

Conflicts of Interest

The purpose of this questionnaire is to enable the JFSC to understand what systems and controls (including policies and procedures) are in place for the management of conflicts of interest in your business.

Conflicts of interest policies and procedures

Do you have a conflicts of interest policy and/or procedure?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

When was it last reviewed and updated?

0-12 months	<input type="checkbox"/>
12-24 months	<input type="checkbox"/>
25+ months	<input type="checkbox"/>

Who is responsible for maintaining the policy and/or procedure?

Compliance Officer	<input type="checkbox"/>
MLRO	<input type="checkbox"/>
MLCO	<input type="checkbox"/>
Director	<input type="checkbox"/>
A Committee	<input type="checkbox"/>
Name of Committee?	
Other	

How often is the procedure reviewed in order to identify potential weaknesses with your process(es)?

Monthly	<input type="checkbox"/>
Quarterly	<input type="checkbox"/>
Annually	<input type="checkbox"/>
Every two years	<input type="checkbox"/>
Other	

Does your policy and/or procedure define what a conflict is?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If applicable, does your policy and/or procedure take into account your multiple licences?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
N/A	<input type="checkbox"/>

Is the conflicts of interest policy and/or procedure drafted to address the risk associated with both actual and potential conflicts?

Yes, actual and potential	<input type="checkbox"/>
No, just actual	<input type="checkbox"/>
Other	

Is the conflicts of interest policy and/or procedure easily accessible to all employees?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please confirm how employees can access them?

Email on joining with attachment	<input type="checkbox"/>
Intranet	<input type="checkbox"/>
Procedure Library	<input type="checkbox"/>
Conflicts system/tool	<input type="checkbox"/>
Other	

Is your conflicts of interest policy and/or procedure linked to any other policy(ies)/procedure(s)?

Stand-alone	<input type="checkbox"/>
Part of a manual or handbook	<input type="checkbox"/>
Linked to other policy/procedure	<input type="checkbox"/>
Conflicts of interest policies and procedures	<input type="checkbox"/>

Which other policy/procedure?

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Are all employees required to declare any conflicts of interest regardless of their role within the business ?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If no, please list which employees are exempt? (Please list job titles not individual names)	

What are the consequences for failing to disclose a conflict of interest under the terms of the conflict of interest policy/procedure?

None specified	<input type="checkbox"/>
Formal notification to senior management	<input type="checkbox"/>
Disciplinary process	<input type="checkbox"/>
Other	

If none specified, please describe any informal escalation process in the absence of an express process in the policy/procedure?

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How does your policy and/or procedure define or categorise a conflict of interest?

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Disclosing conflicts and keeping record

Please select the process for disclosing a conflict of interest?

Completion of a manual form (MS Word/Excel etc)	<input type="checkbox"/>
Completion of an online form (which auto populates a conflicts register)	<input type="checkbox"/>
Completion of an online form (which does not populate a conflicts register)	<input type="checkbox"/>
Email to an agreed recipient (dedicated email or compliance function etc)	<input type="checkbox"/>
Other	

Who is responsible for receiving conflicts of interest disclosures?

Compliance Officer	<input type="checkbox"/>
Director	<input type="checkbox"/>
Committee	<input type="checkbox"/>
Name of Committee?	
Other	

Who is responsible for evaluating each conflict of interest and developing controls to manage them?

Compliance Officer	<input type="checkbox"/>
Director	<input type="checkbox"/>
Committee	<input type="checkbox"/>
Name of Committee?	
Other	

How do you monitor an employee's management of their actual conflicts of interest?

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How do you monitor an employee's management of their potential conflicts of interest?

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Do you have and maintain a conflicts of interest register?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Does the register record whether the conflict of interest is active or inactive?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If no, how do you monitor whether the conflicts remain active once disclosed?

Does the register capture conflicts in relation to positions held as well as persons known?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Compliance Risk Assessment

Have conflicts of interest been identified and assessed as an actual or potential risk to the business within the firm's formal risk assessment process?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If no, please describe your reasons for not considering conflicts of interest to be a risk for the business.

Compliance monitoring and effectiveness of controls

Please describe how you test the effectiveness of the conflicts of interest policy and/or procedure?

Do your monitoring arrangements consider both actual and potential conflicts of interest?

Yes, both actual and potential	<input type="checkbox"/>
No just actual	<input type="checkbox"/>
Other	

Have you engaged a third party to report on the effectiveness of your conflicts of interest arrangements?

Yes, in the last 12 months	<input type="checkbox"/>
Yes, in the last 24 months	<input type="checkbox"/>
Yes, but more than 24 months ago	<input type="checkbox"/>
No	<input type="checkbox"/>

Do you specifically test conflicts of interest as part of your compliance monitoring programme?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, please select the frequency of testing in relation to conflicts of interest?

Annually	<input type="checkbox"/>
Six monthly	<input type="checkbox"/>
Quarterly	<input type="checkbox"/>

Have any issues been identified from the past two tests conducted?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Number of issues remediated?	
Number of issues outstanding?	
Number of issues outstanding for longer than 12 months?	

Are transactions monitored where there are known conflicts of interest?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Code of Conduct

Do you have and maintain a code of conduct for employees?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, is the code of conduct expressly linked to the conflicts of interest policy and/or procedure or are the two stand-alone documents?

Linked (both contained in a manual or handbook)	<input type="checkbox"/>
Linked (one or both contain express reference to the other)	<input type="checkbox"/>
Stand-alone documents	<input type="checkbox"/>

Gifts and entertainment register

Do you have and maintain a gifts and entertainment policy and/or procedure?

Yes, just policy and/or procedures	<input type="checkbox"/>
Yes, policy and/or procedure and register	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, have you set a minimum value gift and entertainment threshold?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, what is the limit?

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Has the rationale for imposing this threshold been recorded?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, please describe the rationale for the threshold

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Who is responsible for receiving and evaluating the gift and entertainment declarations?

Compliance Officer	<input type="checkbox"/>
MLRO	<input type="checkbox"/>
MLCO	<input type="checkbox"/>
Director	<input type="checkbox"/>
Committee	<input type="checkbox"/>
Name of Committee?	
Other	

Training

Do you provide training to employees relating to conflicts of interest?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, is the training tailored depending on employee's role?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Is this training mandatory?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Does the training delivered cover both conflicts of interest and gifts and entertainment?

Yes, combined in the same session	<input type="checkbox"/>
No, but both covered separately	<input type="checkbox"/>
No, our training does not cover gifts and entertainment	<input type="checkbox"/>

Does the training provided include scenarios where a conflict arises for an employee in the context of your business?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Reporting

Has the board/senior management/ an appointed committee of the business received any reports or other management information in respect of conflicts of interest?

Yes, within the last 6 months	<input type="checkbox"/>
Yes, within the last 12 months	<input type="checkbox"/>
Yes, but more than 12 months ago	<input type="checkbox"/>
No	<input type="checkbox"/>

Actual or potential conflicts not otherwise disclosed

Does the identification of a potential or actual conflict of interest depend solely on the disclosures made by employees?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

What, if any, proactive due-diligence is performed on employees (including Key Persons) before hiring them to identify actual or potential conflicts of interest?

None	<input type="checkbox"/>
Other	

What, if any, ongoing due-diligence is performed on employees (including Key Persons) to identify actual or potential conflicts not otherwise disclosed?

None	<input type="checkbox"/>
Same due diligence measures undertaken on hiring	<input type="checkbox"/>
Other	

This questionnaire is being requested by the JFSC's Supervision Examination unit ahead of the upcoming Conflicts of Interest Thematic Examination Programme.