

Date: 03 February 2022

Our Reference: FOIA-2022-010

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 14 January 2022 in which you requested the following information:

Request

1. Are individual police forces, NCA or the College of Policing responsible for adequate training of financial investigators/police officers investigating financial crime and does that training include how the Financial Services and Markets Act 2000 legislation, authorisation and rules impact on every aspect of financial services regulation and protection for customers?
2. I can see no reference in the training to any investigation of the 'caveat emptor' ie the role of brokers and lenders and their statutory duty to comply with FSA/FCA Rules, as referred to in the CPS Fraud Act 2006 Charging Practice. Can you explain why the Financial Services and Markets Act 2000 legislation authorisation and rules are not being taken into account.
3. A key point in the Financial Services and Markets Act 2000 is authorisation. Under FSMA 2000 S19 **Financial Services and Markets Act 2000 (legislation.gov.uk)** this refers to the 'general prohibition' which means only authorised firms can carry out regulated activities. Only an authorised firm can make a criminal complaint. Under FSMA 2000 S23 **Financial Services and Markets Act 2000 (legislation.gov.uk)** contravention of S19 is stated to be a criminal offence. Can you explain why the training does not appear to cover contravention of FSMA 2000 legislation?
4. If you are unable to respond to this request, please advise who can respond, since there appears to a significant problem in the knowledge of police officers investigating claimed offences, where the claimant was not an authorised firm and the lender and broker were authorised and regulated by the FSA/FCA. Where criminal law is used on a civil matter (with civil contract, terms and

conditions), what steps should police take to ensure any broker or lender have complied with the terms and conditions and statutory regulatory duties?

Decision

After conducting careful searches relating to your request, I can confirm there is information held in relation to some parts of your request and I have addressed each question in turn below.

1. Are individual police forces, NCA or the College of Policing responsible for adequate training of financial investigators/police officers investigating financial crime and does that training include how the Financial Services and Markets Act 2000 legislation, authorisation and rules impact on every aspect of financial services regulation and protection for customers?

As set out in the College of Policing Authorised Professional Practice (APP) on Financial Training, available at the following link [Training and accreditation \(college.police.uk\)](https://www.college.police.uk), police forces are responsible for ensuring their staff have sufficient skills and knowledge for the role they are performing.

The College of Policing sets the national curriculum for non-specialist investigators. The Proceeds of Crime Centre, which forms part of the National Crime Agency, provides specialist training. There is no direct reference to the Financial Services and Markets Act 2000 in the national policing curriculum. We do not hold the syllabus for specialist training.

2. I can see no reference in the training to any investigation of the 'caveat emptor' ie the role of brokers and lenders and their statutory duty to comply with FSA/FCA Rules, as referred to in the CPS Fraud Act 2006 Charging Practice. Can you explain why the Financial Services and Markets Act 2000 legislation authorisation and rules are not being taken into account.

No information held. Please be advised that the FOIA is not designed to answer general questions and does not require us to create information in order to respond to a request.

3. A key point in the Financial Services and Markets Act 2000 is authorisation. Under FSMA 2000 S19 [Financial Services and Markets Act 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk) this refers to the 'general prohibition' which means only authorised firms can carry out regulated activities. Only an authorised firm can make a criminal complaint. Under FSMA 2000 S23 [Financial Services and](https://www.legislation.gov.uk)

Markets Act 2000 (legislation.gov.uk) contravention of S19 is stated to be a criminal offence. Can you explain why the training does not appear to cover contravention of FSMA 2000 legislation?

No information held. Please be advised that the FOIA is not designed to answer general questions and does not require us to create information in order to respond to a request.

- 4. If you are unable to respond to this request, please advise who can respond, since there appears to a significant problem in the knowledge of police officers investigating claimed offences, where the claimant was not an authorised firm and the lender and broker were authorised and regulated by the FSA/FCA. Where criminal law is used on a civil matter (with civil contract, terms and conditions), what steps should police take to ensure any broker or lender have complied with the terms and conditions and statutory regulatory duties?**

There is no information held in relation to this aspect of your request.

HM Revenue and Customs or the Financial Conduct Authority may be able to assist with your query.

I trust this letter answers your questions. Your rights are provided in **Appendix A**.

Yours sincerely,

Sarah Lawrence | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113