPA late submission

email of 11 March 2025 that you received said the DPA should have been submitted by 10 March 2025. Although this appears to be an FCA error, the confusion regarding the dates in your case did not make a difference as to whether or not you would have been liable for the late fee. You were only prompted to make the DPA submission by the email on 11 March 2025 and by this point the submission was late.

15. You have made a complaint that you were not satisfied with the response you received following a DSAR you submitted to the FCA. This matter is outside of my remit and should be referred to the Information Commissioner's Office.
16. The FCA has confirmed that the £250 late submission charge is a flat fee without an interest being attached to the payment. It is unfortunate that the invoice you received detailed wording about a 5% interest charge. I understand the FCA Revenue team are looking into this to see if the template wording should be removed from the invoice for late fees and I have **recommended** that it is, I also **invited** the FCA to provide an update on this. As you were told it was a flat fee, I suggested that any interest be waived. The FCA has accepted this recommendation. It has told me that it will amend its system (within the next 12 months as this system change forms part of a broader package of enhancements) so that the accompanying message on an invoice is tailored depending on whether an invoice relates to a late return fee or an annual fee. In the meantime, the FCA have changed the wording on late fee invoices to make it clear that late return fees do not attract interest or late payment fees. The FCA has confirmed that you will not be charged any interest in relation to the late return fee.
17. It is unfortunate that you received a threat of debt recovery for the late submission fee shortly after receiving the FCA's Decision Letter. I understand that the FCA quickly rectified this, reiterating that you had three months from the date of the Decision Letter to seek a review by my office and it would not pursue you for the recovery of the debt until my investigation was concluded.
18. You have asked for clarification about how your complaint was dealt with by the FCA. The FCA Decision Letter states that your complaint was not reviewed within the Complaints Department. I **invited** the FCA to clarify which department

reviewed your complaint and how it was dealt with internally. Regardless of which department at the FCA investigated your complaints, I consider that they made the correct decisions subject to the points I raise above in paragraphs 12, 13, 16 and 19. The FCA has responded to state that the investigation was conducted by an investigator within the Complaints Department and the investigation report and decision letter were reviewed by the FCA departments subject to the complaint (the Supervision Hub, Revenue team and Returns Compliance).

19. Thank you for providing your comments to my preliminary report. To confirm, I received the full FCA file without redactions regarding your case and my decision was based on that data. Your assertion that “Your Office could not have received, reviewed, or tested the complete evidential record, because the FCA unlawfully withheld data that was both relevant and potentially exculpatory” is therefore incorrect. You have also asserted “Because the OCC based its decision on information supplied by the FCA – whilst I was simultaneously and unlawfully denied access to that same material – the investigation was necessarily tainted by procedural unfairness”. I do not consider that my decision is based on information that you have been unlawfully denied access to. Although I do not consider this to apply to your case, there are occasions where, due to s.348 of the Financial Services and Markets Act 2000 (which restricts disclosure of confidential information) and the FCA’s policies regarding confidentiality, when these apply, there will be instances when the Complainant does not have access to the full data, however, this full data is available to me in order for me to be able to make my decision.

Decision

20. For the reasons set out above, I do not uphold your complaint that the late payment fee should be waived. I cannot offer you any further assistance under the Complaint Scheme.

The Complaints Commissioner

Complaints Commissioner

25 November 2025