

**The FSA's response to the
Complaints Commissioner's Report
GE – L0188
Published on 8 September 2004**

We have considered the final report of the Complaints Commissioner on complaint GE-L0188 and now respond to her recommendations and comment on her findings.

We welcome the Commissioner's support for our decision not to investigate ten of the complainant's complaints because they did not fall within the Scheme. We also welcome her decision not to uphold complaints 7, 9 and 12.

Paragraphs 1.13 – 1.14

We accept the Commissioner's findings on this point.

Paragraphs 1.15 – 1.16

We welcome the Commissioner's decision not to uphold complaint 15. In our view the reference to the formal complaints mechanism in our letter of 25 January 2002 was adequate at that stage in our dealings with the complainant; it gave him a named contact in FSA to whom he could submit a complaint, should he wish to do so.

Paragraph 1.18

We welcome the Commissioner's decision not to uphold the substantive complaint on issue 16.

Paragraph 1.21

We welcome the Commissioner's decision that financial compensation is not appropriate in relation to complaint 13. We accept her recommendation in this paragraph that we should apologise to the complainant, and we have done so.

We will bear our experience of this case in mind in dealing with any future cases that require the application of transitional provisions. The circumstances of the case are unique in our experience.

Paragraph 1.22

We agree that complainants have an absolute right to full, accurate and up-to-date information about the complaints information in operation at any particular time. Our current processes, literature and website are designed to provide this.

We agree that we should report – subject to legal constraints on disclosure - as fully and accurately as possible to complaints. We agree that full and comprehensive files on Stage 1 investigations should be maintained. We have put procedures in place to secure this aim.

These include: a defined case file structure; guidance on the structure of Stage 1 reports; supervision of Company Secretariat staff to ensure that these standards are met; and providing a chronology of events where it is appropriate to do so for example where the complaint is about delay.

8 September 2004