

15 February 2017

Dear Complainant

**Complaint against the Financial Conduct Authority**  
**Our reference: FCA00271**

Thank you for your email of 11 January 2017. I have completed further enquiries of the FCA, and can now write to you. In reaching my final decision, I have carefully considered the points you made via telephone on 1 February 2017, in which you responded to my preliminary decision.

**How the complaints scheme works**

Under the complaints scheme, I can review the decisions of the FCA 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**

On 6 May 2016 your firm was sent a final reminder from the FCA that your company's Gabriel return for the period 01/04/2015 to 31/03/2016 was due by 13 May 2016.

You state that you called 0300 500 0597 (the correct FCA number for firms to contact the Customer Contact Centre (CCC)) shortly after receiving this reminder, and spoke to an FCA associate who advised you that as you had not undertaken any financial deals within the last three months, you did not need to submit a Gabriel return.

You did not submit a Gabriel return, and were later issued with a late return fee. You disputed this with the FCA. Both the Late Returns Team and the Complaints Team looked into the matter for you. Although you provided possible numbers from which you may have called, and the actual number (above) which you called, neither team were able to locate a record of a telephone call from you or any representative of your company between 6 May and 13 May (the return due date) 2016 using the numbers you had provided. As a result of this, the Complaints Team felt unable to verify your claim and did not uphold your complaint, and the late return fee remained due. You say this left you feeling as if you were being called a liar, particularly during a call you made to the CCC on 12 August 2016.

Having carefully looked at the evidence, I am satisfied that the FCA searched its records and could not find a call from you in the period 6-13 May 2016.

In his letter to you on 24 November 2016, the Complaints Team investigator informed you he had listened to the recording of the call you made on 12 August 2016 and had not found that the FCA associate had called you a liar or stated you had not called the FCA.

I am sorry that you feel you were being called a liar, but having listened to the call recording and studied the records I am satisfied that that is not the case. The FCA has said that in the absence of any call recordings with your firm, it cannot verify your claim and therefore does not uphold your complaint: that is not tantamount to calling you a liar.

In response to my preliminary decision you telephoned our office to say that you continue to feel 'bullied' and that you had in fact telephoned the FCA. I note these points, but in the absence of any new evidence I cannot uphold your complaint.

### **Conclusion**

For the reasons explained above, and without any evidence of a phone call made on or around 6 May 2016, I cannot uphold your complaint. I appreciate you will be disappointed with this 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', with a large, stylized flourish at the end.

Antony Townsend  
Complaints Commissioner