

01 September 2022

**Final report by the Complaints Commissioner****Complaint number FCA001759***The complaint*

1. On 1 July 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 have been contacting the FCA for over a year about problems you have submitting the FIN 069 return. You are unhappy that the issue has still not been resolved.

To resolve your complaint, you are seeking for the issue to be fixed and £50 compensation for each quarter the firm has had to deal with this.

*What the regulator decided*

3. The FCA partially upheld your complaint, they advised you:

From 6 April 2021 to 1 June 2022, you engaged with the Supervision Hub (the Hub) via email and telephone on issues being experienced with submitting FIN 069 reports.

As I understand, RST have confirmed that the technical issue was successfully fixed and was deployed during the RegData April Part B 2022 release (30 April 2022).

In reaching my decision, I have undertaken a review of all case notes, emails and liaised with the RegData Support Team (RST) to gain their clarification on matters pertained.

I would like to apologise on behalf of the FCA for the issues you have been experiencing with the RegData system and for the inconvenience this has caused to your firm.

In May 2021, RegData was formally implemented as the FCA's new data collection platform for gathering regulatory data from firms. It replaced our Gabriel system and made it easier for firms to submit their data.

However, as you can appreciate with any new system being used by over 52000 firms, teething issues do occur and/or long-standing issues requiring time to resolve. With regret, the aforementioned issue was one where previous fixes had been deployed to resolve the issue on 2 separate occasions, but the error remained.

With respect to your case, you were advised each time the issue had been reported and there was an on-going technical fault which was being investigated. Your firm were provided with several workarounds by the Hub to fix the issue manually whilst the fault was being investigated. These workarounds were conveyed to you once RST had confirmed to the Hub that a fix had been deployed to your RegData profile.

It is my view that the Hub sufficiently attempted to provide guidance and an appropriate resolution to your problems submitting FIN 069 reports. However, I have decided to partially uphold your complaint as I believe you were inconvenienced, and the issue took longer to resolve than was anticipated. Please accept my apologies on behalf of the FCA for the inconvenience this has caused you.

Although, with regret, I am unable to grant your request for compensation as in my view, you were provided with temporary workarounds to manually fix the issue, whilst the overall matter was being investigated. Whilst I can understand that your firm may have encountered some additional time and resource in dealing with this matter, it is my view that compensation isn't necessarily appropriate in

accordance with the circumstances of this case. I can appreciate that this is not the response you were hoping for.

However, I can confirm that a Late Return Fee for a FIN 069 report was waived on 14 June 2022, due to the issues you had encountered with RegData.

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

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

*My analysis*

5. Between April 2021 and June 2022, you have experienced technical issues when trying to use RegData.
6. You have told me:

I would like this complaint reviewed please because I feel the FCA should give me some compensation for the extra time involved in time and again having to find a workaround with them for their error, which they admit. "I believe you were inconvenienced, and the issue took longer to resolve than was anticipated."

In particular they note

"Your firm were provided with several workarounds by the Hub to fix the issue manually whilst the fault was being investigated. These workarounds were conveyed to you once RST had confirmed to the Hub that a fix had been deployed to your RegData profile."

These 'several workarounds' each took time to implement as is implied by their letter didn't always work first time.

The FCA even admit that it took us extra time:

"Whilst I can understand that your firm may have encountered some additional time and resource in dealing with this matter

I am asking for 5 x £50 for each of the 4 times we had to resubmit the data and try their workarounds - not that this even covers our costs, but as a gesture of goodwill from the FCA so they acknowledge their mistake and the cost it has on firms regulated by them.

7. I appreciate that the implementation of new computer systems can be very frustrating and fraught with teething problems both for internal and external users.
8. Under the Complaints Scheme, paragraph 6.6 provides that where it is concluded that a complaint is well founded, the relevant regulator(s) will tell the complainant what they propose to do to remedy the matters complained of. This may include offering the complainant an apology, taking steps to rectify an error or, if appropriate, the offer of a compensatory payment on an ex-gratia basis.
9. Whilst the FCA provided you with workarounds on 4 occasions between April 2021 and June 2022, and partially upheld your complaint, I do not think partially upholding your complaint and issuing an apology is sufficient given the ongoing issues you encountered. In my view the FCA should take responsibility and accountability when things go wrong with its IT systems.
10. The simple facts of this case are that you were inconvenienced on 4 separate occasions due to FCA IT issues. This is the essence of your complaint and warrants an apology and in my opinion an ex-gratia payment.
11. For the reasons above, I uphold your complaint and I **recommend** the FCA fully, and not partially uphold your complaint.
12. I do not agree with your request of 5 x £50, however I **recommend** the FCA issues an ex-gratia payment for a total of £100 in recognition of the ongoing technical problems you encountered on four separate occasions between April 2021 and June 2022.
13. In response to my preliminary report, I am pleased to confirm the FCA have accepted both my recommendations to fully uphold your complaint and to increase the ex-gratia payment to £100.

*My decision*

14. For the reasons outlined above, I fully uphold your complaint. I know you are disappointed with the ex-gratia amount as you have told me the amount of my recommendation is too low, however it is my view this is a fair amount.

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Complaints Commissioner

01 September 2022