Complaints Commissioner

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23 September 2026

Final report by the Complaints Commissioner

Complaint number 202500720

The complaint

1. On 28 March 2026, you submitted a complaint to my office about the FCA.

2. Your complaint is that, on 3 December 2025, you sent an email to certain senior individuals at the FCA, including Non-Executive Directors (**"NEDs"**), to highlight the FCA's alleged failure to support vulnerable victims of systemic misconduct within banks. You asserted that this was placing these victims at risk of harm to their mental health or of resorting to suicide. You received a reply from one of the NEDs, which consisted of a crying face emoji. You were, understandably, not happy with this response.

3. I summarise your complaint below.

Element One: The FCA acknowledged that the email had been sent in error and apologised for any upset caused. However, you assert that the FCA treated the incident as a *"minor administrative error rather than a lapse in judgement by a Non-Executive Director."*

Outcome: Not upheld. The NED has explained that he has no knowledge of how the emoji came to be sent and that he did not intend to send it. There is no evidence before me to contradict that explanation. On the balance of probabilities, I, therefore, consider it more likely than not that the emoji was sent inadvertently rather than as a deliberate communication.

In those circumstances, I do not consider that this isolated incident demonstrates poor judgement on the part of the NED or supports your wider allegation of Board-level insensitivity towards vulnerable individuals. The FCA acknowledged that the email had been sent in error and apologised for any

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upset caused. Additionally, the NED sent you a personal apology. In my view, it was not unreasonable or irrational for the FCA to conclude that the emoji had been sent inadvertently. Accordingly, I do not uphold this element of the complaint.

Element Two: You claim that the FCA's account of what happened regarding the emoji has changed. The Executive Casework Unit (**"ECU"**) originally stated that the NED *"was not aware of any acknowledgement being sent from his account and certainly did not intend to do so in such a format. He is currently away from the office on leave, so has been checking emails remotely."* The FCA's 4 February 2026 Decision Letter repeated that the NED was unaware of the communication to you but did not mention that he was on leave.

Outcome: Not upheld. Although the Decision Letter's conclusion does not directly reference the NED being on leave, it does note the ECU's original response to you which did mention this. Ultimately, I consider that the question of whether the NED was on leave is supplementary background detail and has no bearing on your complaint.

Element Three: You assert that the FCA's apology is hollow given the NED's response to an email about suicide which included an emoji. The FCA has offered no meaningful remedy and has declined your request for a meeting with the NED and the CEO.

Outcome: Not upheld. The FCA issued an apology in the Decision Letter, and I consider that this was a reasonable response. In your complaint to me, you requested, in addition to the apology you had already received from the FCA, a personal apology from the NED. I raised this point with the NED and provided him with an opportunity to respond. I understand that he has since written to you to offer his personal apology. Although you requested a meeting with the NED and the CEO, the FCA advised that this is not something it is able to arrange. It said *"As Chief Executive of a large public body, and one responsible for regulating the conduct of around 45,000 firms, it simply is not feasible for him to meet individually with everyone who seeks his personal involvement. The same position applies to our Non-Executive Directors, whose role is focused on governance and oversight.*

Colleagues in our Supervision Hub are best placed to assist with the issues you have raised, and they remain available to support you." I do not think the FCA's position that there are colleagues available who will be able to help with the serious points you have raised is unreasonable.

Element Four: You note that your complaint (as opposed to the issue you raised with the NED) was investigated by a newly appointed investigator with Financial Ombudsman Service (**"FOS"**) experience but no background in regulation, whistleblower protection or Board governance. You assert that *"This appears to be a deliberate choice to assign a junior member of staff who will simply repeat the Executive line."*

Outcome: Not upheld. This is not a matter that you raised as part of your complaint to the FCA and, therefore, the FCA has not had an opportunity to respond to it. In any event, I do not place weight on the fact that the matter was not raised in your original complaint to the FCA and I have considered whether the investigator's appointment or background adversely affected the adequacy or fairness of the investigation. My role under the Complaints Scheme is to consider the adequacy of the FCA's handling of a complaint and the reasonableness of its conclusions. It is not my role to review the FCA's internal staffing decisions, which are matters for the FCA to determine.

4. The fact that a complaint is allocated to a particular investigator does not, without more evidence, demonstrate unfairness or procedural impropriety. The relevant question is whether the complaint was considered fairly, whether the issues raised were properly addressed, and whether the conclusions reached were reasonable and adequately explained.

5. I have seen no evidence that the investigator's level of seniority, experience or professional background affected the FCA's consideration of your complaint. Nor have I seen any evidence to support your assertion that the investigator was selected in order to reach a predetermined outcome. In the absence of such evidence, I am unable to conclude that the FCA acted unreasonably in the way it allocated or investigated your complaint. Therefore, I do not uphold this element of your complaint. In any event, I have independently investigated the complaint and I have agreed with the decisions the Complaints Team came to.

Background

6. On 3 December 2025 you sent an email to certain senior individuals at the FCA to highlight its alleged failure to support vulnerable victims of systemic misconduct within banks. You asserted that this was placing these victims at risk of harm to their mental health or to resorting suicide.

7. You received a reply from one of the NEDs which consisted of a crying face emoji. In a follow-up email, you suggested that either the NED was trying to show genuine concern, or he was mocking victims of fraud who resorted to suicide. You considered that it was the latter.

8. On 5 December 2025 the ECU told you that the NED was unaware of any acknowledgment being sent from their email account, and had not intended to respond in that format. The FCA added that the NED was currently on leave and had been periodically checking their emails.

9. On 23 December 2025 you raised a complaint with the FCA that, after you had sent your email, you had received a crying face emoji response from a NED. You considered that this would have even been an inappropriate response if the NED was trying to show genuine concern.

10. Subsequently, on 5 January 2026, you asked to meet the NED and other FCA executives to discuss mental health and suicide among victims of financial crime.

11. On 4 February 2026 the FCA issued its Decision Letter and upheld your complaint. The FCA acknowledged that the circumstances of your complaint were distressing and upsetting, and apologised that the NED's response caused upset. The FCA noted that the ECU had discussed with the NED and had told you that the NED was unaware of having responded to your email, would not knowingly respond in that way, and *"was on leave and checking his emails periodically."*

12. The FCA noted in its Decision Letter that you had asked for a meeting with the NED and the FCA CEO, but explained that, because of their senior roles within the FCA, they were not able to meet individuals who wanted them to become involved in a complaint. They suggested other people who would be able to discuss the issues you raised.

13. On 28 March 2026 you complained to me.

Analysis

14. I recognise that you feel strongly about the matters raised in your complaint and the impact that the emoji response had on you, particularly given the subject matter of your correspondence with the FCA.

15. My role is to consider whether the FCA handled your complaint adequately.

16. While you disagree with the FCA's conclusions and the adequacy of its response, I have not identified any evidence that the FCA failed to consider a material aspect of your complaint, reached conclusions that were irrational, or otherwise handled the matter unreasonably. I note you say that that the emoji reaction appeared approximately fourteen minutes after you sent your email.

17. In my view, the timing of response does not, establish how the reaction came to be sent, whether the NED consciously selected it, nor whether it was an intentional communication to you. It does not contradict the NED's account that he was unaware of sending it and did not intend to respond in that form.

18. For those reasons, and for the reasons set out under each complaint element above, I do not uphold your complaint.

19. While I do not uphold the complaint, I acknowledge that an inadvertently sent communication may nevertheless cause understandable concern or distress to the recipient. I note that the FCA recognised this and apologised for any upset caused. I also note that the NED apologised to you personally on 15 July 2026.

20. In response to my Preliminary Report, you submit that I have mischaracterised your complaint by treating it principally as a complaint about whether the crying-face emoji was sent deliberately or inadvertently. You say that the central issue was whether the FCA Board responded appropriately after being informed about serious concerns connected to vulnerable consumers, and that those concerns related to matters falling within the FCA's regulatory responsibilities.

21. You identify a number of questions which you consider the Preliminary Report should have addressed, including whether any Board member requested further information, whether the FCA considered the welfare of the individuals said to be at risk, whether any safeguarding discussion or review took place, and

whether the FCA sought meaningful engagement with you concerning the underlying cases.

22. I have carefully reconsidered your original referral in light of those comments. I do not accept that I mischaracterised the complaint you referred to me. Your referral described the serious subject matter of your email of 3 December 2025 in order to provide context to your complaint about why in your view, the emoji response was particularly inappropriate. However, your referral did not identify, as a separate ground of complaint, any failure by the FCA to assess, escalate, route or otherwise act upon the substantive information contained in your email. Indeed, I was not aware that no (substantive) response had been provided to you following the ‘’emoji communication’’ until you raised it in response to my Preliminary Report.

23. The questions raised in your response to the Preliminary Report about safeguarding discussions, internal escalation, requests for further information and reviews of the underlying cases therefore materially extend the complaint originally referred to me. There are obviously very serious issues.

24. Although this issue did not form part of the complaint referred to me, I have nevertheless asked the FCA whether it responded to the substantive matters raised in your email of 3 December 2025. The FCA has been unable to identify any such substantive response. Although it responded to you that “Colleagues in our Supervision Hub are best placed to assist with the issues you have raised, and they remain available to support you.” It appears that the Supervision Hub did not respond to the substance of your concerns. I find it concerning that it appears that the FCA did not respond to you. I suggest that the FCA now provide you with a substantive response if it has not already done so following me raising the issue. If you are dissatisfied with the FCA’s handling of those matters, including any continuing failure or delay in responding or with the response itself, it remains open to you to make a separate complaint under the Complaints Scheme.

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