

Final report by the Complaints Commissioner

Complaint number FCA00887

The complaint

On 1 February 2021 you asked me to review a complaint about the FCA.

What the complaint is about

1. The FCA summarised your complaint as follows:

My understanding of your complaint is that you are unhappy that Firm X has refused to carry out work to your home after you had made a claim under your insurance policy with them and you feel that they are in breach of their contract

What the regulator decided

2. The FCA did not investigate your complaint as it felt it doesn't fall within the complaints scheme.

Why you are unhappy with the regulator's decision

3. You want Firm X to carry out the necessary repair work done to make your house habitable.

Preliminary points (if any)

1. 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).
2. 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.

3. 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

4. You are unhappy with the way your insurer Firm X, has dealt with your claim following the flood in your home. You want Firm X, to carry out the necessary repair work in order to make your home habitable again.
5. You referred your complaint to the FOS for them to carry out an investigation.
6. You also referred your complaint to the FCA. The FCA contacted Firm X with your consent, who provided the FCA with a copy of the FOS decision letter which confirms the FOS were unable to uphold your complaint following their investigation. I am sorry FOS found against you, however this is not a matter for the FCA or my office.
7. You have told me you are concerned that in my previous role as Independent Assessor at the FOS I reviewed a complaint from you related to Firm X and you have suggested that I may be 'biased and prejudiced' in reviewing this complaint in my role as Complaints Commissioner. I would like to reassure you this is not the case. In my current role, I am investigating your complaint against the FCA, rather than your complaint against Firm X. These are two entirely separate matters. The FCA cannot become involved in your personal dispute with Firm X. That is the role of the FOS.

My decision

8. I note you are unhappy and disagree with my findings but my decision has not changed, your complaint does not fall within the remit of the Complaints Scheme, as such there is no conflict of interest relating to my role. For the reasons confirmed above, I am unable to uphold your complaint.

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Complaints Commissioner

24 March 2021

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