

20 May 2021

Final report by the Complaints Commissioner**Complaint number FCA00862***The complaint*

On 7 April 2021 you asked me to review a complaint about the FCA.

What the complaint is about

1. The FCA summarised your complaint as follows:

Part One

You consider that when the FCA set the deadline for Payment Protection Insurance (PPI) mis-sale claims it failed to pay proper consideration to those individuals who had taken PPI and were no longer resident in the UK. You also consider the FCA should have done more to alert those consumers living abroad to the deadline.

Part Two

You consider the FCA should instruct the Financial Ombudsman Service to treat consumers as having exceptional circumstances if they lived abroad and were unaware of the FCA's media campaign about the deadline for PPI mis-sale complaints: allowing them to raise PPI mis-sale complaints after the deadline.

You responded to say you now understand, and accept, that the FCA has no jurisdiction to change the approach taken by the Financial Ombudsman Service. However, you went on to explain:

“My point is the FCA specifically set a deadline to bring this to a close, but this was only geared for UK residents & therefore they should have set some kind of allowance.”

What the regulator decided

2. Part one

The FCA did not uphold this part of your complaint as it considers they took a reasonable and proportionate approach to the communications campaign.

3. Part two

The FCA did not uphold this part of your complaint as it does not fall within the scheme.

Why you are unhappy with the regulator's decision

Part one

4. You have said to me that:

5. "The FCA set a claim deadline which was only geared to UK residents & made no allowances for people who don't live here! It's as simple as that & as a result has allowed financial institutions to not compensate some people who had monies taken from them illegally! It beggars belief that a financial regulatory body sees this as being fair when consumers have lost out."
6. "I've been told an extensive ppi consultation took place & I've been told that this included making decisions about how to ensure the media campaign was seen/heard by the aimed audience which is anyone who may have been sold PPI. I understand an international campaign would have been very difficult so for that very reason not seeing the campaign must be considered mitigating circumstances if the claim was received after this deadline date."
7. "My complaint is regarding this whole group of people who have potentially retired or moved to another country & therefore may not have seen the media campaign. It seems very wrong that if it's established an individual & potentially a vulnerable person over the age of 75, have lived abroad for many years that this is not considered as exceptional circumstances. I feel the FCA have not considered this group of people & failed these people."

Part two

8. "My stepfather sent a ppi compensation claim letter to 4 banks in early August 2019. 2 of the banks X & Z say they didn't receive the letter in time & only

received a copy of that letter in mid-October which I sent from the UK. They do not consider the circumstances of not seeing the ppi campaign, as it was only geared up to be a national campaign, as mitigating circumstances. “

Part three

9. “I raised this with yourselves months ago only to be referred back to the internal FCA complaints for them to just sit on it for months & then provide a decision with absolutely no substance!”
10. “In your investigation please can you find out who the person they were waiting for an internal response from? If it was the executive team it makes a complete farce of why I needed to go back to the FCA. The complaints team is not going to go against a decision the executive team have already made!”
11. “You state its absolutely ridiculous you have waited this long to get a reply plus I’m offered a small amount of compensation due to the delay which you’ll forward on to Mr Cull.”

Preliminary points (if any)

12. 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’ complaint against the firms it regulates as that is the role of the Financial Ombudsman Service (FOS).
13. 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 or not 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.
14. I can only look at the actions (or the inactions) of the FCA as part of my investigation. Complaints about the FOS are excluded from the Complaints Scheme.

My analysis

15. Part one

I can empathise with your father in law's situation however, I agree the FCA took a reasonable and proportionate approach to the PPI deadline communications campaign. I also found the FCA's response to be informative providing you with background information on what the campaign involved and why they deemed this appropriate. You have told me the crux of your complaint is that the campaign was not geared up for those not living in the UK and you would like me to address this point. As I have detailed above, I agree with the FCA proportionate approach which did not include extending the campaign worldwide for the reasons set out in the FCA's decision letter.

Part two

16. As detailed above, your complaint relating to banks X and Z you raised with FOS is excluded from the Complaints Scheme. I understand you are unhappy with this outcome of your complaint with FOS; however, this is not a matter for the FCA nor I.

Part three

17. You first approached our office in November 2020, when you were directed to the FCA complaints team in order for them to carry out a review of your complaint. I note you had previously written to the CEO of the FCA and you received a response to your enquiry from the executive team. At this time, you had not raised a complaint about the FCA. Once the executive team responded to your enquiry they advised if you were unhappy with their response you could raise a complaint with the FCA complaints team. My office usually reviews complaints after the FCA complaints team have had the opportunity to review the complaint in the first instance. Therefore, when you approached my office again in February 2021, we referred you back to the FCA complaints team as they had not yet issued you with their response. We have followed the procedure for investigating FCA complaints and informed you of this process throughout your contact with us.
18. I can confirm from reviewing the investigation the FCA complaints team carried out, the investigator liaised with colleagues from different departments which did include the executive team and colleagues responsible for the PPI campaign.

19. I do appreciate there were delays in the FCA dealing with your complaint and I welcome the £50 payment they have made to acknowledge this. I have also seen that you have had to chase this payment, and the FCA have apologised and confirmed the payment has now been made. I continue to monitor the delays within the FCA.
20. I can confirm that I have considered all the correspondence you have had with the FCA as part of my review.

My decision

21. I note you are disappointed with my findings but my decision has not changed, I am unable to uphold your complaint for the reasons I have confirmed above.

Amerdeep Somal
Complaints Commissioner
20 May 2021