

Stage 2: Legal and evidential review

Where a case progresses from Stage 1 to Stage 2, we will conduct a legal and evidential review of the case. This is to determine:

- Whether there is sufficient evidence of a breach of the legal requirements by a registered person.

The review must identify:

- The breach of legal requirement that appears to have taken place.
- Whether enforcement action may be appropriate, having regard to relevant guidance and the Enforcement Policy.
- Whether we possess, or can obtain sufficient, credible and appropriately recorded evidence that is stored and retrievable to support enforcement action. It will usually be necessary to create an 'evidence bundle' at this stage, which may later become the evidence to be disclosed.

The Stage 2 review will usually be conducted by colleagues and their managers who will seek advice where necessary.

If the colleague considers that the evidence demonstrates an identifiable breach of a legal requirement and the evidence is sufficient and robust to prove the breach, the case will continue to Stage 3.

