

01 September 2022

**Final report by the Complaints Commissioner****Complaint number FCA001754***The complaint*

1. On 21 June 2022 you asked me to investigate a complaint against the FCA.

*What the complaint is about*

2. The FCA summarised your complaint as follows:

You called the FCA's Supervision Hub on 13 December 2021 and a case was raised internally to ask the fees team to waive the late fee. You received a response on 17 January 2022 advising you that the team was unable to waive the fee as you would have been previously advised to register for Connect. You were advised of the complaints process should you want to appeal the decision.

To resolve your complaint, you would like the fees team to waive the late fee your firm incurred.

*What the regulator decided*

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

You called the FCA's Supervision Hub on 13 December 2021 and a case was raised internally to ask the fees team to waive the late fee. You received a response on 17 January 2022 advising you that the team was unable to waive the fee as you would have been previously advised to register for Connect.

I appreciate that you are unhappy that your firm has been charged a fee for the late completion of the Firm Details Attestation. It is a firm's responsibility to complete the Attestation on time and in order to do this the firm needed to be able to access Connect.

The Firm Details Attestation is a mandatory reporting requirement. As your firm is regulated by the FCA you are required to complete the mandatory reporting.

I have reviewed the FCA records and can see that on 2 prior occasions the FCA had asked your firm to call and enable Connect access. Your firm did not follow up on the calls and as such were unable to register for Connect.

I believe the FCA provided sufficient information both in the email of 30 September 2019 and the calls to the Supervision Hub in 2019 and 2020 to enable your firm to register for Connect and complete the Firm Details Attestation.

It is important that firms complete their Firm Details Attestation regardless of the service they are providing. Firms need to complete their Firm Details Attestation and it is a firm's responsibility to complete this attestation. As explained in the background section above, the reason for measures like the FDA work to prevent potential issues to the effective supervision of a firm because the FCA may not be able to effectively communicate with firms it supervises.

In addition, it also presents a risk to the public, consumers in particular, who use the FS Register to check firms' authorisation status and details. So, for these reasons I am unable to uphold your complaint

*Why you are unhappy with the regulator's decision*

4. You have asked me to review the FCA's decision.

*My analysis*

5. Firstly, I want to acknowledge that in your correspondence to me you have raised the fact it has been a difficult period for small businesses navigating the uncertainties that the pandemic created. In addition to this I would also like to say that I appreciate that the implementation of new computer systems can be very frustrating and fraught with teething problems both for internal and external users.

6. I have listened to the telephone calls you had with the FCA in 2019 and 2021 in relation to completing your Firms Details Attestation on the FCA's Connect system.
7. In 2019, you had communication with the FCA both by telephone and email. It is clear from the communication in December 2019, your firm had not been registered on Connect. Whilst I note the principal user provided information to the FCA by email in December 2019, the FCA told the principal user:

Please provide me a suitable time to contact you, so I can confirm the details you have sent to us. Once this confirmation is complete, I will be more than happy to guide anyone you authorise for me to speak to and get you registered onto our Connect system.

The FCA sent an email to the principal user on 30 December 2019, confirming its opening hours, but I cannot see any record of the principal user calling.

8. On 13 October 2021, you spoke with the FCA and explained you needed assistance logging into Connect and completing your Firms Details Attestation. The advisor explained they needed to speak with the principal user to complete security to progress any further. You advised you would call back on the following Monday when the shop would be closed as you could both call together. I cannot see a record of this call being made. Had the principal user called back and the necessary security had been completed, you would have been able to complete your Firms Details Attestation and no late fee would have been incurred.
9. The Firm Details Attestation was due 23 November 2021. I cannot see a record of your firm contacting the FCA following the telephone call on 13 October 2021 until after the late fee had been incurred.
10. Whilst I know this will disappoint you, taking the above into account, I cannot recommend the FCA waives the late fee.
11. In response to my preliminary report you have told me you did try and call the FCA on the following Monday after 13 October 2021, but you couldn't get through and there was no option to leave a voicemail. Whilst, I can appreciate the difficulties faced throughout the pandemic for both firms and consumers it is my view there was time for you to contact the FCA before the Firm Details

Attestation were due on 23 November 2021, even if this was by email to advise of the difficulties you had reaching the team by telephone.

*My decision*

For the reasons outlined above, I am unable to uphold your complaint.

Amerdeep Somal

Complaints Commissioner

01 September 2022