

## Client Money Handling Procedure

### Definitions

<i>Client</i>	<i>a member of the public which is a client of the Firm. A member of the public includes any person, firm, trust, body corporate or other organisation</i>
<i>Client Money</i>	<i>money of any currency (whether in the form of cash, cheque, draft or electronic transfer) a) which a Registered Firm holds or receives for or from a Client, including money held by a Registered Firm as stakeholder; and b) which is not immediately due and payable on demand to the Registered Firm for its own Account but excluding a) fees paid for professional work agreed to be performed, and clearly identifiable as such.</i>
<i>Client Money Account</i>	<i>An account which: a) does not contain any sums other than the whole or any part of client money paid into it, or such sums of money as may be necessary to replace any sum which by error has been withdrawn from the account, together with accrued interest on such amounts; and b) includes in its title the word “client” or an appropriate abbreviation of that word, and whether such account is held in the name of the Firm or a wholly owned subsidiary company of the Firm that holds money in respect of the Firm</i>
<i>The Firm or We</i>	<i>Linley and Simpson Group Ltd</i>
<i>The Property Ombudsman and Propertymark Codes of Conduct</i>	<i>the TPO and Propertymark codes of conduct as determined from time to time by the TPO and Propertymark.</i>

### Compliance

The whole of this document is to be taken as the Firm’s written procedure for Handling Client Money. These written procedures are set forth to ensure compliance with:

- The Property Ombudsman Code of Practice;
- The Propertymark Conduct and Membership Rules;
- The Client Money Protection Schemes for Property Agents (Approval and Designation of Schemes) Regulations 2018; and
- Any other regulations and statutory requirements as necessary, and to maintain the best practice.

## **Handling of Client Money – Written Procedures**

As a member of Propertymark, we adhere to the Rules of Conduct and any other regulations as necessary by using the following procedures:

1. All Client Money is held in a Client Money Account with an authorised bank or building society;
2. We maintain one or more Client Money Account(s) into which all Client Money is paid;
3. We ensure that Client Money Account(s) are designated as such and are easily distinguished from other accounts;
4. We have confirmed in writing with the bank holding the Client Money Account that the bank acknowledges that monies in the Client Money Account must not be combined with, or transferred to, any other account maintained by the Firm, and the bank shall not be entitled to exercise any right of set off or counterclaim against the money in that Client Money Account in respect of any sum owed to it in respect of any other account of the firm;
5. We keep records and accounts which show all dealings with Client Money and demonstrate that all Client Money held by the Firm is held in a Client Money Account;
6. We publish our procedures for handling Client Money on our website;
7. We provide a copy of our procedures for handling Client Money to any person who may reasonably require a copy, free of charge;
8. We keep records and accounts that show all dealings with Client Money;
9. We repay any Client Money without delay if there is no longer any requirement to retain that money or the relevant client requests it; and
10. We hold and maintain Professional Indemnity insurance cover that is appropriate for the Firm's size, income, type of work and the amount of Client Money held.

## **Donations to Charity**

In the event that Linley & Simpson receive surplus client money in a client account, we follow best practice and enact the following procedures:

1. Ensure that all efforts are made to trace the clients or owners of the money;
2. Hold the surplus money in a client expenses account; and
3. Hold surplus money for at least six years

If, after six years, the client or owner of the money has not been found and no true claimant to the money has come forward it may be donated to a registered charity.

### **General Controls Linley & Simpson ensure that:**

- Employees have clear segregation of duties and responsibilities and that a Principal or appropriately qualified individual oversees the client accounting function;
- It employs competent and knowledgeable staff who are responsible for processing clients' money and who are familiar with Client Accounting rules;
- Accounting systems and client data are securely controlled and protected;
- Computer systems are adequately protected for access, firewalls, back-ups and disaster recovery;
- There is adequate cover for holiday and long-term absence;
- Principals cannot and do not override controls surrounding the accounting system; and
- All areas of the business apply the same level of controls in relation to the client accounting function.

### **Client Bank Accounts**

Linley & Simpson ensure that:

- We hold clients' money in one or more client bank accounts separate from all other monies. Client money is available on demand;
- The bank account is correctly titled to include the name of the Firm and the word "client" to distinguish the account from an office or any other account; and
- We have obtained written consent if the Firm is to retain interest.

### **Client Accounting Systems and Controls**

Linley & Simpson ensure that:

- Accounting records and systems are appropriate to the nature and volumes of client account transactions;
- Systems provide details of all money received into and paid from all client accounts and show a running balance of all client money held in that account;
- Systems identify all receipts and payments to the client to which they relate; for example by means of client ledgers showing cash balances held on behalf of clients at all times;
- Accounting records are completed chronologically and promptly;
- The current balances at the total and client levels are always available;
- All ledgers have the client name and an appropriate description, e.g. the property address;
- Overdrawn balances on client ledgers are prevented by the systems or controls in place and where they do occur are investigated and rectified immediately;
- Adequate controls are in place over unidentified client money to ensure that such funds are kept securely. The client should be located and reimbursed as soon as possible. Such funds held for more than six years may be donated to a registered charity;
- A central list of client bank accounts is maintained including dates of opening and closing of accounts;
- A reconciliation is completed at least once every month where clients' money is held in a general client account. This is produced as a formal statement, and any unresolved

differences or adjustments are fully investigated and explained. Any errors identified in the reconciliation process are promptly rectified;

- Reconciliations are reviewed and signed off by a Principal or an appropriate independent senior member of staff;
- Propertymark rules dictate that an independent auditor signs off on the accounts annually; and
- Client accounting records, including copies of reconciliations, are securely kept for at least six years plus the current year.

### **Controls over the payment of Client Money**

Linley & Simpson ensure that:

- Checks are made to ensure that sufficient funds are held on behalf of the relevant client before payments are made;
- A copy of the bank mandate is held and is up to date;
- Adequate authorisation and supervision procedures are in place for payments made by cheque, bank transfer and electronic methods;
- All payment requests have supporting evidence and that documentation has been authorised in advance by a Principal or other appropriate person;
- Blank cheques are not signed, and unused cheques are kept securely;
- Effective controls are in place over the setting up of new supplier accounts on the system; and
- Cash payments are avoided.

To read more about the rules and procedures around client money handling please click here <https://www.propertymark.co.uk/media/1045366/conduct-and-membership-rules.pdf>

propertymark  
CLIENT MONEY PROTECTION

This is to certify that

Linley & Simpson Limited

trading as

Linley & Simpson

is part of the Propertymark Client Money Protection scheme

Main Scheme Member

Scheme Ref: C0003360

Valid to

31 August 2021

Please note there is a £50,000 individual claim limit and an annual aggregate limit. See [propertymark.co.uk](http://propertymark.co.uk) for further details and exclusions.

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