

16 March 2021

Final report by the Complaints Commissioner**Complaint number FCA00885***The complaint*

On 29 December 2020 you asked me to review a complaint about the FCA.

What the complaint is about

1. The FCA summarised your complaint as follows:

You allege you wrote to Andrew Bailey in January 2020 about your complaint with Bank X and provided him with a copy of your book, and your letter was ignored. You wrote and requested an update and these letters were ignored as well.

To remedy your complaint, you would like an apology from the FCA, for Bank X to re-instate your mortgage and for the return of the book you sent to Andrew Bailey.

What the regulator decided

2. The FCA did not uphold your complaint as it does not fall within the scheme. The FCA apologised your book hadn't been returned and offered you £75 for the delay in your complaint being reviewed.

Why you are unhappy with the regulator's decision

3. You feel your complaint has been wrongly classified and investigated by the FCA.
4. You are looking for the regulator of the FCA to commit those who have conspired to deprive you of your monies whilst you were undergoing emergency life threatening surgery for a cerebral haemorrhage in April 1993.

Preliminary points (if any)

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 Financial Ombudsman Service (FOS).
6. 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

7. The background to your complaint is that you feel that Bank X breached its mortgage contract with you in 1993. You have been corresponding with the FCA in the past as you wished for the FCA to intervene with Bank X and compel it to reinstate your mortgage. The FCA informed you over the years it could not intervene between your dispute with the bank and advised you to submit your complaint to the FOS.
8. As detailed above, your complaint relating to FOS is excluded from the Complaints Scheme. I note you have already approached FOS who have declined to review your complaint as you were out of time before raising it. You have disputed this; however, this is not a matter for the FCA nor I.
9. The FCA confirmed to you in 2015 and 2016 they would no longer be corresponding with you regarding this matter, which is why you did not have a response to your letter in January 2020. I agree with the FCA that there is no benefit to them reiterating the same information to you as your complaint is about FOS and bank X and not the FCA.
10. The FCA offered you £75 in recognition of the delay in your complaint being reviewed which I feel is appropriate.
11. I can confirm that I have considered all your letters and book in reviewing your complaint.

My decision

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

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Complaints Commissioner

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