Open Letter to the Dame Meg Hillier MP,

Chair of the Treasury Select Committee and her colleagues, following yesterday's Mansion House Speech, the Leeds Reforms and Regulators' Statements

16th July 2025

By email only.

Dear Dame Meg Hillier MP, and your TSC colleagues,

I am writing to you in your capacity as Chair of the Treasury Select Committee, solely in my capacity as Founder of the Transparency Task Force, a certified Social Enterprise dedicated to advocating for the interest of financial services users.

The reason for writing is that I believe that last night's Mansion House Speech, which built on the earlier Leeds Reforms announcements and regulatory press statements, are all important as far as consumer protections are concerned, and unfortunately for the wrong reasons - consumer protections are being weakened, not strengthened.

There are numerous areas of concern, which I will come to later, but I will initially focus on just two - the changes in relation to the Senior Managers Certification Regime and the changes in relation to Redress Systems:

1. Changes to the Senior Managers Certification Regime:

A Turning Point for Financial Integrity

The deregulation of key financial governance measures, including elements of the Senior Managers and Certification Regime is well and truly underway.

The FCA and the PRA issued a press statement yesterday titled 'FCA and PRA cut senior manager regime red tape to help boost growth.' The regulators propose to "streamline" the SMCR, which was initially designed as a much-needed post-crisis accountability framework.

According to the FCA and PRA, the new proposals are designed to reduce regulatory burden while maintaining integrity. But when examined closely, these changes signal a dangerous departure from hard-earned post-crisis protections. We have critically examined the substance and implications of this reform trajectory, and we find grounds to argue that the SMCR must be preserved and strengthened, not weakened; and that real accountability - not administrative convenience - should remain the cornerstone of financial services regulation.

The SMCR: A Post-Crisis Pillar of Reform

The SMCR was established in direct response to the 2008 financial crisis, a cataclysm of global proportions in which UK financial institutions played a central role. The Parliamentary Commission on Banking Standards called for a regime that made senior individuals truly accountable for decisions that harmed customers and destabilised the economy.

Before SMCR, misconduct at firms like RBS and HBOS resulted in billions in losses - but no senior figure was held to account. SMCR changed that by introducing clear individual responsibilities, a certification regime for mid-tier roles, and a public directory of certified individuals.

The FCA and PRA yesterday claimed the regime "has high standards" and continues to "hold individuals accountable," but their own proposals undercut these assertions.

Critique of the FCA and PRA Proposals

The FCA and PRA press release frames its reforms as efficiency measures. But a closer look reveals multiple concessions to industry pressure that cumulatively erode core elements of accountability:

- More Time to Report Updates: Giving firms extra time to report changes to responsibilities may lead to delay and opacity in who is accountable at critical moments.
- Reduced Certification Roles: By stripping out duplicate certifications, regulators estimate a 15% drop in certified functions—potentially diminishing oversight of roles that still pose risk.
- Relaxed Criminal Record Checks: Increasing the validity period of criminal record checks raises serious questions. Why would senior appointments merit weaker vetting?
- Less Stringent Fit-and-Proper Reviews: Simplifying the certification process may inadvertently allow individuals to remain in key roles without appropriate reassessment.

Taken together, these changes represent a significant softening of the regime's bite, while paying lip service to the importance of integrity.

Reputation Risk: Short-Term Deregulation, Long-Term Damage

If the goal is to attract investment by reducing perceived "red tape," then this strategy is both short-sighted and self-defeating. Financial misconduct does not just harm individuals - it damages the credibility of entire markets.

Investors remember scandals. The UK's past failures - from LIBOR manipulation to PPI mis-selling, to the more recent car finance scandal - have left scars that still influence international trust. Regulatory credibility is part of national brand equity.

Any gains from deregulation could be rapidly erased if another scandal emerges under this weaker accountability regime. That reputational cost will far exceed the supposed efficiency gains from the announced reforms.

The Data Doesn't Lie: Financial Services Is the Worst Offender

The Violation Tracker UK database shows that the financial services sector has consistently been the most fined industry in the UK. It also ranks as one of the most recidivist - meaning that misconduct is not a one-off but a pattern of repeat offending.

Fines paid by firms are often absorbed as "costs of doing business" and ultimately borne by innocent shareholders, not the individuals that caused the problem. Without personal accountability - precisely what the SMCR enforces - there is little deterrent to bad behaviour.

Rolling back SMCR protections does not address root problems. It simply makes it easier for firms and individuals to repeat past errors without meaningful and behaviour-changing consequences.

Statements by Regulators: Reassurance Without Substance

FCA Chief Executive Nikhil Rathi claims the reforms "support competitiveness" and maintain "high standards." PRA head Sam Woods insists the changes "will reduce the burden... without diluting accountability." These statements aim to reassure, but they contradict the substance of the reforms.

You cannot simultaneously reduce vetting, relax reporting, and drop certification roles - while credibly claiming that accountability remains intact.

Some might argue that this is regulatory theatre: the appearance of positive, progressive and purposeful reforms disguising real-world regression.

The Bigger Picture: Are We Forgetting the Crisis Already?

Regulatory amnesia is a recurring affliction. Within a generation of the Global Financial Crisis, policymakers and regulators seem ready to reverse reforms that were designed precisely to prevent such events.

Calls for "flexibility" and "efficiency" now echo the deregulatory rhetoric that preceded the 2008 crash. Weakening the SMCR not only puts the system at risk - it sends a dangerous message: that lessons learned by previous Governments and regulators have been forgotten by the current ones.

A Better Way Forward: Reform Without Retreat

If the goal is genuine streamlining, then reforms should improve enforcement, transparency, and speed of application processing - without undermining core principles. Nobody is against removing high-friction bureaucratic processes that really are just ‘red tape’ but the issue we are faced with today is that consumer protections are being needlessly sacrificed on the altar of economic growth.

The kind of changes that would be authentically positive, but not paid for by increased risk or increased likelihood of consumer detriment would be:

- Ensuring all changes to responsibilities are logged in real time.
- Keeping criminal checks robust but digitised and automated.
- Introducing better training and resourcing for enforcement teams.

Accountability is not an enemy of competitiveness. It is its guarantor.

Weakened Rules Invite Stronger Scandals

Financial stability depends on public trust, and it should be self-evident that there is a trust deficit - not just in the financial sector but also in many of our institutions, including some connected to Parliament. Public trust depends on accountability. Accountability depends on robust regulatory regimes like the SMCR.

The FCA and PRA’s proposals, and the general direction of travel as articulated by the Chancellor yesterday in Leeds and London, however well intentioned, will reduce that accountability.

We must not trade away long-term stability for short-term deregulatory gains. The cost - measured in scandals, lawsuits, huge redress bills paid by market participants and/or the taxpayer, and public anger - will far exceed the regulatory “burden” that is allegedly being removed.

2. Redress System Reforms: Consumer Protection Masquerading as Modernisation

The Financial Conduct Authority's announcement today of proposed reforms to the redress system represents a concerning erosion of consumer protection masquerading as modernisation. While the FCA frames these changes as necessary to prevent system delays and provide predictability for innovation, a closer examination reveals a troubling shift in priorities that places industry interests firmly ahead of consumer rights.

Consultation; just Theatre?

Many of the proposals are subject to consultation, which in theory provides an opportunity for scrutiny and amendment. However, this consultation process represents little more than democratic theatre. The reality is that the financial services industry, with its well-resourced lobby groups and direct access to policymakers, will undoubtedly mobilise en masse to support these reforms. Consumer groups, fragmented and under-resourced, will struggle to mount effective opposition to changes that fundamentally alter the balance of power in their disfavour.

This asymmetry in influence means that consultation outcomes are virtually predetermined. The FCA knows this, and the industry knows this. The consultation process thus serves primarily to provide a veneer of legitimacy to decisions that have already been made behind closed doors.

Regulatory Anticipation and Treasury Deference

The timing and substance of these reforms reveal a troubling pattern of regulatory anticipation. The FCA and Financial Ombudsman Service are not responding to pressing consumer needs, or systemic failure; rather, they are positioning themselves as compliant implementers of Treasury policy before formal instruction arrives. This represents a fundamental failure of regulatory independence.

The eagerness to "get ahead of the Treasury" demonstrates how far these bodies have drifted from their consumer protection mandate. By proactively weakening consumer redress mechanisms, they are signalling to the government that they can be trusted to prioritise economic growth over consumer rights without requiring explicit direction. This anticipatory compliance represents a particularly insidious form of regulatory capture.

The Erosion of 'Fair and Reasonable' Standards

The most damaging aspect of these reforms lies in the proposed changes to how the Financial Ombudsman Service operates. The introduction of mandatory referrals to the FCA where there are multiple similar complaints fundamentally undermines the ombudsman's ability to deliver justice based on fairness and reasonableness.

Under the current system, the ombudsman can find in favour of consumers even where firms have technically complied with FCA rules but have nonetheless acted unreasonably or negligently. This principle recognises that regulatory compliance is a minimum standard, not a ceiling for acceptable behaviour. The proposed reforms would effectively make FCA rule compliance a safe harbour, protecting firms from redress even where their conduct has been demonstrably unfair.

Consider the practical implications: a firm might systematically mislead customers about product features while staying within the technical bounds of disclosure requirements. Under the current system, the ombudsman could find this practice unfair and order redress. Under the proposed system, if the FCA determines that its rules weren't breached, consumers would be denied compensation regardless of the harm suffered.

This represents a fundamental shift from principles-based regulation to a rigid, legalistic approach that prioritises certainty for firms over fairness for consumers. The "fair and reasonable" test, which has been the cornerstone of financial ombudsman services becomes meaningless if it must defer to narrow regulatory interpretations.

Expanded FCA Powers and Reduced Transparency

The reforms grant the FCA significant new powers to intervene in the ombudsman process, including the ability to pause determinations while conducting investigations. This power comes without the safeguard of industry consultation that currently exists, representing a substantial reduction in transparency and accountability.

The euphemistic framing of these powers as facilitating "investigation" cannot disguise their likely true purpose: providing mechanisms for damage limitation and negotiated settlements that prioritise industry stability and profits over consumer justice. When the FCA can unilaterally pause ombudsman determinations, it creates opportunities for behind-the-scenes deal-making that removes consumer compensation from public scrutiny.

This expanded intervention power also creates perverse incentives. Firms facing adverse ombudsman decisions will naturally seek to trigger FCA involvement, knowing that regulatory intervention often leads to reduced compensation or extended delays that exhaust consumer patience and resources.

The Interest Rate Reduction

Perhaps most revealing of the reforms' true priorities is the reduction in interest rates applied to compensation awards. The change from 8% to Bank of England base rate plus 1% represents a significant reduction in the cost of delaying compensation payments. This seemingly technical adjustment sends a clear signal to firms that dragging out complaint resolution will be less expensive than prompt settlement.

The timing of this change is particularly cynical. As the other reforms make redress more difficult to obtain, the FCA simultaneously reduces the financial incentive for firms to resolve complaints quickly. This creates a perfect storm for consumer detriment: harder to obtain redress that, when finally awarded, comes with reduced compensation for delay.

The Innovation Smokescreen?

An attempt is clearly being made to justify the reforms on the grounds that they will provide the "predictability needed for innovation." This framing is deeply problematic. Innovation in financial services should not require the weakening of consumer protection mechanisms. Indeed, genuine innovation should enhance consumer outcomes, not necessitate their subordination to industry convenience.

The argument that uncertainty in redress systems hampers innovation reveals a fundamental misunderstanding of the relationship between regulation and market development. Robust consumer protection creates trust, which is essential for market growth. By weakening redress mechanisms, the FCA risks undermining the very consumer confidence that sustainable growth and innovation requires.

Systemic Implications

These reforms represent more than technical adjustments to complaint handling procedures. They signal a fundamental reorientation of financial regulation away from consumer protection toward industry facilitation. The changes create a system where regulatory compliance becomes a shield against accountability, where consumer redress becomes subject to regulatory convenience, and where the costs of poor conduct are systematically reduced.

The broader implications extend beyond individual complaint resolution. By weakening the consequences of poor conduct, these reforms reduce incentives for firms to invest in proper, decent customer treatment. Why prioritise customer outcomes when regulatory compliance provides comprehensive protection from redress claims?

The FCA's proposed redress system reforms represent a systematic weakening of consumer protection dressed up as modernisation. The consultation process is unlikely to prevent implementation given the asymmetry of influence between industry and consumer interests. The reforms grant expanded powers to regulators while reducing accountability, create safe harbours for technically compliant but obviously unfair conduct, and reduce the financial incentives for prompt complaint resolution.

Most fundamentally, these changes represent a philosophical shift away from the principle that regulation should protect consumers from harm toward a model where regulation primarily serves to provide certainty for industry. This shift, implemented through seemingly innocuous technical changes to complaint handling procedures, may prove more significant than explicit deregulation in its impact on consumer protection.

The tragedy is that these reforms are being implemented not in response to clear system failure, but in anticipation of ongoing political pressure and industry lobbying. In their eagerness to appear responsive to Treasury concerns about growth and innovation, the FCA and FOS are sacrificing the very consumer protection mandate that justifies their existence. The result will be a redress system that provides predictability for firms at the cost of justice for consumers.

A Call to Action, please

The Urgent Need for Parliamentary Scrutiny

We believe the simultaneous weakening of both the Senior Managers Certification Regime and the consumer redress system represents the most significant rollback of post-Global Financial Crisis protections, ever.

These are not isolated technical adjustments but coordinated elements of a broader deregulatory agenda that prioritises industry profitability and convenience over consumer protection and financial stability.

What makes this development particularly alarming is the apparent coordination between the Treasury and supposedly independent regulators. The evidence suggests that the Financial Conduct Authority, the Prudential Regulatory Authority and the Financial Ombudsman Service have pre-emptively designed reforms that serve industry interests while paying mere lip service to consumer protection. This apparent regulatory anticipation - where watchdogs weaken their own oversight powers before being asked - represents a fundamental failure of regulatory independence that demands immediate parliamentary intervention.

The timing is no coincidence, we feel. These reforms are being rushed through under the cover of economic growth rhetoric, with consultations that favour well-resourced industry voices over fragmented consumer interests. By the time the full implications become clear, the damage to consumer protection and market integrity will be irreversible.

The Stakes are High

We stand at a critical juncture. The chief lesson of 2008 - that inadequate oversight and weak accountability mechanisms can bring down entire economies - are being forgotten in favour of short-term deregulatory gains. The current proposals create the perfect conditions for future scandals:

- **Weakened accountability** through SMCR dilution removes personal consequences for senior decision-makers.
- **Compromised redress mechanisms** through ombudsman reforms creates safe harbours for unfair conduct.
- **Reduced deterrence** through lower interest rates and expanded FCA intervention powers.

The financial services sector remains the most fined industry in the UK, and the evidence suggests it is riddled with recidivism, as shown in Violation Tracker UK. The hard data shows that misconduct is not historical but ongoing. Weakening oversight now virtually guarantees that future scandals will be larger, more damaging, and more expensive to resolve than the regulatory "burden" being removed.

Call to Action: Will the Treasury Select Committee Act, please?

Given the gravity of these developments and the failure of regulatory independence, we urgently call upon the Treasury Select Committee to:

1. Conduct Immediate Hearings

We believe the Committee should summon key individuals for immediate public hearings to account for these coordinated reforms.

These hearings could specifically challenge:

- The evidence base for these reforms and whether they genuinely address system failures
- The coordination between Treasury and regulators that undermines regulatory independence
- The consultation processes that systematically favour industry over consumer

interests

- The cumulative impact of these changes on consumer protection and financial stability

2. Launch a Comprehensive Inquiry

We would be most grateful if your Committee were to open a formal inquiry into "The Erosion of Post-Crisis Financial Protections" or something along those lines, to examine:

- Whether the current reform trajectory represents appropriate learning from the 2008 crisis
- The effectiveness of regulatory independence when watchdogs anticipate political preferences
- The adequacy of consumer representation in financial services policymaking
- The long-term implications for UK financial stability and international reputation

3. Seek an Immediate Pause

Can the Committee call for an immediate pause to these reforms pending proper parliamentary scrutiny, please? The current consultation timelines are inadequate for changes of this magnitude, and the asymmetry between industry and consumer input makes meaningful consultation virtually impossible.

4. Strengthen Oversight Mechanisms

The Committee should recommend structural changes to prevent future regulatory capture, including:

- Mandatory consumer impact assessments for all major regulatory changes.
- Enhanced parliamentary oversight of regulatory coordination with HM Treasury.
- Strengthened independence protections for regulatory decision-making.
- Giving the FCA’s Financial Services Consumer Panel a statutory objective, to enable it to reach its true potential as a force for pro-consumer advocacy.

The Responsibility of Democratic Oversight to fix the Trust Deficit

It could be argued that the Treasury Select Committee exists precisely to provide the kind of democratic oversight that these coordinated reforms are perhaps designed to circumvent?

The regulators may claim these changes maintain "high standards" and preserve "accountability," but an examination of the substance of their proposals tells a different story.

Parliament has a constitutional duty to protect the public interest when regulatory bodies fail to do so. The current reforms represent exactly such a failure - a systematic prioritisation of industry profitability and convenience over consumer protection, implemented through technical changes that avoid proper democratic scrutiny.

Today, the actions taken by some market participants and some regulators in the past means that the financial services sector faces a profound crisis of trust that threatens its success. This trust deficit, rooted in decades of scandals and misconduct, has created a toxic relationship between providers and consumers that undermines the entire system's effectiveness; and its propensity to flourish both commercially and in terms of its purposefulness.

What makes this trust deficit particularly damaging is its self-reinforcing nature. When consumers distrust financial institutions, they become reluctant to engage with products and services, leading to market inefficiencies and reduced competition. This defensive consumer behaviour, while rational, ultimately limits access to beneficial financial products and services.

The industry's response has often compounded the problem. Rather than addressing root causes, firms frequently treat scandals as reputational management exercises, paying fines as operating costs while continuing problematic practices. This approach signals to consumers that accountability is, in effect, optional.

The trust deficit manifests in measurable ways: reduced product uptake, increased complaint volumes, higher regulatory costs, and diminished prospects for economic growth and international competitiveness.

Rebuilding trust requires more than cosmetic changes. It demands genuine accountability, transparent processes, fair redress mechanisms, consistent enforcement and a fair financial services sector. Until the industry demonstrates that consumer protection is not negotiable, the trust deficit will continue to undermine both market efficiency and social cohesion. Lobbying by the sector to move back to what amounts to a “light touch regulation” regime is ultimately counterproductive, except in the very short term.

And it should be obvious that commercial organisations with a predisposition towards transparency, truthfulness and trustworthiness are not in the least bit afraid of high standards of conduct, or the consequences of malpractice.

As Mark Carney put it, just over ten years ago when delivering his Mansion House Speech, entitled ***Building Real Markets for the Good of the People***, when he talked about the Global Financial Crisis, the need for greater individual accountability, the end of irresponsibility and the need to expand the SMCR:

"For the best in the industry, this won't be new. This is just how you run your business. But for others, who free-ride on your reputations: the age of irresponsibility is over."

Well, maybe after all these years Mr. Carney he has sadly been proven wrong.

Maybe the age of irresponsibility isn’t over, after all?

If the Treasury Select Committee is minded to act, do so now, please.

Looking at what is happening from the perspective of “what’s good for the people?” as Mark Carney did ten years ago, it seems we are lurching backwards.

There are not just concerns in relation to the changes to the SMCR and the Redress System reforms - it is easy to see how serious issues could occur in relation to many of the recent announcements, for example:

The Misguided Consumer Duty Review:

The proposal to review how the Consumer Duty applies to wholesale firms fundamentally misunderstands the interconnected nature of financial services markets. The Consumer Duty was designed to create a culture of treating customers fairly throughout the entire financial services ecosystem. By carving out exceptions for wholesale activities, the reforms risk creating a two-tier system where different standards apply to different parts of the same institutions.

This approach ignores the reality that wholesale activities often ultimately impact retail consumers through investment products, pensions, and other intermediated services. The review signals a retreat from the principle that fair treatment should be embedded throughout financial services firms' operations.

Undermining Regulatory Independence:

As touched on already, the reforms demonstrate a concerning willingness to override regulatory expertise with political priorities. The proposal to delay Basel III implementation for the largest firms' investment banking activities explicitly prioritises UK competitiveness over international regulatory standards. This approach undermines the principle of regulatory independence and risks creating a perception that UK regulation can be influenced by political considerations rather than being driven by technical expertise and systemic stability concerns.

The establishment of a "concierge service" within the Office for Investment to court international financial services companies further blurs the lines between regulation and promotion. This creates potential conflicts of interest where the imperative to attract business may be at conflict with making prudent regulatory decisions.

Weakening Ring-Fencing Protections:

The commitment to reform the ring-fencing regime, which separates retail and investment banking activities, represents perhaps the most dangerous element of the reforms. Ring-fencing was introduced as a direct response to the 2008 crisis to protect retail deposits from investment banking risks. The promise to "strike the right balance between growth and stability" suggests a willingness to compromise these protections in pursuit of short-term competitive advantages.

The review of ring-fencing protections comes at a time when global financial interconnectedness has increased, not decreased. Weakening these safeguards exposes UK consumers to the very risks that the post-crisis regulatory framework was designed to prevent. The timing of this review, alongside other deregulatory measures, suggests a coordinated effort to dismantle key consumer protections.

The risk of a Race to the Bottom in Regulatory Standards:

The UK is now willing to compromise regulatory standards to attract international business. This approach risks triggering a "race to the bottom" where jurisdictions compete by offering the weakest regulatory oversight. Such competition ultimately undermines the stability and integrity of the global financial system.

The UK's reputation as a financial centre has historically been built on the reliability and predictability of its regulatory framework. By explicitly prioritising competitiveness over regulatory rigour, the reforms risk damaging the very attributes that have made London attractive to international firms seeking stable, well-regulated and trustworthy markets.

Erosion of International Regulatory Cooperation:

The selective implementation of international standards, particularly regarding Basel III, undermines the UK's credibility in international regulatory forums. This approach risks isolating the UK from global regulatory developments and may lead to reduced influence in setting international standards. The long-term reputational cost of being seen as a jurisdiction that picks and chooses which international standards to implement could far outweigh any short-term competitive advantages.

Inappropriately Encouraging Risk-Taking:

The reforms explicitly aim to reintroduce "informed risk-taking" into the system, but fail to acknowledge that the distinction between informed and excessive risk-taking is often only apparent in retrospect. The combination of weakened accountability mechanisms, reduced consumer protections, and relaxed capital requirements creates conditions conducive to the type of risk-taking that led to previous financial crises.

The emphasis on freeing up capital for investment, while potentially beneficial for economic growth, ignores the lessons of the 2008 crisis about the importance of maintaining adequate capital buffers. The proposal to raise the Minimum Requirement for own funds and Eligible Liabilities (MREL) thresholds may increase short-term lending capacity but it also reduces the financial system's resilience to future shocks.

Retail Investment Risks:

The push to increase retail investment through bank-led campaigns and "Targeted Support" programs raises serious concerns about consumer protection. While the stated aim of helping consumers achieve better returns is laudable, the approach risks exposing retail investors to market volatility they may not fully understand or be able to bear. The emphasis on potential returns, while acknowledging that figures are "illustrative" and "not a guarantee," may encourage unsuitable investment decisions.

The partnership between banks and the investment industry to promote retail investment creates inherent conflicts of interest. Banks have commercial incentives to move customer deposits into investment products, which may not always align with customers' best interests.

Taken all together, rather than enhancing the UK's long-term competitiveness, these reforms risk creating a less stable, less trustworthy financial system that may initially attract business through reduced regulatory burden but will ultimately face credibility challenges in global markets. The focus should be on maintaining high regulatory standards while improving efficiency and innovation within that framework, rather than abandoning the protections that have served the UK well in the post-crisis era.

Furthermore, it is clear that these reforms are being implemented with unprecedented speed and coordination. Once enacted, they will create new realities that will be extremely difficult to reverse. The consultation periods will close, the new systems will be embedded, and the weakened protections will become the new normal.

Every day of delay makes these changes more entrenched and harder to challenge. The Committee has the power to shine a light on these coordinated reforms, to demand proper justification from those implementing them, and to ensure that consumer protection remains at the heart of financial regulation.

The choice is clear: meaningful parliamentary scrutiny now, or the inevitability of future scandals that will make the current "regulatory burden" seem trivial by comparison. We urge the Treasury Select Committee, and we do so most respectfully, to choose scrutiny, accountability, and the protection of the public interest over regulatory convenience and industry appeasement.

Because the stakes are high.

Because the need for leadership is great.

And, just as Mark Carney taught us ten years ago, because we need to build real markets for the good of the people; and that whilst markets can be powerful drivers of prosperity, they can also go wrong.

Your thoughts please, Dame Meg Hillier, colleagues.

With the greatest respect to you all.

Andy

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