
FINAL NOTICE

Just Bank Claims Limited
Advantage Business Centre
132-134 Great Ancoats Street
Manchester
M4 6DE

30 November 2020

ACTION

1. By an application dated 31 July 2019 (“the Application”), Just Bank Claims Limited (“Just Bank Claims”) applied under section 55A of the Act for Part 4A permission to carry on the regulated activities of:
 - a. agreeing to carry on a regulated activity;
 - b. seeking out, referrals and identification of claims or potential claims (personal injury claim; financial services or financial product claim; housing disrepair claim; claim for a specified benefit; criminal injury claim; employment related claim); and
 - c. advice, investigation or representation in relation to a financial services or financial product claim.
2. The Application is incomplete.
3. For the reasons listed below, the Authority has refused the Application.

SUMMARY OF REASONS

4. By its Warning Notice dated 7 August 2020 (“the Warning Notice”) the Authority gave notice that it proposed to refuse the Application and that Just Bank Claims was entitled to make representations to the Authority about that proposed action.
5. As no representations were received by the Authority from Just Bank Claims within the time allowed by the Warning Notice, the default procedures in paragraph 2.3.2 of the Authority’s Decision Procedure and Penalties Manual applied, permitting the Authority to treat the matters referred to in its Warning Notice as undisputed and, accordingly, to give a Decision Notice.
6. By its Decision notice dated 6 October 2020 (“the Decision Notice”), the Authority gave Just Bank Claims notice that it had decided to refuse the Application.
7. Just Bank Claims had 28 days from the date the Decision notice was given to refer the matter to the Upper Tribunal. No referral was made to the Tribunal within this period of time or to date.
8. Under section 390(1) of the Act, the Authority, having decided to refuse the Application and there having been no reference of that decision to the Tribunal, must give Just Bank Claims Final Notice of its refusal.
9. The Authority decided to refuse the Application and to give this Final Notice as Just Bank Claims has failed to provide the information required by the Authority and, in the absence of the information sought, the Authority cannot ensure that Just Bank Claims will satisfy, and continue to satisfy, the threshold conditions set out in Schedule 6 of the Act.
10. Just Bank Claims failed to respond to five separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. Three of these requests were made over a four-week period, between 27 November 2019 and 27 December 2019, and included a statement to the effect that Just Bank Claims must contact the Authority, or the Authority would recommend to the Authority’s Regulatory Transactions Committee that Just Bank Claims receive a Warning Notice.
11. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that Just Bank Claims satisfies, and will continue to satisfy, the threshold conditions for which the Authority is responsible.
12. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information has raised concerns that Just Bank Claims would fail to do so if the Application were to be granted.
13. In particular, the Authority cannot ensure that Just Bank Claims:
 - a. can be effectively supervised by the Authority, as required by threshold condition 2C (Effective supervision);

- b. has appropriate human resources, given Just Bank Claims' failure to provide the Authority with the requested information, as required by threshold condition 2D (Appropriate resources); and
- c. will conduct its business with integrity and in compliance with proper standards, as required by threshold condition 2E (Suitability).

DEFINITIONS

14. The definitions below are used in this Final Notice:

"the Act" means the Financial Services and Markets Act 2000;

"the Application" means the application referred to in paragraph 1 above;

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the decision notice dated 6 October 2020 given to Just Bank Claims by the Authority;

"the outstanding information" means the information referred to in paragraph 19 below;

"the RDC" means the Authority's Regulatory Decisions Committee;

"the RTC" means the Authority's Regulatory Transactions Committee;

"SUP" means the Supervision section of the Authority's handbook;

"SYSC" means the Senior Management Arrangements, Systems and Controls section of the Authority's handbook;

"the Tribunal" means the Upper Tribunal (Tax & Chancery Chamber); and

"the Warning Notice" means the warning notice dated 7 August 2020 given to Just Bank Claims by the Authority.

FACTS AND MATTERS AND MATTERS

15. The Application was received by the Authority on 31 July 2019.

16. Further information was requested from Just Bank Claims under section 55U(5) of the Act.

17. Details of all the communications between the Authority and Just Bank Claims are set out below.

18. Between 13 September 2019 and 23 July 2020, the Authority sent Just Bank Claims four emails, two letters and made two telephone calls in an attempt to elicit information from Just Bank Claims that would assist the Authority in determining the Application.

19. On 13 September 2019, the Authority sent an email to Just Bank Claims requesting that Just Bank Claims provide the following information ("the outstanding information") in support of the Application by 20 September 2019:

- a. Pre-contractual information document;
- b. Opening balance sheet;
- c. Closing balance sheet;
- d. Projected monthly cash flow;
- e. Projected monthly profit and loss;
- f. Annual Accounts;
- g. Compliance monitoring document; and
- h. Compliance procedure document.

20. On 18 September 2019, Just Bank Claims sent an email to the FCA to request an extension to the deadline for providing the outstanding information. On 24 September 2019, the Authority agreed to extend the deadline for providing the outstanding information to 27 September 2019. Just Bank Claims failed to provide the outstanding information by 27 September 2019.

21. On 27 November 2019, the Authority sent a letter to Just Bank Claims under cover of an email, noting the lack of a response to its request for information on 13 September 2019, and requesting that Just Bank Claims provide the outstanding information in support of the Application by 11 December 2019. The Authority informed Just Bank Claims that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue Just Bank Claims with a Warning Notice proposing to refuse the Application. Just Bank Claims failed to provide the outstanding information by 11 December 2019.

22. On 12 December 2019, the Authority sent a letter to Just Bank Claims under cover of an email and by recorded delivery, noting the lack of a response to its request for information on 13 September 2019 and 27 November 2019, and requesting that Just Bank Claims provide the outstanding information in support of the Application by 27 December 2019. The Authority informed Just Bank Claims that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue Just Bank Claims with a Warning Notice proposing to refuse the Application. Just Bank Claims failed to provide the outstanding information by 27 December 2019.

23. On 27 December 2019, the Authority sent a letter to Just Bank Claims under cover of an email and by recorded delivery, noting the lack of a response to its requests for information on 13 September 2019, 27 November 2019 and 12 December 2019, and requesting that Just Bank Claims provide the outstanding information in support of the Application by 16 January 2020. The Authority informed Just Bank Claims that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue Just Bank Claims with a Warning Notice proposing to refuse the Application. Just Bank Claims failed to provide the outstanding information by 16 January 2020.

24. The Authority contacted Just Bank Claims on 23 January 2020 by telephone. The Authority explained that if the outstanding information was not provided, the Authority would recommend to the RTC that it issue Just Bank Claims with a Warning Notice proposing to refuse the Application. Just Bank Claims failed to provide the outstanding information.
25. On 23 July 2020, the Authority attempted to telephone Just Bank Claims. The Authority left a voicemail explaining that Just Bank Claims should make contact with the Authority as a matter of urgency. Just Bank Claims did not return the Authority's telephone call or provide the outstanding information.

IMPACT ON THRESHOLD CONDITIONS

26. The regulatory provisions relevant to this Final Notice are referred to in Annex A.
27. Just Bank Claims has failed to respond to five separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. Three of these requests were made over a four-week period, between 27 November 2019 and 27 December 2019, and included a statement to the effect that Just Bank Claims must contact the Authority, or the Authority would recommend to the RTC that Just Bank Claims receive a Warning Notice.
28. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that Just Bank Claims satisfies, and will continue to satisfy, the threshold conditions.
29. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information has raised concerns that Just Bank Claims would fail to do so if the Application were to be granted.
30. The failure to provide the information means that the Authority cannot ensure that Just Bank Claims:
 - a. can be effectively supervised by the Authority, as required by threshold condition 2C (Effective supervision);
 - b. has appropriate human resources, given Just Bank Claims' failure to provide the Authority with the requested information, as required by threshold condition 2D (Appropriate resources); and
 - c. will conduct its business with integrity and in compliance with proper standards, as required by threshold condition 2E (Suitability).

IMPORTANT NOTICES

31. This Final Notice is given under section 390(1) of the Act.

Publication

32. Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Notice relates. Under those provisions, the Authority must publish such information about the matter to which this Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to you or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.
33. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contacts

34. For more information concerning this matter generally, contact Dawn Henri, Manager, Claims Management Companies Department at the Authority (direct line: 020 7066 1587 /email: dawn.henri@fca.org.uk).

Karen Avis
on behalf of the Regulatory Transactions Committee

ANNEX A – REGULATORY PROVISIONS RELEVANT TO THIS FINAL NOTICE

Relevant Statutory Provisions

1. Section 55A(1) of the Act provides for an application for permission to carry on one or more regulated activities to be made to the appropriate regulator. Section 55A(2) defines the “appropriate regulator” for different applications.
2. Section 55B(3) of the Act provides that, in giving or varying permission, imposing or varying a requirement, or giving consent, under any provision of Part 4A of the Act, each regulator must ensure that the person concerned will satisfy, and continue to satisfy, in relation to all of the regulated activities for which the person has or will have permission, the threshold conditions for which that regulator is responsible.
3. The threshold conditions are set out in schedule 6 of the Act. In brief, the threshold conditions relate to:
 - (1) Threshold condition 2B: Location of offices
 - (2) Threshold condition 2C: Effective supervision
 - (3) Threshold condition 2D: Appropriate resources
 - (4) Threshold condition 2E: Suitability
 - (5) Threshold condition 2F: Business model

Relevant provisions of the Authority’s Handbook

4. In exercising its powers in relation to the granting of a Part 4A permission, the Authority must have regard to guidance published in the Authority Handbook, including the part titled Threshold Conditions (“COND”). The main considerations in relation to the action specified are set out below.
5. COND 1.3.2G(2) states that, in relation to threshold conditions 2D to 2F, the Authority will consider whether a firm is ready, willing and organised to comply on a continuing basis with the requirements and standards under the regulatory system which will apply to the firm if it is granted Part 4A permission.
6. COND 1.3.3AG provides that, in determining the weight to be given to any relevant matter, the Authority will consider its significance in relation to the regulated activities for which the firm has, or will have, permission in the context of its ability to supervise the firm adequately, having regard to the Authority’s statutory objectives. In this context, a series of matters may be significant when taken together, even though each of them in isolation might not give serious cause for concern.
7. COND 1.3.3BG provides that, in determining whether the firm will satisfy, and continue to satisfy, the Authority threshold conditions, the Authority will have regard to all relevant matters, whether arising in the United Kingdom or elsewhere.

Threshold Condition 2C: Effective Supervision

8. COND 2.3.3G states that, in assessing the threshold condition set out in paragraph 2C of Schedule 6 to the Act, factors which the Authority will take into consideration include, among other things, whether it is likely that the Authority will receive adequate information from the firm to determine whether it is complying with the requirements and standards under the regulatory system for which the Authority is responsible and to identify and assess the impact on its statutory objectives; this will include consideration of whether the firm is ready, willing and organised to comply with Principle 11 (Relations with regulators) and the rules in SUP on the provision of information to the Authority.

Threshold condition 2D: Appropriate Resources

9. COND 2.4.2G(2) states that the Authority will interpret the term 'appropriate' as meaning sufficient in terms of quantity, quality and availability, and 'resources' as including all financial resources (though only in the case of firms not carrying on, or seeking to carry on, a PRA-regulated activity), non-financial resources and means of managing its resources; for example, capital, provisions against liabilities, holdings of or access to cash and other liquid assets, human resources and effective means by which to manage risks.
10. COND 2.4.2G(2A) provides that 'non-financial resources' of the firm include human resources it has available.
11. COND 2.4.2G(3) states that high level systems and control requirements are in SYSC. The Authority will consider whether the firm is ready, willing and organised to comply with these and other applicable systems and controls requirements when assessing if it has appropriate non-financial resources for the purpose of the threshold conditions set out in threshold condition 2D.

Threshold condition 2E: Suitability

12. COND 2.5.2G(2) states that the Authority will also take into consideration anything that could influence a firm's continuing ability to satisfy the threshold conditions set out in paragraphs 2E and 3D of Schedule 6 to the Act. Examples include the firm's position within a UK or international group, information provided by overseas regulators about the firm, and the firm's plans to seek to vary its Part 4A permission to carry on additional regulated activities once it has been granted that permission.
13. COND 2.5.4G(2)(c) states that examples of the kind of general considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, threshold condition 2E include, but are not limited to, whether the firm can demonstrate that it conducts, or will conduct, its business with integrity and in compliance with proper standards.
14. COND 2.5.6G provides that examples of the kind of particular considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, this threshold condition include, but are not limited to, whether the firm has been open and co-operative in all its dealings with the Authority and any other regulatory body (see Principle 11 (Relations with regulators)) and is ready, willing and organised to comply with the requirements and standards under the regulatory system (such as the detailed requirements of SYSC and, in relation to a firm not carrying on, or seeking to carry on, a PRA-regulated activity only, the Prudential Standards part of the Authority's Handbook) in addition to other legal, regulatory and professional obligations; the relevant

requirements and standards will depend on the circumstances of each case, including the regulated activities which the firm has permission, or is seeking permission, to carry on.