

30<sup>th</sup> November 2016

Dear Complainant

**Complaint against the Financial Conduct Authority (FCA)  
Reference Number: FCA00237**

Thank you for your email of 7 October 2016. I have completed further inquiries of the FCA and have reviewed all the papers you and the regulator have sent to me. Before finalising this decision, I invited comments from you and the FCA on my preliminary decision. Neither you nor the FCA have made any comments.

**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**

You complained to the FCA because you had been charged a late return fee of £250. You requested that the fee be waived or reduced. The FCA did not uphold your complaint in its decision letter to you of 16 September 2016.

You then submitted your complaint to me on 7 October 2016 for an independent review.

**My findings**

You were charged £250 for late submission of a return. The reasons you give for the late submission are that it was an oversight not helped by the fact that the FCA reminder email to you unfortunately went into your spam folder, although you were, at the time, receiving other correspondence from the FCA via email.

You feel that the fine is extreme for a small business such as yours, particularly as this is your first late return having been authorised the previous year on the return due date.

I have reviewed the FCA file, and I find that the FCA explained to you, in its decision letter, that as a firm which is authorised by the FCA, the onus is on you to ensure you comply with the FCA rules and regulations. Whilst the FCA does issue reminders via email, it is not required to do so, but issues reminders in order to be helpful. Whilst it is unfortunate that the FCA reminder entered your spam folder, this is not the fault of the FCA.

I appreciate you are unhappy that the fine of £250 applies to both large and small firms. However, reviewing the FCA rules is outside of the scope of the Complaints Scheme.

While I have sympathy for your situation, the FCA has to apply its current rules across all firms in a fair and consistent manner. Whilst there may sometimes be exceptional circumstances when the FCA may waive the fee, in your case, its decision was that your circumstances were not exceptional.

### **Conclusion**

In conclusion, I do not think the FCA acted unreasonably and I cannot uphold your complaint. I appreciate you will be disappointed with my decision, but I hope you will understand why I have reached it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend'.

Antony Townsend  
Complaints Commissioner