**Template “Living Will”**

**[Note: If you decide to adopt a ‘living will’ regime, attach this template to the Handover Policy to ensure that Senior Managers are required to keep this updated during their employment. Alternatively it can be attached to a ‘SMCR Policy’ if you decide to implement one]**

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| **Name:** [ ] **SMF:** [ ] |
| **IR (inherent responsibilities):** |
| **PR (prescribed responsibilities)**: PR[ ] |
| **BA (overall responsibilities):** BA[ ] |
| **Other Responsibilities:** [ ] |
| **BAU Reasonable Steps Framework:** Up to date as at [ ] **Next Review Scheduled:** [ ] |
| **Date of Completion of this Living Will:** |
| **Date of Completion of last Living Will:** |

Purpose

DEPP 6.2.9-EG: When determining under section 66A(5)(d) of the Act whether or not an SMF manager has taken such steps as a person in their position could reasonably be expected to take to avoid the contravention of a relevant requirement by the firm occurring (or continuing), additional considerations to which the FCA would expect to have regard include, but are not limited to:

…..

(13) whether the SMF manager took reasonable steps to ensure an orderly transition when they were replaced in the performance of their function by someone else.

COCON 4.2.8G, guidance on how Senior Managers might take reasonable steps to ensure that the business of the firm for which they are responsible is controlled effectively.

It is a reasonable step to ensure an orderly transition. Keeping this Living Will and frequently updating it has two outcomes:

(1) it will make any handover to an incoming senior manager easier as the content for the handover pack has already been produced and relatively recently;

(2) should something unexpected occur, the last Living Will serves as the handover material, thereby protecting the senior manager.

Summary of Known Material Issues

Material Issues are those issues where a failing has either taken place, or has the potential to take place, that poses risk of significant harm to the business whether financial, regulatory, operational or reputational in nature. These include incidents recorded on [*insert name of risk management system*] as medium or high, issues that have been deemed significant enough to be escalated for review at either an Executive, or Board level committee, and are likely to include medium or high risk findings that have been identified through Compliance Assurance or Internal Audit reviews.

Please add additional rows if required.

Part A: Issues closed since date of completion of last living will

*(Please include all issues that were noted as on-going in the last living will or that arose during the period between the last living will but which are now closed)*

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| --- | --- | --- | --- | --- |
| **Description of Closed Issue** | **Responsibility it relates to** | **Action/s Taken** | **Date Action Closed** | **Evidence of Reasonable Steps taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action taken/identified:  Escalation steps taken:  Remediation Audited: |  | [*Include all evidence that would demonstrate that you have taken reasonable steps in relation to this issue. Cross-referral to other documents is acceptable but please include document name, document reference number, date (if email/call), etc. Please note that if you leave the firm, the firm may only retain the evidence noted in this self-assessment as evidence of your reasonable steps for future disclosure to a regulator. Therefore, please be exhaustive in your list of the evidence*] |
| **Description of Closed Issue** | **Responsibility it relates to** | **Action/s Taken** | **Date Action Closed** | **Evidence of Reasonable Steps taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action taken/identified:  Escalation steps taken:  Remediation Audited: |  |  |

Part B: On-going issues

*(Please include all issues (regardless of when they arise) which have not been resolved/closed by the date of this living will)*

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| **Description of On-going Issue** | **Responsibility it relates to** | **Action/s being taken** | **Expected Date of Resolution** | **Evidence of Reasonable Steps being taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action being taken/identified:  Escalation steps being taken:  Reason for escalation:  To whom (SMF/Board/ExCo):  Remedial items unresolved: |  | [*Include all evidence that would demonstrate that you have taken reasonable steps in relation to this issue. Cross-referral to other documents is acceptable but please include document name, document reference number, date (if email/call), etc. Please note that if you leave the firm, the firm may only retain the evidence noted in this self-assessment as evidence of your reasonable steps for future disclosure to a regulator. Therefore, please be exhaustive in your list of the evidence*] |
| **Description of On-going Issue** | **Responsibility it relates to** | **Action/s being taken** | **Expected Date of Resolution** | **Evidence of Reasonable Steps being taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action being taken/identified:  Escalation steps being taken:  Reason for escalation:  To whom (SMF/Board/ExCo):  Remedial items unresolved: |  |  |

Part C: Potential issues

*(Note any issues that are likely to arise following the date of this Living Will)*

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| **Description of Potential Issue** | **Responsibility relates to** | **Action/s which may be taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action to be taken/identified:  Escalation steps to be taken:  Reason for escalation:  To whom (SMF/Board/ExCo): |
| **Description of Potential Issue** | **Responsibility relates to** | **Action/s which may be taken** |
|  | [IR:]  [PR:]  [BA:] | Current Position:  Root cause:  Remedial action to be taken/identified:  Escalation steps to be taken:  Reason for escalation:  To whom (SMF/Board/ExCo): |

Attestation by senior manager

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| 1. I have reviewed the above information and confirm that it is a complete, accurate and up to date description of the areas under my responsibility.  2. I confirm that the issues as described (whether ongoing or unresolved) are a complete list of the issues in areas under my responsibility.  3. I confirm that any stated remedial actions are proportionate and appropriate and that the timelines are within scope of current resource and facilities.  4. I will ensure that any actions identified will be fully supported so that any remediation or improvements in any of the areas of concern have been addressed and the risk of future reoccurrence, mitigated.  5. I attest that I have had conducted a broad assessment around systems and controls within the areas under my management and supervision and that:   * the items reported within this assessment cover all the items that may be of material interest; * there are no items of material interest which have been, or remain undisclosed; and * any unresolved items will be monitored until such time that they have been resolved or sufficiently mitigated.   6. I am cognisant of, and have given due consideration and attention to all guidance as detailed in my individual profile.  7. I affirm that, to the best of my knowledge:   * the allocation and oversight of roles and responsibilities; and * processes, procedures and management oversight,   are generally sufficient to adequately identify, monitor and manage relevant risks. | |
| **Signature:** | **Date:** |