

22 March 2022

Final report by the Complaints Commissioner**Complaint number FCA001564***The complaint*

1. On 20 January 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

You are unhappy as you have submitted four separate applications for jobs posted on FCA's website and believe the applications were not processed fairly.

You allege that no information was provided on the selection process for three of the applications and no information was provided about the criteria for the assessment for all of the applications.

You claim that no reason has been provided for your applications being declined.

You claim there has been delayed or missing communications with you and some of the communications have been misleading.

You claim there has been errors, and possible negative discrimination, in the assessment of the interview for Senior Associate Case Officers - Authorisations Division.

You claim that there were delays in the communication of the outcome of the application for Senior Associate Case Officers - Authorisations Division. You also claim there were delays (an apparent lack of transparency and cooperation) in the delivery of copies of the assessment for the application for Senior Associate Case Officers - Authorisations Division.

The remedy you are seeking is for in respect of your application for Senior Associate Case Officers - Authorisations Division you are allowed to sit a new interview, with different examiners. You would also like your application for Associate Lawyers - General Counsel's Division to be reviewed by other examiners and that, in case it is declined again, specific reasons for such a determination are provided in writing.

What the regulator decided

3. The FCA excluded your complaint, they advised you:

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. This is set out in paragraph 1.1 of the Scheme and Part 6 of the Financial Services Act 2012.

As your complaint relates to the FCA recruitment process it is not something that we are able to investigate under the Scheme as it would not be considered one of the FCA's relevant functions.

I appreciate that you believe your complaint should be considered under the FCA Complaints Scheme as you explained in your email of 14 October 2021. However, having considered the points that you have raised I am not in agreement with you.

Your complaint has been passed to the FCA HR department and they will review the issues you have raised. I can see you were contacted by Mr A on 21 October 2021 in this respect.

Why you are unhappy with the regulator's decision

4. You have asked me to review the FCA's decision as to whether your complaint should be reviewed under the FCA's Complaints Scheme.

My analysis

5. You have applied for 4 separate jobs within the FCA and are unhappy with how these applications have been processed. You have raised this complaint with the complaints team at the FCA who have advised they would not be

investigating your complaint as it does not fall within the complaints scheme and passed your complaint to the FCA's HR department to respond to you.

6. The complaints investigator at the FCA was correct to inform you that your complaint does not fall within the complaints scheme.
7. 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. This is set out in paragraph 1.1 of the Scheme and Part 6 of the Financial Services Act 2012. The FCA's recruitment of staff does not fall within the remit of the Scheme, and therefore it is excluded.
8. Whilst the complaints team did not review your complaint, your complaint has been answered by the HR department within the FCA, although I note you remain dissatisfied with the response you received.
9. You have told me you are unhappy with my explanation of why your complaint is excluded and you do not agree it should be. In the event it is excluded you believe there should be an independent body who could review your complaint.
10. I am sorry you remain unhappy; I have considered your comments about why you believe your complaint should not be excluded but I do not agree your complaint falls within the remit of the Complaint Scheme so I cannot investigate it. There is no review available of my decision and your only course of action is court action and I note you are already aware of your option to seek independent legal advice should you wish to pursue your complaint.

My decision

11. I realise you will be disappointed with my decision in my report, but for the reasons outlined above, I cannot look into your complaint.

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Complaints Commissioner

22 March 2022