

29th January 2018**Final report by the Complaints Commissioner****Complaint number FCA00413***The complaint*

1. On 11th November 2017 you wrote to me to complain that you had had to chase the FCA twice to respond to your correspondence about your allegation that you had been mis-sold a mortgage.

What the complaint is about

2. When the FCA sent you its decision letter about your complaint on 8th November 2017, it described your complaint as follows:

Part One

You wrote to the FCA on two separate occasions before to report the actions of your mortgage broker. You state the FCA Customer Contact Centre (CCC) failed to respond to you and that you had to chase the response by telephone. You then received the responses that the CCC says they had sent to you. You believe the FCA failed to properly consider the information you provided or deal with it fairly.

Part Two

You took out an interest-only mortgage using a broker, which you subsequently believe was mis-sold. You engaged a claims management company (CMC) to help you. However, after two years of dealing with them it turned out they wouldn't be able to look this type of claim. You are unhappy because you feel you had wasted two years dealing with the claims management company.

Part Three

You explained that the mortgage broker submitted false information in order to get your mortgage application approved. You explain that the FCA still needs to resolve the fact that you will potentially lose your home in three years.

What the regulator decided

3. The FCA did not uphold part 1 of your complaint. It said that its records showed that the CCC had responded to you promptly in writing on the two occasions. The FCA did, however, say that in one telephone call a member of staff had declined to tell you what was in a letter which had been sent to you, on the grounds of data protection, and that that could have been handled better. Feedback on this had been given to the CCC.

4. The FCA told you that part 2 of your complaint was excluded from the Complaints Scheme, because the FCA was not responsible for claims management companies. The FCA gave you details of the Claims Management Regulator at the Ministry of Justice.

5. The FCA also told you that part 3 was excluded from the Scheme, because it was the role of the Financial Ombudsman Service (FOS), not the FCA, to deal with individual complaints against firms.

Why you are unhappy with the regulator's decision

6. You tell me that you are suspicious about the FCA's claims that you were sent prompt replies to your correspondence; you ask why the CCC's letters were not emailed to you; and you consider that your complaint about the mortgage broker has not been treated properly, despite the serious consequences for you of the alleged mis-selling.

Preliminary points

7. Having carefully read all the documents, it is clear that you are in a difficult situation with your mortgage, and that you have made considerable efforts, involving a number of organisations and solicitors, in trying to sort matters out. I sympathise with the position in which you find yourself.

8. My role is limited to considering the actions, or inactions, of the FCA. I am afraid that I cannot deal with your complaint against the (now defunct) brokers firm.

My analysis

9. I will start with the problem with the two FCA letters. The position is that the FCA says that its records show that two letters were sent promptly, and you say that you did not receive them. I have no reason to doubt either you or the FCA – and I have checked the FCA's record. For that reason, I can only conclude that the letters went astray. It might have been better if they had been emailed to you, but I do not think that the FCA can be found at fault here.

10. You have also raised the more general point that the FCA has not taken your complaint sufficiently seriously. I realise that you would like the FCA to investigate your complaint against the brokers and claims management company but – as has been explained to you – that is not part of the FCA's role.

11. For the same reason, I consider that the FCA was right to exclude parts 2 and 3 of your complaint.

12. In your email to me, dated 23rd January, in which you responded to my preliminary report, you say that you found the FCA's

“service, administration and support for the individual to be extremely disappointing, and a waste of time. . . I also find your response to my complaint and most likely responses to others who also as individuals have brought to your and the FCA's attention mal practices also disappointing,

As an independent body I would not have expected your response to say you neither doubt myself or the FCA, but to be more positive with a constructive outcome. I now have the impression that my complaint was not fully investigated and as individuals we have no opportunity of positive support from agencies such as yourselves. In fact your response gives the feeling that the FCA are only interested in the `bigger fish` and possibly have a close relationship with yourselves.”

13. I am sorry that you are disappointed but, as I have said earlier, it is not the FCA's role to deal with individual complaints against financial services organisations, nor to regulate Claims Management Companies – the FCA was right to direct you to the FOS and the MOJ. I

realise that it is frustrating to be told to go to other organisations, but the FCA's advice was correct.

My decision

14. I am sorry to have to disappoint you but – for the reasons given – I do not uphold your complaint. I recognise that the matters about which you have complained are serious ones for you, but I do not consider that the FCA has been at fault.

Antony Townsend

Complaints Commissioner

29th January 2018