

3 September 2020

Final report by the Complaints Commissioner**Complaint number FCA00765***The complaint*

1. You complained to me on 29 June about the FCA's decision not to uphold your complaint.

What the complaint is about

2. The FCA summarised your complaint in the following terms:

you are unhappy with the actions and conduct of a firm the FCA regulates, [Firm X]...

You have raised a number of concerns with the firm and have also highlighted these to the FCA. You recently requested the release of your funds but you still have not received your money and then [Firm X] cut your interest owed in half advising that this was for your protection.

You have also highlighted that [Firm X] provided forbearance in the form of breathing space to its borrowers under existing FCA rules however no breathing space was considered for investors. You have explained that you did not agree to, nor were you consulted on, any of the actions [Firm X] has taken.

What the regulator decided

3. The FCA decided under paragraph 1.1 of the Complaints Scheme not to investigate the complaint as it is related to a regulated firm, rather than the actions or inactions of the FCA.

Why you are unhappy with the regulator's decision

4. You are unhappy with the FCA's decision not to investigate your complaint because you are aware that the issues raised by you are affecting a number of FCA00765

people and you believe the lack of action by the FCA is making it easy for firms such as Firm X to avoid their responsibilities.

My analysis

5. In your view, Firm X is putting in place measures to treat their borrowers fairly and make concessions for them in line with the FCA's guidance for firms in the COVID-19 crisis, but the same sort of treatment is not afforded to those who invested money with the firm. Investors are not able to release their investments easily and the firm has changed its terms and conditions to make things even more difficult.
6. The FCA informed you that whilst it is unable to intervene in your individual situation, it welcomes information from consumers about the firms it regulates. As you had 'highlighted the conduct of the firm', it would ensure that the information you provided was sent to the relevant supervisory teams for them to consider in their continuing work.
7. The FCA is correct in stating that the Complaints Scheme is not a mechanism which can be used to resolve disputes between individuals and regulated firms: that is the role of the Financial Ombudsman Service (FOS). The FCA advised you to contact the FOS, should you be dissatisfied with the outcome of your complaint to Firm X, which you had already submitted. That information is correct. I have also checked the records, and am satisfied that the FCA has taken the right steps by referring the information you provided to the supervisors of Firm X for further consideration and action if appropriate.
8. It might have been helpful if the FCA had told you that whilst the information you had provided would be considered, it is unlikely that you will be given feedback about what action the regulator might decide to take as a result, if any.

My decision

9. For the reasons set out above, I consider that the FCA informed you correctly that your complaint does not fall within the remit of the Complaint Scheme. I do not uphold your complaint.

Antony Townsend
Complaints Commissioner
3 September 2020