

20 July 2020

**Final report by the Complaints Commissioner****Complaint number FCA00709***The complaint*

1. You complained to me that the FCA had failed to take action against your bank, Bank X, which you said was discriminating against people who did not have mobile phones – in particular, older people.

*What the complaint is about*

2. You first contacted the FCA in August 2019. The FCA summarised your concerns as follows on 25 March 2020:

*The reason for raising this with the FCA was because you felt [Bank X] are in breach of FCA guidelines around Strong Customer Authentication and as a result are discriminating against those who do not have mobile phones. Your subsequent complaint against the FCA is around the action(s) taken, or lack of action taken by FCA following the information received regarding [Bank X] and their practices around implementing Strong Customer Authentication.”*

*What the regulator decided*

3. The FCA did not uphold your complaint. It said that it had engaged with Bank X, which had now 'launched a new service on the 13 March that allows One-Time-Passcodes to be delivered via registered email addresses, as well as SMS. As a result, those customers that wish to continue using online banking, but who are unable to receive SMS, can continue to do so.'

*Why you are unhappy with the regulator's decision*

4. You feel that Bank X was too slow to meet the needs of customers such as yourself who have no mobile phones, and the FCA should have fined the Bank.

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### *My analysis*

5. The problem arose because of new requirements upon the banks to provide 'Strong Customer Authentication' (SCA), much of which is delivered via mobile phones. I understand you are frustrated that your bank was not able to provide you with the service you wanted for a period whilst SCA was being implemented. The FCA Supervision Hub provided you with information about the implementation process by pointing you to the FCA web site here : <https://www.fca.org.uk/news/statements/fca-response-european-banking-authority%E2%80%99s-opinion-strong-customer-authentication>
6. On the page above, the FCA explains that the legal requirement for firms meeting all the requirements on SCA was 14 September 2019. The FCA then goes on to say that it would not take enforcement action against firms which miss this deadline if these firms have taken steps to comply.
7. Bank X was able to provide you with the service you required in March 2020.
8. From the FCA's files I can see that the FCA's Supervision Team were engaging with Bank X on these matters on a regular basis, and that Bank X was taking steps to comply. Whilst there was a delay in the Bank in implementing a solution to the matters you raise, the solution was delivered. I realise that you would have liked the FCA to take stronger action, but I do not consider that what the FCA did was unreasonable.
9. If you consider that the bank discriminated against you on the grounds of age, you might wish to take advice from Citizens Advice or a solicitor, or complain to the Financial Ombudsman Service (see <https://www.financial-ombudsman.org.uk/>). I am afraid that is a matter I cannot help you with.

### *My decision*

10. For the reasons I have given, I am afraid I cannot uphold your complaint.
11. I understand that you continue to feel that bank X should have met the legal requirements for SCA by 14 September 2019, and the FCA should fine it for not having done so. However, my view remains that what the FCA did was reasonable in the circumstances.

Antony Townsend  
Complaints Commissioner  
20 July 2020