

CONSENT ORDERS HEARING

CONSENT ORDERS COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Laura James

Meeting on: Thursday, 04 June 2020

Location: By video link, based via ACCA's Offices, The Adelphi,
1-11 John Adam Street, WC2N 6AU

Committee: Mr Maurice Cohen (Chair)

Legal Adviser: Mr Andrew Granville Stafford

**Persons present
and capacity:** None

Observers: None

Outcome Consent order approved.

1. A Consent Order is made on the order of the Chair under the relevant regulations.

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INTRODUCTION

2. This matter has been referred to the Consent Orders Chair of ACCA ('the Chair'), pursuant to Regulation 8(8) of the Complaints and Disciplinary Regulations ('CDR') for the Chair to determine, on the basis of the evidence before them, whether to approve the draft Consent Order.
3. The Chair had before them a bundle of 29 pages, including a Consent Order Draft Agreement signed by Miss James and on behalf of ACCA.

CONSENT ORDER DRAFT AGREEMENT

4. The Consent Order Draft Agreement was signed by Miss James on 29 April 2020 and by a representative of ACCA on 07 May 2020. It reads as follows:

'The Association of Chartered Certified Accountants (ACCA) and Miss Laura James (the Parties), agree as follows:

1. *Miss Laura James admits the following:*

Allegation 1

a) Pursuant to byelaw 8(a)(vi), Miss Laura James is liable to disciplinary action by virtue of the disciplinary finding against her on 26 November 2019 by the Association of Accounting Technicians ("AAT");

2. *That Miss Laura James shall be **reprimanded** and shall pay **costs** to ACCA in the sum of £760.'*

5. The background and facts are set out in an appendix to the agreement which reads as follows:

'Relevant Facts, Failings and/or Breaches

1. *The Investigating officer has conducted their investigation into the allegations against Miss James in accordance with Regulation 8(1)(a) of the Complaints and Disciplinary Regulations (CDR) (2019) and is satisfied that:*

- a) *they have conducted the appropriate level of investigation as evidenced by the enclosed evidence bundle (see pages 5-25), and determined that there is a case to answer against Miss James and there is a real prospect of a reasonable tribunal finding the allegations proved; and*
 - b) *the proposed allegations would be unlikely to result in exclusion from membership.*
2. *The relevant facts, failings and/or breaches have been agreed between the parties and are set out in the detailed allegations above together with the proposed sanction and costs.*
 3. *A summary of key facts is set out below:*
 - *Disciplinary action was taken against Miss James by the AAT on 26 November 2019 (page 10);*

Sanction

4. *The appropriate sanction is a **reprimand**.*
5. *In considering this to be the most appropriate sanction, ACCA's Guidance for Disciplinary Sanctions (the Guidance) has been considered and particularly the key principles. One of the key principles is that of the public interest, which includes the following:*
 - *Protection of members of the public;*
 - *Maintenance of public confidence in the profession and in ACCA; and*
 - *Declaring and upholding proper standards of conduct and performance*
6. *Another key principle is that of proportionality, that is, balancing the member's own interests against the public interest. Further, the aggravating and mitigating features of the case have been*

considered.

Reprimand

7. *The aggravating factors are considered to be as follows:*

- *By being publicly sanctioned by another professional body, Miss James has brought discredit upon herself, to ACCA, and to the accountancy profession.*
- *The conduct which led to Miss James being the subject of disciplinary action by the AAT fell below the standards expected of a qualified ACCA member.*
- *The severity of the AAT's decision in reprimanding her for 12 months and ordering for her to pay a fine of £701.*

8. *In deciding that a reprimand is the most suitable sanction paragraphs C3.1 to C3.5 of ACCA's Guidance have been considered and the following mitigating factors have been noted:*

- *Miss James has been a member of ACCA since 2016 and has a previous good record with no previous complaint or disciplinary history;*
- *Miss James has fully co-operated with the investigation and regulatory process;*
- *Miss James has admitted her conduct;*
- *Miss James has apologised for the conduct which led to the complaints raised against her;*
- *There is no continuing risk to the public as Miss James has provided assurances and details of efforts made to address the complaint raised by the AAT. She has therefore taken remedial action to address her conduct;*

- *It is noted that the AAT have considered the complaint and have chosen not to exclude Miss James for her conduct;*
 - *Miss James has expressed genuine remorse.*
9. *ACCA has considered the other available sanctions and is of the view that they are not appropriate. ACCA considers that a reprimand proportionately reflects Miss James's conduct and the public policy considerations which ACCA must consider in deciding on the appropriate sanction. This is a public interest sanction due to the conduct bringing discredit to ACCA and the profession, and it conveys a message of the importance of fundamental standards of professional conduct.'*

DECISION

6. The powers available to this Chair are to:
- (a) Approve the draft Consent Order, in which case the findings on the allegations and the orders contained in it become formal findings and orders (CDR 8(11) and 8(14));
 - (b) Reject the draft Consent Order, which it may only do if it is of the view that the admitted breaches would more likely than not result in exclusion from membership (CDR 8(12));
 - (c) Recommend amendments to the draft Consent Order, if it satisfied it is appropriate to deal with the complaint by way of consent but wishes the terms of the draft order to be amended (CDR 8(13)).
7. The Chair was satisfied that appropriate notice of this hearing had been given to Miss James.
8. The Chair considered it was appropriate to make a Consent Order in the terms agreed between the parties.
9. The Chair noted that the matter for which Miss James was disciplined by the AAT related to her providing bookkeeping services to a small number of family members and friends. The conduct in this case is not of the more

serious kind, and an order of exclusion would not be justified. The Chair was satisfied that a reprimand was, in all the circumstances, an appropriate and proportionate sanction. The Chair was also satisfied that the costs sought by ACCA and agreed by Miss James are reasonable.

ORDER

10. The Chair made the following order:
 - i. The draft Consent Order is approved;
 - ii. Allegation 1 is proved by admission;
 - iii. Miss James is reprimanded;
 - iv. Miss James is ordered to pay costs to ACCA in the sum of £760.00.
11. Under CDR 8(17) there is no right of appeal against this order. Therefore, this order comes into effect immediately.

Mr Maurice Cohen
Chair
04 June 2020