

21 October 2019

Final report by the Complaints Commissioner**Complaint number FCA00647***The complaint*

1. You wrote to me on 14 September 2019 to complain about the FCA's decision not to uphold your complaint.

What the complaint is about

2. You originally complained to the Financial Ombudsman Service (FOS) about your bank, which you considered had improperly linked home insurance payments to your mortgage. The FOS decided that your complaint was out of time.
3. You then complained to the FCA on the grounds that the FCA had set the complaint time limit which the FOS were applying.

What the regulator decided

4. The FCA excluded your complaint from the Complaints Scheme *because your complaint relates to the performance of the regulators' legislative functions as defined in the Financial Services Act 2012 (including making rules and issuing codes and general guidance)*.

Why you are unhappy with the regulator's decision

5. In your letter to me, you say that your bank had 'deliberately conspired to defraud me' and that 'Somebody needs to protect people from the banks and building societies and yet the FCA are conspiring with them to help them get away with it.'

My analysis

6. The FCA was right to say that your complaint cannot be considered under this Scheme. Rule 3.4 (c) of the [Complaints Scheme](#) says that complaints about the

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FCA's 'legislative functions' – which include the making of rules – are excluded from the Scheme.

7. In your response to my preliminary report, you have repeated your view that the time limit should not have been set. You have also asked whether you should go to the police to investigate the original scam, and the FCA for 'brushing it under the carpet'.
8. If you think that the FCA's rules are wrong, you might wish to approach your Member of Parliament to suggest a change, but I am afraid that this Scheme cannot help you to change the rules. If you think that a crime may have been committed (although I have seen no evidence of that), you could approach the police.
9. Although the FCA excluded your case, it explained that the FOS was able to take a complaint after the time limit if it considered that it was right to do so. It also explained that the FCA could not interfere in FOS decisions, but that you could consider taking legal action – though you might wish to take legal advice before doing so.

My decision

10. I am sorry to disappoint you, but I agree with the FCA that your complaint cannot be considered under this Complaints Scheme.

Antony Townsend

Complaints Commissioner

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