

Meeting: Regulatory Board
Location: Zoom call
Date: 29 September 2020, 9.30am – 12.40pm

PRESENT:

The Chair (Lucy Winskell), Richard Cooper, Sharon Critchlow, Nora Nanayakkara (present until 12 noon), Ronnie Patton, Geoffrey Podger, Suzy Walton and Bill Matthews.

IN ATTENDANCE:

Executive Director – Governance (Maggie McGhee), Director – Regulatory Relations (Sundeep Takwani), Head of Monitoring (Andrew Teague, present for agenda item 7 only), Director – Regulatory Development (Sha Ali Khan, present for agenda item 11 only), Head of Assessment and Investigations (Ayo Sosanya, present for agenda item 12 only) and Standards Manager (Laura Murphy).

OBSERVERS:

Financial Reporting Council – Siân Barr.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

1. MINUTES

The Board approved the minutes of the meeting held on 21 May 2020.

2. CONFLICTS OF INTEREST

There were no potential conflicts of interest and/or duty notified to ACCA following the distribution of the meeting papers.

3. CHAIR'S REPORT

The Chair relayed the following points from the discussions at the Board's pre-meeting:

- the Board has offered to meet more frequently, for example to undertake learning sessions outside of the main meetings
- the Board has noted the need to consider succession planning for those members of the Board whose contracts are due to end

- the Chair has accepted an invitation to attend a Standards Board meeting and will agree the content of the presentation with the sub-Board

and

- due to the volume of papers, ACCA needs to be clearer about what information is key and requires discussion by the Board.

There were no further updates from the Chair on developments since the last meeting.

4. PRESENTATION FROM THE EXECUTIVE DIRECTOR – GOVERNANCE

The Board noted a presentation from the Executive Director – Governance, which focused on the following areas:

- Strategic performance for 2020-21
- Update on Governance Directorate – New appointments
- The impact of Covid-19 on regulatory functions
- Exit from EU
- Future of Audit update.

The Board agreed that:

- ACCA should carry out a risk assessment of the impact of remote monitoring on the public interest and how these risks are being addressed, and that this should be brought back to the Board to discuss at a future meeting

and

- ACCA should notify the Board of any further matters relating to the UK's exit from the EU outside of the Board meetings.

5. PERFORMANCE DATA AND STRATEGIC CONTEXT

The Board noted the performance data and strategic context papers. The Board noted that as at 31 August 2020 ACCA is broadly on track with its performance, but noted the impact that Covid-19 is having on ACCA's performance and KPIs in respect of its regulatory activities from the end of March 2020.

6. REGULATORY GUIDANCE TO SUPPORT THE BOARD'S POLICY STATEMENT ON ANTI-MONEY LAUNDERING (AML)

The Board approved amendments to the AML policy statement and proposed regulatory guidance.

The Board agreed that:

- the AML regulatory guidance should be kept under review by the Board to ensure it supports ACCA's objective of having an effective, consistently applied regulatory deterrent to poor compliance

and

- it would like to receive further details about the information that ACCA shares with other AML supervisors.

7. ANNUAL REPORT FROM THE STANDARDS BOARD

i. Report from the Chair of the Standards Board

The Board received a report from the Chair of the Standards Boards in relation to how the Standards Board is meeting its terms of reference. In particular, the Board noted that the Standards Board:

- has carried out the necessary due diligence when considering and approving proposed changes to the ACCA Rulebook
 - has identified emerging risks for communication to the Regulatory Board in relation to proposed changes to the membership regulations (ICMAP membership pathway and Members in Retirement) and succession planning
 - continues to review how best to discharge its responsibility for promulgating the Rulebook and has requested that ACCA should provide suggested appropriate metrics for consideration
- and
- has reviewed its Work Plan and requested that the Chair of the Regulatory Board attend a meeting of the Standards Board to deliver a presentation on the work carried out by the Regulatory Board.

ii. Regulation changes for the ACCA Rulebook

The Board approved the proposed regulation changes to the ACCA Rulebook, as recommended by the Standards Board.

8. REPORTS FROM THE APPOINTMENTS AND QUALIFICATIONS BOARDS

The Board noted the reports from the Chairs of the Appointments and Qualifications Boards.

The Board considered a proposal from the Appointments Board to address anomalies in the Incompatibility (conflict of interest) provisions within the Regulatory Board and Committee Regulations that were identified during the 2019 recruitment process. The anomalies relate to eligibility for appointment to the Panel, eligibility for appointment as a legal adviser, and the length of a cooling-off period. The Board approved the proposal from the Appointments Board to address these anomalies in the regulations in consultation with ACCA.

The Board also noted that the Qualifications Board held an additional meeting in June 2020 to receive an update on ACCA's response to Covid-19 in relation to the examinations, in particular the introduction of remote invigilation and the maintenance of examination integrity and validity.

9. PROMOTING THE ROLE OF LAY MEMBERS OF THE BOARD IN PROTECTING THE PUBLIC INTEREST

The Board noted an action plan for promoting the role of lay members of the Board in protecting the public interest.

The Board agreed that:

- ACCA should consider promoting the role of lay members in its annual Integrated Report
 - further consideration should be given to the external promotion of the role of lay members, with reference to other sources of best practice in this area
- and
- an official channel for external communications to the Board should be created and included on ACCA's website.

10. REGULATION OF ACCA MEMBERS

The Board received a presentation from the Director – Regulatory Development on the regulation of ACCA members and how ACCA discharges its public interest regulatory responsibilities.

11. LEARNING SESSION ON THE PROFESSIONAL CONDUCT DIRECTORATE

The Board received a presentation from the Head of Assessment and Investigation on the Professional Conduct Directorate.

12. REGULATORY BOARD WORK PLAN FOR 2019-2020 COUNCIL YEAR

The Board considered the work plan for the 2019-2020 Council year and agreed that:

- the Board would consider items for its forward agenda and provide feedback through the Chair for inclusion in the work plan
 - matters raised at the meeting should be included in the work plan, for example key and emerging risks, cyber security, and data security relating to undertaking regulatory activities remotely
- and
- the work plan should be split into items 'for discussion and decision' and items 'for information'.

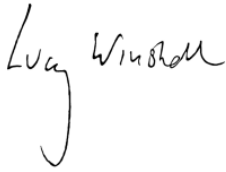
The Board also noted that substantive items can be considered at Board meetings but learning sessions could be done separately.

13. AOB

There was no other business.

14. DATES OF NEXT MEETINGS

The Board noted the date of the remaining Regulatory Board meeting in the 2019-2020 Council Year and the dates of the meetings for the 2020-2021 Council Year.

A handwritten signature in black ink that reads "Lucy Winslow". The signature is written in a cursive style with a large, looping initial 'L'.

Chair