Unit 8: Financial Services Regulation and Professional Integrity

Delivery Guide

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Financial Services Regulation and Professional Integrity

Unit Aim: Understand the importance of acting responsibly within the financial services sector.

Unit Relevance to the Course: This unit builds on unit 1 by considering that a fundamental element of the financial services sector is ensuring all practices are ethical and responsible. The content of this unit will have applications to features of financial assets explored in units 3 to 7.

Learning Hours:

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Scheduled – 0

Guided – 4

Independent – 2





Unit 8 Learning Outcomes

Learning Objective	Learning Outcomes	Chapter Section
8.1.1	Know the UK regulatory environment and the role of the government and regulatory authorities	
8.1.2	Understand the need for regulation and the authorisation of firms	
8.1.3	Know the CISI's code of conduct	6
8.1.4	Understand the key principles of professional integrity and ethical behaviour in financial services	1 and 6
8.2.1	Know what money laundering is, the stages involved and the related financial offenses	2
8.2.2	 Know how firms / individuals can be exploited as vehicles for financial crime: fraud cybercrime terrorist financing bribery 	2
8.3.1	Know the offenses that constitute insider dealing and market abuse and the instruments covered	3
8.4.1	Know the impact of the Data Protection Act 2018 of firms' activities	4
8.5.1	Know the requirements for handling customer complaints including the role of the Financial Ombudsman Service	
8.5.2	Know the circumstances under which the Financial Services Compensation Scheme pays compensation and the compensation payable for investment and deposit claims	4



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Throughout this delivery guide, look out for the different icons to support the learner experience:

Understand and learn – These **compulsory** sections will help learners to develop their knowledge and understanding of the assessed learning objectives. We have also integrated the CISI micromodules into this learning. These give learners key explanations of the themes in a short, digestible manner and can be found on the CISI learning platform.

Apply and practise – These sections allow the learners to practise and test their newly acquired learning by undertaking a range of **compulsory** activities to help them prepare for the multiple choice assessment at the end of the course.

Further your knowledge – These sections allow learners to consolidate their understanding of key concepts by reading and interacting with current, credible CISI resources to help further enhance their learning. These **optional** resources include the CISI professional refresher modules and CISI YouTube videos.

Extension Activities – Whilst these activities do not form part of the core learning, we have added lots of extension activities to enhance the learners understanding. These activities include videos and webinars from the CISI TV channel. These activities also provide help and support if learners feel that they might need an extra bit of guidance after completing the end of unit multiple choice assessments.



Introduction – What are your thoughts?

Having watched the CISI TV video about regulation and using your own knowledge, **note down** your ideas around the following:

1. What is meant by the term "regulations"?

3. Why are regulations important for the financial services industry?

2. Why do they exist?

Learning Outcome 8.1 – Financial Services Regulation

8.1.1: Understand the UK regulatory environment and the role of the government and regulatory authorities

- 8.1.2: Understand the need for regulation and the authorisation of firms
- 8.1.3: Know the CISI's code of Conduct
- 8.1.4: Understand the key principles of professional integrity and ethical behaviour in financial services





The role of the government and regulatory authorities

Using chapter 8 of the course workbook, answer the following questions:

1. Why is there a need for financial regulation?

4. What are the main purposes of regulation?

2. What role does the government play?

5. What are the objectives and benefits of regulation?

3. What role do regulatory bodies play?





The UK regulatory environment – Who regulates what?

Using your knowledge of the regulatory parties involved in financial regulation, **identify** which body is responsible for the following activities. **Place** a "tick" in the right box.

Responsible for	Financial Policy Committee (FPC)	Prudential Regulation Authority (PRA)	Financial Conduct Authority (FCA)
1. The regulation of significant individual firms e.g. insurers			
2. Regulating standards of conduct in retail markets			
3. Protecting consumers			
4. The stability and resilience of the financial system			
5. Enhancing the integrity of the UK financial system			
6. Promoting the safety of authorised firms			
7. Taking action to reduce financial risks and protect the UK financial systems			
8. The supervision of securities settlement systems			
9. Helping to maintain competitive markets			
10. Supervising trading infrastructures of retail markets			





Authorisation

The Financial Services and Markets Act 2000 (FSMA) makes it an offense for a firm to provide financial services in the UK without being authorised to do so.

1. What does it mean if a firm is authorised by the FCA?

3. How does the FCA assess whether a firm should be authorised?

2. What does it mean if a firm is dual-regulated?

4. Summarise the PRA's Fundamental Rules and the FCA Principles for Business



Further your knowledge – Approved Persons Regime

Log onto the CISI learning platform and in the Professional Refresher section complete the <u>Approved Persons Regime module</u>. This examines the basis of the approved persons regime, the fit and proper test and the components of fitness and propriety, controlled functions, the Code of Practice for approved persons, the Principles for approved persons, and key regulatory developments.

Consumer Duty

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To help you understand more about Consumer Duty, **watch** the suggested webinars or **listen** to the FCA Consumer Duty podcasts exploring the new legislation.

https://www.youtube.com/watch?v=XZPqbuHcq_I https://www.youtube.com/watch?v=0niqMNZdrUQ https://www.youtube.com/watch?v=vj0gaRC3gCQ - CISI

FCA links

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Authorisation and Consumer Duty

Consumer Support Outcome

Consumer Understanding Outcome

Products and Services Outcome





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Further your knowledge – The Consumer Duty (Optional)

Log onto the CISI learning platform and in the Professional Refresher section complete the following:

<u>Consumer Duty Module</u> (1 hour) – This module examines the scope, obligations and outcomes of the Consumer Duty

<u>Consumer Duty Micromodule</u> (6 mins) – An introductory video which covers the Consumer Duty







CISI Extension Activity – Consumer Duty

There is a wide variety of videos on CISI TV discussing the implementation and impact of Consumer Duty. A simple search will reveal these.



Perhaps you could start by watching <u>Implementing</u> <u>consumer duty: where should firms be?</u> followed by <u>Consumer Duty – The beginning of the journey</u> and finally <u>The impact of consumer duty</u>.



Further Your Knowledge – Vulnerable Customers

Vulnerable customers may be less able to represent their own interests and are more likely to suffer harm than the average consumer.

Log onto the CISI learning platform and in the Professional Refresher section complete the following:

Vulnerable Customers module (1 hr) – In this module you will consider how vulnerable customers and financial planners interact in a way that demonstrates the best interest for the client.





CISI Extension Activity – Consumer Duty and Vulnerability

There is a clear crossover between client vulnerability and consumer duty, ensuring that higher and clearer standards of consumer protection are delivered by all financial services.

In this video Graham Duffy discusses the impact on older clients where there is greater possibility of harm, especially if they have a care need. Graham is joined by Jane Finnerty of SOLLA (Society of Later Life Advisers) who specialises in the financial wellbeing of those in later life.

<u>Client vulnerability and the crossover with</u> <u>Consumer Duty</u>







CISI Code of Conduct and the key principles of professional integrity and ethical behaviour

To help understand the CISI's Code of Conduct (8.1.3) and the key principles of professional integrity and ethical behaviour (8.1.4), watch the 11 short videos on the <u>CISI YouTube Channel</u> and answer the following questions:

1. How does the Code of Conduct help practitioners?

3. What does ethics and integrity mean to The CISI?

- 2. Why is it important to review the Code of Conduct and keep it relevant and up to date?
- 4. What ethical dilemmas do financial advisers face?





CISI Code of Conduct – Principles

Read the <u>CISI Code of Conduct Principles</u> and **summarise** them in your own words. **Explain** how the principles support both practitioners and clients. Use pages 173 and 174 in the course workbook to help.

1. Principle – Personal Accountability

3. Principle – Conflict of Interest

2. Principle - Client Focus

4. Principle – Respect for Market Participants





CISI Code of Conduct – Principles continued...

Read the <u>CISI Code of Conduct Principles</u> and **summarise** them in your own words. **Explain** how the principles support both practitioners and clients. Use pages 173 and 174 in the course workbook to help.

5. Principle - Professional Development

7. Principle – Respect Others and the Environment

6. Principle – Aware of Capabilities

8. Principle – Speak Up & Listen Up



The key principles of professional integrity and ethical behaviour

1. What are the 4 elements that build ethical practices?

3. What additional Conduct Rules must Senior Managers also adhere to?

2. The FCA's Conduct Rules are designed to raise overall conduct standards in the financial services industry. Summarise the 6 rules below.





Further your knowledge – Integrity and Ethics (Optional)

Log onto the CISI learning platform and in the Professional Refresher section complete the following:

Integrity and ethics essentials module (45 mins) – This module examines integrity, ethics and conduct, and why they are important in the context of financial services.

Integrity and ethics module (1hr 15mins) – This module provides an understanding of ethical behaviour, ethics in finance, the importance of trust and an analysis of compliance versus ethics.





Module Learning Outcome 8.2 – Financial crime

8.2.1: Understand what money laundering is, the stages involved and the related financial offenses

8.2.2: Know how firms / individuals can be exploited as vehicles for financial crime:

- fraud
- cybercrime

terrorist financingbribery

Financial crime

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Log onto the CISI learning platform and in the Professional Refresher section, complete the following:

<u>Financial Crime Micromodule</u> (7 mins). This video covers the main types of financial crime.

<u>Anti-Money Laundering Micromodule</u> (6 mins). This video covers the key aspects of anti-money laundering.





Watch the video explaining money laundering and **answer** the questions that follow.



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1. Define money laundering

3. **Complete** the 3 stages of a money laundering operation below...

2. List 3 different ways that money can be laundered





4. What are some of the signs that highlight that money laundering is taking place?

5. As a financial adviser, what policies and processes could you put in place to ensure these types of crimes are reported and managed appropriately?



In the UK, The National crime Agency is responsible for protecting the public against serious and organised crime, including money laundering. National Crime Agency website includes information about the latest money laundering news and the work that is being done to prevent cybercrime, fraud and other financial crimes. Take a look at some of these stories to enhance your understanding of financial crime.







Log onto the CISI learning platform and in the Professional Refresher section, complete the following:

<u>Anti-money laundering essentials</u> (1hr 15mins) – This module examines the basics of money laundering including examples of the crime, how to identify red flags and react to suspected cases.

Anti-money laundering module (2hrs) – This module examines anti-money legislation and regulation in the UK, the role of the money laundering reporting officer and the sanctions/penalties that can be imposed.



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Fraud

Read chapter 8 in the course workbook on fraud and identify the differences between **identify** fraud and identity theft.

Identity fraud	Identity theft



Fraud

As a financial adviser, what information and documents should you request to help detect and prevent identity theft?







Cybercrime

- 1. Using the section on cybercrime in chapter 8 of the course workbook, **explain** the difference between
- a) Advanced cybercrime (or high tech crime)

b) Cyber-enabled crime

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Cybercrime

- 2. Using the <u>online BBC cybercrime news section</u>, summarise some of the most recent threats to UK consumers and businesses.
- 3. As a financial adviser, what advice would you give your clients around protecting themselves when online?

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Bribery

After reading about these cases, read about bribery in chapter 8 of the course workbook and answer the following:

1. What is bribery?

2. People who work in the financial services sector may be considered at risk of being bribed. Why might this be and what could you do to prevent this happening?





Further your knowledge – Cybercrime

Log onto the CISI learning platform and in the Professional Refresher section, complete the <u>cybercrime module</u>. This module explores hacking, denial of service attacks, new technologies and security concerns, as well as the definitions and legislation related to cybercrime.



Fraud and Cybercrime

UK Finance reports on the methods being used, scale and the impact of fraud and cybercrime across the UK. What are the biggest threats currently to UK consumers?



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Watch the video with leading experts in cybercrime discussing the impact of a cyber attack, how to manage resources after an attack as well as establishing a policy and conducting a risk assessment.

Ability to bounce back after a cyber attack





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Bribery

Read the two news reports about bribery in football.

What did they do wrong?

What were the consequences?

Barnsley Football Club coach sentenced for bribery





Ex-footballer Delroy Facey jailed after match fixing trial



Delroy Facey played for clubs including Bolton Wanderers, Hull City and West Bromwich Albion




Bribery

Read the information about UK bribery cases and explain the issues and consequences in each case.

Former MoD official jailed for taking £70k in kickbacks following SFO investigation

12 April, 2024 | <u>News Releases</u>

The Serious Fraud Office (SFO) has secured an 30-month prison sentence and a £123,000 confiscation order for Jeffrey Cook, a former Ministry of Defence (MoD) official. This follows his conviction for misconduct in public office for taking secret payments in exchange for commissioning work from offshore consultants.

An SFO investigation found he received over £70,000 worth of payments and gifts, comprising £44,000 in cash and two cars. Mr Cook received the kickbacks while employed at the MoD and seconded to UK defence contractor Paradigm.

Mr Cook's sentencing caps a complex investigation and prosecution by the UK's leading agency for tackling complex fraud, bribery and corruption, which also saw the successful prosecution of GPT Special Project Management Ltd which pleaded guilty to corruption in 2021 and paid a penalty of nearly £30 million.

Director of the Serious Fraud Office, Nick Ephgrave QPM, said:

"I am proud of my team for their determination and tenacity in prosecuting a complex case of corruption involving the defence industry.

"Today's sentencing demonstrates the Serious Fraud Office's ability to hold individuals to account, particularly when their actions undermine trust in our institutions."

What's the issue?

What were the consequences?

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Films on Financial Crime

To understand how financial crime impacted the US markets, watch these movies / documentaries. You can also research these events online to find out more.

Enron: Smartest Guys in the Room

A documentary about the Enron corporation, its faulty and corrupt business practices, and how they led to its fall. Great documentary on how Enron was basically a CHEAT machine (California power black outs and deliberate electricity price hikes to make profits) and more shockingly, how they were helped by government (Bush administration, surprised?) and accounting firm Arthur Andersen.

Big Short: Christian Bale, Steve Carrell and Ryan Gosling

In 2006-2007 a group of investors bet against the US mortgage market. In their research, they discover how flawed and corrupt the market is. Movie which retells the great 2008 mortgage backed securities scam but told from the angle of those who knew this would happen. Usually when you know something epically bad will happen, you just short the losers hence the title!

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Module Learning Outcome 8.3 – Insider Dealing and Market Abuse

8.3.1: Know the offenses that constitute insider dealing and market abuse and the instruments covered





Insider dealing

Watch the video about insider dealing and read the section about insider dealing in your course workbook.

1. **Define** insider dealing

- 4. <u>Read</u> the case about former Goldman analyst found guilty of insider trading and fraud.
- a) What activities was he involved in?

2. Explain why it is an offense

- b) What were the consequences of his actions?
- 3. **List** the instruments that are covered by insider dealing in the Criminal Justice Act





Market abuse behaviours

Market abuse may arise in circumstances where financial investors have been unreasonably disadvantaged, directly or indirectly, by others who behave unlawfully. Take a look at the following actions and decide whether the behaviour is insider dealing, unlawful disclosure or market manipulation. Place an "tick" in the correct box.

Market abuse behaviours	Insider dealing	Unlawful disclosure of inside information	Market manipulation
1. Telling your family to buy shares in a specific company because you know information about it			
2. Using deception to affect the price of bonds			
3. Giving false signals about the price of shares			
 A person buying shares because they have been given information about the price to their advantage 			
Selling bonds because you have been given information about their price			





Log onto the CISI learning platform and in the Professional Refresher section complete the <u>Financial</u> <u>Crime module</u> (1.5 hrs). This module focuses on insider dealing, market abuse, money laundering, terrorist finance and financial sanctions.

Watch the video from the compliance forum on CISI TV about <u>market abuse key areas and future focus</u>.







Module Learning Outcome 8.4 – Data Protection

8.4.1: Understand the impact of the Data Protection Act 2018 on firms' activities





The Data Protection Act 2018

Read the government's summary of <u>The Data Protection Act 2018</u> and the section about data protection in chapter 8 of the course workbook.

Watch the <u>Data Protection Act training video from ICO</u> and **list** all of the data breaches that appear

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The Data Protection Act 2018

Using the video and the course workbook, **summarise** the 8 principles of GDPR below.







The Data Protection Act 2018

Using your own knowledge, **discuss** how consumers can protect their own data.

For more information about The Data protection Act and GDPR, the ICO has a number of <u>training videos and resources</u>.

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Data Protection Act 2018 – True or False?

Decide whether the following statements are true or false.

	True	False
1. GDPR stands for General Data Protection Regulation		
2. Personal data can be processed, collected, recorded, stored, or disposed of without following data protection legislation		
3. Organisations are not legally responsible for notifying the Information Commissioner's Office (ICO) about processing personal information.		
 Personal data should be kept for as long as possible, even if it is no longer necessary for processing purposes. 		
 In case of a data breach, organisations are not obliged to report data breaches to the relevant supervisory authority or affected individuals. 		



Further Your Knowledge – Data Protection essentials

Log onto the CISI learning platform and in the Professional Refresher section complete the <u>Data</u> <u>Protection Essentials</u> module (1hr 15mins). This module considers the challenge of data protection, what it means and how we can all contribute towards it.





Further your knowledge – GDPR (Optional)

Log onto the CISI learning platform and in the Professional Refresher section complete the following:

<u>GDPR Micromodule</u> (6 mins) – This video provides an overview of the GDPR.

<u>GDPR module</u> (1.5hrs) – This module sets out what organisations need to do to protect the personal information they hold under GDPR and examines how GDPR provides individuals with rights in respect of their personal information held by organisations.



Log onto the CISI learning platform and in the Professional Refresher section complete the <u>Information Security and Data Protection module</u> (1.5hrs). This module explores the regulatory framework, latest cybercrime developments, lessons to be learned from high profile cases and key identity issues.

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Module Learning Outcome 8.5 – Complaints and Compensation

8.5.1: Know the requirements for handling customer complaints including the role of the Financial Ombudsman Service

8.5.2: Know the circumstances under which the Financial Services Compensation Scheme pays compensation and the compensation payable for investment and deposit claims



Complaints

The FCA requires authorised firms to deal with complaints from eligible complainants promptly and fairly. Using the section about complaints in the course workbook, what should be included in a complaints procedure if a client raises a complaint?







The Financial Ombudsman Service (FOS)

Take a look at the Financial Ombudsman Service website and research the following questions:

- 1. What is the role of the Financial Ombudsman Service in the UK financial services industry?
- 3. Read the case study about <u>Meena</u> on the FOS website. As a financial adviser how could you have managed this situation so that it didn't end up as a complaint.

2. What types of financial products and services do they cover?

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The Financial Services Compensation Scheme (FSCS)

Take a look at <u>The Financial Services Compensation Scheme</u> website and watch the short video on the home page. **Research** the following questions:

- 1. What is the role of the FSCS in the UK financial services industry? 3.
 - . What are the maximum levels of compensation customers can receive for bank deposits and investments?

2. What financial products and services does the FSCS cover?

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Further your knowledge – Customer Complaints Procedures

Log onto the CISI learning platform and in the Professional Refresher section complete the <u>Customer Complaints Procedures</u> module (45 mins). This module provides an understanding of eligible complainants, record keeping, reporting requirements, the timescales involved as well as information about awards paid out by the FOS.









Gain an understanding of the world of regulation by watching this exciting video that prepares those taking the Level 3 Introduction to Securities and Investment qualification. In this instalment, Catherine Levy, Chartered FCSI, discusses all things <u>regulation</u>.





End of Unit 8 Multiple Choice Assessment



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Test your knowledge

1. What is the maximum award the Financial Ombudsman Service can make?

A. £250,000

B. £100,000

C. There is no maximum

D. £150,000

- 2. Which ONE of the following statements MOST accurately describes behaviour which constitutes a market abuse offence?
- A. Behaviour based on public information
- B. Behaviour likely to aid market transparency
- C. Behaviour which results in financial benefit to a regular market user
- D. Behaviour regarded by a regular user as likely to distort the market

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- 3. To whom should an employee report any suspicious money laundering transactions to?
 - A. Compliance Officer
 - B. Bank of England
 - C. Money Laundering Reporting Officer
 - D. Serious Organised Crime Agency

- 4. In order to receive authorisation in the UK, all new firms must:
 - A. Employ individuals who are authorised persons
 - B. Meet the controlled functions
 - C. Meet the threshold conditions
 - D. Be approved by the PRA and FC



- 5. Which of the following is NOT a FCA requirement of employees handling customer complaints in a financial services firm;
 - A. They must have the authority to settle the complaint
 - B. They must have been directly related or involved with the customer before the complaint was made
 - C. They must offer fair compensation
 - D. They must have sufficient competence

- 6. The Data Protection Principles place what particular responsibility on firms retaining personal data?
 - A. To not keep it for longer than is necessary for its purpose
 - B. To not keep it for longer than 12 months
 - C. To keep it for a minimum of 6 years
 - D. To keep it indefinitely



- 7. When can a claim be made from the Financial Services Compensation Scheme?
 - A. If a firm refuses to pay losses set out in a claim
 - B. Once a firm is in default
 - C. Prior to the liquidation of a firm
 - D. Any time an investor incurs a loss

- 8. Which ONE of the following is NOT a requirement of the Money Laundering Regulations?
 - A. Identification procedures for verifying new clients
 - B. Internal reporting of suspicions to the MLRO
 - C. Periodic training of staff in money laundering procedures
 - D. Establish if property arises from an overseas activity that is illegal outside the UK



9. Which is the middle stage of the three stage money laundering process?

A. Integration

B. Placement

C. Investing

D. Layering

10. If a retail investor has an unresolved complaint against an authorised firm, who can they request deal with it?

A. Financial Ombudsman Service

- B. Financial Services and Market Tribunal
- C. Financial Services Regulatory Decisions Committee

D. Financial Services Compensation Scheme



- 11. Which ONE of the following is one of the main considerations for a fit and proper assessment of an authorised person?
 - A. Experience performing the role in another jurisdiction
 - **B.** Financial soundness
 - C. Number of personal recommendations
 - D. Number of clients

12. Under the insider dealing legislation in the Criminal Justice Act, all the following instruments fall within the definition of securities, EXCEPT:

A. Bonds B. Warrants C.Shares D. Commodities

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- 13. Which ONE of the following is a Data Protection Principle under the Data Protection Act?
 - A. Personal data shall be fairly and lawfully processed
 - B. Personal data shall be freely transferred to other countries
 - C. Personal data shall be kept for a minimum of 10 years
 - D. Personal data shall be processed for any purpose

- 14. Dealing based on which ONE of the following sources of information would constitute an offence of insider dealing?
- A. Historic information on a takeover printed in a newspaper
- B. General information that a company is doing well
- C. Published information of a profits warning by a company
- D. Information which, if made public, could significantly affect the share price





- 15. According to the FCA and PRA, which of the 16. Which body has the power to make rules following would be regarded as an 'eligible complainant'?
- A. An overseas financial services firm A. FSCS B. A collective investment scheme **B. FSMA** C. A pension fund C. FOS D. An individual private investor D. POCA
- relating to handling customer complaints involving financial services?

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- 17. Which of the following is NOT a characteristic of the Financial Ombudsman Service?
 - A. Operates a dispute resolution scheme
 - B. Offers an independent view
 - C. A customer can refer to them when they are not happy about the way their complaint has been handled
 - D. Their decisions are binding for the complainant but not the firm

- 18. Which of the following is not true about the offence of bribery under the Bribery Act 2010?
- A. If found guilty, an individuals could be sentenced to 10-years in prison
- B. A bribe has to involve cash or an actual payment exchanging hands
- C. The only defence for a corporate entity is that they can show adequate procedures were put in place to prevent bribery
- D. It includes bribery of a foreign public official to obtain or retain business or an advantage





- 19. Which of the following is not a role of the FCA;
 - A. Investigating insider dealing
 - B. Supervising investment exchanges
 - C. Overseeing the FPC
 - D. Monitoring firms' compliance with the Market Abuse Directive (MAD)

- 20. A dual-regulated firm is regulated by;
- A. The FCA and PRAB. The FSA and Bank of EnglandC. The FCA and DMOD. The FSA and PRA





Monitoring my progress – Unit 8

My multiple choice assessment mark is ___ / 20

I am happy with the progress that I made on the multiple choice assessment ____Yes ____No

To improve my knowledge and understanding, I now need to....

1.



Need more help?

If you feel that your multiple choice score can be improved further, complete the end of unit 8 multiple choice questions in the course workbook.

