

Compliance News – For IFAs

'We are committed to providing IFAs with a periodic free newsletter and value for money additional compliance services – Please support us!'

APRIL 2014 – 10th Anniversary Edition

Regular newsletters since 2004 – see our website www.compliancenes.org

Welcome to Compliance News: This free bulletin is issued by Compliance News Limited to over 21,000 IFAs (& restricted advisers) and compliance staff in the UK. The aim is to get the distribution up to 25,000. If this can be achieved, more free updates and assistance will be available to the readers.

Please would you ask any other IFAs you know to register for the bulletin by emailing Compliance News via compliance@ifahelpline.co.uk

Introducing the Editor: Phil Dibb has over 20 years experience in financial services. He worked at PIA / FSA from 1997 to 2002 and now runs his own Compliance Consultancy firm. He also recently achieved Chartered status.

Phil spends the majority of time training IFAs on compliance and T & C issues. In addition he is Chairman to a number of regional Compliance forums held around the UK and also a member of the Association of Professional Compliance Consultants.

COMPLIANCE NEWS PREMIER SERVICE

IFAs can subscribe to the Premier Service to receive a wide range of up to date **forms, templates and procedural documents** to assist with the running of their business. All forms are issued direct to subscribers and most are in word format so that they can be made firm specific. In addition subscribers are kept up to date by e-mail on the key regulatory issues of the day with advice as to the steps your business should take to mitigate against any risks that these issues may present.

Recently designed documents include: Risk Register – frequently asked for at BRAW assessments

Risk Mitigation Plan for BRAW planning
Updated Board Meeting Minutes for BRAW
Compliance Planner – Annual tasks

New Business Day Book with MI pie charts
Apportionment Register / T & C Planner
Post-RDR KPI sheet for T & C schemes

The Premier Service is available from only £195 per firm for the year.

We believe that the Premier Service will save a typical firm at least 50 hours each year. See page 10 for full details of how to subscribe or e-mail compliance@ifahelpline.co.uk

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Disclaimer: Compliance News is a trading style of Compliance News Limited. Compliance News cannot be held responsible for the views and interpretations shown in this publication. Authorised firms remain responsible for complying with the FCA requirements and such obligations cannot be transferred to a third party. Errors and omissions excepted.

1. SUPERVISING RETAIL INVESTMENT FIRMS

After an eventful last few weeks with the budget, the news does not stop.

If you are an IFA firm, the links below and the attached document contain some of the most important information to come out of the FCA for your firm (to date).

<http://www.fca.org.uk/news/thematic-reviews/tr14-5-supervising-retail-investment-firms>

<http://www.fca.org.uk/static/documents/thematic-reviews/tr14-05.pdf>

Last week we had a full-day at the APCC forum where various FCA staff spoke. The main topic was the TR14/5 document. Rory Percival did a great job in explaining the key issues.

Please can we recommend that:

- o You and your Senior Management team read the attached pdf.
- o You also watch the 12 minute video clip explaining the FCA stance.
- o Your firms considers whether ALL of your CF30 (Investment Advisers) are '*willing and able*' to advise on all RIPs (Retail Investment Products). For example, do any shy away from Structured products / drawdown / VCTs?

One important quote from the session was that '*independence was a state of mind*' ... and IFAs should be thinking about their recommendations with an open mind. Overall, our initial impression is that the findings are very balanced and could have been a lot worse. Please also note, there is another important date in the diary (14th April 2014) when the FCA will publish their findings on disclosure documents for IFAs in a post RDR world – you heard it here first.

2. BRAW - WORKSHOPS & PREPARATION

BRAW Workshops being held by the FCA are slowly working around the UK. The next postcodes are CF/LD/LL/NP/SA/SY/GL/HR/CH/CW. If you are in these areas you will have received information from the FCA regarding your own review. The links below will assist.

<http://fca.cvent.com/events/business-risk-awareness-workshops-for-multi-advisor-firms-south-yorkshire-and-east-midlands-region/event-summary-500962f8c8014e7f871cdd63aa0048d7.aspx>

<http://www.fca.org.uk/firms/being-regulated/meeting-your-obligations/risk-awareness/fags>

To assist firms prepare for their individual assessment, we are running a series of events. To date, we have trained approximately 150 firms on BRAW / question areas to expect. The feedback after firms have had their own assessment has been excellent. The next sessions are as follows:

Tuesday 15th April 2014 – Wrexham - AM & PM

Wednesday 16th April 2014 – Cardiff M4 corridor – AM & PM (limited spaces available)

These sessions will go through what to expect and the areas which are covered for each of the different types of assessment (telephone / online / face to face). We have run 9 sessions to date, all but one session has been fully booked. Each session will be 3 hours long and have a maximum of 30 delegates at each session. **They will be presented by Phil Dibb and cost £85 per person** (inclusive of VAT and tea & coffee).

As the FCA publishes the next postcode areas, we will arrange sessions in these locations. Please make sure your email address is registered with us in order to receive details. You can register at www.compliancencenews.org Please see page 7 for the recent BRAW documents we have issued.

For more information please email with "BRAW interest" in the subject box.

3. CALCULATING YOUR REGULATORY CAPITAL REQUIREMENT

Over the last few months we have assisted many Firms with their preparation for a Business Risk Awareness (BRAW) interview. Over 30% have miscalculated their regulatory capital requirement.

If you have any “excesses” over the standard £5k (for investment business) or “exemptions” on your Professional indemnity Insurance policy then your capital requirement will be greater than the standard £10,000 limit - and this should be reported within your GABRIEL return. To calculate your requirement please use the table within the FCA handbook.

http://media.fshandbook.info/Handbook/IPRU-INV_FCA_20140101_20140331.pdf

Should firms require assistance, this can be provided for a set fee of £65. Please contact our GABRIEL/ONA team at lisa@regulatoryreturns.co.uk or telephone 0113 2782971

4. NON MAINSTREAM POOLED INVESTMENT – INVESTMENT TRUSTS

Following the implementation of the RDR, independent financial advisers have to consider all types of pooled investment vehicles. However, advisers are also told that they cannot recommend to retail investors, any pooled investment that is deemed to be a “non-mainstream pooled investment” (NMPI), as defined by the Financial Conduct Authority (FCA).

After consultation with the FCA, we can report that the vast majority of investment trusts are outside the scope of the NMPI definitions. This in turn has prompted a slew of company announcements from investment trust Boards confirming that shares in these trusts are available for recommendation to clients (assuming suitability etc).

AIC (the investment trust trade body) has set up a new service that lists all the securities that have been confirmed as being excluded from the NMPI rules and therefore can be recommended to ordinary retail investors. To access this please use the link below, you will have to register on the AIC adviser site if you haven't already done so (it contains a whole host of investment trust information and training materials and is well worth a look).

<http://www.theaic.co.uk/financial-advisers/nmpi-status>

5. FCA PENSION SWITCHING & INCOME DRAWDOWN WEBINARS

The FCA recently broadcasted two webinars covering Pension Switching and Income Drawdown. These have now been published on the FCA website, and could provide you with the opportunity for a refresher. These webinars include the full talks, as well as the accompanying slides.

Please follow the links below to view these respective sessions.

<http://www.fca.org.uk/firms/financial-services-products/investments/pension-switching>

<http://www.fca.org.uk/firms/financial-services-products/investments/drawdown-pensions>

6. MORTGAGE PERMISSIONS

With the implementation of MMR just around the corner, now is a perfect time to re-evaluate your permissions. If mortgages no longer form a significant part of your business and you don't want to spend valuable time devising checklists, ensuring that you are MMR ready or possibly being selected for an implementation evaluation by the Regulator, it could be worth considering revoking your permissions. To remove permissions you should submit a request to the FCA via the ONA system. Our team at RRL can complete the request on your behalf for £95. Please contact lisa@regulatoryreturns.co.uk should you require further assistance.

7. AMENDMENTS TO REGULATORY WORDING

Firms had until 31st March 2014 to amend all stationery and disclosure documents which made reference to the regulator as the Financial Services Authority (FSA). The FSA regulatory statement should now show **Authorised and Regulated by the Financial Conduct Authority**.

It is also important to note that the FSA number is now known as 'Financial Services Register number' hence reference to this wording should also be amended where relevant e.g. Disclosure Documents.

8. FCA THEMATIC REVIEWS

The FCA has recently published a number of Thematic Reviews which you may like to read. Click on the following links to view.

Delivering Independent Advice: <http://www.fca.org.uk/news/thematic-reviews/tr14-5-supervising-retail-investment-firms>

Financial Incentives: <http://www.fca.org.uk/news/tr14-4-risks-to-customers-from-financial-incentives>

Annuities: <http://www.fca.org.uk/news/tr14-02-thematic-review-of-annuities>

9. CONSUMER CREDIT LICENCE - UPDATE

We are pleased to confirm the main points from the recent FCA CCL webinar:

- FCA take over control and supervision of Consumer Credit on 1st April 2014
- It would appear from discussions and publications that previously unregulated firms will receive the most attention, in particular a thematic review on "payday lending" firms.
- All Firms that have Interim Permissions will receive a welcome pack which shows their category allocation from 1 to 4. Firms operating in the following areas will be categorised as 4 and receive higher level of supervision: Debt Management, Debt Collection, Credit Cards, Payday Lending and Home Collected Credit Providers..
- Firms with interim permissions will receive a letter by 1st May 2014 informing them of their proposed application date period. Application dates are staged due to the huge volumes of applicants. You will have 3 months from the proposed date to apply for a full licence. i.e. application period starts 1st September 2014 you will have 3 months from that date to apply. If you fail to apply within the set period then your licence expires and you should not continue to sell any product or offer any service which is reliant on the licence as you will be in breach and could face further action from the Regulator.
- From 1st April 2014 all firms with an interim permission will be listed on the FCA register
- Initial suggestions are that data required around CCL products will be incorporated into existing GABRIEL/RMAR returns, thus reducing the need to duplicate much information on a separate return i.e. details of turnover, profit etc.
- Data will be required annually for small firms and twice a year for firms generating £5m + turnover.
- You should start to capture data from 1/4/2014 however first submissions don't commence until October 2014.
- Some staff from the OFT have transferred over to work with the FCA.

10. SUPERVISOR COURSES

We are running our **Supervisor refresher courses** again across the UK during 2014 (see below for current dates/locations). This is an all-day course, covering the key elements of Training & Competence and how they affect IFAs. We will cover a wide range of T & C topics, including observations, different levels of monitoring, risk-based supervision and how to document 'maintaining competence'. **Six hours of structured CPD will be provided.**

Dates & locations

1st May 2014 – Reigate area – FULL

13th May 2014 – Leicester area – 3 places available

21st May 2014 – Watford area – 5 places available

Exeter & Leeds – During 2014 we are considering running a course in both Exeter & Leeds. If you would be interested in attending please make contact with us.

The cost is £234 per person (£180 for Compliance News Premier Service members).

To book a place please email compliance@ifahelpline.co.uk

11. STRUCTURED CPD SESSIONS

We have now run a number of very successful full day events which provided attendees with 6-7 hours of Structured CPD. The sessions included technical presentations on VCTs, EIS, Investment Trusts, Structured Products, Guaranteed Funds, BPR, Esoteric Investments in SIPP or SSAS, VAT Later Life Advice and Auto Enrolment. Further sessions are planned throughout 2014. *Priority to attend these events will be given to Premier Service subscribers.*

As a reminder, individual advisers must undertake a minimum of 35 hours CPD (Continuing Professional Development) per year, of which at least 21 hours must be Structured.

For ease and continuity within businesses, we are generally recommending that our subscribing firms embrace the CII on-line CPD recording system. In the past, the CII operated a 'credits' based system – this has now ended. It is now just hours. The links below gives you additional information.

http://www.thepfs.org/knowledge/technical-articles/article/?content_nodeid=19035

<http://www.cpd.cii.co.uk/demo/ChangesToTheCPDScheme.pdf>

Our main concern is that when an individual's CPD is checked by the CII (the CII are to check approximately 10%) – this could potentially delay any renewal of an SPS if the CPD is not sufficiently detailed / or to the correct standards. As everyone will know ... no SPS ... means you cannot advise as a CF30 (very few exceptions exist). Recent technical speakers / firms who supported us include: Barnett Waddingham / Downing / Prudential / F & C / Structuredproductreview.com / Time Investment / The Peoples Pension / Bill Calderbank & Rhona Graham.

Please email us with "structured CPD interest" in the subject box for information on future events.

12. ESOTERIC INVESTMENTS WORKBOOK – to help with documented CPD.

Our Esoteric investments workbook has been issued to our Premier Service subscribers. This is designed to assist registered IFAs with their own CPD for those investments which might not be considered on a regular basis – but the FCA expect that you are 'willing & able' to advise on them. The idea behind this document is that you would complete the exercise in an open-book manner and research each of the areas as part of your own CPD.

13. SPS RENEWAL

SPS – Statement of Professional Standing (these require to be renewed on time): We must stress again the importance of this area. Should one of your CF30's (RIs) allow their SPS to expire, please expect the FCA to contact you and ask for a full explanation, ask why your Systems & Controls have failed and discuss the number of transactions to be reviewed whilst the adviser was not properly authorised.

14. REMOTE FILE CHECKING SERVICE – A flexible alternative for IFA firms.

Below are five key areas which are regularly focused on when client files are reviewed. In our opinion, it is very important that your own files can clearly demonstrate the following:

- Issue of Regulatory documents / client agreements / agreement of payment method & services to be provided.
- File to show full 'know your client records', linking in needs, priorities, objectives, liquid cash funds and affordability with the client's attitude to risk.
- Research: To demonstrate that non-provider led research has taken place.
- Suitability report / letter: To link the client's circumstances / ATR / objectives with the advice.
- Follow-up documentation and a clear record of 'what happens next'; including any review dates (in particular drawdown cases).

Through our sister company Just CRS Limited, we are able to provide a remote file checking service to IFA firms on a 'pay as you go' basis. The costs are: £75 + VAT per remote client file review with summary sheet (excluding multiple transaction files or higher risk cases such as drawdown or PPP switching) or £105 + VAT per drawdown / PP switching (up to 3 into 1) / replacement business / structured products remote file check.

We are pleased to announce that Micheala Threader has joined our team following 10 years at Sesame / Bankhall – where she worked alongside Katherine Horgan for many years. Michaela and Katherine will be working very closely, with Michaela taking the lead on new enquiries.

Please contact Katherine Horgan at katherine@justcrs.co.uk or 07815 767204.

15. MORTGAGE MARKET REVIEW – TELEPHONE CONFERENCE CALL

As the 26th April 2014 approaches, the MMR is an important area for some of our subscribers. During April we intend to run a number of telephone conference calls, similar to the recent BRAW sessions. If you are interested in knowing more, please email us with 'MMR telcon' in the subject box.

16. CII EXAM PASS RATES & MORE ADVISERS REACHING CHARTERED STATUS

The CII have published the exam pass rates for 2013. The average pass rate for R01 to R06 was down to 60.87% from 63.18% in 2012. The highest pass mark was R05 at 74.38% and the lowest was R03 at 50.78%.

The average pass rate for the advanced diploma; AF1 to AF6 was down to 52.99% from 57.81% in 2012. The highest pass mark was AF4 at 65.65% and the lowest was AF2 at 42.25%. These can be viewed via the following link:

<http://www.cii.co.uk/qualifications/assessment-information/pass-rates/>

The Personal Finance Society has confirmed a further significant rise in the number of financial advisers achieving Chartered status. This has risen from 3,500 to 4,000 in the last 12 months.

17. NEW JOINER TO THE COMPLIANCE NEWS TEAM

We are delighted to announce that Steve Pennock has recently joined the Compliance News Limited team. Steve brings a breadth of Compliance experience, including several years in the Senior Management team within the Oval Group.

18. ASSISTANCE WITH GABRIEL & ONA REGISTRATIONS

Regulatory Returns Limited is able to provide a dedicated **full time** service for all Regulatory Returns for directly authorised IFAs (Non MiFid). This service includes:

- o Ad-hoc queries - £65
- o Sanity checking your GABRIEL returns - £195 per return
- o Ongoing help and completion of your GABRIEL return - £300 per return
- o ONA Registrations / Direct Authorisation Applications - POA

To receive a summary of help available please email lisa@regulatoryreturns.co.uk or telephone 0113 2782971.

19. KPI's – Post RDR we believe there are many other factors to consider

It seems a very long time since The PIA introduced this area back in 1995. At that time persistency and clawbacks were of great interest. The world has changed significantly since then.

We have updated our KPI document, and this has been issued to our Premier Service subscribers. The objective is to allow firms to consider the many important post-RDR KPIs and not focus on out-of-date criteria. During April 2014 we will also issue to our Premier Service subscribers an example of a fully completed version.

20. REVIEW OF CLIENT MONEY RULES FOR INSURANCE INTERMEDIARIES

If you already hold the FCA's client money permission for insurance intermediation purposes – for example, to allow you to offer buildings and contents or motor insurance as an 'add-on' service to your clients – or are thinking of applying for it, you need to be aware of significant changes that are on the way. Following an August 2012 Consultation Paper, the FCA is planning to publish a Policy Statement later this year containing changes to the client money rules for insurance intermediaries (CASS 5). Key changes being considered include:

- o **Limiting the maximum number of days funding can be extended from a client bank account**
- o **Increasing the frequency of bank reconciliations and client money calculations**
- o **Restricting the type of investments for client money**
- o **Standardising the maximum period unmatched and unallocated cash can be held**
- o **Prohibiting conditional risk transfer**
- o **Clarifying the use of credit write backs**
- o **Appointing an existing Significant Influence Function (SIF) or Controlled Function (CF) individual within the firm to have responsibility for client money oversight**

We can carry out a health check of your client money systems and controls to ensure they comply with the FCA's existing rules. We can also provide full details of the changes being considered by the regulator and help your business prepare for them. Please contact compliance@ifahelpline.co.uk for details.

21. RECENTLY ISSUED PREMIER SERVICE FORMS

The following documents have recently been issued to our Premier Service subscribers:

Esoteric Investment Workbook – assisting with IFA CPD

Updated KPI document allowing firms to consider the many important post-RDR KPIs

Corporate Client Agreement (for non retail clients!) Includes full details of exclusions from FOS/FSCS. For those who would fall outside the jurisdiction of the FOS we have included a possible 15 year long-stop paragraph.

Risk Mitigation Plan (linked to BRAW outputs)

Updated Board Meeting Minutes (linked to BRAW outputs)

Annual Compliance Oversight Report

Apportionment register: Designed so firms can record who is responsible & deputy for key areas within your business.

Compliance planner / diary system (linked to BRAW)

New Business Register with built in MI and pie-charts. Once the new business data is added the pie charts are automatically updated, you can select individual advisers or the whole firm. If you use Microsoft office 2010 and wish **us to personalise this database to your firm** we can do (but it's not a quick job). We would charge a maximum of £250- for most tasks, please contact us for more information.

22. PREMIER SERVICE RECENTLY ISSUED UPDATE EMAILS

All subscribers are able to use the extensive range of forms we maintain. In addition to these forms, we also issue regular email updates. Our minimum standard is every six weeks but below is what was actually issued to all subscribers during the last 6 months:

Email news update 103 – Issued March 2014. Annuity views / Esoteric / exotic investments (workbook to assist) / KPIs / CCL / MMR / Guidance for firms who also handle GI client money

Email news update 102 – Issued on 10/01/14 – BRAW update / KPIs post RDR / Risk mitigation planning / Esoteric / exotic investments workbook (openbook CPD exercise) / MMR guidance.

Email news update 101 – Issued 08/11/13 - Structured CPD - VAT update - Later life advice & substituted decision making / Financial Resources / New Excel docs / BRAW reviews

Email news update 100 – Issued 12/9/13 – T & C quick audit form / trail commission issues / considering one form to combine KeyFacts with your Retail Client Agreement / writing to your interest-only mortgage clients.

Please also see the home page of www.compliancencenews.org for the current Excel list of all our documents.

Is your existing compliance provider issuing such support for £195pa (small firms)?

23. COMPLIANCE NEWS PREMIER SERVICE – The annual costs is per firm

We believe this service will save a typical IFA firm at least 50 to 80 hours per year.

MOST DOCUMENTS ARE SENT ELECTRONICALLY ON 'WORD'

Benefit: You have access to **all the forms** we have, at no extra charge. We will send a wide range of IFA forms / guidance on a regular basis to you in 'word' document format. In addition, wherever possible we will try and assist with individual requests.

– Small IFA firms with 1 to 10 advisers - £195 p.a. PER FIRM

– IFAs with 11 to 25 advisers and up to 9 AR's - £350 p.a. PER FIRM

To register: Please complete the last page with your details.

The following is a list of just some of the documents issued.

Generic Knowledge test for advisers
Post RDR IFA Research form
Reference Request forms
Conflicts of Interest Policy
Data Security documents
Copies of relevant FSA/FCA guidance
Anti-Money Laundering Annual test
Updated Terms of Business letters (RCA)
Compliance / Risk Mitigation plan,
Compliance Audit forms,
Updated Observation forms
Adviser Role / Job Description templates
Risk Assessment / calculator of adviser,
Fit & Proper adviser annual declarations,
Client agreements / Fee agreements,

IFA Research / Committee minutes
Customer Satisfaction Surveys,
Maintaining Competence (T & C) form,
Suitability Letter templates,
File completeness checking forms,
Blank reference request forms, diary template,
Disaster Recovery / Continuity plan,
Provider Research summary forms,
Recruitment checklists
TCF forms – Too many to list
New IDD (SCDD) documents
Mortgage advice/file checking forms
Personal account dealing declaration
Compliance Board Report templates,
T & C audit / help.

“Whilst the above list may appear to be comprehensive the real benefit to most subscribers is being able to email a request and receive a template. We are generally able to help with 90% of all requests” Phil Dibb – Editor.

Recent feedback from our subscribing IFA firms.....

‘Thanks Phil, an invaluable service’

‘The BRAW telephone conference call was really helpful’

‘.....the updated Excel spreadsheet of all the forms is a great idea – keep up the good work’.

Compliance News Premier Service – Any questions?

If you cannot decide whether this service will be of benefit, or if you have any questions as to how many documents you will get / have access to, we will be glad to call you to answer any queries. Please send a quick email to the address below with 'Premier News Enquiry' in the title box and we will call you.

compliance@ifahelpline.co.uk

Tel: 0113-2583111

24. COMPLIANCE NEWS PREMIER SERVICE – HOW TO SUBSCRIBE

SHOULD YOU WISH TO SUBSCRIBE TO THE COMPLIANCE NEWS PREMIER SERVICE OR REGISTER YOUR INTEREST FOR ANY OTHER SERVICE, PLEASE COMPLETE THE FOLLOWING SUBSCRIPTION FORM AND

POST / SCAN TO:

Compliance News Limited, 19 Henley Close, Rawdon, Leeds, LS19 6QB
compliance@ifahelpline.co.uk

Compliance News Premier Service Subscription

| Firm Name: | |
|--|--|
| Contact point: | |
| Address: | |
| Tel number: | FSR Number: |
| E-mail: | |
| Current number of RIs: | |
| Current number of Appointed Representatives: | |
| Renewal / Subscription | Costs |
| Small IFA firms with 10 or less advisers. Firms who do not have more than 10 advisers / CF30s or 3 Appointed Representatives, do not provide Compliance / Commercial services to other IFAs and agree not to pass on the material to external firms. | £195 per year <input type="text"/> |
| IFAs with 11 to 25 advisers or 9 or less Appointed Rep's. Firms who do not have more than 25 advisers / CF30s or 9 Appointed Representatives, do not provide Compliance / Commercial services to other IFAs and agree not to pass on the material to external firms. | £350 per year <input type="text"/> |
| Large / other organisations that do not fit into either of the above: Please contact us for costs. | |
| How can Compliance News Help You Further – Chargeable Additional Services | |
| | Tick for more info (☞) |
| BRAW Training Sessions / one to one telephone call | |
| Low-cost retainer service for dealing with occasional compliance queries | |
| Variation of Permission / FCA New Authorisation assistance | |
| Structured CPD Sessions | |
| Remote file-checking service | |
| GABRIEL assistance – ad-hoc queries or completion of your returns | |
| T & C Supervisor / Refresher Course | |
| General Insurance 'client money' – Assistance with proposed changes. | |
| Please make cheques payable to <u>Compliance News Limited</u> and post to Compliance News Ltd, 19 Henley Close, Rawdon, Leeds, LS19 6QB Or, to pay by BACS, please email us for bank details. An invoice marked as 'paid' will be issued with all orders. | |

IF PAYING BY BACS PLEASE QUOTE YOUR FSRN AS THE REFERENCE.

Please e-mail: mail@compliancenes.org should you have any questions.