

31st October 2016

Dear Complainant

Complaint against the Financial Conduct Authority
Reference Number: FCA00223

Thank you for your email of 24th August 2016. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint. Before finalising this decision, I invited comments from you and the FCA on my preliminary decision. I have considered carefully the points that you made [and referred to some of them in this decision letter].

How the complaints scheme works

Under the complaints scheme, I can review the decisions of the FCA's Complaints Team. If I disagree with their decisions, I can recommend that the FCA should apologise to you, take other action to put things right, or make a payment.

Your complaint

As the FCA set out more fully in its decision letter of 15th August 2016, your firm was authorised in February 2016. As a result, your firm was required to submit an annual return by 18th May 2016. You were sent information, on several occasions, about the requirement to submit a return.

On 6th June 2016, the FCA wrote to you to say that, because you had not submitted your return on time, you would be charged a late payment fee of £250. You telephoned the FCA's Contact Centre on 9th June 2016 to report that you were unable to log on to the reporting system (GABRIEL) and, after you had been given some advice by the Contact Centre and had your password reset, you were able to log on later that day.

Your view is that you should not have been charged a late payment fee because your inability to log on to GABRIEL had been caused by missing links in several emails which the FCA had sent to you at an earlier point.

The matter is complicated by the fact that you had separate dealings with the FCA's Financial Revenue Team because of a problem you were having in logging on to the separate Online Invoicing system.

I have looked carefully at the FCA's records. It is clear that the Complaints Team undertook a thorough review of the events. Their conclusion was that there was no record of your having contacted the FCA about the GABRIEL log-on issue before 9th June 2016 (which was well after the deadline for submitting the report), nor was there evidence that the problems you experienced were caused by a technical issue at the FCA. Having reviewed their records, I agree with their conclusion. In your response to my preliminary decision you claim you made numerous attempts to log into GABRIEL. Unfortunately there is no record of you having done so. It is unfortunate – as the FCA have acknowledged – that it was suggested to you during one of the telephone calls that it was possible that you might not be charged the £250 fee, but that had no effect upon what happened.

Conclusion

For the reasons given, I do not uphold your complaint. I am unable to help you further under the Complaints Scheme and, although I appreciate that you will be disappointed with my decision, I hope that you will understand why I have reached it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend', with a large, stylized flourish at the end.

Antony Townsend
Complaints Commissioner