

7 December 2020

Final report by the Complaints Commissioner

Complaint number FCA00825

The complaint

1. On 13 September 2020 you complained to me about the FCA's investigation of your complaint.

What the complaint is about

2. In its letter to you the FCA described your complaint as follows:

Part One:

You said you placed a complaint with the FCA before 31 January 2020 and you received no response.

Part Two:

You said your complaints from January 2018 and October 2019 are very different and should have been addressed separately.

Part Three:

You allege the FCA has not read your correspondence and has failed to comply with your customer rights. You said the FCA acted with prejudice amounting to disability discrimination against you.

Part Four:

You allege the FCA responded to your case before you reported it and in doing so reflected an act of bias against you.

What the regulator decided

3. The FCA did not uphold Parts 1-4 of your complaint. The FCA did however, acknowledge the delays caused with your complaint and offered you an ex-gratia payment of £75.00.

Why you are unhappy with the regulator's decision

4. In your correspondence with me you make the following principal points:
 - a. 'Story one', around three years ago your insurance with [insurance company X] more than doubled. However, you explained that this was resolved, and the price of the insurance dropped, and you decided to stay with [insurance company X].
 - b. 'Story two', approximately one year ago your windscreen broke caused by a stone in the road. [insurance company X] wouldn't cover this, but you state that you had fully comprehensive insurance. You asked the FCA to investigate this which you say took nearly a year for the FCA to investigate.
 - c. You believe that only 'Story two' should have been investigated by the FCA as 'Story one' was resolved over three years ago.
 - d. You believe that the Investigator at the FCA ignored your request as stated above and feel they have mixed two separate scenarios and not given you a satisfactory reason for doing this.
 - e. You are not sure if the investigator understood your complaint.
 - f. As a resolution you have asked that the FCA compensate you the money for the window screen.

My analysis

5. The FCA does have a statutory duty to secure an appropriate degree of protection for consumers. It does so by regulating the financial industry through the setting of standards which firms must meet, and by taking enforcement action where that is justified. It does not investigate individuals' complaints against the firms it regulates as that is the role of the FOS.
6. That does not mean that the FCA cannot investigate concerns arising from information about individual complaints, but it investigates those in the context of

considering whether regulatory action is justified, rather than whether the individual requires redress. Any action the FCA may or may not take as a result of the information you provided could not lead to redress for you personally.

7. I also understand from looking at the FCA file that where necessary, the FCA has passed information you have provided on to the relevant supervisory teams as intelligence. Even though the FCA are unable to let you know what is done with this information, I am satisfied the FCA have taken on board the information shared and used it appropriately where the need arises.
8. I am sorry to hear of the difficulties you faced with your insurance claim regarding your windscreen. You mentioned to me that you asked the FCA to investigate this which took nearly a year. I am satisfied that the FCA have taken steps to acknowledge the delay caused, in offering you an ex-gratia payment of £75.00 for the delay. I think this is fair and reasonable and the FCA have satisfactorily addressed the issue of delay and I would not expect them to do anything further in this regard.
9. You stated that only 'story two' should have been investigated as 'story one' was resolved over three years ago. You have also mentioned that the investigator at the FCA ignored your request and feel they have mixed two separate scenarios and not given you a satisfactory reason for doing this. I've looked into this and whilst I can appreciate you did not think it was appropriate for the FCA to address 'story one', I do not think the FCA were necessarily wrong to do so. I do not see how the mention of 'story one' in the FCA's decision, has caused any detriment to the FCA's investigation overall or indeed to you personally.
10. It is often helpful to be provided a chronological order of events and the FCA highlighted the importance of looking at both scenarios, so that they could provide a comprehensive view of the complaint. I think the FCA were trying to be helpful by addressing both scenarios, as in both scenarios you were offered similar responses by the FCA. I say this, as the FCA wanted to ensure a consistent approach was used. As in this case, both scenarios involved a dispute between yourself and the firm, which in turn is a matter for the FOS. So, I am satisfied that the FCA were not wrong to mention both scenarios of 'story one'

and story two' in the investigation and their reasoning for doing this to provide a comprehensive view, was satisfactory.

11. You told me as a resolution to your complaint, you have asked that the FCA compensate you the money for the windscreen. This Complaints Scheme is concerned with the actions or inactions of the FCA. It cannot deal with complaints against banks, individual firms, nor is it a redress service for individual consumer complaints. The Financial Services and Markets Act 2000 explicitly provides for a consumer redress service separated from the FCA. I reiterate what the FCA advised in their decision and suggest that you contact the FOS regarding the dispute for the cost of your windscreen. As such, I do not agree that the FCA should compensate you for this or are responsible for this.
12. Based on my findings I think the FCA have understood your complaint and provided you with the right outcome to the complaint.
13. To resolve your complaint, you have been informed how you can complain to the FOS. I can also see from the FCA decision that was provided to you on 9 September 2020 they are awaiting to hear from you as to whether you accept their ex-gratia payment of £75.00. If you would like to accept this and haven't already done so, I would suggest you directly contact the FCA investigator allocated to the case in relation to this. I can see that you have their contact details for this also.

My decision

14. Whilst I appreciate your concerns and note your comments in response to my preliminary report, I find that the FCA investigated your complaint correctly and provided you with the right outcome. I therefore cannot uphold your complaint.

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Complaints Commissioner

7 December 2020