

10 June 2020

Final report by the Complaints Commissioner**Complaint number FCA00721***The complaint*

1. On 16 March you asked me to investigate a complaint about the FCA.

What the complaint is about

2. In your complaint you alleged, as summarised by the FCA, that the Whistleblowing team

“failed to take action following the information you provided. You stated that an Associate in the Whistle Team emailed you on 19 December 2018, stating that you were in danger because of their investigation into ‘BMI Healthcare/BMI Card/BC Partners/Netcare’, despite knowing that your communications were ‘hacked/monitored’. You stated as follows, “*the danger became real that evening [19 December 2018] when my front door was smashed down & I sustained GBH injuries.*”

What the regulator decided

3. The FCA did not uphold your complaints because it found no evidence “that the Whistle Team failed to take any action concerning the information you provided that was within the FCA’s remit”.

Why you are unhappy with the regulator’s decision

4. You are unhappy with the FCA’s decision because you believe its actions support those trying to commit crimes against you.

Preliminary points

5. You raised a number of wide-ranging issues in your correspondence with the FCA, often copying them into correspondence with other organisations.

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6. Just like the FCA, I am only able to address your concerns about matters falling under the remit of the Complaints Scheme, the details of which can be found through the following link: <https://frccommissioner.org.uk/complaints-scheme/>. In particular, I can only consider the actions or inactions of the FCA (and the Bank of England): I cannot consider the many other wider issues which you have raised in your correspondence.

My analysis

7. According to the information I have reviewed, you first contacted the Whistleblowing (WB) Team of the FCA on 6 August 2018, by telephone, when you had a conversation with an Associate and raised concerns about a number of different matters. You sent a large number of emails and had several telephone calls and email exchanges with the WB Team between this date and 1 August 2019 and I am going to detail below the emails from the FCA that are relevant to your complaint.
8. On the day of your initial call, the Associate you spoke to sent you an email asking for specific information about the allegations you had made which fell within the remit of the FCA.
9. On 9 August 2018 you were sent an email explaining the WB Team's approach to the concerns you were raising, in particular that the individual you were referring to them was no longer authorised or registered by the FCA so whilst the information would be kept on record, the FCA would not be able to take any action in relation to it. You were asked for further information about the FCA regulated firm you had also referred to them, and you were signposted to various other teams and organisations outside the FCA.
10. In response to an email in which you sent several documents, including a 300 page chronology, on 6 September 2018 the WB Team asked you to specify where in the document was the information that was relevant to the remit of the FCA, because the document had made references to many other matters that did not fall within the FCA's remit.
11. Another email was sent to you on 19 October 2018 in which you were told again that the individual you were reporting to the WB Team was no longer authorised or regulated, and you were informed that the concerns you raised about the FCA

regulated firm would be forwarded to the relevant area in the FCA for consideration.

12. Following further emails from you, often copying in the FCA to emails being sent to different organisations, you were told by email on 9 November 2018 that the FCA would only respond to correspondence about matters that fall within its remit, and you were once more given an explanation about what matters the FCA is able to consider.
13. On 19 December 2018 you were sent an email by the WB Team asking specific questions about your allegations against the FCA regulated firm. This email demonstrates that the information you provided was forwarded to the relevant areas and it was being considered. The email said: "Please note we are asking you to answer based on your current knowledge and are not asking you to obtain any further information or seek out or obtain evidence on our behalf. This could put you at risk and we may not be able to use any evidence obtained incorrectly". In my view, the FCA's approach was right and sensible.
14. Although you continued to send emails to the FCA, you did not respond to the questions you were asked about the firm, and the WB Team sent a follow-up email, repeating the request for information.
15. Not having sent to the FCA any of the information you were asked for, the WB Team informed you on 21 May 2019 that it was considering closing your case if no information was provided by you.
16. Finally, you were informed on 1 August 2019 that as you had not provided the information requested, the FCA would not be taking any further action and your case would be closed, although the FCA remained open to receiving any relevant information from you.
17. In my view, the FCA handled your correspondence correctly. It gave you clear explanations of the limits of its remit; it referred you to the right organisations which could deal with the matters outside its remit; and it made repeated attempts to obtain further information from you, only closing its case because of an absence of information which it could use.

My decision

18. For the reasons set out above, I cannot uphold your complaint as I do not believe the FCA acted unreasonably in the way it handled the information you provided it with. I am sorry to have to disappoint you.

Antony Townsend

Complaints Commissioner

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