Guide to candidates for appointment as a panel member of ACCA’s disciplinary and regulatory committees

This guide explains the background to ACCA’s disciplinary and regulatory processes and outlines what ACCA expects of panel members and the procedure for appointment. It is intended to be a guide only. Please address any further queries to ACCA’s Standards department. (Contact details can be found at the end of this document).

INTRODUCTION

ACCA is the global body for professional accountants, with 178,000 members and 455,000 students in 181 countries. ACCA’s mission is:

- to provide opportunity and access to people of ability around the world and support our members throughout their careers in accounting, business and finance

- to achieve and promote the highest professional, ethical and governance standards

- to advance the public interest

- to be a global leader in the profession.

Underpinning ACCA’s approach to regulation and discipline is the protection of the public interest by ensuring that Chartered Certified Accountants provide the highest possible standard of service to their clients. This applies to both the technical quality of their work and their compliance with ethical standards.

REGULATION AND DISCIPLINE - AN OVERVIEW

Regulation

ACCA regulates its practitioners under the UK and Irish Companies Acts, the UK Financial Services and Markets Act, the UK Insolvency Act, the UK Money Laundering Regulations and the Irish Investment Intermediaries Act. As a regulator of smaller practices, ACCA is confident in its ability to provide robust, swift, fair and independent regulation. Members in practice are monitored by ACCA’s Monitoring department. Our bye-laws, regulations and Code of Ethics and Conduct are clear and comprehensible so that members fully appreciate what is expected of them. Unsatisfactory monitoring visit outcomes may be referred to regulatory assessors for review and decision on the appropriate regulatory action. Regulatory assessors may decide that no regulatory action is required, or impose conditions upon the members’ certificates, or decide that cases should be heard by the Admissions and Licensing Committee. Where the regulatory assessors consider it appropriate for members’ certificates to be suspended, or withdrawn, they must refer the matter to the Admissions and Licensing Committee for oral hearing. Members
may also request oral hearings by the Admissions and Licensing Committee in cases where the regulatory assessors have imposed conditions.

**Discipline**

ACCA’s bye-laws and regulations bind ACCA members, firms and students, and include provisions relating to discipline. The disciplinary process may be initiated by an external complaint made to ACCA, for example from a client or employer, or from within ACCA itself, for example as a result of an unsatisfactory monitoring visit. In all instances, ACCA investigates the complaint. Once the investigation is complete, a report may be prepared for consideration by a disciplinary assessor. The role of disciplinary assessors is to decide whether there is a case to answer and, if so, whether to refer the case to the Disciplinary Committee. The Disciplinary Committee’s function is to decide whether a complaint has been proved, and if it has, to determine the appropriate sanction.

ACCA’s Appeal Committee hears appeals from both the Admissions and Licensing Committee and the Disciplinary Committee.

**ACCA’S APPROACH TO REGULATION AND DISCIPLINE**

Over recent years ACCA has gained recognition for the progressive and innovative approach that it has taken to disciplinary and regulatory matters. This approach has enabled ACCA to stand ahead of its fellow professional bodies in terms of openness, efficiency and accountability, and has ensured that ACCA has kept abreast of changing public and political expectations and legal requirements.

In 2000 ACCA undertook a wide-ranging review of its regulatory and disciplinary processes in anticipation of the Human Rights Act. ACCA is confident that it is fully compliant with the letter and spirit of the European Convention on Human Rights and Fundamental Freedoms.

- Members have long had the right to an oral hearing before ACCA’s Disciplinary and Appeal Committees. In 2001 this right was extended to hearings of the Admissions and Licensing Committee where the member’s licence is at risk, and in 2007 to all hearings of the Admissions and Licensing Committee.

- ACCA’s Disciplinary and Appeal Committees have been sitting in public since 1996. In 2001 this right was extended to hearings of the Admissions and Licensing Committee where the member’s licence is at risk, and in 2007 to all hearings of the Admissions and Licensing Committee.

- To ensure independence and impartiality, ACCA has lay majorities on its Disciplinary and Regulatory Committees.

- Apart from the chairmen the members of the Disciplinary and Regulatory Committees are all drawn from a single panel. This ensures that each hearing has the requisite technical expertise and lay membership.
In recognition of the argument that rule makers should not also be rule enforcers, ACCA’s Council members are not permitted to sit as panel members for the duration of their Council membership or for three years afterwards.

THE ACCA REGULATORY BOARD

In 2008, the introduction of the ACCA Regulatory Board brought together all of ACCA’s governance and oversight arrangements for regulation and discipline into a single entity. This allows ACCA’s regulatory and disciplinary arrangements to operate with appropriate independence from its other activities.

The Regulatory Board comprises an independent lay (ie non-accountant) chairman, five lay members and two Council members. Details of the members of the Regulatory Board are made available on the ACCA website.

The Regulatory Board reports annually to ACCA’s governing Council on the operation of ACCA’s disciplinary and regulatory procedures.

THE APPOINTMENTS BOARD

The Appointments Board is established by the Regulatory Board and is responsible for appointing panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors.

The objective of the Appointments Board is to safeguard the integrity of the disciplinary and regulatory processes by:

- ensuring there is an appropriate number of experienced panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors available at all times, providing an appropriate type and level of experience and being as diverse as possible
- monitoring the standard of performance of panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors
- promoting consistency of performance
- identifying training and support needs
- encouraging and promoting best practice.

THE ROLE OF PANEL MEMBERS

ACCA’s panel members play a crucial role in ensuring that ACCA’s objectives of fairness, impartiality and transparency are achieved in the disciplinary and regulatory regime.

All panel members have written contracts and are bound by a Code of Conduct.

CONSTITUTIONAL REQUIREMENTS

The constitutional requirements for ACCA’s panel members are set out in ACCA’s Regulatory Board and Committee Regulations.
The Regulations provide that:

- panel members are appointed for an initial term of up to five years, with the possibility of renewal for a further five years

- committees each have a quorum of three, including the chairman. Of the three, two must be non-accountants and one must be an accountant

- at each hearing there is an independent legal adviser present to advise on procedural aspects of the hearing

- each panel member is eligible to sit as a member of each of the Disciplinary, Admissions and Licensing and Appeal Committees, save that no panel member is eligible to hear an appeal if he or she was a member of the committee which considered the matter at first instance.

DEVELOPMENT AND APPRAISALS

The Appointments Board is responsible for inviting the renewal of contracts of panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors. The performance of panel members, chairmen, legal advisers and disciplinary and regulatory assessors is monitored by the Appointments Board in accordance with the Appointments Board Appraisal Policy.

The Appointments Board shall observe a sample of Committee hearings to appraise the performance of chairmen, panel members and legal advisers.

When a member of the Appointments Board is not present, the performance assessment of the panel members, chairmen and legal adviser can be commented on by the Committee via a feedback form, this is completed on an exception only basis.

TIME COMMITMENT AND REMUNERATION

The size of the panel averages at approximately 61 panel members, including 17 chairmen. There is currently a panel of 16 legal advisers.

Generally ACCA’s disciplinary and regulatory committees are held in London. However, they also take place from time to time in Dublin and panel members may be invited to attend either location.

There are Committee hearings in London approximately three - four times a week. When agreeing to sit panel members, chairmen and legal advisers are expected to be available for the full day (beginning at 9.30am and finishing at approximately 6.00pm). Case papers are despatched prior to the hearings, they may be voluminous and must be read in advance. Panel members, chairmen and legal advisers will also be required to confirm immediately on receipt of papers whether they are conflicted from sitting.

Panel members are invited to sit approximately 12-18 times a year. However, this cannot be guaranteed.

Panel members are paid an attendance allowance of £400 (inclusive of VAT, where applicable) for each sitting, plus reasonable expenses.
Panel members are also expected to attend regular meetings and training days and will be paid a fee of £400 (inclusive of VAT, where applicable) plus reasonable expenses for each such attendance.

APPLICATION FOR APPOINTMENT

All candidates must complete the 'application form for appointment as an accountant panel member of ACCA’s disciplinary and regulatory Committees’.

Please ensure that you read the supporting documents before you complete the application form.

Please send the completed application form by email to panelmemberrecruitment@accaglobal.com OR by post to Rheanneon Fuller, Governance - Regulation, ACCA, The Adelphi, 1-11 John Adam Street, London, WC2N 6AU.

Applications must arrive no later than 12pm (noon) 23 March 2016. Applications will be acknowledged by email within five working days of receipt. Incomplete or late applications cannot be accepted. Interviews are scheduled to take place in the week commencing 25 April 2016.

Next steps

Once all applications have been received they will be forwarded to the Appointments Board for shortlisting.

After shortlisting, ACCA will write to each candidate to confirm the outcome of their application and, where appropriate, will make arrangements for interview.

After interview, ACCA will write to each candidate to notify them whether their application has been successful.

CONTACT

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