



18 February 2026

Final report by the Complaints Commissioner

Complaint number 202500525

The complaint

1. On 22 October 2025, you submitted a complaint to my office about the following matters:

Element one: The FCA's decision to exclude your complaint about FCA rules on lenders communicating with occupiers who are not mortgage customers.

Outcome: Not upheld.

Element two: The FCA's assumption that it was likely that you had signed an Occupier's Consent at the time that the mortgage was taken out. (The main purpose of an Occupier's Consent form is to acknowledge and waive the Occupier's right to reside in the property if the lender ever needs to repossess it due to mortgage default).

Outcome: Upheld. The FCA has apologised for the assumption and for not checking with you first.

Background

2. You complained to the FCA, about the FCA's rules on lenders communicating with non-owning mortgage occupiers. You feel the rules are unfair and discriminatory towards a non-owning spouse.
3. You asked the FCA to amend the rules for mortgage lenders, to oblige lenders to communicate with a resident non-owning spouse, when the owning spouse is absent, particularly if there are arrears, and before repossession proceedings are initiated.

4. You consider the current rules unfair and discriminatory because the costs of any repossession proceedings are simply added to the mortgage, regardless of outcome, and the spouse in occupation is unfairly disadvantaged by the costs incurred.
5. The FCA issued a decision letter on 15 September 2025 and excluded your complaint from the Complaints Scheme (the Scheme) because the FCA considered the complaint was not about the FCA's relevant functions, as defined in Part 6 of the Financial Services Act 2012, and the Scheme only considers complaints relating to relevant functions. The FCA advised you the complaint relates to the FCA's legislative functions, under the Financial Services and Markets Act 2000, or such other functions ordered under legislation, by HM Treasury. Legislative functions are explicitly excluded from the Scheme, under Part 6 of the Financial Services Act 2012.
6. You were not satisfied with the response and referred the complaint to me.
7. After you referred the complaint to me, you provided the lenders name to the FCA and information about the circumstances leading to the rise of your complaint. The FCA Supervision team reviewed the information about the lender which you had provided.
8. In response to my preliminary report, you provided a document ("the Response") with a timeline of events, from your marriage in 1999 to the Lender's refusal to accept a payment from your personal account in December 2025, and cited case law together with sections 30, 54 and 55 of the Family Law Act 1996.
9. In the Response, you feel the FCA is in "acting in concert" with the Lender, and the FCA and the Lender are acting in concert with your wife, to further her domestic abuse which you say was proven in the Family Court.

Analysis

Element one: The FCA's decision to exclude your complaint about FCA rules on lenders communicating with occupiers who are not mortgage customers

Outcome: Not upheld

10. The statutory framework governing the FCA complaints scheme is set out in Part 6 of the Financial Services Act 2012. By statute, rule-making is expressly excluded from review under the FCA complaints scheme.
11. I confirm Element one of your complaint concerns FCA rule-making and the FCA correctly excluded the complaint from the complaints scheme, therefore, I **do not uphold** Element one.

Other

12. I can see that the information you provided to the FCA about the lender was referred to the relevant Supervision Team for review. The information about the lender, passed onto the FCA's Supervision team for review, was considered as part of the wider information available to it for the purposes of regulatory oversight.
13. The FCA does not investigate individuals' personal complaints against the firms it regulates or order individual redress, because that is the role of the FOS, as set up by Parliament under the Financial Services and Markets Act 2000 (FSMA). Neither the FCA nor I comment on the personal matters you refer to in your Response, and they do not change the fact that a complaint about the FCA's rules is excluded from the Scheme.
14. The FCA welcomes information from members of the public, but the feedback that can be provided is limited due to Section 348 (s.348) of the Financial Services and Markets Act 2000 (FSMA), which restricts sharing confidential information. You would not receive an update on how the information you provided is considered due to reasons of confidentiality.
15. I am satisfied that the FCA reviewed the information you provided about the lender appropriately, although I, like the FCA am bound by confidentiality restrictions and cannot disclose what action, if any, the FCA took as a result of the information you provided. I do not agree that the FCA is acting in concert with the Lender or your wife as you assert in your Response.
16. If you have any other information you would like to submit to the FCA, you are free to do so, however, the FCA will review it for its regulatory purposes rather than to secure redress for you in your personal circumstances.

Element two: The FCA's assumption that you had signed a contract waiving your rights.

17. In the FCA's decision letter to you, dated 15 September 2025, the FCA stated:
"As the non-owning spouse of the property, it is likely that you will have signed an Occupier's Consent at the time that the mortgage was taken out. The main purpose of an Occupier's Consent form is to acknowledge and waive the Occupier's right to reside in the property if the lender ever needs to repossess it due to mortgage default."
18. In your complaint to me, you objected to the FCA making this assumption and said it had no basis.
19. As this element was not in the original complaint, I asked the FCA to respond. The FCA have apologised for making an assumption and for not contacting you first to confirm the situation.
20. The assumption has no bearing on the substantive issue of your complaint to the FCA, or to Element one of your complaint to this office, namely that rule-making is excluded under the Scheme, and that any information you provided about the regulated mortgage lender cannot lead to personal redress for you.

Other

21. You have mentioned in passing that you have complained about matters related to those described in element one above to the Financial Ombudsman Service ("FOS"). You have told me that you are not satisfied with the FOS's position that it will not accept a complaint from you in your capacity as a Common Law Agent, and that you have therefore decided to commence judicial review proceedings against the FOS, naming the FCA as an interested third party to those proceedings. I note that you have not asked me to review this matter; however, for the sake of completeness, I confirm that complaints against the FOS are excluded under the Complaints Scheme. Nevertheless, even though this does not assist you directly, I note that your complaint concerns FOS eligibility. Whilst the complaint to me is excluded under the Complaint Scheme, as it is rule making, I have recently handled a number of cases in which complainants were unable to take their complaints to the FOS because of eligibility restrictions. These have

involved a wide range of situations where individuals say they have suffered harm in their dealings with regulated firms but, due to those eligibility rules, are unable to bring a complaint. For that reason, separately, I am reconsidering raising the issue of scope with the FCA as an observation.

The Complaints Commissioner

Complaints Commissioner

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