**Spotlight on Corruption's response to the Call for Evidence: Review of the UK's AML/CFT Regulatory and Supervisory Regime**

## Recent improvements to the regulatory and supervisory regimes

1. **What do you agree and disagree with in our approach to assessing effectiveness?**

Broadly we support the strong focus on effectiveness, the use of FATF Methodology as a baseline for measuring effectiveness, and the commitment to also go beyond this. The commitment to build on the assessment of the effectiveness of the UK regime through previous reports, including the Cutting Red Tape Review of the UK's AML/CFT regime, must not undermine use of the FATF Methodology as a baseline or result in divergence. We would also urge the government to ensure that:

a) it develops a strong evidence base for what interventions effectively prevent and deter the use of the UK financial system, and the UK economy more broadly - whether through real estate, the law courts, art work, education or luxury items - for money laundering, and promote robust and effective compliance. This should involve including in the National Risk Assessment an evaluation of trends, patterns, and numerical value of assets laundered into and through the UK based (including from which jurisdictions) on use of SARs data and other information from private sector partners, and could also include an independent evaluation of what forms of supervisory actions are effective at deterring corrupt actors or actors in serious and organised crime from laundering money in the UK, and encouraging the regulated sector to maintain proactive compliance programs that are effective, well understood, based on risk and go beyond box-ticking;

b) it benchmarks effectiveness against emerging best practice in other equivalent jurisdictions, transparently and on an ongoing basis, to ensure that the UK does not fall behind its peers in addressing money laundering.

2. **What particular areas, either in industry or supervision, should be focused on for this section?**

We think the issue of whether supervision is effectively ensuring compliance with the spirit as well as the letter of money laundering regulations is critical.

3. **Are the objectives set out above the correct ones for the MLRs?**

We would like to see the primary objectives framed in more proactive language so that the first one reads:

"*the regulated sector identifies, and prevents suspicious transactions*."

In our view, this first prong of the primary objectives could better reflect the Wolfsberg Group's Demonstrating Effectiveness principles, and the goals of the government's SARs reform program by adding "*and reports high quality information to government and law enforcement about these transactions*."

In our view, the inclusion of the phrase '*act to*' is too accommodating of a box-ticking compliance approach rather than a focus on results and impact.

Similarly with the second point under primary objectives, we would recommend greater proactivity in the language so that it reads:

"*supervisors monitor and ensure compliance with the regulations using a risk-based approach and making proportionate and dissuasive use of their powers and enforcement tools.*"

## High-impact activity

**5. What activity required by the MLRs should be considered high impact?**

In responding to this question, we are focusing on those parts of the MLRs that require activity by supervisors. The imposition of dissuasive, and proportionate sanctions, particularly civil penalties, is in our view high impact (MLR, Sections 76-80) in terms of ensuring compliance of the regulated sector with the regulations and the prevention of money laundering. The requirement to publish such sanctions (MLR, Section 84-85) is also in our view high impact, as such publication is crucial for deterrence, as well as providing publicity and profile for the importance of tackling money laundering.

However, we are concerned that the MLR provides for uneven application of these sanctions to different parts of the regulated sector. For instance, the MLR only provides for self-regulatory organisations to ensure that those they supervise are rendered liable for effective, proportionate and dissuasive disciplinary measures (MLR Section 49) and for such organisations to publish general statistical information on what measures are taken annually (MLR Section 46). While the MLR allow for the self-regulated sector to refer cases to the statutory supervisors, the FCA and HMRC, to undertake an enforcement action, this relies in large part on the willingness of the self-regulated sector to allow another regulator to take action against their supervised population. The inconsistencies in the MLR risk creating a situation where different parts of the regulated sector of equivalent risk levels face different rules when it comes to sanctions and enforcement.

**7. Are there any high impact activities not currently required by the MLRs that should be?**

Clear and effective whistleblowing arrangements enhance the reporting obligations under the MLRs, and are crucial to enhancing AML regulation and enforcement.

We think that whistleblower protection and incentivisation by supervisors would be a very high impact activity that is currently missing from the MLRs. We note that the new (6th) EU Money Laundering Directive - which the government opted out of on the basis that domestic legislation is *"largely compliant"* with the Directive's measures - includes whistleblower protection (Article 43). We also note that the US has recently introduced an AML whistleblowing program as part of its Anti-Money Laundering Act 2020 which provides mandatory awards to whistleblowers who bring forward information about violations of the Bank Secrecy Act.

Regulation 46(2) of the MLRs requires Professional Body Supervisors to take effective measures to encourage its sector to report breaches of the MLRs to it. This is reflected in the OPBAS Sourcebook, which currently requires Professional Body Supervisors to have *"whistleblowing arrangements"* in place, but there is no regulatory requirement for effective whistleblower policies and procedures. While earlier OPBAS reports assessed whistleblowing arrangements in Professional Body Supervisors, there was no mention of how effective these arrangements were in the latest OPBAS report. There is no information available publicly from PBSs about how they have handled whistleblower complaints and how many whistleblower complaints they have had.

Serious consideration should be given in our view to:

a) Making an enhanced OPBAS the single point of reporting for AML whistleblowers thus greatly streamlining the route to disclosure for potential AML whistleblowers;
b) Making OPBAS a prescribed person under the Public Interest Disclosure Act 1998 (PIDA), thus increasing the protections available to AML whistleblowers, e.g. confidentiality, anonymity and protection against victimisation;
c) Introducing a compensation scheme for AML whistleblowers and enhancing protections against retaliatory action;

d) Ensuring that whistleblower protection is consistent across the supervisory sector, and that anonymised public data is required from all supervisors about the number of whistleblower complaints they have received, and how they acted on them thus increasing transparency regarding the treatment of AML whistleblowers and the efficacy of AML whistleblowing procedures.

## National Strategic Priorities

**9. Would it improve effectiveness, by helping increase high impact, and reduce low impact, activity if the government published Strategic National Priorities AML/CTF priorities for the AML/CTF system?**
**10. What benefits would Strategic National Priorities offer above and beyond the existing National Risk Assessment of ML/TF?**
**11. What are the potential risks or downsides respondents see to publishing national priorities? How might firms and supervisors be required to respond to these priorities?**

We have some concerns about whether the development of such priorities might skew AML priorities for compliance in a way that distracts from ongoing risk-based approaches. On the other hand, the development of such priorities could set a strong tone from the top about the importance of fighting money laundering which could help drive concerted efforts around particular risks on a cross-sectoral basis. If these priorities are set with consultation and input from the public, private sectors and supervisors and are properly debated in Parliament, with regular review, this could help ensure they are set at the right level and that the government is accountable for how they are set.

## Extent of the regulated sector

**12. What evidence should we consider as we evaluate whether the sectors or subsectors listed above should be considered for inclusion or exclusion from the regulated sector?**
**13. Are there any sectors or sub-sectors not listed above that should be considered for inclusion or exclusion from the regulated sector?**
**14. What are the key factors that should be considered when amending the scope of the regulated sector?**

We think that there are other sectors which have been in the public eye as posing potential money laundering risks and where serious consideration needs to be given to how they could be included in the MLR, or, if not included, how they could be encouraged to operate effective AML policies. These include:

- Cash-in-transit
- The education sector, both private schools and universities
- The Public Relations sector
- The private intelligence sector
- Arbitration courts
- Political parties

## Enforcement

**15. Are the current powers of enforcement provided by the MLRs sufficient? If not, why?**
**16. Is the current application of enforcement powers proportionate to the breaches they are used against?**
**17. Is the current application of enforcement powers sufficiently dissuasive? If not, why?**
**18. Are the relatively low number of criminal prosecutions a challenge to an effective enforcement regime? What would the impact of more prosecutions be? What are the barriers to pursuing criminal prosecutions?**

In December 2018, FATF found that it was not yet clear that the UK's levels of prosecution and convictions for high-end money laundering were consistent with its threats, risk profile and AML priorities. It is hard to monitor how high-end money laundering has been enforced subsequently as law enforcement and supervisors have not, since the FATF review, kept disaggregated data on high-end money laundering. However, nearly three years on from the review, it appears that there has been little progress and that the UK is falling behind other jurisdictions.

*AML fines in the UK compared to comparable jurisdictions*
In research we conducted in March 2019, comparing money laundering fines imposed on banks, based in New York versus London (as two comparable jurisdictions), we found that US regulators imposed non-criminal fines that were 22 times the amount the London regulators imposed (nearly £6 billion compared to £260 million in the UK) between 2008-2018. The US also imposed £3 billion of criminal fines. Taking criminal and non-criminal fines together, the US imposed money laundering fines that were 34 times the total of those imposed in the UK, with £1.7 billion fines imposed on UK headquartered financial institutions. These figures suggested that London was drastically behind the US in enforcing money laundering both through regulatory action and the criminal law.

While the government has been quick to point out the high ranking afforded it by FATF in its evaluation, according to Kroll data the UK ranks only 7th in the world over the past 6 years for fine levels from enforcement actions for AML breaches, well behind the US, Netherlands and Australia. While fines are only one measure of effectiveness of an AML regime, they are an important one. With the introduction of the 6th EU Money Laundering Directive, emphasising greater supervisory effectiveness and criminal sanctions for money laundering, as well as the creation of a new EU level AML/CFT supervisory body, there is a real risk that the UK could fall further down the ranking internationally for AML enforcement.

| AML fines | 2016 | 2017 | 2018 | 2019 | 2020 | Jan 2021 - June 2021 | TOTAL |
|---|---|---|---|---|---|---|---|
| US | $858m | $1.5bn | $1.9bn | $199m | $404m | $858m | $5,7bn |
| Netherlands | n/a | n/a | $845m | $1.12m | n/a | $582m | $1.4bn |
| Australia | n/a | n/a | $442m | n/a | $917m | n/a | $1.35bn |
| Sweden | n/a | n/a | n/a | n/a | $559m | n/a | $559m |
| France | $2.3m | $346m | $74m | $4.36m | $0.21m | $4.48m | $431m |
| Hong Kong | n/a | n/a | $12.71 | $107m | $356m | $1.17m | $476,88m |
| United Kingdom | $4.76m | $204m | $1.22m | $127m | $47.5m | $0.25m | $384m |

*Falling MLR investigations, prosecutions and convictions*

Our analysis of the data suggests that since the FATF review overall prosecutions under the MLR do not appear from the available data to have shown any significant increase and in fact may have decreased. Prosecutions under the MLR 2007 have dropped from 27 prosecutions in 2017 to 2 in 2020. Prosecutions under the MLR 2017 meanwhile have increased from 2 in 2018 to just 7 in 2020, with just 2 convictions under the new Regulations since 2018.

**Failure to comply with Money Laundering Regulations 2007**

| | **2017** | **2018** | **2019** | **2020** |
|---|---|---|---|---|
| Sum of Prosecuted | 27 | 21 | 0 | 2 |

| | | | | |
|---|---|---|---|---|
| Sum of Convicted | 10 | 5 | 2 | 19 |

**Triable either way offences related to Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017**

| | **2018** | **2019** | **2020** |
|---|---|---|---|
| Sum of Prosecuted | 2 | 3 | 7 |
| Sum of Convicted | 0 | 1 | 1 |

This apparent downwards enforcement pattern is revealed in some specific agency level data. HMRC investigations (both regulatory and criminal) for money laundering have more than halved from 59 in 2017/2018 to 22 in 2020/21 (with reductions in each year intervening).

The FCA's enforcement rates of the MLRs are also low and share a downward pattern. In the period 2017-2020, the FCA opened 16 investigations into individuals and 26 investigations into firms for criminal breaches of the 2007 and/or 2017 MLRs. MLR investigations fell from 9 investigations into individuals and 14 into firms in 2017 to 0 and 3 respectively in 2020. There has been just one corporate prosecution under the MLR, in the recent case of Natwest.

*Inconsistencies in broader AML supervisory enforcement*

The enforcement data for the past three years shows furthermore that there are serious inconsistencies among AML supervisors in the broader application of their enforcement powers. These include that:

1. Only the Gambling Commission, which supervises a low risk population, appears to have an effective enforcement framework, consistently imposing both informal and formal actions at a higher rate per 100 supervised population than any other supervisor, regularly referring information to law enforcement, and consistently imposing regular and dissuasive fines.
2. The Accountancy PBSs tend to impose significantly more fines statistically than Legal PBSs but have a significantly lower average value of fine than the Legal PBSs. Similarly, HMRC imposes more fines of lower average value than the FCA which imposes very few fines of the highest average value of all supervisors (it fined just 0.02 per 100 of its supervised population in 2018/19 compared to 0.55 for HMRC in the same year, and 0 per 100 in 2017/2018 compared to 2.4 per 100 for HMRC).
3. The Accountancy and Legal PBSs show a marked preference for using informal supervisory actions over formal actions, compared with other supervisors.
4. The Accountancy PBSs have yet to make a referral to law enforcement.

**2018 - 2019**

| Sector | Risk | Population | Informal Action | ... per 100 population | Formal Action | ... per 100 population | Number of fines | ... per 100 population | Total value of fines | Average Value of fines | Law Enforcement Referrals |
|---|---|---|---|---|---|---|---|---|---|---|---|
| FCA | High/Medium | 19,660 | 51 | 0.26 | 50 | 0.25 | 3 | 0.02 | £103,135,700 | £34,378,567 | 5 |
| HMRC | High | 23,619 | 322 | 1.36 | 350 | 1.48 | 131 | 0.55 | £2,258,656 | £17,242 | 13 |
| Gambling Commission | Low | 208 | 16 | 7.69 | 10 | 4.81 | 5 | 2.4 | £17,005,018 | £3,401,004 | 108 |
| Accountancy PBSs | High | 32,217 | 723 | 2.24 | 199 | 0.62 | 226 | 0.7 | £147,549 | £653 | 0 |
| Legal PBSs | High | 9,733 | 157 | 1.61 | 86 | 0.88 | 11 | 0.11 | £351,502 | £31,955 | 22 |

**2017/2018**

| Sector | Risk | Population | Informal Action | ... per 100 population | Formal Action | ... per 100 population | Number of fines | Fines per 100 population | Total value of fines | Average Value of fines | Law Enforcement Referrals |
|---|---|---|---|---|---|---|---|---|---|---|---|
| FCA | High/Medium | 19,500 | 1 | 0.01 | 10 | 0.05 | 0 | 0 | £0 | £0 | N/A |
| HMRC | High | 27,666 | 161 | 0.58 | 295 | 1.07 | 655 | 2.4 | £1,173,072 | £1,791 | 10 |
| Gambling Commission | Low | 237 | 21 | 8.86 | 13 | 5.49 | 1 | 0.42 | £6,400,000 | £6,400,000 | 231 |
| Accountancy PBSs | High | 33,084 | 536 | 1.62 | 154 | 0.47 | 126 | 0.38 | £136,950 | £1,087 | 0 |
| Legal PBSs | High | 9,631 | 432 | 4.49 | 74 | 0.77 | 9 | 0.09 | £74,500 | £8,278 | 5 |

**Formal action** includes enforcement actions such as financial penalties, removal of authorisation to practice or other formal actions such as a formal warning letter or the appointment of a skilled person.
**Informal actions** include actions such as a letter to the business offering advice and feedback.

*Issues with enforcement*

Consistent application of enforcement powers is being hampered in our view by:

- the fragmented supervisory landscape
- the lack of an overall supervisor of supervisors to ensure consistency of enforcement frameworks
- the inconsistency in enforcement powers between statutory supervisors and self-regulatory supervisors
- lack of clear prioritisation of enforcement as a high impact activity by supervisors
- ongoing conflicts of interest among some PBSs

The current application of enforcement powers is not sufficiently dissuasive, and the level of prosecutions fails to provide the level of deterrence and incentivisation required to ensure compliance with the regulations. The stigma of criminal prosecutions is widely seen in the legal and business communities as a necessary but largely unwielded 'stick' that ensures greater compliance than regulatory action alone provides.

Other legal instruments which could be being used as alternative enforcement routes, such as the Proceeds of Crime Act and the Senior Managers and Certification Regime (SMCR), do not appear to have been filling the gap. There have as yet been no enforcement actions relating to the SMCR for money laundering, and no corporate prosecution under the Proceeds of Crime Act. When the SMCR was introduced in March 2016, the FCA described it as a *"catalyst for change"* and the Treasury estimated that it would include over 102,000 Senior Managers, but the effectiveness of the regime has been undermined by the FCA's limited use of investigations and enforcement actions. In September 2020, more than four years after the SMCR was introduced, the FCA had opened only 34 investigations into Senior Managers, closed 11 without action, and imposed only 1 fine - which was not related to the MLRs. Given the importance of ensuring senior management is held to account for money laundering failings this is a notable absence.

Some of the issues with prosecution are possibly linked to the fact that the MLR are badly worded, and described by lawyers working in the area as "fantastically complex" and in need of an extensive overhaul and simplification. Key questions about how corporates can be held liable under the Regulations, whether the identification doctrine applies and if so how (in particular which individuals need to be identified as the "relevant person" in order to impose liability) and what standards of procedures need to have been applied to act as a defence, could be creating uncertainty for prosecutors, exacerbating an unwillingness to bring criminal enforcement. At the same time, criminal enforcement will always be far harder for a regulatory agency to bring compared to regulatory action, resulting in strong disincentives for the statutory regulators to bring criminal prosecutions.

## Expectations of supervisors to the risk-based approach

**28. Would it improve effectiveness and outcomes for the government and / or supervisors to publish a definition of AML/CTF compliance programme effectiveness? What would the key elements of such a definition include? Specifically, should it include the provision of high value intelligence to law enforcement as an explicit goal?**
**29. What benefits would a definition of compliance programme effectiveness provide in terms of improved outcomes?**

Finding a mechanism to ensure greater consistency and understanding of what effective compliance for AML consists of would be beneficial in our view. However, it is not clear that this is best done by government rather than supervisors. If OPBAS were made a supervisor of all supervisors as we

recommend below, then ensuring this consistency and providing this guidance should fall to OPBAS. It is also essential that any definition does not create a safe harbour from enforcement actions where the money laundering rules are breached, become a distraction from businesses being responsible for their own risk assessments, or exacerbate tick-box compliance.

If the government were to introduce a failure to prevent money laundering in relation to the POCA offences, then guidance would be necessary, and it would be essential that this is done in consultation with supervisors to ensure effective articulation with regulatory requirements.

## SARs reporting

**40. Do you think the MLRs support efficient engagement by the regulated sector in the SARs regime, and effective reporting to law enforcement authorities? If no, why?**
**41. What impact would there be from enhancing the role of supervisors to bring the consideration of SARs and assessment of their quality within the supervisor regime?**
**43. What else could be done to improve the quality of SARs submitted by reporters?**
**44. Should the provision of high value intelligence to law enforcement be made an explicit objective of the regulatory regime and a requirement on firms that they are supervised against?**

We strongly support a robust and ambitious review of how potential reform to the MLR and POCA could more effectively support the government's SARs reform programme, including the proposal to enhance the role of supervisors to bring consideration of the quality of SARs within the supervisory regime. We also support the proposal that provision of high value intelligence to law enforcement should be made an explicit objective of the regulatory regime, and a requirement on firms, although it will be important to guard against overly subjective applications by regulated entities of what would be 'high value'. Clear guidance would need to be provided on this.

We think that consideration should be given to creating regulatory penalties, or allowing supervisory interventions in instances where there is repeated submission of poor quality, inaccurate or incomplete data; and intentional or repeated abuse of legal privilege leading to a failure to provide information to law enforcement or to abuse the 'consent' regime.

Although the consultation is not considering POCA, we think stronger enforcement of Section 330 of POCA is central to increasing reporting in under-reporting sectors. Additionally, we think that serious consideration should also be given to clarifying the absolute defence provided by filing a SAR to a prosecution under POCA. We have strong concerns that this is currently driving defensive reporting, and low value intelligence, and effectively encourages the regulated sector to continue handling highly suspicious money while offloading risk onto the public sector.

## Structure of the supervisory regime

**52. What are the strengths and weaknesses of the UK supervisory regime, in particular those offered by the structure of statutory and professional body supervisors?**
**53. Are there any sectors or business areas which are subject to lower standards of supervision for equivalent risk?**
**54. Which of the models highlighted, including maintaining the status quo, should the UK consider or discount?**
**55. What in your view would be the arguments for and against the consolidation of supervision into fewer supervisor bodies? What factors should be considered in analysing the optimum number of bodies?**

In our view, the status quo is not sustainable. The latest figures from OPBAS suggest that the supervisory effectiveness of the PBS sector has a very long way to go. The fact that 81% of PBSs do

not have an effective risk-based approach to supervising members; 85% are not effective in using predictable and proportionate supervisory action; 50% do not ensure members take timely action to correct gaps in AML controls; and that 74% are not using enforcement tools available to them effectively, suggests the current arrangements are not working despite OPBAS's best efforts. On top of this, the fact that a third of PBSs continue to have conflicts of interest despite the requirement not to do so under Regulation 49 of the MLR, is a matter for grave concern.

The result is that despite being high risk under the NRA, the legal and accountancy sectors are indeed, in our view, subject to lower standards of supervision for money laundering than other equivalent sectors. As noted earlier, it is the Gambling sector, which is low risk, that is currently the most effectively supervised, and it is important to understand what are the key factors which have enabled this to happen, and whether there is best practice that could be replicated.

Some form of consolidation and standardisation of AML supervision is essential.

There are several ways of achieving this. One option is for a phased approach that would help ensure that current expertise is maintained and built upon. As an initial step, consolidation could occur within the sectors, creating an overall sectoral supervisor that is clearly independent of sectoral interests, and free from conflicts of interest. Where there are regulators that cover the devolved regions, bringing them together in one organisation, or creating a central coordinating unit could ensure consistency of supervision on a UK-wide basis.

While having a sectoral approach would help keep AML regulation close to overall regulation of the sector, there are risks to a sectoral approach, including that sectoral supervisors are more prone to being captured by the sectors they regulate and to make special pleading for their sector, and that there may continue to be inconsistencies across the different supervised sectors for money laundering. A phased approach which allowed sectoral consolidation would only be effective if OPBAS is given an expanded role (as laid out below), and has the remit and will to operate a more robust enforcement approach to supervising the supervisors, including public censure of supervisors who are not adequately fulfilling their duties under the MLR.

If this approach is taken there should be a clear commitment by the government to review whether this consolidation has achieved the aims of standarisation and enhancement of AML supervision within a 3 year period, and to commission an independent review as to the costs and benefits of establishing a single unitary supervisor.

Additionally, urgent consideration needs to be given to how to ensure that all sectors across the regulated sphere, and particularly those of an equivalent risk profile, face consistent enforcement. As noted previously, there is currently a significant enforcement gap involving the self-regulated sector for criminal offences under the MLR. It is not clear that law enforcement is able to effectively police MLR offences, or whether it is appropriate for them to do so as opposed to going after more serious criminal offending under POCA. Consideration needs to be given to whether, if the government pursues consolidation at a sectoral level, single sectoral supervisors should be put on a statutory footing, with powers to prosecute breaches of the MLR in line with the FCA and HMRC. Otherwise an enhanced OPBAS must be given powers to ensure that potential criminal breaches of the MLR are effectively referred to an appropriate statutory supervisor for prosecution.

## Effectiveness and remit of OPBAS

**56. What are the key factors that should be considered in assessing the extent to which OPBAS has met its objective of ensuring consistently high standards of AML supervision by the PBSs?**
**57. What are the key factors that should be considered in assessing the extent to which OPBAS has met its objective of facilitating collaboration and information and intelligence sharing?**
**58. What if any further powers would assist OPBAS in meeting its objectives?**

**59. Would extending OPBAS's remit to include driving consistency across the boundary between PBSs and statutory supervisors (in addition to between PBSs) be proportionate or beneficial to the supervisory regime?**

OPBAS should in our view be judged on whether it has been able to ensure consistently high standards of effective supervision, which the latest report clearly shows it has not been able to do despite some considerable improvements in previous years. However, it is also clear that OPBAS has been handed an almost impossible task with such a fragmented and disjointed supervisory landscape. Consolidation would significantly help OPBAS achieve its goal.

Currently OPBAS annual reports give a good overview of issues, but do not provide a sufficiently detailed breakdown of how individual PBSs are performing in terms of AML supervision. This is a missed opportunity, and contrasts with the requirements in the 6th EU AML Directive for the public authority that has oversight of self-regulatory bodies to publish detailed annual detailed statistics on enforcement and compliance by each individual self-regulatory body (Article 38 (5)), including the number of SARs submitted.

In our view, in order to drive a step change in tackling money laundering in the UK, and to bring considerable improvements in enforcement and compliance, OPBAS should in the short term be given a wider remit to be the supervisor of all supervisors. It should be responsible for ensuring consistency across all AML supervisors, whether statutory or self-regulatory. In effect, it should operate as the UK-wide anti-money laundering authority, responsible for:

- ensuring consistency of AML supervision across all regulated sectors,
- coordinating, developing and disseminating intelligence,
- ensuring common frameworks and standards of enforcement,
- improving exchange of information and cooperation between supervisors, and cooperation with law enforcement,
- providing cross-sectoral risk analysis and templates,
- acting as a liaison point between supervisors and law enforcement,
- developing technical standards, guidelines and recommendations for supervisors,
- ensuring all supervisors meet their requirements under the MLR, with powers to discipline and publically censure those that do not, as well as the standards for regulators outlined in the Committee on Standards in Public life,
- identifying businesses that are engaging in regulated activity without supervision, as well as areas outside of the regulated sector that pose high-risk for money laundering and developing strategies for improving AML compliance for both,
- ensuring consistent application of criminal sanctions under the MLR,
- acting as the single point of reporting for AML whistleblowers, and
- acting as a default supervisor.

In order to play a role as supervisor of supervisors effectively, real consideration should be given to renaming OPBAS and making it properly independent of any other body. It will need to be given significantly more resource, and increased powers to fulfil the above functions.