

4 January 2019

Final report by the Complaints Commissioner**Complaint number FCA00531***The complaint*

1. You telephoned on 4 December 2018 to complain about the FCA's credit card debt rules and a 'threatening' letter from your bank which identified you as a customer in persistent debt.

What the complaint is about

2. You made three complaints to the FCA: about its credit card debt rules and how your bank was applying them; how the Customer Contact Centre (CCC) had handled your call; and about the conduct of the FCA Complaints Investigator you spoke to.

What the regulator decided

3. The FCA upheld your complaint about the CCC and partially upheld your complaint about the Complaints Investigator. You did not refer these complaints to me.
4. The FCA did not investigate your complaint about its credit card debt rules formally under the Scheme because complaints about the FCA's general policies and rules are excluded from the Scheme. However, it provided you with detailed information about its rules. In particular, it explained that the rules allow banks flexibility in the wording they can use when contacting customers in order to ensure that communications take account of customers' individual circumstances.
5. The FCA Complaints Team reported that it had passed your concerns about the letter you received from your bank to the Supervision department for their consideration (the Complaints Team said that the information should have been referred to the Supervision department when you had first spoken to the CCC,

FCA00531

and that this oversight had been drawn to the CCC's attention). However, due to confidentiality restrictions the FCA does not generally provide feedback to consumers about information they provide to it.

Why you are unhappy with the regulator's decision

6. You feel the FCA guidance to banks about credit card debt is not prescriptive enough, and this has led to your bank issuing what you believe to be a 'threatening' letter to you.
7. You are not complaining about the guidance as such but about 'the delivery', namely the allegedly threatening tone of the letter you received from your bank.
8. You also consider that the bank should not have sent you the letter in the first place, as you do not feel it was fair for your bank to identify you as a customer in persistent debt.

Preliminary points

9. My role as Complaints Commissioner is to review the actions of the UK financial regulators. I am unable to investigate complaints about your bank. Therefore, I cannot look at your concerns in paragraph eight above. I am aware you have contacted your bank on this matter. If you are not happy with its response you may be able to refer your complaint to the Financial Ombudsman Service (FOS), which is the organisation which considers complaints about banks.

My analysis

10. The FCA has explained to you in detail the reasons it introduced new rules requiring firms to identify customers meeting its definition of persistent debt, what it hopes to achieve by introducing these rules, and what the rules require of firms.
11. The FCA has invited you to provide it with a copy of the letter you received from your bank so that it can pass it to the relevant area for review. This will enable the FCA to consider whether it should take any further steps (although it will not be able to intervene in your individual case).
12. The FCA has also correctly told you that it may not be able to provide you with feedback on any action it takes (or does not take) as a result of the information you have provided, due to confidentiality reasons.

My decision

13. For the reasons given above, I do not uphold your complaint. I am satisfied the FCA is not ignoring your concerns and has behaved reasonably.
14. You may also approach the FOS if you are unable to resolve your concerns with your bank.

Antony Townsend
Complaints Commissioner
4 January 2019