



Think Ahead

News release

28 May 2021

Member Severely Reprimanded*

On 26 May 2021 the Consent Order Chair of the Association of Chartered Certified Accountants (ACCA) found proved the following allegations against a member, Mr Alan John Kirby from Farnham, Surrey, United Kingdom:

Allegations

It is alleged that Mr Alan Kirby, an ACCA member and Director of Accountancy & Business Improvement Ltd:

1. Between October 2010 to March 2014, in giving advice to Client A, recommended that Client A (through his company or otherwise) participate in a firm investment scheme when:
 - 1.1 He failed to consider whether the scheme recommended was high-risk in terms of a suitable arrangement to avoid or mitigate tax liability;
 - 1.2 He had failed to advise Client A of such risks (if any);
 - 1.3 The scheme recommended may not, in all the circumstances, be suitable for Client A having regard to the matters referred to at 1.1 above and knowing in particular that Client A was risk averse
- 2 In respect of Allegation 1, Mr Kirby was in breach of (i) Section 120 (objectivity) and/or (ii) section 130 (Professional Competence and due care) of the Code of Ethics and Conduct 2012 to 2014.
3. Failed to fully and sufficiently disclose to Client A an arrangement Mr Kirby had in place to receive a referral fee in respect of the film investment scheme referred to in Allegation 1, contrary to

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Section 220.11 of ACCA's Code of Ethics and Conduct as applicable in 2012 to 2014.

4. Failed to provide a new Letter of Engagement in relation to additional services provided by Mr Kirby on behalf of his Firm, namely tax planning advice, contrary to Paragraph 5 of Section B 9 of ACCA's Code of Ethics and Conduct as applicable between 2012 to 2014.
5. Failed to retain a signed Letter of Engagement, contrary to Paragraph 5 of Section B9 of ACCA's code of Ethics and Conduct as applicable between 2012 to 2014.
6. By reason of his conduct at 1 to 5 above, Mr Kirby is;
 - 6.1 Guilty of misconduct pursuant to byelaw 8 (a)(i)
 - 6.2 Liable to disciplinary action pursuant to byelaw 8 (a)(iii).

The Consent Orders Chair ordered that Mr Kirby be severely reprimanded and pay costs to ACCA in the sum of £4000.00.

ACCA's regulations require ACCA to publish the Chair's finding and orders by way of a press release, as soon as practicable.

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We believe that accountancy is a cornerstone profession of society that supports both public and private sectors. That's why we're committed to the development of a strong global accountancy profession and the many benefits that this brings to society and individuals.

Since 1904 being a force for public good has been embedded in [our purpose](#). And because we're a not-for-profit organisation, we build a sustainable global profession by re-investing our surplus to deliver member value and develop the profession for the next generation.

Through our world leading ACCA Qualification, we offer everyone everywhere the opportunity to experience a rewarding career in accountancy, finance and management. And using our respected research, we lead the profession by answering today's questions and preparing us for tomorrow. Find out more about us at

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