Chapter 15

Notifications to the FCA
15.12 Ongoing alerts for retail adviser complaints

15.12.1 A firm must notify the FCA, using the form in SUP 15 Annex 8R, where:

(a) in any 12-month period, it has upheld three complaints about matters relating to activities carried out by any one employee when acting as a retail investment adviser; or

(b) it has upheld a complaint about matters relating to activities carried out by any one employee when acting as a retail investment adviser, where the redress paid exceeds £50,000.

(2) A notification made under (1)(a) must be made by the end of the period of 20 business days, beginning on the day on which the firm upheld the third complaint.

(3) A notification made under (1)(b) must be made by the end of the period of 20 business days, beginning on the day on which the firm upheld the complaint.

15.12.2 For the purpose of SUP 15.12.1R:

(1) when calculating the number of complaints in SUP 15.12.1R(1)(a), the firm should exclude complaints previously notified to the FCA under this rule;

(2) redress, under SUP 15.12.1R(1)(b), should be interpreted to include an amount paid, or cost borne, by the firm, where a cash value can be readily identified, and should include:

(a) amounts paid for distress and inconvenience;

(b) a free transfer out to another provider for which a transfer would normally be paid for;

(c) goodwill payments and gestures;

(d) interest on delayed settlements;

(e) waiver of an excess on an insurance policy; and

(f) payments to put the consumer back into the position the consumer should have been in had the act or omission not occurred; and

(3) the amount of redress paid under SUP 15.12.1R(1)(b) should not include repayments or refunds of premiums which have been taken in error (for example, where a firm has been taking, by direct debit,
supplementary paragraph 15.12.3

Notifications under SUP 15.12.1R must be made electronically using a method of notification prescribed by the FCA.

[Note: See DISP 1.10.2AR for the duty to notify complaints under the complaints reporting rules]

twice the actual premium amount due under a policy) and the refund of the overcharge would not count as redress.