

15 September 2020

**Final report by the Complaints Commissioner****Complaint number FCA00809***The complaint*

1. On 10 August you complained to me about the Financial Conduct Authority (FCA).

*What the complaint is about*

2. In its letter of 22 May to you, explaining its decision, the FCA described your complaint as follows:

*Part One*

*You provided the FCA with information about [person X] in April 2018, and you are unhappy that you have not received any feedback from the FCA regarding the information.*

*Part Two*

*You have been informed that the FCA is refusing to cooperate with [police force Y] CID, and their investigation into [person X]. You want the FCA to rectify this; reach out to [police force Y] CID and cooperate with their investigation.*

*What the regulator decided*

3. The FCA did not uphold either part of your complaint. In relation to part one, it said that the information about person X which you had supplied had been given 'due consideration' by the relevant areas of the FCA. However, it could not tell what the outcome of that had been because

*It is in line with the expectations and policy of the FCA for the organisation not to give feedback on how it has used information provided to it by members of the public. Feedback is not provided as it may prejudice future actions taken*

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*by the FCA, such as an investigation, and because it would breach the organisation's formal procedures to make its initial opinions regarding the compliance of firms or individuals public. Nevertheless, I am satisfied that your information was shared with the relevant areas and that appropriate action was taken.*

4. In response to part two of your complaint, the FCA said that it had responded to a request from the police for further information about person X; that there had been an email request from the police for a phone call, but there was no record of that phone call; that there was no record of the police making any further contact with the FCA, and that 'there is nothing to suggest that the FCA has refused to cooperate with [the police force] regarding their investigation into person X, or that they have indirectly done so by systematically and repeatedly avoiding correspondence with the [police] regarding the matter.

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

5. In your complaint to me you say that the police have confirmed to you that 'they have been in contact with the FCA to gain help with organising the charge through the [police unit] for [person X] and they have had no help or responses from the FCA'.

*My analysis*

6. As the independent person responsible for considering complaints against the FCA, I have access to the FCA's confidential material. Like the FCA, I am required to respect confidentiality. This means that sometimes I cannot give details of what I have reviewed. I realise that this can be frustrating for complainants, but it is better that I can see this material and review than that no one can.
7. Having reviewed the FCA's records, I can confirm that the information about person X which you supplied was reviewed by teams in the FCA. I am satisfied that it was dealt with appropriately. For that reason, I agree with the FCA about part one of your complaint.
8. Part two of your complaint is more problematic. The FCA says it cannot find any record of police force Y chasing it for information about person X, but you say that police force Y have told you that they have 'had no help or responses'.

9. In my preliminary report I invited you to provide more detail about who in police force Y has been contacting whom in the FCA, and when, so that I could consider making further inquiries. Although you have not done so, the FCA has made contact with the police force in question. There remains some uncertainty about whether the FCA did or did not respond to an email in 2019 (neither organisation is sure), but I can confirm that the FCA has offered the police co-operation.

*My decision*

10. For the reasons I have given, I do not uphold your complaint, but I hope that you will take some satisfaction from the fact that, following your complaint to me, contact between the FCA and the police has resumed.

Antony Townsend

Complaints Commissioner

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