

Chapter 22

Regulatory references

22.8 Additional rules and guidance for all firms

Policies and procedures

- 22.8.1 **R** A *firm* must establish, implement and maintain policies and procedures that are adequate for the purpose of complying with the obligations in this chapter.
- 22.8.2 **G** ■ SYSC 22.8.1R does not require a *firm* to create or keep records that are not required under ■ SYSC 22.9.1R (General record keeping rules) or another *rule*.

Appointed representatives

- 22.8.3 **R** This chapter applies to a *firm's appointed representatives* as well as to the *firm*.
- 22.8.4 **R** When ■ SYSC 22.8.3R applies to an *SMCR firm*, the requirements of this chapter for firms that are not *SMCR firms* apply in place of the requirements that only apply to *SMCR firms*.
- 22.8.4A **R**
- (1) The *approved person's authorised approved person employer* is responsible for compliance with ■ SYSC 22.8.3R in the case of a requirement:
 - (a) to give a reference about an *approved person* whose approval is under ■ SUP 10A.1.15R to ■ SUP 10A.1.16BR (Appointed representatives);
 - (b) to update any such reference; and
 - (c) under ■ SYSC 22.2.7R in relation to any such *person*.
 - (2) In any other case, each *principal* of the *appointed representative* in question is responsible for compliance with ■ SYSC 22.8.3R.
 - (3) If another *principal* of the *appointed representative* has accepted responsibility for the obligation in ■ SYSC 22.8.3R, that *principal* is responsible in place of the other *firms* in (1) or (2).
- 22.8.5 **G** One effect of ■ SYSC 22.8.4R is that when an *appointed representative* appoints an *approved person* under ■ SUP 10A.1.16BR (appointed representatives of an *SMCR firm*) there is no requirement for the *appointed representative* or its *principal* to request a reference.

- 22.8.6 **G**
- (1) A *firm* should ensure that its *appointed representative* gives a reference when another *firm* (or its *appointed representative*) asks that *appointed representative* to give a reference in accordance with this chapter.
 - (2) A *firm* is not responsible for its *appointed representative's* giving references if another *principal* has accepted responsibility for this.

Getting and giving a reference where the employee has worked in a group or on secondment

- 22.8.7 **G** If:
- (1) a *firm* (A) is thinking of employing someone (P);
 - (2) P is *employed* by a group services company (D) that is not a *firm*;
 - (3) P (in their capacity as an *employee* of D) performs a function or service for a *firm* (B) in the same *group* as D such that P is also an *employee* of B; and
 - (4) A intends to appoint (P) to a position that entitles A to obtain a reference from B;
- then:
- (5) (if A is an *SMCR firm*) A should ask both B and D for a reference;
 - (6) B is obliged to give the reference if A asks it to (whether or not A is an *SMCR firm*);
 - (7) B should ask D to provide it with the information needed to provide a reference in accordance with this chapter;
 - (8) D may give a reference but (as it is not a *firm*) it is not obliged to; and
 - (9) D and B may give a single joint reference.

- 22.8.8 **G** ■ SYSC 22.8.7G also applies where:
- (1) D is not in the same *group* but has seconded P to B; and
 - (2) P (in their capacity as an *employee* of D) performed any function or services for B such that P was also an *employee* of B.

- 22.8.9 **G** If:
- (1) a *firm* (A) is thinking of appointing someone (P) to a position that entitles A to obtain a reference from another *firm* (B); and
 - (2) P was an *employee* of other members of B's *group* as well as of B;
- then:

- (3) (if A is an *SMCR firm*) A should ask all the group members that employed P for a reference;
- (4) B should give a reference if A asks it to (whether or not A is an *SMCR firm*);
- (5) P's *employers* in that group (including any that are not *firms*) may give a single joint reference; and
- (6) if the reference is being provided on a consolidated group basis, it should be clear what information is relevant to which *employer* within the *group*.