

# Minutes

## *Confidential*

**Meeting:** Appointments Board  
**Location:** Virtual meeting - Zoom  
**Date:** 8 July 2021, 10.00 am – 14:10 pm

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### **PRESENT:**

The Chair (Nora Nanayakkara), Bill Matthews, Antony Townsend and James Walker.

### **IN ATTENDANCE:**

Director – Professional Conduct (Joe Johnson), Director – Practice Regulation (Sundeep Takwani), Operations Manager – Standards Team (Tamara Etmuss-Noble) and Regulation Officer (Jo Burns).

### **OBSERVER:**

Regulation Officer (Catriona Calnan).

### **APOLOGIES:**

No apologies for absence were received.

### **1. MINUTES:**

The Board approved the minutes of the meeting held on 22 April 2021.

The Board reviewed the Action Log and having reconciled the outstanding actions, approved it.

### **2. CONFLICTS OF INTEREST**

All members of the Board confirmed that they were not aware of any potential conflicts of interest and/or duty required to be notified to ACCA.

### **3. CHAIR'S REPORT**

The Board noted the written update received from the Chair on developments since the last meeting, including matters of note discussed at the last Regulatory Board meeting held on 20 May 2021.

#### **4. TERMS OF REFERENCE AND WORKING ARRANGEMENTS**

The Board noted that a review of the Terms of Reference will take place prior to the February 2022 Appointments Board meeting, with any suggested changes by the Board collated and referred for consideration by ACCA's Council.

An update on working arrangements, including lessons learned from the recent contract extension exercise from ACCA, was noted by the Board.

#### **5. COMMITTEE MEMBER PERFORMANCE**

##### **5.1 Performance of Committee Members and panel member training**

The Board noted a verbal update provided by the Director of Professional Conduct regarding the performance of an accountant panel member and agreed that a written update would need to be provided before any decisions could be made.

In terms of panel member training, the Board stressed the importance of the guidance and the expectations of panel members and discussed with ACCA the best ways to deliver these messages.

##### **5.2 Recommendation on frequency of Disciplinary Assessor assessments**

The Board agreed that the Disciplinary Assessors be assessed three times per year in their first year, and once per year every subsequent year, unless concerns are identified by either ACCA or the Board.

#### **6. UPDATE ON COMMITTEE MEMBER CONTRACT REVIEW FOLLOWING EMPLOYMENT TRIBUNAL DECISION**

The Board noted that the employment tribunal appeal (NMC v Somerville) had now concluded and that ACCA is taking legal advice to understand any potential impact on any arrangements it has with its panel members (including legal advisers and assessors). ACCA confirmed that it will revert to the Board once that process is complete.

#### **7. QUALITY ASSURANCE OF BOARD ASSESSMENTS OF PANEL MEMBERS**

##### **7.1 To consider an overview of the Board's assessments of Panel members in 2020**

The Board noted the review and agreed it reflects accurately the focus of the Board's work over the last year.

## **7.2 To undertake a consistency check of the Board's assessments of Panel members**

The Board agreed that setting out clear reasons for decisions is an important part of Panel Members' work and this is described in the Core Competency framework. It noted its approach to assessments is consistent across Board members.

## **8. RESOURCING**

### **8.1 Contracts Due to Expire**

It was agreed to carry this item forward to the next Appointments Board being held on 4 November 2021 and the Board requested that ACCA provide a paper that details all of the options in relation to Legal Adviser contracts, including key deadlines and the individuals that are due for renewal.

### **8.2 Capacity Requirements**

The Board requested that ACCA provide at the next Appointments Board on 4 November 2021, the relevant assurance to the Board, that there are sufficient panelists to ensure that ACCA can continue to meet the anticipated volume of hearings work.

### **8.3 To Note the Updated Resource Plan**

The Board noted the updated resource plan.

## **9. RECRUITMENT**

### **9.1 Disciplinary Assessor Recruitment**

The Board noted that the DA recruitment process is focussed on ensuring that those people who are recruited are able to demonstrate the key behaviours, skills and experience in this area, including:

- Evidence of applying relevant guidance
- Evidence of drafting skills
- Evidence of making well-reasoned judgements.

### **9.2 AMC Lay Panel Member**

The Board noted that this process had satisfactorily concluded.

## **10. OPERATIONAL PERFORMANCE**

The Board noted that ACCA will explore alternative routes for panel members to record feedback and highlight the purpose of the feedback to them, noting that there is an obligation to report any issues encountered under the Code of Conduct.

## **11. PERFORMANCE DATA**

The Board noted the presentation on statistical analysis of hearings by the Director, Professional Conduct.

## 12. COMMITTEE MEMBER COMMUNICATIONS

The Board noted that ACCA would send the next Panel member and Disciplinary Assessor bulletin as soon as practicable, covering the following topics:

- expectations of Panel members when drafting determinations
- availability of ACCA guidance and expectations of Panel Members in applying it.

## 13. DATA PROTECTION

The Board agreed a new password for protecting sensitive documents.

## 14. DATES FOR FUTURE MEETING

The Board noted the future meeting dates of the Appointments Board in the Council year 2020 - 2021:

- 4 November 2021.