
FINAL NOTICE

To: **Jacqueline Turner**

IRN: **TXJ01196**

Dated: **26 July 2024**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby makes an order, pursuant to section 56 of the Act, prohibiting Mrs Turner from performing any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm.
2. The Authority gave Mrs Turner the Decision Notice, which notified Mrs Turner of the Authority's decision to take the action specified above.
3. Mrs Turner has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to her.
4. Accordingly, the Authority hereby makes the prohibition order set out in paragraph 1 above against Mrs Turner. The prohibition order takes effect from the date of this Final Notice.

SUMMARY OF REASONS

5. Between 29 October 2015 and 10 April 2018, Mrs Turner was approved by the Authority to perform the CF1 (director) controlled function at an authorised firm, Life Comfort Products Limited (in liquidation) ("the Firm"). On 19 April 2018, Mrs Turner was convicted upon her own confession by the Crown Court at Cambridge for engaging in commercial practices at the Firm that contravened the requirements of professional diligence, contrary to Regulations 8 and 15 of the Consumer Protection from Unfair Trading Regulations 2008.
6. As a result, Mrs Turner was sentenced to 9 months' imprisonment, a criminal behaviour order for a period of 5 years and a confiscation order under the Proceeds of Crime Act 2002 for £172,879.50. In addition, Mrs Turner was disqualified from acting as a director by way of a Court Order, pursuant to section 6 of the Company Directors Disqualification Act 1986 ("CDDA"), for a period of 7 years.

7. On the basis of the facts and matters set out in this Final Notice, it appears to the Authority that Mrs Turner is not a fit and proper person to perform any functions in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm. Mrs Turner’s conviction and disqualification as a director demonstrates a clear lack of integrity such that she is not fit and proper to perform regulated activities.
8. In concluding that it is appropriate to impose the prohibition order in paragraph 1, the Authority has had regard to all relevant circumstances, including the relevance and materiality of the offence, and the severity of the risk posed by Mrs Turner to consumers and to confidence in the UK financial system. The Authority considers that it is appropriate to impose a prohibition order to advance its consumer protection and integrity objectives (sections 1C and 1D of the Act, respectively).

DEFINITIONS

9. The definitions below are used in this Final Notice (and in the Annex):

“the Act” means the Financial Services and Markets Act 2000;

“the Authority” means the Financial Conduct Authority;

“the CDDA” means the Company Directors Disqualification Act 1986;

“the Decision Notice” means the decision notice given to Mrs Turner on 21 June 2024;

“EG” means the Enforcement Guide;

“FIT” means the Authority’s Fit and Proper Test for Employees and Senior Personnel, forming part of the Handbook;

“the Firm” means Life Comfort Products Limited (in liquidation);

“the Handbook” means the Authority’s Handbook of rules and guidance;

“Mrs Turner” means Jacqueline Turner;

“RDC” means the Regulatory Decisions Committee of the Authority (see further under Procedural Matters below); and

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber).

FACTS AND MATTERS

10. From 29 October 2015 to 10 April 2018, Mrs Turner was a director and approved by the Authority to perform the CF1 (director) controlled function at the Firm, which was authorised and regulated by the Authority during that period.
11. Mrs Turner pleaded guilty on 19 April 2018, before the Crown Court at Cambridge, to contravening professional diligence, contrary to Regulations 8 and 15 of the Consumer Protection from Unfair Trading Regulations 2008. Mrs Turner was sentenced by the Crown Court to 9 months’ imprisonment and a criminal behaviour order for a period of 5 years. In addition, Mrs Turner was disqualified from acting as a director by way of a Court Order, pursuant to section 6 of the CDDA, for a period of 7 years. On 3 July 2019, Mrs Turner was sentenced to a confiscation order under the Proceeds of Crime Act 2002 for £172,879.50.

12. The conduct occurred during the Firm's authorised trading period and during that period, Mrs Turner co-ran the Firm whereby products, namely, adjustable beds and chairs, were 'pressure sold' to elderly and vulnerable customers. The Firm operated sales and door canvassing teams which actively targeted elderly and vulnerable customers including customers with Alzheimer's disease and/or dementia. Customers were told that the products were manufactured by the Firm at their Peterborough factory when in fact, the products were purchased from another manufacturer and were sold by the Firm to consumers at a considerably higher price than manufactured.
13. Trading Standards received numerous complaints, supported by reports which showed that the products sold by the Firm were not fit for purpose, had not been made to the customers' individual measurements and had numerous manufacturing defects. The Firm used aggressive sales techniques against customers targeted in neighbourhoods in 'No Cold Calling Zones'.
14. At the sentencing hearing, the judge made the following remarks:
 - a. Mrs Turner was responsible for telephone canvassers, and she drafted the script that was used to target consumers that were elderly and vulnerable. As such, Mrs Turner was deemed to be fully aware of the unfair and unprofessional practices and was *"at the heart of some of the unprofessional practices"*.
 - b. Mrs Turner *"denied that there was anything wrong with the activity for which [she] was responsible" and "...you were controlling some of them and you were fully aware of what was going on."*
15. Mrs Turner failed to notify the Authority of the criminal and Trading Standards investigations, which were underway whilst she was an approved person.

LACK OF FITNESS AND PROPRIETY

16. The statutory and regulatory provisions relevant to this Final Notice are set out in the Annex.
17. FIT 1.3.1G states that the Authority will have regard to a number of factors when assessing an individual's fitness and propriety. FIT 1.3.1BG(1) states that among the most important considerations when assessing the fitness and propriety of a person is that person's honesty, integrity and reputation.
18. The facts and serious nature of Mrs Turner's offending, which resulted in her receiving a conviction and being disqualified as a director, show she lacks integrity. As a result, the Authority considers that Mrs Turner is not a fit and proper person to perform functions in relation to regulated activities.

Prohibition

19. EG 9.1.1 provides that the power to prohibit an individual will be exercised by the Authority to achieve its statutory objectives, which include both securing an appropriate degree of protection for consumers and protecting and enhancing the integrity of the UK financial system.
20. EG 9.5.1 provides that when considering making a prohibition order against an individual who is not an authorised person, exempt person or exempt professional firm the Authority will consider the severity of the risk posed by the individual and

may prohibit the individual where it considers this is appropriate to achieve one or more of its statutory objectives.

21. Taking into account the nature of the offence Mrs Turner participated in, the conviction and the director disqualification arising from her participation, and her lack of fitness and propriety due to her lack of integrity, the Authority considers it is appropriate to prohibit Mrs Turner from performing any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm.

PROCEDURAL MATTERS

22. This Final Notice is given to Mrs Turner in accordance with section 390(1) of the Act.

Decision Maker

23. The decision which gave rise to the obligation to give this Final Notice was made by the RDC. The RDC is a committee of the Authority which takes certain decisions on behalf of the Authority. The members of the RDC are separate to the Authority staff involved in conducting investigations and recommending action against firms and individuals. Further information about the RDC can be found on the Authority's website:

<https://www.fca.org.uk/about/committees/regulatory-decisions-committee-rdc>

Publicity

24. Section 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Final Notice relates. Under those provisions, the Authority must publish such information about which this Final Notice relates as the Authority considers appropriate.
25. 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 Mrs Turner or prejudicial to the interest of consumers or detrimental to the stability of the UK financial system.
26. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

26. For more information concerning this matter generally, Mrs Turner should contact Shamma Masud at the Authority (direct line: 020 7066 1653).

Jeremy Parkinson
Enforcement and Market Oversight Division

ANNEX

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives are set out in section 1B(3) of the Act and include securing an appropriate degree of protection for consumers (section 1C of the Act) and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. Section 56(1) of the Act provides:

"The [Authority] may make a prohibition order if it appears to it that an individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by:

 - i. an authorised person,
 - ii. a person who is an exempt person in relation to that activity, or
 - iii. a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity."

RELEVANT REGULATORY PROVISIONS

3. In exercising its power to make a prohibition order, the Authority must have regard to guidance published in the Handbook and in regulatory guides, such as EG. The relevant main considerations in relation to the action specified above are set out below.

The Enforcement Guide

4. The Authority's policy in relation to exercising its power to issue a prohibition order is set out in EG.
5. EG 9.1 explains the purpose of prohibition orders in relation to the Authority's regulatory objectives.
6. EG 9.2 sets out the Authority's general policy on making prohibition orders. In particular—
 - (a) EG 9.2.1 states that the Authority will consider all relevant circumstances, including whether enforcement action has been taken against the individual by other enforcement agencies, in deciding whether to make a prohibition order;
 - (b) EG 9.2.2 states that the Authority has the power to make a range of prohibition orders depending on the circumstances of each case; and
 - (c) EG 9.2.3 states that the scope of a prohibition order will depend on, among other things, the reasons why the individual is not fit and proper and the severity of risk he poses to consumers or the market generally.
7. EG 9.3.2 sets out the matters which the Authority may take into account when deciding whether to make a prohibition order against an approved person. These include: whether the individual is fit and proper to perform functions in relation to regulated activities (noting the main assessment criteria set out in FIT 2.1, 2.2 and 2.3) (EG 9.3.2(2)); the relevance and materiality of any matters indicating unfitness

(EG 9.3.2(5)); the length of time since the occurrence of any matters indicating unfitness (EG 9.3.2(6)); and the severity of the risk which the individual poses to consumers and to confidence in the financial system (EG 9.3.2(8)).

8. EG 9.5.1 states that where the Authority is considering whether to make a prohibition order against someone who is not an approved person, the Authority will consider the severity of the risk posed by the individual and may prohibit him where it considers that it is appropriate to achieve one or more of the Authority's statutory objectives.
9. EG 9.5.2 provides that, when considering whether to exercise its power to make a prohibition order against someone who is not an approved person, the Authority will consider all the relevant circumstances of the case. These may include, but are not limited to, the factors set out in EG 9.3.2. Those factors include: whether the individual is fit and proper to perform functions in relation to regulated activities (noting the criteria set out in FIT 2.1, 2.2, and 2.3); the relevance and materiality of any matters indicating unfitness; the length of time since the occurrence of any matters indicating unfitness; and the severity of the risk which the individual poses to consumers and to confidence in the financial system.

The Fit and Proper test for Employees and Senior Personnel

10. FIT sets out the criteria that the Authority will consider when assessing the fitness and propriety of a candidate for a controlled function, and may consider when assessing the continuing fitness and propriety of approved persons.
11. FIT 1.3.1BG(1) states that the most important considerations when assessing the fitness and propriety of a person to perform a controlled function include that person's honesty, integrity and reputation.
12. FIT 2.1.1G states that in determining a person's honesty, integrity and reputation, the Authority will have regard to all relevant matters including, but not limited to, those set out in FIT 2.1.3G.
13. In relation to convictions for criminal offences, FIT 2.1.1A G states that: If any staff being assessed under FIT has a conviction for a criminal offence, the firm should consider the seriousness of, and circumstances surrounding, the offence, the explanation offered by the convicted person, the relevance of the offence to the proposed role, the passage of time since the offence was committed and evidence of the individual's rehabilitation.
14. FIT 2.1.3G provides a list of (non-exhaustive) matters to which the Authority will have regard when determining a person's honesty, integrity and reputation. These include:
 - (1) whether the person has been convicted of any criminal offence; this must include, where provided for by the Rehabilitation Exceptions Orders to the Rehabilitation of Offenders Act 1974 or the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as applicable), any spent convictions; particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence under legislation relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, banking, other financial services, insolvency, consumer credit companies, insurance, consumer protection, money laundering, market manipulation and insider dealing, whether or not in the United Kingdom;

- (4) whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; and
- (12) whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial capacity (FIT 2.1.3G(12)).