

12 August 2022

Final report by the Complaints Commissioner**Complaint number FCA001674***The complaint*

1. On 14 March 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. In its decision letter to you dated 9 March 2022 the FCA described your complaint as follows:

You have explained that your ex-husband and accountant falsely reported you to the HMRC in 2014. You are unhappy that the FCA backed this. You state the FCA “has allowed and participated in false reporting allowing defamation, unlawful closure of a business unit, money laundering, identity and banking fraud”

What the regulator decided

3. The FCA informed you it could not investigate your complaint citing paragraph 3.3 of the Complaints Scheme. The FCA stated that given the information you have provided in your complaint it would appear you were first aware of matters in 2014, however you submitted your complaint more than 12 months following this date.

Why you are unhappy with the regulator’s decision

4. You disagree with the FCA’s decision and feel your complaint is within time.

Preliminary points (if any)

5. I empathise with your position as upon review of the evidence you have submitted, it demonstrates the trouble and upset you have experienced over the years.

6. I have considered the material which I have found to be most relevant to your case. My investigation of this complaint at this stage is the question of whether the complaint was referred in time and whether I think the FCA were right to use 3.3 of the Complaints Scheme as reasons to not investigate your complaint.
7. In your response to my preliminary report, you have made the assumption that ‘...Organisation A...’ referred to in my preliminary report was the Financial Ombudsman Service. For ease of reference and for transparency, this was the Information Commissioner’s Office and I was referencing an email you had provided to me. It is not the Financial Ombudsman Service.

My analysis

8. [3.3 of the Complaints Scheme](#) provides as follows,

3.3 Complaints should be made within 12 months of the date on which the complainant first became aware of the circumstances giving rise to the complaint. Complaints made later than this will be investigated under the Scheme only if the complainant can show reasonable grounds for the delay.

9. You have alleged in your complaint,

The FCA oversaw a system of financial abuse perpetrated against me in 2013-2014

It remained hidden until a first tranche of data became available in 2020 via HMRC but all other data was obstructed until December 2021 and then January and February 2022 and ongoing via Firm E who are drip feeding out the financial abuse and criminality I have faced.

10. I have considered your complaint points as to why you feel your complaint is within time. I have also considered the evidence which I feel is relevant to your complaint.
11. On review of the evidence, you have provided to me, there are to be inconsistencies between what you allege and arguments as to when you first ought to reasonably have become aware that you had cause for a complaint, in copies of the letters you provided to me. In a letter dated 10 April 2022 in respect of a tribunal matter, you mention in the letter ‘...This constituted a

sustained course of economic harassment...’ You mention this with reference following events that took place in January 2013 and 2014. This is also supported by the email you sent to my office on 20 April 2022 where you stated you had endured 9 years of abuse and actions were taken in 2018.

12. So based on this evidence I find there are arguments relevant that in the years 2013, 2014 and 2018 you were aware there was a problem and had cause to make a complaint. Later in the letter you state, ‘...In 2018 I communicated with my ex-husband to confirm what was happening was inhumane...’. Again, there are arguments relevant here that in 2018 given the concerns you raised with your ex-husband at the time, you ought to have been aware at that point and therefore could have raised a complaint with the FCA at this stage.
13. You state in one of the emails which was sent to another body – The Information Commissioner’s Office (ICO) on 25 March 2022 that,

I wish to progress a complaint regarding the FCA's handling of my personal information and how that was held back from me in a system of financial corruption dating back to 2013-2014, which HMRC and Bank of England have validated
14. It is important to note that in your email to me dated 14 March 2022 you did not mention that it was additionally the Bank of England, as well as HMRC, who either made data available to you in 2020 or validated such information was held back from you from 2013-2014. This is key information that is not consistent with what I have been informed verses what was shared with the (ICO). Both the ICO and I were given information within a similar time frame, as we both received contact from you in March 2022 but inconsistent statements.
15. I have also not been provided with any evidence from you showing that HMRC and/or the Bank of England substantiate your complaint points that information had been hidden from you and that this has been validated by HMRC and/or the Bank of England.
16. On review, I agree the FCA was right to not investigate your complaint citing 3.3 of the Complaints Scheme. I find the FCA were right to determine that you ought reasonably to have become aware that you had cause for a complaint for the reasons it gave in 2014. The evidence I have seen outlined in my report

points to the fact that there are arguments to you being aware that there was cause to complaint to the FCA from 2013 at least.

17. Due to the inconsistencies, certain information not being disclosed to me and lack of evidence to show otherwise, I am unable to determine that you were prohibited in making a complaint to the FCA until 10 February due to information being hidden from you from more than one organisation. I think it is reasonable to assume you were aware there was a problem much earlier from at least 2013. Equally, I have not seen any evidence that the FCA oversaw a system of financial abuse perpetrated against you in 2013-2014.

My decision

18. I do hope your situation improves. For the reasons above I am sorry I have not upheld your complaint. I agree with the FCA that it could not investigate your complaint under 3.3 of the Complaints Scheme due to matters being submitted to it more than 12 months after the date you ought to have been aware there was a problem and cause for raising a complaint.

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Complaints Commissioner

12 August 2022