

14 March 2023

Final report by the Complaints Commissioner

Complaint number 202201665

The complaint

1. On 6 January 2023 you asked me to investigate a complaint against the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

My understanding of your complaint is that you are unhappy with the Financial Ombudsman Service (Ombudsman Service) and its handling of complaint you made about a firm called [X].

You feel there was a consistent pattern of bias on the Ombudsman Services part, and you would like to complain about the investigators that dealt with your case.

To resolve your complaint, you are seeking you would like the FCA to get involved

What the regulator decided

3. The FCA issued a decision on your complaint dated 14 December 2021. It explained that it would not investigate your complaint as it relates to the actions, or inactions, of the Financial Ombudsman Service and is excluded from being considered under the Complaints Scheme, as set out in paragraph 3.4(e).
4. It also explained to you that you could refer your complaint to me within three months of the decision letter date.

Why you are unhappy with the regulator's decision.

5. On 6 January 2023, you wrote to me to say: 'I'm writing this email to make a formal complaint against investigators of the ombudsman service who handled

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my case of being Not impartial and bias'. You then go on to recount the specific details of your FOS case.

My decision

6. Given that the FCA decision was dated 2021, I considered you had not provided any reason why your complaint was referred late and therefore in my view it was time barred. But even if it were not, I agreed with the FCA that your complaint is excluded from the Complaint Scheme under paragraph 3.4 (e) for the reasons it provided you in its decision letter dated 14 December 2021.
7. Both you and the FCA independently verified to me that the FCA decision was in fact written on 14 December 2022, and therefore the time bar does not apply. The FCA has apologised for the error in dating its decision. It is important the FCA accurately records on the decision letter the date it is issued and should remind its staff of the need to do so.
8. I agree there is no time bar for reviewing your complaint, however, my view remains that notwithstanding any possible time bar, the complaint is excluded under the Complaint Scheme for the reasons above.
9. I appreciate you will not be happy with my decision, however, it is not within my remit to review your complaint.

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Complaints Commissioner

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