

LEGAL ADVISER – SERVICE SPECIFICATION

The Association of Chartered Certified Accountants (ACCA) is a leading global professional accounting body that provides education, training, and certification to accountants worldwide.

ACCA deals with complaints about its members and students, including allegations of misconduct through its investigative and disciplinary service including in certain circumstances, its Disciplinary Committees. In addition, ACCA's Regulatory Committees consider matters relating to eligibility for admission and continuing membership (including those that relate to practising certificates and audit qualification).

In delivering these services, ACCA acts in the public interest and in accordance with the principles of better regulation. It strives to take effective and proportionate disciplinary action, where appropriate, while carrying out procedures that are fair, consistent, and transparent.

One way that ACCA incorporates the principles of better regulation into its regulatory and disciplinary services is through the incorporation of independent decision-making. To facilitate this, ACCA engages the services of independent Panel Members made up of lay and accountant committee members, chairs, and legal advisers, as well as disciplinary assessors and regulatory assessors.

ACCA is seeking to appoint additional independent Panel Members to provide the services of Legal Advisers

ACCA Legal Advisers do not have to be UK based as long as they can attend ACCA hearings at the designated times, but candidates must be either solicitors who are qualified and eligible to practice in England and Wales or barristers (called to the Bar in England and Wales).

Please note that Panel Members are self-employed, for independence purposes and for public interest purposes.

Nature and scope of the services

The independent panel of Legal Advisers comprises individuals with a wide range of legal expertise. ACCA seek individuals who are barristers or solicitors qualified in England and Wales with a minimum ten years standing with at least five years' recent experience of working with tribunals in the field of regulatory law as an advocate, legal adviser, or decision-maker. Legal Advisers do not have to be UK based as long as they can attend ACCA hearings at the designated time, but candidates must be either solicitors who are qualified and eligible to practice in England and Wales or barristers (called to the Bar in England and Wales).

Please see **Panel Member Sourcing Guide** for further information.

Key deliverables:

- to act in the public interest.
- to attend hearings of the ACCA committees including Interim Orders, Health, Disciplinary, Appeals and Admissions and Licensing Committees.

- to review papers assigned by ACCA in preparation for attendance at those hearings.
- to act as adviser to Committees on all procedural and legal matters as specified in ACCA's regulations
- to inform the Committee of any irregularity in the conduct of proceedings throughout a hearing.
- to draft clear and concise reasons for each hearing attended, working in collaboration with the Committee and adhering to ACCA templates and checklists/guidelines.
- to provide legal advice to Committee Chairs, who may be considering on paper hearing documents.
- to work within a clear timescale to achieve the conclusion of hearings and complete reasons from hearings attended.

Specification:

Legal Advisers:

- must:
 - be barristers or solicitors with a minimum ten years standing, with at least five years' recent experience of working with tribunals in the field of regulatory law as an advocate, legal adviser or decision-maker.
 - have the ability to quickly analyse and interrogate a large volume of written evidence and assimilate complex facts and arguments within a legal framework.
 - have a high level of ability in writing clear, concise, and adequate reasons for decisions that are equally appropriate for members, complainants and/or a lay person. Decisions must be capable of withstanding external scrutiny and may be subject to publication on the ACCA website and in the press.
 - have the ability to make impartial and proportionate decisions and remain independent and objective at all times.
 - have the ability to work constructively with others, and alone to tight timescales. Making decisions on an individual basis, while recognising circumstances in which assistance should be sought.
 - be adaptable to changes in procedures and processes.
 - have a clear understanding of what the public interest entails in the context of professional regulation.
 - be proficient in IT systems, such as MS Word, Outlook, SharePoint, and MS Teams.
 - understand data security and the importance of maintaining confidentiality at all times.
 - have a willingness to engage with ACCA and participate in feedback and sharing of best practice.
- do not have to be UK based as long as they can attend ACCA hearings at the designated times, but candidates must be either solicitors who are qualified and eligible to practice in England and Wales or barristers (called to the Bar in England and Wales).

Service Fees:

- The fee for a Legal Adviser: £900 per day for a hearing, £450 per subsequent day. ACCA operates an electronic invoicing and purchase order system.

Requirements:

- Hearings take place throughout the week virtually, normally by Zoom or Microsoft Teams. The dates on which each Panel Member will attend will be agreed provisionally, well in advance, and confirmed as hearings are listed. Legal Advisers will be expected to attend, approximately 15 to 20 hearings per year. However, this is indicative only and there is no obligation on ACCA or Legal Advisers in respect of the minimum or maximum number of hearings.

Applications from former ACCA employees and independent members of ACCA Boards and Committees shall not be considered unless a period of six years has elapsed since their employment or contract for services ceased.

Please see the **Service Levels** which will be used when considering an appointment and reviewing the on-going service delivery once appointed.