

Recognised Investment Exchanges

Chapter 4

Supervision

4.4 Complaints

Recognised body's arrangements

- 4.4.1 **G** *Recognised bodies* may receive complaints from time to time from their *members* and other people, both about the conduct of *members* and about the *recognised body* itself. A *UK recognised body* will need to have satisfactory arrangements to investigate these complaints in order to satisfy the relevant *recognition requirements* (see ■ REC 2.15 and ■ REC 2.16) or *RAP recognition requirements* (see ■ REC 2A.3.2 G).

The FCA's arrangements

- 4.4.2 **G** The *Act* does not provide a mechanism for appeals to the *FCA* from decisions by *recognised bodies* in relation to complaints. However, the *FCA* is required by section 299 of the *Act* (Complaints about recognised bodies) to have arrangements to investigate complaints (called *relevant complaints* in the *Act*) which it considers relevant to the question of whether a *recognised body* should remain recognised as such. This section describes aspects of the *FCA's* arrangements for investigating *relevant complaints*.
- 4.4.3 **G** Where the *FCA* receives a complaint about a *recognised body*, it will, in the first instance, seek to establish whether the complainant has approached the *recognised body*. Where this is not the case, the *FCA* will ask the complainant to complain to the *recognised body*. Where the complainant is dissatisfied with the handling of the complaint, but has not exhausted the *recognised body's* own internal complaints procedures (in the case of a complaint against a *UK recognised body*, including by applying to that body's *complaints investigator*), the *FCA* will encourage the complainant to do so.
- 4.4.4 **G** The *FCA* will not usually consider a complaint which has not, in the first instance, been made to the *recognised body* concerned, unless there is good reason for believing that it is a *relevant complaint* which merits early consideration by the *FCA*.
- 4.4.5 **G** When it is considering a *relevant complaint*, the *FCA* will make its own enquiries as appropriate with the *recognised body*, the complainant and other *persons*. It will usually ask the *recognised body* and the complainant to comment upon any preliminary or draft conclusions of its review and to confirm any matters of fact at that stage.

4.4.6

G The *FCA* will communicate the outcome of its review of a *relevant complaint* to the complainant and the *recognised body*, but will normally only discuss any action which it considers the *recognised body* should take with the *recognised body* itself.