

**The FCA's response to the
Complaints Commissioner's Report 202300382**

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We have considered the Final Report of the Complaints Commissioner on complaint 209437509.

In Paragraph 18 of the Final Report, the Commissioner recommended the following: *"..as an alternative I recommend that it should at least update the wording and add a warning to the listed opening hours (on the website and reminder emails) to note that it is a firm's responsibility to ensure that they submit returns on time and allow for technical issues and that if firms experience any technical issues after the support line closes on the day of submission deadlines for a firm, this will not be considered or accepted as relevant exceptions and late fees will be applied."*

Our reminder emails, RegData landing page and the FCA website already inform users of the Supervision Hub's hours of opening. Our communications also already make clear firms' responsibilities to submit returns on time.

Adding the additional warning outlined by the Commissioner could, in our view, have unintended consequence should the nature of a technical issue render the application of a late fee unfair. We consider retaining the flexibility to determine such matters on a case by case basis seems the appropriate outcome and we therefore do not accept the recommendation.

16 May 2024