

28 September 2017

Dear Complainant

Complaint against the Financial Conduct Authority**Reference Number: FCA00351**

Thank you for your email of 14 June 2017. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint. Before finalising my decision I invited comments from both the FCA and you. Neither you nor the FCA commented.

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

Your complaint to the FCA is that the FOS 'is applying the incorrect interpretation of its remit that is both unfair and discriminatory towards complainants in favour of defendants'. You have cited your cases at the FOS as examples, and add that 'There are many other areas of complaint that I brought to the attention of the Complaints Department of FCA, not on individual cases, but on method, process and principles of operation that I believe, FOS have chosen to ignore. And that this is a deliberate misuse of power contrary to treating clients fairly.'

The FCA did not formally investigate your complaint but in its response to you it said that 'in light of your concerns about the Financial Ombudsman Service's handling of certain complaints, the FCA has asked them for information in relation to the way these complaints are being handled' and 'The FCA does not consider that anything it has been told by you or by the Financial Ombudsman Service calls into question the ability of the ombudsman service to carry out its functions.'

You were not satisfied with this response and submitted your complaint to me.

My position

I should say at the outset that I cannot investigate complaints against the FOS (see paragraph 3.4 of the Complaints Scheme). The FOS is operationally independent of the FCA, and the FCA cannot become involved in the FOS's decision making - on individual cases or jurisdictional matters. I can, however, consider any omissions of the FCA in relation to its oversight of the FOS, and I have done so in relation to your complaint.

As you make clear in your email of 14th June, your complaint is not about individual cases but about what you see as systemic failure by the FOS. I have carefully reviewed the documents which the FCA.

In response to your complaint, the FCA did review the issues raised in the cases you cited in some detail, and made inquiries of the FOS on the basis of the material which you supplied. I have seen the exchanges between the FCA and FOS, and am satisfied that proper consideration was given to your allegations. You have objected to the FCA having contacted the FOS regarding your specific cases, as you say your allegations are of a broad nature. However, I do not find the FCA's actions unreasonable, as it would not be possible to investigate the allegations you make without reference to the cases which you use as an example.

In the light of that, I do not uphold your complaint that the FCA has failed in its oversight duty.

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