

7 June 2021

**Final report by the Complaints Commissioner****Complaint number FCA00893***The complaint*

1. On 16 February 2021 you complained to me about the FCA's investigation of your complaint.

*What the complaint is about*

2. In its decision letter to you dated 4 February 2021 the FCA described your complaint as follows:

My understanding of your complaint is that you are unhappy with Firm A suspending your card due to persistent debt. You are unhappy with the timing of the suspension and with the FCA rules.

By way of remedy you have requested that you would like the FCA to explain its reasoning for this behaviour taking into consideration that the past year has been a difficult year and consumers have been relying on their credit cards given the circumstances.

*What the regulator decided*

3. The FCA did not formally investigate your complaint under the Complaints Scheme. The FCA explained that because your complaint related to the performance of the regulators' legislative functions as defined in the 2012 Financial Services Act (including making rules and issuing codes and general guidance), your complaint was excluded from the scheme.
4. Although the FCA Complaints Team did not investigate your complaint they liaised with the relevant area to provide you with a response and passed your concerns to a relevant team within the FCA.

5. The FCA also provided an explanation of the Credit Card Market Study 2016 which is where the FCA introduced new rules on persistent debt. The FCA provided the contact details for the Financial Ombudsman Services in relation to any dispute you might have with Firm A.

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

6. In your email with my office you made the following complaint to me:
  - You are at a loss as to why you are not being heard by the FCA as you feel your complaint '...inflicts with the FCA's policy...'
  - You state the FCA's job is to '...keep unscrupulous companies at bay...' with regards to your accounts and valid binding contracts with creditors. You state the FCA have '...ignored these and imposed their own version...'
  - You mention '...the FCA are wrong in doing this need to admit they are wrong and reverse their decision on this matter...'

*Preliminary points (if any)*

7. It is important for me to highlight, matters which are excluded from the Scheme which I am unable to investigate.
8. Section 3.4 (c) of the Complaints Scheme provides:

[Exclusions to the Scheme](#)

3.4 Excluded from the Scheme are complaints:

- c) in relation to the performance of the regulators' legislative functions as defined in the 2012 Act;

*My analysis*

9. In your complaint to me you have not specifically stated which FCA policy you have a dispute with. However, a review of the FCA case file that has been provided to me, shows me that your complaint is in relation to the FCA's rules on persistent debt following their Credit Card Market Study in 2016. I can also see from the file and your testimony with the FCA, that this stems from an account you had with Firm A, which was suspended due to minimum payments that you were not able to afford.

10. Your complaint relates to the FCA's legislative functions, so the information the Complaints Investigator gave you was correct. Your complaint falls outside the Complaints Scheme and for those reasons I am unable to investigate your matter for you.
11. I am pleased to see that the FCA Complaints Investigator, nonetheless, liaised with the relevant teams within the FCA and provided a helpful explanation of the rules concerning the persistent debt rules following the Credit Card Market Study 2016.
12. I reiterate what the FCA have explained to in your letter, if a dispute with Firm A arises and you are not happy with the response from Firm A, you can contact the Financial Ombudsman Service (FOS). I can see the contact details for the FOS have been helpfully outlined for you in the FCA decision letter.

*My decision*

13. I am sorry but due to the reasons outlined above your complaint is excluded under the Complaints Scheme and I will not be able to investigate your complaint. The FCA was right to exclude your complaint due to the nature of your complaint pertaining to its legislative functions, which cannot be investigated under the Complaints Scheme.

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Complaints Commissioner

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