

**APPLICATION ON PAPERS
CONSENT ORDER CHAIR OF THE ASSOCIATION OF CHARTERED
CERTIFIED ACCOUNTANTS**

REASONS FOR DECISION

In the matter of: Mr Andrew John Shackleton

Considered on: 08 February 2022

Chair: Ms Wendy Yeadon

Legal Adviser: Mr David Marshall

Outcome: Consent Order Approved

DOCUMENTS BEFORE THE COMMITTEE

1. The Chair considered a draft Consent Order signed by Mr Shackleton on 04 January 2022. The matter was listed to be considered on the basis of documents only. Neither Mr Shackleton nor ACCA was present or represented.

BACKGROUND AND ADMISSIONS

2. The Chair considered a bundle of documents consisting of 177 pages.
3. Mr Shackleton is the principle of John Shackleton & Co Ltd ('the Firm'). He has been a member of ACCA since 1981 and has a previous good record with no previous disciplinary history.
4. On 02 August 2018, Company A appointed the Firm as its accountants. In the unaudited accounts of Company A for the year ended 30 June 2018, the firm made a provision for a dividend of £35,000 in relation to one of the shareholders. At that time, Mr Shackleton incorrectly believed that the Company had only one shareholder. In fact, it had two. His belief was based on instructions from his principal client which he accepted without checking. He accepted that *'We clearly made a mistake entering dividends on the accounts that were filed and should have taken more care to check the shareholdings'*.

[sic]

5. Mr Shackleton admitted the following allegations:

Allegations

Mr Shackleton FCCA, as the principal of John Shackleton & Co Ltd (the firm):

1. *Breached the fundamental principle of professional competence and due care (2019), in that the firm made a provision for a dividend of £35,000 in the unaudited accounts of Company A for year ended 30 June 2018 in relation to one of the company's shareholders:*
 - a) *which did not meet the applicable recognition criteria in Financial Reporting Standard 102;*
 - b) *without checking the company's shareholdings and therefore not being aware that the company had two shareholders.*
2. *Did not follow Sections B1.90 to B1.92 of ACCA's Code of Ethics and Conduct (2019-2020) in a timely manner in relation to Company A's accounts and tax return for year ended 30 June 2018, after discovering they were no longer accurate.*
3. *By virtue of the facts above, is guilty of misconduct pursuant to bye-law 8(a)(i).*

DECISION AND REASONS

6. The Chair was satisfied that there was a signed draft Consent Order setting out all the required matters and that Mr Shackleton understood that the proposed order would be considered by a Chair of the Disciplinary Committee.
7. The Chair was satisfied that the Investigating Officer had carried out an appropriate and thorough investigation and that there was a case to answer. The Chair was satisfied that it was appropriate to deal with the matter by way of a Consent Order rather than in a public hearing. While it was in the public interest to mark the admitted misconduct, public concern about this case would not be so great that a full public hearing was required.
8. The Chair considered whether it was more likely than not that if the matter went to a hearing, the admitted breaches would result in exclusion from membership.

The Chair took account of the mitigating and aggravating factors set out in the draft Consent Order bundle. The Chair was satisfied that the matters alleged, while serious, were not sufficiently serious to be likely to lead to a sanction of exclusion.

9. The Chair considered the draft Consent Order carefully but did not consider that any amendments were required.

COSTS

10. The Chair considered that ACCA was entitled to its costs in principle and that the amount claimed, which was agreed, was reasonable.
11. Accordingly, the Chair approved the attached consent order in full. In summary, Mr Shackleton shall be severely reprimanded and pay costs to ACCA in the sum of £2,153.50.

Ms Wendy Yeadon
Chair
08 February 2022