

**The FCA's response to the  
Complaints Commissioner's Report  
FCA00269**

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It is unusual for us to publish our disagreement with the judgments of the Commissioner. However, on this occasion we feel compelled to do so.

In this case the bank applied a deadline in the redress scheme to the relevant claimant. We considered that it was reasonable for the bank to enforce that deadline, when the claimant, on legal advice, had rejected the application of the Redress Scheme and communicated a clear intention to litigate instead.

The Commissioner concluded that there was no evidence that these actions by the complainant influenced the bank's decision to enforce the deadline; and that we had advanced arguments justifying the bank's position which the bank itself did not advance. We don't agree. The bank specifically cited these arguments to us, in writing, during our reconsideration of the complaint. It was and is our judgment that the claimant's rejection of the application of the scheme, on legal advice, and its clear intention to litigate instead influenced the bank's decision to enforce the deadline in this case.

We have already announced that we will commission a lessons learned review into our handling of the IRHP Redress Scheme and we have made clear that this review will be independently conducted.

**15 January 2019**