

22 August 2022

Final report by the Complaints Commissioner**Complaint number FCA001688***The complaint*

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

What the complaint is about

2. Your complaint to the FCA was that the FCA's decision to decline the authorisation for your firm was not fair or reasonable. As a remedy you would like your application to be approved.

What the regulator decided

3. The FCA wrote to you on 14 April and did not uphold your complaint. The decision letter outlined in detail the course of progression of your application for authorisation of your firm, and the FCA Complaints Team concluded 'view that any requests for information, the overall time taken and assessment decision on your authorisation application were reasonable and in accordance with legislative and policy requirements. On this basis, I am unable to uphold this Part of the complaint.'

Why you are unhappy with the regulator's decision

4. You referred your complaint to me and said of the FCA it was 'making up lies about my complaint'. Your requested remedy is that your application for authorisation is approved.
5. You subsequently forwarded to me a warning notice the FCA had sent you on 12 May 2022.

My analysis

6. Under the Complaints Scheme to which both the regulators and I operate, paragraph 3 provides as follows:

3.6 The regulators will not investigate a complaint under the Scheme which they reasonably consider could have been, or would be, more appropriately dealt with in another way (for example by referring the matter to the Upper Tribunal or by the institution of other legal proceedings).

7. In its letter to you of 12 May 2022 the FCA granted you an opportunity to make representations to an Executive Decision Maker who would have decided the outcome of your application for authorisation taking into consideration both the FCA Authorisations Team's views and your representations. I understand you would like me to undertake a review of the evidence with a view to recommending the FCA grant your firm authorisation, however, the Complaints Scheme is not an alternative to the Executive Decision Maker and is not a suitable forum for determining matters of that kind, for which there are established processes.

My decision

8. I am unable to provide the remedy you seek under the Complaints Scheme, as it is not within my remit. Your complaint is best dealt with elsewhere and as such I will not investigate it in accordance with paragraph 3.6 of the complaints scheme.

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Complaints Commissioner

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