

24 May 2019

Final report by the Complaints Commissioner**Complaint number FCA00574***The complaint*

1. You wrote to me on 15 April to complain about what you consider to be the FCA's inaction in response to information about a leisure company and a bank with whom you have had unsatisfactory dealings.
2. I was sorry to learn about the long series of events, which have clearly caused you considerable trouble.

What the complaint is about

3. Your complaint dates back to 2014, when you first approached the FCA. The matter is complex, but in summary you bought a second-hand caravan from a leisure company, using a hire purchase agreement arranged by a bank. You consider that the agreement was mis-sold to you – particularly in relation to the inclusion in the agreement of various extras which you say you were unaware of – and that there were irregularities in the contract, including doubts about the validity of signatures.
4. You were directed by the FCA to the Financial Ombudsman Service (FOS), but your complaint was unsuccessful. You took the matter to court, but you were unsuccessful there too.
5. When you complained to the FCA in 2018, the FCA described your complaint as follows:

Part One

You have raised concerns with the FCA, over a period of more than four years, regarding [the bank] and [the leisure company] operating a caravan sales scam. You believe the FCA's Consumer Contact Centre's (CCC) email of 22 August 2018, in reply to your email to Andrew Bailey (FCA Chief

FCA00574

Executive Officer) of 20 August 2018, states nothing new and further demonstrates the FCA's apparent incompetence when addressing your concerns. You would like the FCA to put a stop to the caravan sales scam.

Part Two

You are unhappy with the level of service you have received in response to a number of emails sent this year (2018) to Andrew Bailey.

What the regulator decided

6. The FCA did not uphold Part One of your complaint. It said that it had reviewed the correspondence from 2014, and considered that it had been dealt with appropriately.
7. It partially upheld Part Two. This was because it appeared from the records that you had not been sent a response to an email of 25 April 2018, even though it was clear that a response had been prepared. For this, the FCA apologised.
8. It offered you £75 because it had taken over seven months to respond to your complaint.

Why you are unhappy with the regulator's decision

9. In your complaint to me, you say that you remain dissatisfied that the FCA has taken no action against the two companies, and ask why 'we have been treated so disgracefully by the FCA and why it has failed in its duty of care towards us by not taking our concerns seriously'.

Preliminary points

10. As has been explained to you by the FCA, this Complaints Scheme does not deal with individual disputes between consumers and regulated financial services organisations – that is the role of the FOS; nor can the FCA or I interfere with decisions of the FOS. Additionally, by law I am bound (as is the FCA) by decisions of the courts. You have already taken your complaint to both the FOS and the courts. In your response to my preliminary report, you asked me what I would do if the courts were wrong. I have to proceed on the basis that the court's decision was right: a court's decision can only be overturned by another court on appeal.

11. My role is limited to the question of whether or not the FCA's responses to the issues which you raised were reasonable.

My analysis

12. I have studied the correspondence, going back to 2014, carefully. With the one exception for which the FCA has already apologised, it seems to me that you have received reasonable responses to the matters which you have raised. In particular, the letters which were sent on 10 August 2015, 3 January 2018, and 22 August 2018 were full and clearly intended to be helpful – even though I recognise that they did not give you the answers for which you wished.

13. The FCA has already explained to you that there are confidentiality restrictions on the information about regulatory matters which it and I can disclose – a good explanation of those is at <https://www.fca.org.uk/freedom-information/information-we-can-share>. Although, for that reason, I cannot share details with you, I can say that I have looked carefully at the FCA's internal records and am satisfied that the information which you supplied on several occasions over a significant period was not ignored, but was carefully considered.

My decision

14. For the reasons I have given, I cannot uphold your complaint. The FCA has already apologised for the failure to respond to one email, and has offered you £75 for the delay in handling your complaint – which should not have occurred.

15. I am sorry to give you a disappointing response.

Antony Townsend
Complaints Commissioner
24 May 2019