

04 November 2021

Final report by the Complaints Commissioner**Complaint number FCA001353***The complaint*

1. On 29 July 2021 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

Part One

You allege that the FCA is allowing and encouraging a culture “*Corporate greed*” in the banking system, which consequently is resulting in a complete disregard of the banking customer.

Part Two

You are unhappy that the FCA has allowed savings institutions (such as [firm x]) to discontinue passbooks, which you claim targets, discriminates and hurts the most vulnerable customers.

Part Three

You allege that [firm x] “Bullied” and “Pushed you” into opening an online account which you eventually did.

Part Four

You are unhappy that [firm x] has dropped their interest rate, which you claim was done to increase their profits.

Part Five

You are unhappy with [firm x's] lack of investment in software at the point of customer interaction. This was shown when you had to spend 5 hours on the phone with [firm x] just to change your account.

Part Six

You are unhappy with the way bank staff at [firm x] treated you when you enquired about the change of interest rate. You claim that they were talking down to you and treating you unfairly.

Part Seven

You are unhappy that you had to reconfirm and check things whenever you interact with [firm x]. You claim this was unnecessary as they had been caught previously trying to "Rip you off". This has caused you a huge amount of stress and upset.

As a remedy, you would like the FCA to take action in addressing this complaint and whether you are eligible in receiving some form of a compensatory payment.

What the regulator decided

3. The FCA did not uphold your complaint, they advised you:

I am very sorry to hear about your difficulties, and that you have taken a huge amount of stress and upset in your dealings with [firm x]. I can fully appreciate that money is a worrying thing, especially in these current times.

However, I am unable to investigate your complaint because it is out of scope of the Complaints Scheme. This is set out in paragraph 1.1 of the Scheme and Part 6 of the Financial Services Act 2012. The Scheme is in place to deal with complaints that arise from the exercise of or failure to exercise, any of the FCA's relevant functions.

You have requested as part of a potential remedy to outline any potential eligibility you may have in receiving a compensatory payment.

This is explained on our website, under the following section: “Complaints Scheme: our approach to remedies”. A link to this page is provided here for your viewing.

In consideration of any potential eligibility, it is my view that having considered factors set out in paragraph 7.14 of the Scheme, no prospective compensatory payment towards the allegations raised on this complaint is available on this occasion.

Why you are unhappy with the regulator’s decision

4. You have told my office that:

Your complaint relates to [firm x] forcing you to move to a digital account and taking away the ability to use passbooks. This is prejudicial, discriminatory and biased against vulnerable people, those of lower education, special needs, black and ethnic minorities.

The FCA have had conversations with you tried to confuse you and have failed to answer your core questions. This has been very stressful and upsetting to you.

The main outcome you want is honesty. For the FCA and the banking Industry to realise that getting rid of passbooks is biased.

You said you have already been to FOS about an insurance matter and they stressed you out and were unhelpful and it made you anxious and stressed.

You have several more complaints about banks but can’t make them due to the stress that you have with FOS.

Preliminary points (if any)

5. This Complaints Scheme is concerned with the actions or inactions of the FCA. It cannot deal with complaints against banks, individual firms [or against the Financial Ombudsman Service (FOS)], nor is it a redress service for individual consumer complaints. The Financial Services and Markets Act 2000 explicitly provides for a consumer redress service separated from the FCA.

6. That does not mean that the FCA cannot investigate concerns arising from information about individual complaints, but it investigates for the purpose of considering whether or not regulatory action is justified, rather than whether or not the individual requires redress. The fact that a bank may have done something which justifies redress does not automatically mean that regulatory action is justified – that would depend upon the scale of the problem, and the risk of recurrence.

My analysis

7. You are unhappy you no longer have a passbook facility with your [firm x] account. You have complained to the FCA about this as no data gathering was done to see what impact this would have. This is prejudicial, discriminatory and biased against vulnerable people, those of lower education, special needs, black and ethnic minorities.

You are also unhappy with the way your complaint was handled by the FCA.

I can sympathise with your situation and I am sorry to hear how upsetting and stressful this has been for you, however as confirmed by the FCA, your complaint about [firm x] should be directed to FOS, the FCA were not involved in the decision to remove the passbook facility from your account with [firm x].

Whilst I note you don't want to complain to the FOS due to your previous experience communicating with them, that does not mean the complaint can be reviewed by the FCA or my office.

I have looked at the file the FCA have provided, which includes the communication you have had with them. I am happy the FCA have dealt with your complaint appropriately.

You have made a request for compensation as a result of the way your complaint has been dealt with by the FCA and my office, whilst I can sympathise you have found the experience stressful, I have found no reason for you to be awarded compensation.

My decision

8. I have not upheld your complaint for the reasons stated above. I realise that this outcome may be disappointing for you but I hope that you have understood how I have reached it.

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Complaints Commissioner

04 November 2021