

18 September 2017

Dear Complainant

**Complaint against the Financial Conduct Authority  
Reference Number: FCA00371**

Thank you for your email of 11 July 2017. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint, and I have carefully considered the points which you made in response to the preliminary decision I sent you.

**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 that you feel that the FCA did not act in a fair or reasonable manner in omitting to include Card Protection Plan (CPP) associated account interest within the terms of the Scheme of Arrangement, and in doing so it knowingly misled claimants into believing that the only loss they had suffered was the CPP premiums.

You also feel that the FCA colluded with other major parties to deprive victims of fair and reasonable CPP redress.

The FCA did not uphold your complaint. You referred it to me and have also asked me to assist you in obtaining a copy of Mrs Justice Proudman's judgment of 14 January 2014.

**My findings**

The FCA has explained to you how and why it chose this particular redress scheme. The scheme, which was agreed with 13 banks and credit card companies and CPP, was voted on by 1.3 million CPP policyholders with 98% voting in favour.

The High Court then ratified the scheme in January 2014. Your representations were specifically brought to the attention of the Court and were covered in the judgment (see

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paragraph 13). Mrs. Justice Proudman considered your letter. She referred to your *'point that, although the Scheme provides for 8% interest to be payable, that will not match the higher amount of interest that people might have to pay on their credit cards. Again I agree with Mr. Trower, that is not a reason for not approving the Scheme. The whole point of a Scheme is that it provides an overall benefit to the Scheme Creditors as a whole.'*

I appreciate you are not happy with this, and have argued that, while you do not seek to challenge the High Court's decision, you do challenge the FCA's approach in the lead-up to that decision. In your view, the proposals agreed by the FCA and then approved by the High Court did not take proper account of the situation of people such as your late mother-in-law, whose example you cite.

I understand your arguments, but I am afraid that they do not change my decision. The Complaints Scheme cannot interfere with decisions taken by the courts, and the High Court's decision was taken in the knowledge of your representations. While you have said your complaint is against the FCA and not the High Court, the fact is that the FCA's approach was supported by the High Court and therefore I would be going behind the High Court's decision.

Under paragraph 6.15 of the Complaints Scheme I am bound by the decisions of the High Court, and I am afraid that I therefore cannot help you under the Complaints Scheme.

### **Conclusion**

For the reasons stated above, I do not uphold your complaint. I appreciate you may be disappointed but I hope you understand the reasons why I have not upheld your complaint.

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