

## Chapter 1A

# CASS firm classification and operational oversight



## 1A.1 Application

1A.1.1 **R**

- (1) Subject to (2), (3) and (4), this chapter applies to a *firm* to which either or both of ■ CASS 6 (Custody rules) and ■ CASS 7 (Client money rules) applies.
- (2) In relation to a *firm* to which ■ CASS 5 (Client money: insurance distribution activity) and ■ CASS 7 (Client money rules) apply, this chapter does not apply in relation to *client money* that a *firm* holds in accordance with ■ CASS 5.
- (3) The *rules* and *guidance* in ■ CASS 1A.2 apply to a *firm* even if at the date of the determination or, as the case may be, the notification, either or both of ■ CASS 6 and ■ CASS 7 do not apply to it, provided that:
  - (a) either or both of those chapters applied to it during part or all of the previous calendar year; or
  - (b) it projects that either or both will apply to it in the current calendar year.
- (4) This chapter does not apply to a *firm* to which only ■ CASS 6 applies, applied or is projected to apply, merely because:
  - (a) it is, was, or is projected to be a *firm* which *arranges safeguarding and administration of assets*; or
  - (b) when acting as a *small AIFM* and in relation to *excluded custody activities*, it would be, would have been or would be projected to be a *firm* which *arranges safeguarding and administration of assets* but for the exclusion in article 72AA of the RAO.

1A.1.2 **R**

The *rules* and *guidance* in ■ CASS 1A.2 (CASS firm classification) do not apply to a *firm* following its *failure*.

## 1A.2 CASS firm classification

- 1A.2.1** **G** The application of certain *rules* in this chapter depends upon the 'CASS firm type' within which a *firm* falls. The 'CASS firm types' are defined in accordance with ■ CASS 1A.2.7 R. The 'CASS firm type' within which a *firm* falls is also used to determine whether it is required to have the *CASS operational oversight function* described in ■ CASS 1A.3.1A R and whether the reporting obligations in ■ SUP 16.14 (Client money and asset return) apply to it.
- 1A.2.2** **R**
- (1) A *firm* must once every year, and by the time it is required to make a notification in accordance with ■ CASS 1A.2.9R (4), determine whether it is a *CASS large firm*, *CASS medium firm* or a *CASS small firm* according to the amount of *client money* or *safe custody assets* which it holds, using the limits set out in the table in ■ CASS 1A.2.7 R.
  - (2) For the purpose of determining its 'CASS firm type' in accordance with ■ CASS 1A.2.7 R, a *firm* must:
    - (a) if it currently holds *client money* or *safe custody assets*, calculate the higher of the highest total amount of *client money* and the highest total value of *safe custody assets* held during the previous calendar year ending on 31 December and use that figure to determine its 'CASS firm type';
    - (b) if it did not hold *client money* or *safe custody assets* in the previous calendar year but projects that it will do so in the current calendar year, calculate the higher of the highest total amount of *client money* and the highest total value of *safe custody assets* that it projects that it will hold during that year and use that figure to determine its 'CASS firm type'; but
    - (c) in either case, exclude from its calculation any *client money* held in accordance with ■ CASS 5 (Client money: insurance distribution activity) or ■ CASS 13 (Claims management: client money).
- 1A.2.3** **R** For the purpose of calculating the value of the total amounts of *client money* and *safe custody assets* that it holds on any given *day* during a calendar year a *firm* must:
- (1) in complying with ■ CASS 1A.2.2R (2)(a), base its calculation upon internal reconciliations performed during the previous year;
  - (2) in relation to *client money* or *safe custody assets* denominated in a currency other than sterling, translate the value of that *money* or that *safe custody assets* into sterling at the previous *day's* closing spot exchange rate; and

- 1A.2.4

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One of the consequences of ■ CASS 1A.2.2 R is that a *firm* that determines itself to be a CASS *small firm* or a CASS *medium firm* will, at least if it exceeds during the course of a calendar year either of the limits in ■ CASS 1A.2.7 R that applies to it, become in the next calendar year:

(1) in the case of a CASS *small firm*, a CASS *medium firm* or a CASS *large firm*; and

(2) in the case of a CASS *medium firm*, a CASS *large firm*.
- 1A.2.5

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(1) Notwithstanding ■ CASS 1A.2.2 R, provided that the conditions in (2) are satisfied a *firm* may elect to be treated:

(a) as a CASS *medium firm*, in the case of a *firm* that is classed by the application of the limits in ■ CASS 1A.2.7 R as a CASS *small firm*; and

(b) as a CASS *large firm*, in the case of a *firm* that is classed by the application of the limits in ■ CASS 1A.2.7 R as a CASS *medium firm*.

(2) The conditions to which (1) refers are that in either case:

(a) the election is notified to the FCA in writing;

(b) the notification in accordance with (a) is made at least one week before the election is intended to take effect; and

(c) the FCA has not objected.
- 1A.2.6

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■ CASS 1A.2.5 R provides a *firm* with the ability to opt in to a higher category of 'CASS firm type'. This may be useful for a *firm* whose holding of *client money* and *safe custody assets* is near the upper categorisation limit for a CASS *small firm* or a CASS *medium firm*.
- 1A.2.7

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CASS firm types

CASS firm type	Highest total amount of <i>client money</i> held during the <i>firm's</i> last calendar year or as the case may be that it projects that it will hold during the current calendar year	Highest total value of <i>safe custody assets</i> held by the <i>firm</i> during the <i>firm's</i> last calendar year or as the case may be that it projects that it will hold during the current calendar year
CASS <i>large firm</i>	more than £1 billion	more than £100 billion
CASS <i>medium firm</i>	an amount equal to or greater than £1 million and less than or equal to £1 billion	an amount equal to or greater than £10 million and less than or equal to £100 billion
CASS <i>small firm</i>	less than £1 million	less than £10 million

- p>1A.2.8 R [deleted]
- 1A.2.8A R [deleted]
- 1A.2.9 R Once every calendar year a *firm* must notify to the *FCA* in writing the information specified in (1), (2) or (3) as applicable, and the information specified in (4), in each case no later than the *day* specified in (1) to (4):
- (1) if it held *client money* or *safe custody assets* in the previous calendar year, the highest total amount of *client money* and the highest total value of *safe custody assets* held during the previous calendar year, notification of which must be made no later than the fifteenth *business day* of January; or
  - (2) if it did not hold *client money* or *safe custody assets* in the previous calendar year but at any point up to the fifteenth *business day* of January the *firm* projects that it will do so in the current calendar year, the highest total amount of *client money* and the highest total value of *safe custody assets* that the *firm* projects that it will hold during the current calendar year, notification of which must be made no later than the fifteenth *business day* of January; or
  - (3) in any other case, the highest total amount of *client money* and the highest total value of *safe custody assets* that the *firm* projects that it will hold during the remainder of the current calendar year, notification of which must be made no later than the *business day* before the *firm* begins to hold *client money* or *safe custody assets*; and
  - (4) in every case, of its 'CASS firm type' classification, notification of which must be made at the same time the *firm* makes the notification under (1), (2) or (3).
- 1A.2.10 R For the purpose of the annual notification to which ■ CASS 1A.2.9 R refers, a *firm* must apply the calculation rule in ■ CASS 1A.2.3 R.
- 1A.2.11 G For the purpose of ■ CASS 1A.2.9 R (1), the *FCA* will treat that obligation as satisfied if a *firm* submitted a *CMAR* for each period within the previous calendar year in compliance with ■ SUP 16.14.3 R.
- 1A.2.12 R A *firm's* 'CASS firm type' and any change to it takes effect:
- (1) if the *firm* notifies the *FCA* in accordance with ■ CASS 1A.2.9 R (1) or ■ CASS 1A.2.9 R (2), on 1 February following the notification; or
  - (2) if the *firm* notifies the *FCA* in accordance with ■ CASS 1A.2.9 R (3), on the *day* it begins to hold *client money* or *safe custody assets*; or
  - (3) if the *firm* makes an election under ■ CASS 1A.2.5 R (1), and provided the conditions in ■ CASS 1A.2.5 R (2) are satisfied, on the *day* the notification made under ■ CASS 1A.2.5 R (2)(a) states that the election is intended to take effect.

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Any written notification made to the *FCA* under this chapter should be marked for the attention of: "Client Assets Firm Classification".

## 1A.3 Responsibility for CASS operational oversight

- 1A.3.1** **R** (1) A CASS *small firm* must allocate to a single *director* or *senior manager* of sufficient skill and authority responsibility for:
- (a) oversight of the *firm's* operational compliance with CASS; and
  - (b) reporting to the *firm's governing body* in respect of that oversight.
- (2) [deleted]
- [Note: article 7, first paragraph of the *MiFID Delegated Directive*]
- 1A.3.1-A** **G** The material in ■ CASS 1A.3.1BG about how ■ CASS 1A.3 fits into the FCA senior managers and certification regime for *SMCR firms* also applies to a CASS *small firm* that is an *SMCR firm* and the function in ■ CASS 1A.3.1R.
- 1A.3.1A** **R** A CASS *medium firm* and a CASS *large firm* must allocate to a single *director* or *senior manager* of sufficient skill and authority the function of:
- (1) oversight of the operational effectiveness of that *firm's* systems and controls that are designed to achieve compliance with CASS;
  - (2) reporting to the *firm's governing body* in respect of that oversight; and
  - (3) completing and submitting a *CMAR* to the FCA in accordance with ■ SUP 16.14.
- [Note: article 7, first paragraph of the *MiFID Delegated Directive*]
- 1A.3.1B** **G** (1) (a) This paragraph ■ CASS 1A.3.1BG describes how ■ CASS 1A.3.1AR applies to *SMCR firms*.
- (b) The function in ■ CASS 1A.3.1AR is not a separate *controlled function* and performing that function does not require approval as an *approved person*.
- (c) However, nothing in paragraphs (1A) to (4) affects the requirement for the function in ■ CASS 1A.3.1AR to be allocated to a single *director* or *senior manager* of sufficient skill and authority in accordance with ■ CASS 1A.3.1AR and ■ CASS 1A.3.2AR.

- (1A) There are three elements of the regime for *SMCR firms* that are particularly relevant to ■ CASS 1A, although they do not all apply to all *SMCR firms*:
- (a) a *firm's* obligation to allocate certain responsibilities to its *SMF managers* (see ■ SYSC 24 (Senior managers and certification regime: Allocation of prescribed responsibilities));
  - (b) a *firm's* obligation to ensure that one or more of its *SMF managers* have overall responsibility for each of its activities, business areas and management functions (see ■ SYSC 26 (Senior managers and certification regime: Overall and local responsibility)); and
  - (c) the certification regime (the certification regime is explained in ■ SYSC 27 (Senior managers and certification regime: Certification regime) and ■ SYSC TP 7 (Bank of England and Financial Services Act 2016: Certification and regulatory references) explains that the certification regime comes into force sometime after other parts of the senior managers and certification regime).
- (2) (a) This paragraph (2) explains how ■ CASS 1A.3.1AR applies to an *SMCR firm* to which ■ SYSC 24 and ■ SYSC 26 both apply.
- (b) The *firm* must allocate responsibility for the *firm's* compliance with CASS to one of its *SMF managers* (see ■ SYSC 24.2.1R). That responsibility is an "*FCA-prescribed senior management responsibility*". The full list of *FCA-prescribed senior management responsibilities* is in the table in ■ SYSC 24.2.6R.
- (c) Although the CASS function in ■ SYSC 24.2.1R is different from the function in ■ CASS 1A.3.1AR, the *firm* may allocate the function in ■ CASS 1A.3.1AR to the *SMF manager* in (b).
- (d) The *firm* may allocate the CASS *FCA-prescribed senior management responsibility* described in (b) to an *SMF manager* who does not perform any other function coming within the *FCA* regime for *SMF managers* in *SMCR firms*. See ■ SUP 10C.7 (Other overall responsibility function (SMF18)) and ■ SUP 10C.8.1R (Other local responsibility function (SMF22)) for details. Where this is the case, the manager will be performing the *other overall responsibility function* or the *other local responsibility function*.
- (e) The *firm* may choose to allocate the function in ■ CASS 1A.3.1AR to someone who is not an *approved person* and *SMF manager*. If so:
- (i) that *person* will be subject to the employee certification regime described in ■ SYSC 27 (Senior managers and certification regime: (Certification Regime));



		<ul style="list-style-type: none"> <li>(ii) that <i>person</i> will be subject to supervision by the <i>SMF manager</i> in (b); and</li> <li>(iii) the function in ■ CASS 1A.3.1AR will be the CASS oversight <i>FCA certification function</i> in ■ SYSC 27.8.1R.</li> </ul> <p>(3) In relation to an <i>SMCR firm</i> to which ■ SYSC 24 applies but ■ SYSC 26 does not apply, the <i>guidance</i> in sub-paragraphs (2)(b), (2)(c), and 2(e) applies, but the <i>guidance</i> in sub-paragraph (2)(d) does not apply.</p> <p>(4) (a) The position of an <i>SMCR firm</i> to which neither ■ SYSC 24 nor ■ SYSC 26 apply is slightly different.</p> <p>(b) The <i>firm</i> may choose to allocate the function in ■ CASS 1A.3.1AR to an <i>SMF manager</i>.</p> <p>(c) The <i>firm</i> may instead choose to allocate the function in ■ CASS 1A.3.1AR to someone who is not an <i>SMF manager</i>.</p> <p>(d) Where (c) applies, the <i>person</i> performing the function in ■ CASS 1A.3.1AR will fall into the certification regime. The function in ■ CASS 1A.3.1AR will be the CASS oversight <i>FCA certification function</i> in ■ SYSC 27.8.1R.</p>
1A.3.1C	R	[deleted]
1A.3.1D	G	[deleted]
1A.3.2	R	[deleted]
1A.3.2A	R	<p>Where a <i>firm</i> allocates the responsibilities in ■ CASS 1A.3.1R or ■ CASS 1A.3.1AR ("the CASS oversight responsibilities") to a <i>director</i> or <i>senior manager</i> ("P"), the <i>firm</i> must not allocate any other responsibilities to P in addition to the CASS oversight responsibilities, unless the <i>firm</i> is satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"> <li>(1) P will still be able to discharge the CASS oversight responsibilities effectively; and</li> <li>(2) the <i>firm's</i> full compliance with CASS will not be compromised.</li> </ul> <p>[Note: article 7, second paragraph of the <i>MiFID Delegated Directive</i>]</p>
1A.3.2B	R	A <i>firm</i> may allow the CASS oversight responsibilities to be shared amongst one or more <i>directors</i> or <i>senior managers</i> where this is done as part of a job share between those <i>persons</i> .
1A.3.3	R	<p>(1) Subject to (2), a <i>firm</i> must make and retain an appropriate record of the <i>person</i> to whom responsibility is allocated in accordance with ■ CASS 1A.3.1 R or ■ CASS 1A.3.1A R.</p>

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- (2) A *CASS small firm* must make and retain such a record only where it allocates responsibility to a *person* other than the *person* in that *firm* who performs the *compliance oversight function*.
- (3) A *firm* must ensure that the record made under this *rule* is retained for a period of five years after it is made.