

How will FCA Regulation affect Funeral Directors?



Will I be able to sell GL plans after July 29th? – only if you are an appointed representative of Golden Leaves and the FCA have confirmed that you are listed in their Register. We will tell you when this happens.

If you have not received this confirmation before July 29th then you will have to stop selling plans until we let you know that you are listed in the FCA Register. Before we can apply to enter your firm name in the Register, we will require you to sign a new contract to sell plans (an Appointed Representative Agreement) which must be in place beforehand. Without a signed Appointed Representative Agreement, we will not be able to progress our application to the FCA to have you listed in their Register. If you deliver funerals as well, you will also have to sign a separate Funeral Services Agreement.

What happens if I am not an appointed representative on July 29th? – you will have to stop selling Golden Leaves funeral plans immediately. We will write to you to tell you to stop selling until we have been informed by the FCA that you are listed in their Register.

Can I recommend a plan to a customer? – no, you cannot advise a customer in any way about which plan to buy. You can give information but cannot propose any specific plan. Golden Leaves will not be authorised to make advised sales. This applies to our appointed representatives as well.

Can I fill out paper applications for plans? – all sales will be made through Golden Leaves portal designed specifically for the funeral director. The portal provides a structured sale process, with required information delivered at the right times, in a format that meets with FCA rules and makes sure that all sales are made compliantly. You will be given log-in details and training on how to use the portal.

What payment methods can I accept? – all payments are required to be by debit/credit card, direct debit or bank transfer. You cannot accept cash, and for the time being, you cannot accept cheques because the rules as currently written don't permit you to do so. It is possible that you may in the future be able to accept cheques made out to Golden Leaves, but the FCA have not confirmed this yet. We are hopeful that they will agree to this. We will let you know as soon as the regulator confirms its position.

What advertising materials can I use? – only advertising and financial promotions that are approved by Golden Leaves. You can create your own but you must get these approved by Golden Leaves before use. Golden Leaves providing an entire array of approved marketing material for you.

What information about my business will I have to provide to GL after July 29th? – GL is required to monitor its appointed representatives on an ongoing basis in a number of ways.

1. We will have to gather financial and other information each year. For example, you will have to provide your accounts to us each year to show that you remain solvent.
2. We will also have to make sure that your Approved Person remains fit and proper.
3. We will also need details of any changes to the structure of your business – for example, whether there have been any changes to your board (if you are a limited company) or if any of the partners in your firm have changed if you are a partnership.
4. We will also need to gather detailed information about your turnover and what activities you do that generate this income. This is because the FCA requires us to submit regulatory returns to them which provide this information about every appointed representative.

How often will you need this information? – it depends. We have to give each appointed representative a risk profile. We will do this on a red, amber, green basis. For firms graded red, we will visit you once every quarter to check that nothing has changed. For amber firms, this will be twice a year. For low risk firms, we will only need to come and check once each year. We will tell you what information we will need.

Do I have to be trained every year? – yes, all staff selling GL plans will have to demonstrate that they remain competent by completing training that we will advise you about. FCA rules require that this is not less than 15 hours each year. You won't have to do it all at once – we will spread it out over the year. But you will have to complete this training when we ask you to, it is likely to be conducted by webinar and face to face with your regional manager.

Do I have to pay fees each year because I am an appointed representative? – no. The FCA charges a fee for each appointed representative, but Golden Leaves will cover this.

If I don't want to be an appointed representative but would prefer to be an Introducer Appointed Representative, what will I be able to do? – an IAR cannot sell. It can only distribute promotional items issued by Golden Leaves and pass on details to GL of people who are interested in a plan. Golden Leaves will then make the sale. You will still have to sign a new contract (an IAR Agreement). We will still have to carry out some limited due diligence on you, but it is not as extensive as that required for an Appointed Representative. We will also be required to monitor you to make sure you are adhering to the terms of your IAR agreement.

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