

18 May 2026

Final report by the Complaints Commissioner**Complaint number 202500641***The complaint*

1. On 19 January 2026, you submitted a complaint to my office about the FCA.
2. I have summarised your complaint as follows:

Element One – Your firm submitted your Directory Persons Attestation (DPA) on time and the related task disappeared suggesting it was completed. However, the FCA systems wrongly failed to register this and therefore the late fee should be waived.

Outcome – Not upheld. Based on the evidence I have seen, there is no indication of a DPA submission being recorded until 13 November 2025 which was two days after the deadline of 11 November 2025. Therefore, I agree with the FCA that the fee should not be waived.

Background

3. I note that the communication with the FCA regarding this matter was initiated by your colleague who also made the complaint to the FCA. However, the complaint to my office was referred by you as a Director of Firm X and you asked for all further correspondence to be addressed to you.
4. On 11 November 2025, your colleague said that she completed the DPA via MyFCA and that the linked task disappeared, suggesting that the submission was successful.
5. On 12 November 2025, the firm received a late fee notification which stated that the DPA was overdue and your firm was going to be charged an administrative fee of £250.

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6. On 13 November 2025, your colleague spoke to the FCA's Supervision Hub regarding the late fee. The Supervision Hub stated that there was no submission recorded and they guided her through the process of submission.
7. On 14 November 2025, a dispute was raised against the late return fee.
8. On 24 November 2025, the Supervision Hub emailed your colleague stating that the Returns Compliance Team had decided not to waive the fee, and they did not find that any exceptional circumstances apply.
9. On 26 November 2025, your colleague submitted a complaint to the FCA regarding the fee.
10. On 16 January 2026, the FCA issued its Decision letter and concluded that the late fee did apply and there were no known system issues at the time which would prevent a successful submission. The FCA also did not agree that the fee was unfair as it found that there were no exceptional circumstances which applied in your case.
11. On 19 January 2026, you complained to my office about the FCA.

Analysis

Element One – *Your firm submitted your Directory Persons Attestation (DPA) on time and the related task disappeared suggesting it was completed. However, the FCA systems wrongly failed to register this and therefore the late fee should be waived.*

12. I have reviewed the information available to me regarding the DPA. FCA records show that the previous DPA was submitted on 11 November 2024. The FCA has provided its internal records which all confirm that the most recent DPA submission was not made until 13 November 2025.
13. Additionally, the FCA has confirmed there are no deleted or draft DPAs recorded either to suggest that the DPA was started prior to 13 November 2025.
14. The FCA has confirmed it had also no known system outages which would prevent or delay the submission on 11 November 2025.
15. Regarding the MyFCA task, as the FCA explained in its decision letter, tasks are driven by the data from Connect and user permissions with tasks only

disappearing when Connect records a submission. However, as explained above, the evidence indicates that no such submission was recorded until 13 November 2025. The FCA has stated there are no known scenarios which would cause the task to disappear prematurely. You have provided the FCA with screenshots of your MyFCA dashboard to show the task had disappeared. This was provided after the due date had passed and it does not appear date stamped. While I do not doubt your candour, the absence of any date or time stamp means I am unable to place reliance on this evidence as the screenshot can postdate the submission due date.

16. Whilst I note your comments that your firm's submission was made on time, all available evidence indicates that no DPA submission was started until after the deadline. I recognise that you feel that FCA's approach was inflexible given your previous record of submitting on time and the firm's cooperation in attempting to resolve the matter. You have also said that as the submission was only completed following support from a Supervision Hub adviser, this is a "workaround" as this is not how firms normally submit the DPA.
17. The basis for the fee is found in **SUP 16.3.14R** which states that if a firm does not submit a regulatory form on time, it must pay an admin fee of £250.
18. The FCA does have discretion to waive the fee if it deems the circumstances merit it. This refers to an exceptional circumstance (unforeseen, extenuating, short term and outside of your firm's control) that would impact your ability to submit the regulatory return.
19. In your case, the FCA evaluated the circumstances and did not waive the fee as it did not meet the exceptional circumstances required (as set out above). I consider that this was not an unreasonable approach by the FCA.
20. I note that the firm did submit the DPA soon after the late return fee was issued. Still, this is not an exceptional circumstance, and the fee was charged in line with FCA Regulations.
21. I have also listened to your colleague's call with the FCA as you have said that this challenges the FCA's position that there are no workarounds.
22. During the call, the Supervision Hub guided your colleague through the submission of the DPA via Connect. As part of the process, the FCA has

confirmed that MyFCA would direct firms to complete the DPA via Connect so there is no indication that this is a specific workaround.

23. On the call, the adviser did mention workarounds if there were problems, but this was a general response to assist in resolving any issues that may occur rather than a specific confirmation of issues experienced in your firm's circumstances. The DPA was submitted following assistance from the Supervision Hub. You say this is a workaround as this is not the standard process, but the purpose of this call was to assist with any individual issues encountered during the process rather than to bypass the standard process. Nonetheless, the submission was still completed through the relevant FCA systems. Therefore, I do not think this confirms the presence of workarounds or that the FCA acted unreasonably in charging the fee.

24. For the reasons outlined above, I do not uphold your complaint.

The Complaints Commissioner

Complaints Commissioner

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