

## Question Set A

### For victims of alleged pension and investment scams

#### Please note all of these points before answering:

- If you have any questions please contact Andy Agathangelou, Chair of the APPG's Secretariat, at [Email](#)
- Only reply to this question set if it applies to you.
- This Call for Evidence is being handled by the APPG's [Secretariat](#) and support staff, who will collate the evidence and provide it to [the APPG's members](#).
- Respondents' information will only be shared as necessary to enable the successful completion of the exercise and it will not be shared beyond the scope of this Call for Evidence.
- Please note that we ask respondents to only give evidence that they are free to provide. It is entirely the responsibility of the respondent to ensure they take into account any agreement(s) they may have entered into.
- Respondents may choose to skip answering any of the questions if they wish.
- It is for each respondent to decide whether their name and/or their responses are put into the public domain.

#### The process to follow

- Select the question set that relates to you. You may respond to more than one question set if you have different experiences of contact with the FCA.
- Download it, as a Word document, and save it on your computer.
- Provide your answers after each question.
- Please leave blank any questions that don't apply to you or that you do not wish to answer.
- Save the completed document on your computer.
- Please email it to Andy Agathangelou, **by 5pm on Monday 6<sup>th</sup> September**, at [Email](#)

#### Other important points to note

- This exercise is about gathering evidence on what people think about the FCA; it is not about providing any assistance, guidance or advice on any case a respondent may have against the FCA, or any other entity.
- Respondents are asked to only provide answers to the questions given.
- Respondents are asked to not provide any supplementary evidence or documentation.
- Respondents are asked that their written response does not exceed 10,000 words in total.

## Question Set A

### For victims of alleged pension and investment scams

#### Your Details

Name:

Sue Flood

Company/Business (if applicable):

Address including postcode:

REDACTED

Email address:

REDACTED

Mobile telephone number:

REDACTED

#### Permissions

- o Do you give permission that your name is put into the public domain?
  - Please enter Yes or No. ...YES... but not address .....
- o Do you give permission that your response is put into the public domain?
  - Please enter Yes or No. ...YES...

## Questions

1. Please tell us about yourself and outline, just briefly to begin with, how you came to interact with the Financial Conduct Authority?

**My main domicile residence is in the UK (As per the Address given on the form) but I also had residency in Spain. Whilst in Spain in 2011, I saw advertised a well-known UK FSA/FCA authorised regulated entity offering Financial Planning Advice.**

**The FSA/FCA Regulated firm was AES International and the individual employed by them with whom represented them to provide the financial planning advice was Paul Clarke who held himself out to be a Dual Qualified FSA /FCA authorised advisor with European Pass-porting rights.**

**At that time, I did look on the FSA/FCA web site to check that AES International were on the register and were authorised to provide this service to consumers. The FSA/FCA website gave no warnings/guidance to consumers to suggest that if dealing with AES International they needed to consider jurisdictional issues or any other issues of concern.**

2. What did you invest in; and when; and what went wrong?

**The advice received from Paul Clarke of AES International was to move my pension monies from the BBC Final Salary Scheme to another UK Pension Scheme registered with HMRC and The Pensions Regulator that would provide a better rate of return.**

**Paul Clarke of AES International explained that I would be able to qualify for a tax free cash lump sum of money as part of the transfer from the Final Salary into the proposed Pension Scheme.**

**At no time did Paul Clarke when providing his advice indicate that by following his advice there would be any jurisdictional issues or that I would be in contravention of any HMRC tax regulations.**

**On confirming we wish to proceed with the transfer as advised by him, I started to have misgivings about going ahead with the transaction and I tried to raise these concerns with Paul Clarke to obtain clarification and hopefully reassurance that my concerns were not valid. Instead, Paul Clarke fobbed me off and suggested I raise a complaint with AES International's Head Office which I duly tried to do.**

**On getting no satisfaction from AES International Head Office, I immediately contacted a lawyer in both Spain and in the UK to explain I needed urgent**

assistance to stop the transfer of funds from my BBC Final Salary Scheme and if too late, to get them to take action to request the receiving new pension scheme to return my pension monies immediately to the BBC. I and my lawyer also tried to contact the UK administrative firm directly who were acting on behalf of the Trustees of the receiving Pension Scheme to return the monies. This contact and request was made prior to the appointment of Dalriada Trustees by the Pension Regulator on the 31<sup>st</sup> May 2011. The monies were not returned. I found out eventually through Dalriada Trustees and my own investigations, that my pension monies were 'invested' in unregulated entities and used to pay huge commissions and fees to advisers and third parties, all of which was not under my control. The registered pension scheme turned out to be a Defined Contribution Scheme (registered with HMRC and The Pensions Regulator) which meant that whilst monies would have gone into a 'trust account' controlled by the 'trustees', it was not a segregated pension fund but to be treated as a Common Trust.

3. If you're happy to mention it, how much money did you invest, and how much of that money do you have left?

My Final Salary Pension Transfer from the BBC was £130 k which was sent to the New UK Pension Trustees Lancaster Pension Scheme, which was registered with both HMRC and the Pension Regulator. Currently Dalriada Trustees are unable to inform me how much, if any is left after 11 years of trying to track where the monies went, the cost of their legal wranglings with the various entities (both UK and overseas) in order to lay claim to have my pension monies and that of other victims returned. I did not invest my pension as I believe it was put into a common Trust

4. What was supposed to happen, and what actually happened, as far as you know?

The purpose of wishing to get professional qualified financial planning advice, was to ensure that my pension monies was in the right place and if not, where should I consider moving my pension pot in order to earn a better return. Ultimately, Paul Clarke advised me to transfer into the new UK Registered Lancaster Scheme. The BBC transferred my pension monies from my Final Salary Scheme to the Lancaster Pension Scheme and I have been informed by Dalriada Trustees and through my own investigations that my pension monies along with hundreds of other victims pension monies went into paying exorbitant commissions, fees, the purchase of a fraudulent valued piece of land in Cyprus and many other unregulated investments.

5. What, if anything, do you believe the FCA could have done that may have prevented you from allegedly being scammed in the first place?

FCA should have provided clear guidance for Consumers for whom they are in existence to protect, on their website to state what jurisdictional issues there may be when instructing entities authorised by them who purport to be operating out of the UK and other EU countries. These are entities that were advertising both in the

**UK and abroad openly about the services they could provide Consumers whilst under the banner/protection of the FCA**

**To date having interacted with the FCA and asked for links to the guidelines that existed from 2010 to now they were unable to provide the links that demonstrated/explained to Consumers what they needed to consider and be aware of before instructing a financial adviser authorised by them that operated in the UK and abroad, so that the Consumer understood that they may not necessarily be covered by the FCA financial protection Scheme should anything go wrong when dealing with one of their regulated dual passporting firms.**

**6. What interaction have you had with the FCA about what happened?**

**In 2011 having instructed a lawyer who recommended I contact the FSA/FCA, about the time Dalriada was appointed on the 31<sup>st</sup> May 2011, I contacted the FSA/FCA hotline to explain what had happened as above .**

**Having provided the FSA/FCA Hotline with the information they asked for I waited to hear back as to what action they might take, however I did not hear from the FSA/FCA again!**

**In 2019 after no regulatory action appeared to have been taken by any of the regulatory bodies including the FSA/FCA, I started working with TTF (Transparency Task Force) which included Margaret Snowden OBE. We attended a meeting with Wayne Laramie at the FCA Offices who stated that they would look into my Pension Transfer that happened in 2011 .**

**What followed was an investigation team came to my home and conducted a four-hour interview with myself and others, including an NHS Nurse victim whose monies had gone into the same scam scheme as mine. The investigation team whilst at my home also went through all of our paperwork and took copies of mine and the NHS VICTIM. Following the visit the investigation team requested that I continue to provide them information to a named contact person at the FCA which I continued to do for two years.**

**During this two year period , 2019 to date, we have not had any communication from the investigation team to explain what has been done with all of the information I and others provided. A lot of time and effort by me and other went in to provide this to the FCA Investigation team which I found difficult and very stressful as I was reliving what happened to me in 2011 and at no time during this period or pre 2019, was I ever offered victim support.**

**7. How well or badly do you think the FCA have performed in your case?**

**I believe the FSA /FCA have failed abysmally towards myself as a consumer by not providing clear guidance that could be easily understood by those who do not deal on a daily basis with financial advisors and the governing regulations / legislation which is what now appears to be extremely complex . That is why consumers like**

myself, seek professional regulated advice for help which we pay for, in this instance our life savings!

8. What do you believe the FCA could have done better once they were aware that there was a problem?

**Fundamentally the FSA/FCA I believe that they have demonstrated over the years that they are incapable of taking the appropriate regulatory action due to their complete lack of understanding as to what the actual problem was that was happening to me and hundreds/thousands of other consumers who ended up being scam victims.**

**Victims like myself and others, along with regulated bodies, eg the Pension Regulator tried in 2011 to 2013 to explain to the FSA/FCA what the issues where in respect of AES International and some of the Master Minds behind the transfer of Pension monies e.g. Stephen Ward and Premier Pension Transfer UK.**

9. What would you say about the FCA's effectiveness and timeliness in taking action to protect consumers?

**From 2011 following my contact and others, the FSA/FCA have taken no action to obtain redress for the loss of our pension monies, stop the guilty parties from continuing to operate and earn vast sums of money duping Consumers under the noses of the FSA/FCA. Therefore I conclude that the FSA/FCA are completely ineffective in the role as a regulator and have failed miserably. You have only to read the papers documenting all the FCA's regulatory failures on LCF and Greensill!**

**As they have not used any powers to address the issues mentioned above or provide any form of redress for myself or other victims, I am unable to comment further as to whether they have the necessary powers to carry out their function as legisted.**

10. How helpful has the FCA been to you and others affected in securing redress from the alleged guilty parties, and in prosecuting or banning them so they can't do it again?

**The FSA/FCA have done nothing and those guilty parties have continued to operate since 2011**

11. What are your thoughts on whether the FCA lacks the powers that it needs; or conversely, that it doesn't make good use of the powers it already has?

**As they have not used any powers to address the issues mentioned above or provide any form of redress for myself or other victims, I am unable to comment further as to whether they have the necessary powers to carry out their function as legisted.**

12. In general terms, how would you describe what it's been like dealing with the FCA?

**Extremely stressful and disappointing from a victims perspective, as they have failed to grasp since 2011 what were the issues and that as a victim of financial fraud I needed support. The contact with the FCA has generally been one way in that they ask for information ( which is very time consuming) and then they leave you in a 'black hole' never to return and shed a light on what is actually being done by the FCA if anything. For someone who has been victimized and has lost their pension pot and now faces financial ruin and is therefore extremely vulnerable, I feel the FCA just do not provide support needed for dealing with consumers who report problems of this nature . They have effectively failed miserably they very people they were created to protect.**

13. What is your perception of the culture of the FCA, and what do you think about it?

**At both Board and senior management level at the FSA/FCA it appears to be a 'evolving door and a boy's club'. Below these levels, it seems that the operation staff are struggling to carry out their regulated functions as there is no clear effective leadership and sense of direction on how to apply their regulatory mandate.**

The FCA needs more independent people on the Board and at senior management level to ensure there is no conflict as mentioned above..

14. What do you think about the possibility of conflict-of-interest issues at the FCA?

**The FCA needs more independent people on the Board and at senior management level to ensure there is no conflict as mentioned above..**

15. Have you ever complained officially about the FCA; if so to whom? What happened, and how do you feel about what happened? What feedback, if any, have you had about your complaint? How helpful was the feedback? How long has it taken for your complaint to be processed?

**You must be joking! Given that it has taken me so many years for me to get the FCA to recently consider that they may have made an error and that they need investigate and review the information following a meeting in 2019 (nearly 8yrs plus from when I first approached them), making complaints about/to them was a nonstarter.**

**I have had more success with other regulated/parliamentary members in power in recent years who realise that many victims have been scammed. The effort and sheer exhaustion to finally get the MPS on board has been monumental. I have very little faith that had I made a complaint it would have registered with anyone that would have considered taking up the issue.**

16. Overall, what have been the consequences to you (and if relevant to your family) as a result of what happened?

**In 2011 following the realization that all of my pension monies may have been completely lost, I suffered a mental breakdown and the damage to my family can never be repaid. As described above, I approached the FSA/FCA in 2011 to try and get support/redress given the financial consequences of the pension scam I had suffered which were (and still are) no time did the FSA/FCA provide/refer me and/or others to a VICTIM support.**

17. If you could change three things about the FCA, what would they be?

**As mentioned in 13 and 14 above there needs to be a drastic change within the culture and day to day operation of how the FCA conducts itself, until this happens consumers like myself will be failed and all trust in the FCA as a consumer will cease to exist! The FCA failure to regulate and act swiftly has been clearly documented none more explicitly than in the findings of recent independent reviews e.g. LCF and others.**

18. What positives are there about the FCA that you would like to comment on?

**When contact is made eg via Customer Services or a direct contact they are always polite.**

19. Do you believe there should be spot checks by the FCA on regulated and/or unregulated entities, perhaps similar to the spot-checks by VAT inspectors?

**It's my understanding that it has always been part of the FCA's function to carry out spot checks on all registered regulated entities and unregulated entities, hence why they have an authorised business unit and an unauthorised business units that exists.**

20. The FCA is undertaking a Transformation Project. Do you have any comments to make about that?

**Given my comments above, the only additional suggestion is to disband the FCA and start again. If fundamental lessons are not learnt, the spending millions to restart is likely to be a waste of money and not provide Consumers with the much needed trust in a regulator who has teeth to regulate and protect them.**

21. Are there any other comments that you would like to make?

**For a Regulator who purports to exist to protect the consumer they have no real understanding of consumer needs and those of victims, it's a shame they do not realise just how much they have facilitated crime and allowed it to flourish, they also act like the secret service instead of a consumer led facility**



~~ END ~~

*Thank you*