

Question Set F

For other stakeholders

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 28th March**, 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.

Question Set F

For other stakeholders

Your Details

Name:

Andy Keats

Company/Business (if applicable):

REDACTED

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**

- o Do you give permission that your response is put into the public domain?
 - Please enter Yes or No. (With Email address, phone number and postal address redacted). **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?

In 2015 the SME Alliance collated evidence of eight different ways in which RBS/NatWest manipulated/falsified/misrepresented/invented/forged customer records, telephone call transcripts and correspondence to provide the bank, FOS, the IRHP Review and the courts with a false narrative and false evidence to support the false narrative.

We put the evidence into a series of eight CASE STUDIES and arranged a meeting on 23/09/2015 with the FCA's Head of Banking Supervision Karina McTeague.

Afraid that the FCA had a habit of ignoring such complaints, at the meeting we covertly videoed what was said.

2. What is your interest in, or connection with, the FCA?

The FCA should be there to protect consumers (businesses) such as Members of the SME Alliance.

We turned to the FCA after the Police, FOS and ICO all claimed that the evidence we had obtained should be considered by the Banking Regulator i.e. the FCA.

The FCA said the exact opposite i.e. that the evidence we had obtained should be taken to the Police and the ICO and could not be investigated by the FCA which, apparently, is not empowered by Parliament to investigate crime – *Karina McTeague - "It's a criminal matter and we do not have the power from Parliament to deal with criminal matters."*

An extract from the meeting transcript is below. (The original video recording is available)

3. Briefly describe the interactions you have personally had with the FCA.

23/11/2015 meeting with Head of Banking Karina McTeague (KM) and assistant Clare Bollingford (CB). KM refused to look at or investigate what we attempted to show her. She referred us to the Police and the ICO (See below)

3/11/15 After pressure from The Times, a further meeting with the FCA, sans KM, was arranged for a 3-hour powerpoint and audio presentation of our evidence. At the end of the meeting the FCA's CB asked permission to liaise with the Police which was given.

The FCA then sent the entire presentation to RBS and it ended up with RBS CEO Ross McEwan. We know this because on 20/11/2015 Ross McEwan appeared on LBC Radio for a live phone in and this is what was said in question and answer with journalist Ian Fraser: (radio recording available)

Radio Host: We go to other callers, this is Ian in Edinburgh, you're on the radio Ian.

Ian Fraser: Hi Ross, I'm Ian Fraser, the author of the book called 'Shredded inside RBS' the bank of Great Britain. I respect what you're trying to do with RBS in terms of rebuilding trust, you know turning round the retail bank, abolishing teaser rates etc, etc. **But there are some huge issues which have been surfacing in recent weeks, particularly with the relation to the alleged falsification by RBS of business customers files.**

Radio Host: [Laugh]

Ian Fraser: Central files you hold, on business customers. These were documented at the Cambridge symposium on financial crimes in September by a guy called Andy Keats. They've also been documented in the Times and various other internet and national newspapers and the allegations basically are that RBS is on a kind of industrial scale falsifying the core files on SME customers which; and these falsifications of the files are allegedly enabling RBS to then win against these customers, which whom is in dispute and who allege the bank and who allege that your bank...

Radio Host: I've got to move you to a question Ian, so is the question is this true or what or is it to just sum up? but he'll stay on the line but I'll need a question here.

Ian Fraser: How concerned are you Ross, about these very credible allegations of deliberate falsifications of customer files?

Ross McEwan: Ian can I just push back on this, because every time I get trapped on this, and people say, you know I'm; we've looked at each of those and I'm sorry - you keep saying that they were allegations but that's what they were, but no one has proved these things. We've looked through these files, had 8 of them across the desk and I'm sorry they're just not true. So you know this is where people...

Ian Fraser: I've seen the files, I've seen the lot of them.

Ross McEwan: Yes and so have I Ian and I understand but I'm going to push back, you show me where it's gone wrong and show me what difference it would of made to the actual case that was held and the outcome of that. That's the piece. Because people, there are a number of people are having a go at this bank constantly and I don't mind facing them face to face, we've done that but they've got to put it on the table.

IF I'd be very happy to meet with you and bring the evidence.

RH Alright okay, Ian take, we'll take your details and if Mr McEwan wants to pursue that, we will.

In other words after the second meeting on 9/11/2015 where we did present our findings to the FCA in the form of eight CASE STUDIES the FCA presented them all to RBS as individual complaints and on 20/11/2015 Ross McEwan dismissed them all, apparently because they were unproven!

In other words the FCA did not want to investigate claiming it could not and the bank simply dismissed everything because it was unproven i.e. the bank would not investigate either.

4. In broad terms, what have your dealings with the FCA been like?

Completely obstructive in 2015.

Since 2015 as CEO of the SME Alliance and even as an individual asking for assistance with MCOBS and other FCA rules, I am now barred from speaking to front-line FCA staff and always informed that I can only correspond with the FCA Executive team and only in writing. This is no matter what enquiry I am making, even a general enquiry on where to find a particular rule!

5. Have you ever witnessed any actions or conduct that, in your reasonable belief, breached any law, regulatory code or applicable or relevant policy? If so, please explain which law, code or policy you believe was breached.

Yes at the 2015 meetings on 23/09/2015 (see question 7 below) – The FCA plainly has the ability to investigate a bank that is alleged to be manipulating/falsifying/misrepresenting/inventing/forging customer records, telephone call transcripts and correspondence to provide the bank, FOS, the IRHP Review and the courts with a false narrative and false evidence to support the false narrative.

I do not know exactly what powers the FCA has in this regard but it cannot be that it can investigate anything that it believes is not a crime but has to ignore anything that it believes may be a crime. This is exactly what is stated by Head of Banking supervision Karina McTeague to Nikki Turner and me on 23/09/2015 (see Q7 below).

After the 9/11/2015 FCA meeting it is plain that our case studies were changed to complaints, (I have the document the FCA wrote internally), and then passed each file to RBS i.e. gave away the evidence that was to be investigated and essentially warned the bank of what was being alleged to the regulator. This is not Banking Supervision.

6. Have you experienced situations where interacting with the FCA has been helpful to either yourself or others? If so, please explain what made the interaction(s) helpful.

NO.

7. 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?

On 23/09/2015 Nikki Turner and Andy Keats of SME Alliance met with the FCA Head of Banking Supervision Karina McTeague. The meeting was covertly videoed.

Following is an extract that demonstrates the FCA is/was not willing to even look at eight case studies of how a particular bank (RBS) manipulates its customer files and records to suit its nefarious purposes.

Karina McTeague plainly states the FCA is interested in how RBS conducts its complaint handling but has no power to investigate the wrongdoing we wanted to provide evidence of. Karina McTeague claimed the conduct, which is plainly breaching the High Level Principles of Conduct for Firms, is criminal and therefore not within the powers or remit of the FCA to investigate!

In other words if a bank manager forgets to obtain a signature from a customer - that is a matter for the FCA and he will be disciplined etc. However, if the same manager then decides to copy the customer signature from another file and insert it into the document as though it was signed by the customer, that would be considered a forgery which the FCA would ignore because it is not in the FCA's remit to investigate or do anything about whatsoever. In this case the manager would continue working as though nothing had happened with no sanction unless and until the matter is reported to the Police and they Police decide to prosecute.

Transcript extract from 23/09/2015 meeting with Head of Banking Supervision for the FCA Karina McTeague - recording transcript from 14:02:08 onwards to meeting end: [Video Available]

14:02:08 **Karina McTeague (KM)** – But in the interests of making your journey, (and thank you for making that journey) worthwhile I just want to if your don't mind run – You've been very clear and I think I've played back to you my understanding .. (interrupted by Andy Keats)

14:02:20 **Andy Keats (AK)** – That's fine, if you've got 5 minutes I can show you visually ..

14:02:22 **KM** I don't think you need to show me because I'm very clear about what you've said are the issues. If I can maybe I can play back to you, and you've said I've got it. (??? 3 words) if I may, is explain to you what I think an initial response would be appropriate for you out of this meeting. Because I don't want you to go away feeling that, you know, thank you I've seen it and I walk out -and Clare and I walk out.

14:02:55 KM - On the first point about RBS putting evidence into court which is misleading to the point of being perjury.

14:03:10 AK – I'm going to leave you with a presentation.

14:03:15 KM – I would strongly recommend that you take that to the Police because that is a criminal matter.

On the question about RBS and the complaints handling, that is something we are very interested in. We are very interested in how every firm handles complaints. It's vital that complaints handling is dealt with, with integrity and you are calling into question (AK: I am) quite understandably the integrity of their complaints handling.

14:03:47 AK - It doesn't stop there either.

14:03:49 KM – So thank you for bringing that to our attention and we will certainly take that away and we will take that into account with how we are dealing at present, on a daily basis, with RBS. The third point about the Subject Access Request. I don't know where the appropriate place is to consider that.

14:04:25 Clare Bollingford (CB) – I think it would be the Information Commissioner, I believe is the authority.

14:04:35 AK – We've spoken to the Information Commissioner, who at the moment doesn't want to meet with us. He's sort of saying they do, but they're making it difficult to meet. We've made a complaint to the RBS SAR Team and we're waiting for that to come back. The RBS SAR Team and Ross McEwan's office and Will Luker, the Head of Litigation for RBS and one of their senior complaints managers are all denying everything, even though I've sent them evidence of it.

14:05:22 KM – So that does sound as if you need to persevere then with the Information Commissioner.

14:05:28 AK- The Information Commissioner let me just tell you says; Although we can recommend things to the bank we can't enforce anything and therefore if you don't like it you'll have to take them to court.

14:05:38 Nikki Turner – Which is kind of a bizarre situation.

14:05:40 KM – I'm afraid I really can't comment on that.

14:05:45 AK – We're coming here; although this is a particular situation, we're not here for the particular situation; we're here to show that this is so serious that the bank relies on the integrity of the central file. Now if that has not got any integrity, and I'm convinced it hasn't, because of my investigations, I'm convinced that they do whatever they like with it, in whatever way they feel necessary; that everything falls down, because it means that every subject access request is questionable; your central file is questionable; what they say in court is questionable; and at the very least – you just can't rely on it! So where are we? Because this is the one thing that they say that – um – John

Collins Head of – Head [RBS Senior solicitor]– he said the truth will out because the central file, that’s where it all is! - It isn’t!

14:06:42 KM – I completely understand where you’re coming from. This is when it’s – the question of the integrity of evidence and tampering with evidence which I think the allegation is.

14:06:56 AK – Yes it is definitely.

14:06:58 KM – That has to be taken to the Police. I’m afraid that is the right channel and the SAR, that has to be taken to the Information Commissioner. I can understand your frustration but we are not empowered by Parliament to take forward either of those two. So the right channels for you are the justice system through the Police and the Information Commissioner for the SAR.

We will absolutely take on what you have said about the complaints handling. It is of concern what you’ve said to us.

14:07:35 AK – OK, Well OK that’s a good starting point

14:07:39 NT - well I don’t think (???) tampering with evidence I would have thought. (interrupted by KM)

14:07:43 KM – It’s a criminal matter and we do not have the power from Parliament to deal with criminal matters.

14:07:49 AK – Well it may not be criminal.

14:07:53 KM – **So..**

14:07:54 AK – So.. (KM keeps going ignoring AK’s attempt to go back to ‘it may not be criminal’)

14:07:54 KM - ..I would like if you don’t mind for you to take that forward with the Police. And we will certainly take on the complaints handling issue that you have raised and thank you very much for bringing that to our attention. **It is really important to us that we have this sort of information, because it does help us understand where should we be diverting our resources to make sure we are focussing on the right areas?!**

14:08:28 AK – Well I’m going to leave you with this presentation which you may need to speak to me about, but this presentation was something I gave to the International Economic Crime Symposium

last week at Cambridge University, (noise as everyone spoke at once 2 seconds) so it's out in the open and also RBS has got that as well.

14:08:49 KM – **What I also need to let you know; you probably won't like what I'm about to say but I'm going to be completely transparent with you – When we get intelligence from people:**

14:09:02 NT – You don't tell us what you're going to do with it!

14:09:03 KM – We cannot – tell you what we're going to do with it! Because if we tell even the sources of our intelligence what we're going to do with it, there are people who could use that as intelligence in a way that could then undermine our ability to act.

So in the same way that I have to write to your point at the start of this meeting, I have to write to MP's and say thank you but I'm not actually able to tell you what we're doing with it, because we have to be able to operate, and you'll understand being a former Policeman. We can't start telling people what we're doing in terms of acting on intelligence...

14:09:42 AK: No we're not expecting that but what we are expecting ...

14:09:42 NK - ??? to know that you've got it actually (Claire Bollingford is nodding her head but they did not take the presentation!)

14:09:49 KM: thank you very much I did want to be very open with you because I'd hate you to have an expectation which isn't . (interrupted by AK)

14:09:52 AK – Would you be averse, I know its our money and everything else coming back, **but I still think, even with that (pointing at the evidence papers) – that YOU would be shocked beyond measure if you actually see; you don't have to read - you just have to see visually what we've got. So would you be averse to having another meeting for an hour where we can actually do that?**

14:10:15 KM – With respect Andy, I don't think that is going to add very much to our own understanding of the seriousness of the allegations you've made. We will take away this and we are treating that seriously and we will treat it seriously. The integrity of evidence going into court, you have to take that forward to the **Police** and with the SAR (interrupted by AK)

14:10:39 AK – Which Police force would you recommend?

14:10:45 KM – **Do you know, I don't know, but I would have thought that you might be in a better position than I (laugh)**

14:10:50 AK - **But that's the point you see, the Police will say, I know what they'll say, because we deal with them all the time; they'll say well this isn't a matter for us, this is clearly a matter for the regulatory authority, because it's to do with tampering with the central file. So it's not an individual thing, this is something they [the FCA] need to look into.**

14:11:05 KM I think as you're talking about a court case where RBS (present / have sent) evidence then that is a matter (interrupted by AK)

14:11:14 AK – **Of course, but that's not really what I'm talking about.**

What I'm talking about, is that you asked was this particular thing used in court? Yes it was, but the point is that if it happens once, or it can happen once; and we say Look - this is what's changed from here to there and that was used in court, then of course it can happen in other times which I would expect you guys to be looking into - to stop it happening!

14:11:37 KM – **We understand what you're saying but I'm afraid that what you are talking about here is outside of our jurisdiction. This is a criminal matter that you're talking about; something going into court.** So thank you very much for coming along and I really do not think that going through these (evidence papers) in detail is going to take our understanding any further beyond what has already been helpful.

KM: So thank you very much Andy, I'm afraid that we have run out of time.

14:12:15 AK – **Interesting - very interesting – thank you very much.**

Everyone leaves the room!

I don't believe the FCA does not have the power to investigate this egregious conduct, of course it does. This is worse.

What is stated above by Karina McTeague the FCA's Head of Banking Supervision is plainly wrong and actively avoids the remit of Banking Supervision the FCA has claiming that if the conduct is too bad there is nothing the FCA can do about it, let alone investigate. This is a very serious breach of conduct by the FCA.

8. Have you experienced any difficulties or shortcomings in your interactions with the FCA?

Yes I am personally and professionally barred from speaking to the FCA front-line staff about anything, even generally enquiries.

When I give my name or phone number I am told I can only communicate with the FCA Executive and only by email!

9. Have you experienced the FCA being reluctant to give clear answers to questions?

Yes, see above.

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

The FCA has been protecting the banks for many years and abusing SME representatives, SME's and even individual mortgage holders, like me. (see above)

11. 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?

Yes I have and it resulted in me being barred from speaking to FCA front-line staff. I will locate the actual complaint and result which was that the complaint was dismissed.

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

There is a revolving door policy with banks and financial institutions. I understand that secondees from banks are with the FCA and vice versa. FCA employees regularly go and work for banks. I have numerous examples of this occurring.

It is entirely wrong that the FCA and the bank regulator and the banks that are regulated integrate in this manner.

13. 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

YES.

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

None.

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

The FCA must be entirely independent from banks.

People who work for the FCA should not be allowed work for banks and vice versa. (As a retired Police Officer I can never serve on a jury!)

The FCA cannot have a remit to protect consumers and also a remit to protect the markets. The two remits are in conflict. There should be a single consumer champion

FCAC and another FCAM to protect the markets and they must be independent of each other.

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

Start again.

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

My interactions with the FCA stretch back to 2007 when I complained that RBS was stealing my business revenue – Yes literally stealing it! The FCA said it could not investigate individual cases and when I suggested if it was happening to us it would be happening to others the FCA literally put the phone down on me!

As you can see above nothing has change as far as I can determine.

~~ END ~~

Thank you