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this treasury committee report into the financial conduct authority fca contains a number of recommendations for the government s consideration ahead of the drafting and publication of the financial services bill early in 2012 among the recommendations are a that the government should legislate to give the fca a primary objective to promote effective competition for the benefit of the consumer in line with the thinking of the independent commission on banking and the office of fair trading b the government must put competition at the heart of the new regulatory framework c that the fca develops far more reliable estimates in collaboration with the industry of its own cost effectiveness d that the government differentiates between retail and wholesale consumers e that both the fca and the financial services industry make better efforts to communicate with each other f that the current legislative proposals be revised to ensure that the fca is properly accountable to parliament and that tools are available to enable the required level of explanation from the regulator

the financial conduct authority began its work in april 2013 with a post crisis mandate to take pre emptive action against firms when problems occur the fca increasingly takes disciplinary action against individual senior managers as well as against the firm most of these cases are tragedies if the individuals concerned understood the likely outcome they would have behaved differently this book sets out the psychology of the fca and covers the hot spots that senior management and their compliance officers need to get right the key to the fca approach is conduct risk this deliberately undefined term includes anything that might cause a problem to the fca in the achievement of its regulatory mission the fca sees the world through the lens of risk everything including firms themselves are assessed on how likely they are to cause the fca to fail in its role of securing appropriate protection for consumers enhancing the integrity of the uk financial system and promoting effective competition in the interests of consumers conduct risk is about behaviour and the fca is keen to understand the drivers of human behaviour and how they can use them to bring about the outcomes they wish to see firms culture is also under the microscope all the more so since the recent trading incidents where groups of traders colluded across firms to manipulate libor and the foreign exchange markets a chapter on culture examines how firms can start work to prepare for the fca s increasing engagement on culture the starting point of course is to understand what culture is

outlining the different types of financial crime and their impact this book is a user friendly up to date guide to the regulatory processes systems and legislation which exist in the uk each chapter has a similar structure and covers individual financial crimes including money laundering terrorist financing fraud insider dealing market abuse bribery and corruption and finally tax avoidance and evasion offences are summarized and their extent is evaluated using national and international documents detailed assessments of financial institutions and regulatory bodies are made and the achievements of these

institutions are analysed sentencing and policy options for different financial crimes are included and suggestions are made as to how criminal proceeds might be recovered this second edition has been fully updated and includes a section on cybercrime and a new chapter on tax evasion case summaries have also been included in those chapters where a criminal justice route is used by the prosecuting authorities

economic crime is a significant feature of the uk s economic landscape and yet despite the government s bold mission statements to hold those suspected of financial wrongdoing to account as part of their day of reckoning and serious about white collar crime agenda there is a sense that this is still not being done effectively this book examines the history of the creation of the uk s anti economic crime institutions and accompanying legislation providing a critique of their effectiveness the book analyses whether the recent regulatory regime is fit for purpose as well as being appropriate for the future in order to explore how the uk s economic crime strategies could be improved the book takes a comparative approach analysing policy and legislative responses to economic crime in the united states and australia in order to determine whether the uk could or should import similar structures or laws to improve the enforcement of uk economic crime

this document presents more detailed proposals for financial regulation following on from the consultation paper a new approach to financial regulation judgment focus and stability july 2010 cm 7874 isbn 9780101787420 and continuing policy development by the treasury bank of england and financial services authority the government s reforms focus on three key institutional changes first a new financial policy committee fpc will be established in the bank of england with responsibility for macro prudential regulation or regulation of stability and resilience of the financial system as a whole second micro prudential firm specific regulation of financial institutions that manage significant risks on their balance sheets will be carried out by an operationally independent subsidiary of the bank of england the prudential regulation authority pra thirdly responsibility for conduct of business regulation will be transferred to a new specialist regulator the financial conduct authority fca individual chapters cover bank of england and financial policy committee prudential regulation authority financial conduct authority regulatory process and co ordination compensation dispute resolution and financial education european and international issues next steps how to respond impact assessment the chapters contain significant detail on how the legislative framework will be constructed in order to deliver the governments priorities for the framework the government will consult on these proposals with a view to publishing a draft bill in spring 2011

this white paper and draft bill present more detailed proposals for financial regulation reform following on from the consultation paper a new approach to financial regulation judgment focus and stability july 2010 cm 7874 isbn 9780101787420 a new approach to financial regulation building a stronger system may 2011 cm 8012 isbn 9780101801225 and continuing policy development by the treasury bank of england and financial services authority responsibility for financial stability will rest within the bank of england in a new

macroprudential body the financial policy committee and a new micro prudential supervisor the prudential regulation authority responsibility for conduct of business will sit with the new financial conduct authority with the mandate and tools to be a proactive force for enabling the right outcomes for consumers and market participants including through the promotion of competition final responsibility for the overall regulatory framework and the protection of the public finances remains with the treasury and the chancellor of the exchequer an independent commission on banking has also been established to consider what steps should be taken to deal with systemically important banks alongside the question of whether and how competition in the banking sector should be improved the commission proposes that the most systemically important banks hold additional capital to the basel iii minimum to make them better at absorbing losses and less likely to fail bail in instead of bail out so that private investors not taxpayers bear the losses if things do go wrong and putting a ring fence around high street banking to make it safer and to make it easier to allow a bank to fail without disrupting crucial banking services

john griffith jones is to chair the new financial conduct authority fca although the fca is a successor body to the financial services authority fsa his is not a continuity role the committee believes that the fca can be radically different from its predecessor under the new chair in at least four respects he must restore the credibility of the conduct regulator although a great deal of time and effort was put into conduct matters the fsa left consumers exposed to some of the worst scandals in uk financial history the committee expects mr griffith jones and his board to ensure that the new organisation adopts a radically different approach it is noted that the pra which has assumed responsibility for most prudential aspects of the fsa s work has done this with its adoption of a move to judgement based regulation the fca has different objectives from the old fsa as well as having to ensure that markets work well it has objectives with regard to consumer protection the integrity of the uk financial system and competition the committee has criticised the complexity of the objectives set out for the fca in the financial services bill but mr griffith jones and the fca s senior leadership will need to think about the inter relationship of the fca s objectives and how meaningfully to fulfil them the treasury committee will engage in an oversight role of the governance at the fca and with the commitments that mr griffith jones has made to the committee parliament will expect the new fca to respond to treasury committee requests for information promptly and thoroughly

since the financial crisis one of the key priorities of the financial conduct authority fca and prudential regulation authority pra has been individual accountability this book addresses the regulatory and employment law challenges that arise from the fca s and pra s requirements the expert team of writers examine in depth the provisions of the financial services and markets act 2000 which relate to individuals and the associated requirements of the pra and fca the topics addressed include the senior manager certification and approved person regimes regulatory references and whistleblowing disciplinary investigations enforcement and sanctions notifications form c and fitness propriety bonus disputes and the remuneration code conduct and pay in the financial

services industry considers the full extent of an individual's employment from pre contractual discussions to the post termination clawback of remuneration it is a vital reference for lawyers and human resources professionals working within the financial services industry both in house and in private practice it will also be of interest to all academics regulators and policy makers involved in this sector

this volume focuses on the legal risks arising in english law in the course of derivatives transactions it discusses the following issues the legal risks arising in the negotiation and conduct of derivatives transactions the regulation of the derivatives market the capacity to enter into derivatives transactions and the standard term upon which this is done the consequences of default by a counterparty and the standard terms on which derivatives are entered into particularly the isda master agreement

the consumer duty is the biggest regulatory change affecting financial services firms in recent years the duty strikes at the very core of firms their culture and ethics making them look at their products and services differently navigating the complexity of the requirements is challenging especially when coupled with sometimes vague expectations a practitioner's guide this book takes the reader through those challenges using a range of examples and regulatory feedback to demonstrate what's expected whilst painting a picture of the required product governance framework about the author robert bell is a financial services compliance consultant owner and founder of rb compliance consultancy ltd since 2012 before that he held senior compliance roles in financial services firms and a solicitors practice robert has authored industry recognised guidance in relation to vulnerability and gdpr and lectures on compliance subjects for a range of organisations

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