



Guernsey Financial
Services Commission

Enforcement Division 1st Year update

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What has happened in the first year?



Principle 10 – Principles of Conduct of Finance Business

“A financial institution should deal with the Commission in an open and co-operative manner and keep the Commission promptly informed of anything concerning the financial institution which might reasonably be expected to be disclosed to it.”

What Has Changed?

Guidance on the Decision Making process

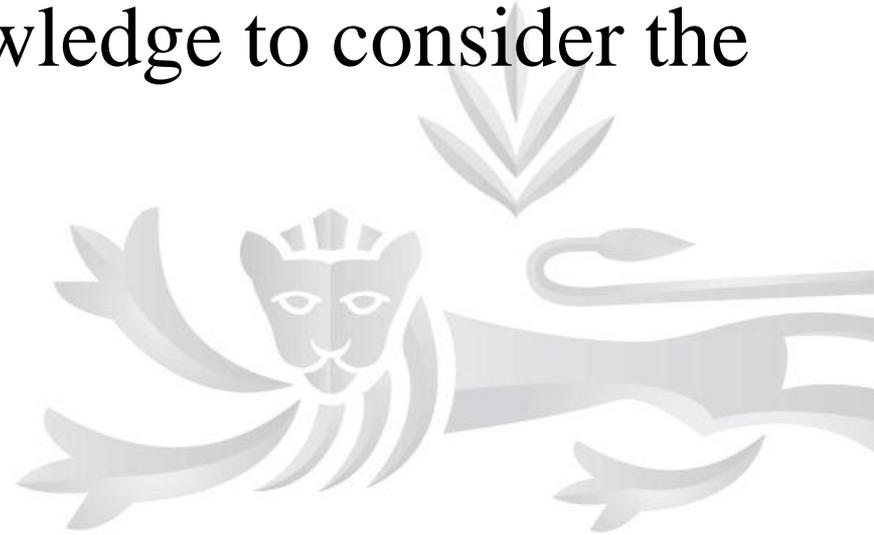
- Published in March 2014
- Amended in September 2014
 - Additions to settlement process
 - Clarification on provision of material
 - Clarification on the disclosure of relevant material post referral to a Senior Decision Maker

Senior Decision Maker (“SDM”)

- Section 11 of the FSC Law
- Commissioners have delegated the Commission Secretary power to appoint a SDM
- The process followed will be that within the Guidance Document for the Decision Making Process

Senior Decision Maker (continued)

- Appointment is made from a panel of QC's
- Sit as an independent judicial officer
- Will have relevant knowledge to consider the matter before them



Outsourcing of functions

“you can give away the task but not the responsibility. It’s a bit like trusting someone else to do up your seat belt for you, when both you and he know that, if there is a crash, it will be you catapulting through the windscreen while he stands on the hard shoulder”

Outsourcing

- Section 27 and 28 of the Handbook
- Remains the responsibility of the licensee
- It will not be considered a valid defence to lay blame for things going wrong



Whistleblowing line +44 (0)1481 748094

- This is a confidential line, managed by the Deputy Director of Intelligence
- It is an unrecorded line
- If individuals wish to come forward this is encouraged

