



31 March 2026

## Final report by the Complaints Commissioner

### Complaint number 202500420

#### *The complaint*

1. On 13 August 2025, you submitted a complaint to my office about the FCA, regarding your concerns about Firm X. I have summarised your complaint as follows:
2. **Element One** – You assert that the FCA is not supervising Firm X appropriately and are dissatisfied with how it has dealt with the intelligence on Firm X you provided.

**Outcome – Not upheld.** I have reviewed the FCA’s case file and can confirm that it has dealt with the intelligence on Firm X reasonably, although for legal and policy reasons, neither the FCA nor I can discuss what it may or may not have done with the intelligence.

**Element Two** – The existing regulations on Home Reversion Plans (“**HRPs**”) are ambiguous. You would like the FCA to update the Perimeter Guidance to make it clearer with respect to HRPs.

**Outcome – Excluded.** Complaints about FCA rules or regulations concern rule making, and this is something excluded under the Complaints Scheme. However, I invited the FCA to consider whether there is likely to be a lack of clarity in the regulations, and if so, whether it should communicate the new interpretation of the regulations to relevant firms. The FCA has responded to say that does not plan to issue guidance or clarification to the industry on HRPs. This is because the circumstances under which HRPs are regulated is set out by Government in legislation, rather than by the FCA. It considers there are

discrete issues connected to this case which are not appropriate for general guidance and can only be determined by the Courts.

### *Background*

3. In late 2023 you contacted the FCA regarding an HRP entered into by your father-in-law prior to April 2007, which Firm X had subsequently acquired. You were not satisfied with how Firm X had handled the HRP, and you had separately also lodged a complaint about Firm X with the Financial Ombudsman Service (“FOS”).
4. On 16 August 2024 you complained to the FCA that it was not dealing adequately with the information you had provided on Firm X, and that the regulations for transferring HRPs are ambiguous.
5. On 12 December 2024 the FOS issued a decision and concluded that Firm X had not acted unfairly.
6. On 24 January 2025 the FCA told you in its Decision Letter that the information you provided had been passed to the relevant FCA team which had fully considered it. It did not uphold your complaint about ambiguous regulations, stating that it was engaging with the FOS to resolve the ambiguity.
7. On 23 March 2025 you complained to my office that the FCA was not properly addressing your concerns on Firm X and that the HRP regulations were ambiguous.
8. On 9 June 2025 the FCA issued an updated Decision Letter, answering your questions about the interpretation of certain regulations, but it also stated that your complaint about the regulations being ambiguous concerned rule making and was excluded under the Complaints Scheme. The FCA offered you £100 compensation for inconvenience.

### *Analysis*

9. *Element One - You assert that the FCA is not supervising Firm X appropriately and are dissatisfied with how it has dealt with the intelligence on Firm X you provided.*
10. I first note that the FOS decision found that Firm X did not act unfairly during the property sale.

11. The FCA has told you that it has logged the intelligence you provided against Firm X, and that the relevant Supervision team had access to it. The FCA also told you that, due to legal and policy restrictions, it could not discuss with you what it did with the intelligence.
12. I can confirm that the FCA does not generally say what action has been taken in response to the information that it receives. This is because s.348 of the Financial Services and Markets Act 2000 (“**FSMA**”) classes some information the FCA holds about firms as confidential and restricts how that information is dealt with. In addition to this, 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. This means that there is no general right for members of the public to know the outcome of reports that they make.
13. Like the FCA, I am required to respect confidentiality This means that sometimes I cannot report fully on the confidential material to which I have access. However, as part of the Complaints Scheme, I have access to all the FCA’s complaints papers, including confidential material. This is so that I, as an independent person, can see whether I am satisfied that the FCA has behaved reasonably. Sometimes this means that all I can say to complainants is that, having studied the confidential material, I am satisfied that the FCA has (or has not) behaved reasonably, but I am unable to give further details. This can be frustrating for complainants, but it is better that I am able to see the confidential material
14. However, I have reviewed the FCA file for this matter and consider that the FCA has treated the intelligence you provided reasonably.
15. For the above reasons I do not uphold Element One of your complaint.
16. In your comments on the Preliminary Report you have asked if the FCA has investigated certain specific aspects of your complaint against Firm X, or if it has taken other actions regarding Firm X.
17. It would not be appropriate or proportionate for me to comment on each specific piece of information that has been considered by the FCA and to what extent it

was considered. Determining the scope and focus of an investigation is a matter for the FCA. My role under the Complaints Scheme is to assess whether the FCA has handled the information provided to it appropriately. I am satisfied that the FCA has investigated the substance of your allegations appropriately.

*Element Two – The existing regulations on Home Reversion Plans (“HRPs”) are ambiguous. You would like the FCA to update the Perimeter Guidance to make it clearer with respect to HRPs.*

18. You asked for clarification on the point that if an HRP, initiated on or before 6 April 2007, was transferred to another provider after that date, would the provider then be carrying out the regulated activity of entering into an HRP that would fall within the scope of FCA regulated activity. Your question stems from the fact that Firm X which acquired the HRP initially did not agree that the transfer constituted regulated activity (The FOS later found that it did).
19. The FCA advised you in its January 2025 Decision Letter that it was working with the FOS to provide clarity regarding the regulations. The FCA subsequently explained in its updated June 2025 Decision Letter that although an HRP entered into before 6 April 2007 is not itself regulated, if the rights or obligations of a plan provider under a home reversion plan established before 6 April 2007 are acquired by another provider on or after that date, the provider (reversion transferee) would be carrying on the regulated activity of entering into a home reversion plan where it does so by way of business.
20. I must agree with the FCA that complaints about the content of regulations are complaints about the FCA’s legislative functions, something excluded under the Complaints Scheme.
21. For the above reasons Element Two of your complaint is excluded.
22. However, in relation to application of the regulations, I invited the FCA to consider whether there is likely to be a lack of clarity in the regulations, and if so, whether it should communicate the new interpretation of the regulations to relevant firms.
23. In your comments on the Preliminary Report you state that you are not asking the FCA to change the Perimeter Guidance, only to update it to correct a lack of

clarity. You ask if it is reasonable to leave an ambiguity for others to misinterpret or exploit.

24. The FCA has advised that it has considered the likelihood of a lack of clarity within the regulations, and whether it should communicate any new interpretation to the industry. The FCA considers that the fact-specific issues and discrete legal questions raised in your dispute with Firm X are not appropriate for general guidance, and it does not plan to issue guidance or clarification to the industry.

*Other*

25. You query whether the phrase “entering into a home reversion plan” adequately reflects what you describe as the FOS’s conclusion—namely, that all relevant regulations apply to subsequent actions and omissions relating to that plan, a position which you allege Firm X strongly disputed. My report considers only whether the substance of your complaint falls within the scope of the Complaints Scheme. Unfortunately, it is excluded, as it relates to rule-making activity. I note your point; however, I have not reviewed the FOS’s decision on your complaint. In any event, whether the issue is characterised as “entering into” a home reversion plan or as relating to subsequent actions or omissions does not affect my decision.
26. I am aware that you are frustrated that there is no way to challenge how the FOS operates, but the FOS has its own defined processes for complaining about decisions. Additionally, the FCA has limited responsibility over the FOS, restricted to ensuring the FOS is capable of exercising its statutory functions.

*The Complaints Commissioner*

Complaints Commissioner

31 March 2026