



# SMCR toolkit

## Part 5: Post- implementation

---

2019 guide

# SMCR toolkit

## Part 5: Post-implementation

KEMP  
—  
LITTLE

The FCA has stated repeatedly that SMCR is about improving culture and standards of conduct, as well as increasing individual accountability and transparency. As such, it is imperative that Firms take steps to assess not only whether specific changes they have introduced to comply with the regime – for instance, the certification process or the introduction of Statements of Responsibility – have been successful, but also whether the regime has resulted in improved standards of conduct and genuinely increased accountability and transparency.

Firms may wish to consider carrying out a post-implementation review, perhaps with external support, to help consider these points and to identify any areas where further changes may be required, as well as to support the embedding of the new regime.

For firms who have elected to take advantage of the transition period to implement conduct rules training and certification for existing employees, this process will of course need to be managed through to completion, as will the maintenance of other areas of the Firm's response to SMCR.

### Who?

#### Key stakeholders:

- Senior Management: Board/ExCo (or similar)
- Business change/project management team
- Heads of impacted business areas and functions
- Head of Compliance
- Head of HR
- Head of Legal

### When?

#### Your timescales:

For Firms who have chosen to take advantage of the transition period for conduct rules training and certification, this will need to be complete by **9 December 2020**.

A post-implementation review in **Q1 or Q2 2021** is likely to be most beneficial.

“

**They take the time to understand their client's business and work as part of the team to ensure the best outcomes.**

Client quote  
Chambers and Partners  
Guide to the Legal Profession

”

# How?

## Key questions and considerations:

- Have any outstanding issues as at 9 December 2019 been tracked through to completion and signed off?
- Are all processes operating as intended? Are there any teething issues that need to be resolved?
- How is the Firm measuring/tracking the impact of the regime in terms of improved accountability, raised standards of conduct, etc?
- Is the Firm satisfied that its response to SMCR is in line with its peers? Has it benchmarked its approach?



## Key “dos”

- ✓ Consider the wider drivers behind SMCR in assessing how well the regime has been implemented
- ✓ Take advantage of opportunities to benchmark the Firm’s SMCR response against peers
- ✓ Recognise that processes and procedures may require fine-tuning post-implementation

## Key “don’ts”

- ✗ Lose track of the need to maintain SMCR compliance, for instance by ensuring Statements of Responsibility are kept up to date
- ✗ Overlook the ongoing commitment at senior management level to the goals of the regime

## How Kemp Little can help you...



Undertaking post-implementation reviews



Benchmarking against peers



Delivery of conduct rules training



Providing bespoke legal advice on HR, regulatory, corporate, tax and other issues

# Your key contacts



**Marian Bloodworth**

Partner

Employment

ddi +44 (0) 20 7710 1654

marian.bloodworth@kemplittle.com



**Jacob Ghanty**

Partner, Head of Financial Regulation

Commercial Technology

ddi +44 (0) 20 7710 8031

jacob.ghanty@kemplittle.com



**David Williams**

Partner

Head of Employment

ddi +44 (0) 20 7710 1641

david.williams@kemplittle.com



**John Drabble**

Regulatory Compliance Consultant (non solicitor)

Commercial Technology

ddi +44 (0) 20 7710 1677

john.drabble@kemplittle.com

[www.kemplittle.com](http://www.kemplittle.com)

[www.kemplittle.com/hot-topics/SMCR](http://www.kemplittle.com/hot-topics/SMCR)

Kemp Little LLP 2019. All rights reserved. This publication may not be reproduced or transmitted by electronic or other means without the prior consent of the copyright owner. Applications for the copyright owner's permission to reproduce any part of this publication should be addressed to Kemp Little, Cheapside House, 138 Cheapside, London EC2V 6BJ.

The information and opinions contained in this guide are not intended to be a comprehensive study, nor to provide legal advice, and should not be relied on or treated as a substitute for specific advice concerning individual situations.

**KEMP**  
—  
**LITTLE**