

6 April 2020

## **Final report by the Complaints Commissioner**

### **Complaint number PRA00013**

#### *The complaint*

1. You complained to the Prudential Regulation Authority (PRA) alleging it failed to respond to concerns you reported to it about misconduct at a regulated firm.

#### *What the complaint is about*

2. You sent the PRA 12 letters alleging misconduct by a regulated firm and the PRA did not acknowledge 10 of your letters, in four of which you specifically asked for an acknowledgement. You alleged that this was a failure by the PRA to follow its own procedure of responding to consumers who contact it with concerns about firms.
3. You also expected the PRA to respond to every point raised in your complaint letters.

#### *What the regulator decided*

4. The PRA partially upheld your complaint and apologised to you because it did fail to respond to a number of your letters. It did not investigate the substance of your complaints because it found that they would be better investigated by other bodies, such as the Financial Conduct Authority (FCA) and the Financial Ombudsman Service (FOS).

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

5. You are unhappy with the PRA's decision because you believe it is ignoring and / or facilitating fraud at the firms you are complaining about, to your detriment and that of others.

### *Preliminary points*

6. The substance of your complaint is that money from “Gone Away Policies” at a regulated firm are being misappropriated to the detriment of consumers and HMRC, and you raise concerns about criminal activities and fraud. You have raised a complaint with the FOS about your policies and notified various other bodies about your concerns about the firm.

### *My analysis*

7. The PRA reviewed its records and identified that two of your letters, dated 18 September and 3 October 2018 were acknowledged and responded to, but a further 10 letters, dated 8, 10, 12, 14, 18 and 29 October 2018, 15 and 16 November 2018, 16 December 2018 and 4 April 2019 were only logged and forwarded to the relevant teams, but were not acknowledged.
8. The PRA explained in its response to your complaint that as some of your letters were addressed to or raised complaints with other organisations, they were not responded to, but they were appropriately logged and forwarded to the relevant departments for their consideration.
9. Four of these letters specifically asked for an acknowledgement but the PRA failed to comply with this request, and you were not sent a response.
10. The PRA’s Complaints Team reviewed your correspondence in detail and found that the Engagement and Enquiries Group should have acknowledged your correspondence, and it apologised for the failure to do so. It also provided feedback to the team to ensure that its processes are adhered to in all cases and to prevent any future cases where correspondence is not acknowledged appropriately.
11. I agree with and uphold the PRA’s decision. When someone requests an acknowledgement, it should be provided, even if the substance of the correspondence does not fall within the remit of the PRA. If an organisation decides after substantial correspondence that it cannot provide a correspondent with any further information, and that it is not going to acknowledge further correspondence, then it should tell the correspondent why it has reached that decision. Providing you with an apology for this failure was the appropriate response.

12. The PRA also found that the substance of your complaints does not fall within the remit of the PRA. The PRA said that, even if you had been sent an acknowledgement at the time your correspondence was received, the response would not have been any different as the concerns you were raising relate to the conduct of the firms and individuals, which falls within the remit of the FCA, raises allegations about criminal activities, which should be reported to the police, and raises concerns about the way in which you were treated, which is a matter that needs to be investigated by the FOS.
13. Having reviewed the file relating to your complaint, I can see that the FCA is indeed investigating the substance of your complaint. In my view, the best course of action in this case is to await the outcome of the FCA's investigation. Its final response may address all of your concerns. Should you not be happy with the FCA's decision, you may then refer the substance of the matter to me for a full investigation.
14. The comments you submitted on 11 and 12 March 2020 in response to my preliminary report relate to the substance of your complaint, which I have not yet considered. As previously stated, should you not be happy with the FCA's final decision in relation to the substance of your complaint, you may refer the matter to me then and I will consider all the points you have made, including in your response.
15. You also confirm in your correspondence to me that your individual complaint is being investigated by the FOS, which is the correct course of action to take in the circumstances. Any fraud allegations need to be reported to the police.

My decision

16. I uphold the PRA's decision to apologise to you, as it failed to acknowledge your correspondence as it should have.
17. I recognise from your complaint, and from your responses to my preliminary report, your continuing concerns about these matters. I suggest you await the outcome of the FCA's investigation into the substance of your complaint and refer the matter back to me, should you wish to do so.

Antony Townsend

Complaints Commissioner

6 April 2020