

The background of the entire page is a photograph of a middle-aged woman with blonde hair and black-rimmed glasses. She is wearing a light blue button-down shirt and is smiling while looking off-camera to the right. She is holding a pen in her right hand and a white sheet of paper in her left hand.

Guide to candidates for appointment as a Panel member of ACCA's disciplinary and regulatory committees

This guide explains the background to ACCA's disciplinary and regulatory processes and outlines what ACCA expects of panel members and the procedure for appointment. It is intended to be a guide only. Please address any further queries to ACCA's Standards Department (contact details can be found at the end of this document).

INTRODUCTION

ACCA is the global body for professional accountants, with 208,000 members and 503,000 students in 179 countries.

ACCA's aim is:

- to provide opportunity and access to people of ability around the world and support our members throughout their careers in accounting, business and finance
- to achieve and promote the highest professional, ethical and governance standards
- to advance the public interest
- to be a global leader in the profession.

Underpinning ACCA's approach to regulation and discipline is the protection of the public interest by ensuring that Chartered Certified Accountants provide the highest possible standard of service to their clients. This applies to both the technical quality of their work and their compliance with ethical standards.

REGULATION AND DISCIPLINE – AN OVERVIEW

Regulation

ACCA regulates its members, students and others according to its bye-laws. Therefore, regulation includes statutory regulation under the UK and Irish Companies Acts, the UK Financial Services and Markets Act, the UK Insolvency Act, the UK Money Laundering Regulations, the Legal Services Act and the Irish Investment Intermediaries Act. But it also includes compliance with the ACCA Rulebook, which incorporates the Global Practising Regulations and the Code of Ethics and Conduct. As a regulator of smaller practices, ACCA is confident in its ability to provide robust, swift, fair and independent regulation. Practitioners are monitored by ACCA's Practice Monitoring department.

Our bye-laws, regulations and Code of Ethics and Conduct are clear and comprehensible so that members fully appreciate what is expected of them.

Unsatisfactory monitoring visit outcomes may be referred to regulatory assessors for review and decision on the appropriate regulatory action. Regulatory assessors may decide that no regulatory action is required, or impose conditions upon the members' certificates, or decide that cases should be heard by the Admissions and Licensing Committee. Where the regulatory assessors consider it appropriate for members' certificates to be suspended, or withdrawn, they must refer the matter to the Admissions and Licensing Committee for oral hearing. Members may also request oral hearings by the Admissions and Licensing Committee in cases where the regulatory assessors have imposed conditions.

From 2018, ACCA has introduced an additional process in which Panel members may be requested to participate. The Audit Monitoring Committee meets once a month with the express purpose of reviewing the results of audit monitoring visits, in particular those which result in an unsatisfactory grade, and for ensuring that inspections are carried out to a consistent standard. The decisions of the Committee do not amount to regulatory action, although the Committee could determine that the findings of a particular monitoring visit should be referred to a regulatory assessor or to the Admissions and Licensing Committee for consideration of such action.

Discipline

ACCA's bye-laws and regulations bind ACCA members, firms and students, and include provisions relating to discipline. The disciplinary process may be initiated by an external complaint made to ACCA, for example from a client or employer, or from within ACCA itself, for example as a result of an unsatisfactory monitoring visit. In all instances, ACCA investigates the complaint and may refer the matter to the Interim Orders Committee to consider whether to suspend the member, firm or student's membership, practising certificate or registration with ACCA.

Once the investigation is complete, a report may be prepared for consideration by a disciplinary assessor. The role of disciplinary assessors is to decide whether there is a case to answer and, if so, whether to refer the case to a Disciplinary Committee.

The Disciplinary Committee's function is to decide whether a complaint has been proved, and if it has, to determine the appropriate sanction. ACCA's Appeal Committee hears appeals from the Admissions and Licensing Committee, Disciplinary Committee and Health Committee.

ACCA'S APPROACH TO REGULATION AND DISCIPLINE

Over recent years ACCA has gained recognition for the progressive and innovative approach that it has taken to disciplinary and regulatory matters. This approach has enabled ACCA to stand ahead of its fellow professional bodies in terms of openness, efficiency and accountability, and has ensured that ACCA has kept abreast of changing public and political expectations and legal requirements.

In 2000 ACCA undertook a wide-ranging review of its regulatory and disciplinary processes in anticipation of the Human Rights Act. ACCA is confident that it is fully compliant with the letter and spirit of the European Convention on Human Rights and Fundamental Freedoms.

- Members have long had the right to an oral hearing before ACCA's Disciplinary and Appeal Committees. In 2001 this right was extended to hearings of the Admissions and Licensing Committee where the member's licence is at risk, and in 2007 to all hearings of the Admissions and Licensing Committee.
- ACCA's Disciplinary and Appeal Committees have been sitting in public since 1996. In 2001 this right was extended to hearings of the Admissions and Licensing Committee where the member's licence is at risk, and in 2007 to all hearings of the Admissions and Licensing Committee.
- To ensure independence and impartiality, ACCA has lay majorities on its Disciplinary and Regulatory Committees.
- Apart from the chairmen the members of the Disciplinary and Regulatory Committees are all drawn from a single panel. This ensures that each hearing has the requisite technical expertise and lay membership.

- Regulatory assessors exercise certain powers delegated by the Admissions and Licensing Committee and typically decide cases by themselves rather than operate as part of a committee. To avoid conflicts, regulatory assessors are not permitted to sit on the Admissions and Licensing, Disciplinary or Appeal Committees.
- In recognition of the argument that rule makers should not also be rule enforcers, ACCA's Council members are not permitted to sit as panel members for the duration of their Council membership or for three years afterwards.

THE ACCA REGULATORY BOARD

In 2008, the introduction of the ACCA Regulatory Board brought together all of ACCA's governance and oversight arrangements for regulation and discipline into a single entity. This allows ACCA's regulatory and disciplinary arrangements to operate with appropriate independence from its other activities.

The Regulatory Board comprises an independent lay (ie non-accountant) chairman, five lay members and two Council members. Details of the members of the Regulatory Board are made available on the ACCA website.

The Regulatory Board reports annually to ACCA's governing Council on the operation of ACCA's disciplinary and regulatory procedures.

THE APPOINTMENTS BOARD

The Appointments Board is established by the Regulatory Board and is responsible for appointing panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors.

The objective of the Appointments Board is to safeguard the integrity of the disciplinary and regulatory processes by:

- ensuring there is an appropriate number of experienced panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors available at all times, providing an appropriate type and level of experience and being as diverse as possible
- monitoring the standard of performance of panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors
- promoting consistency of performance
- identifying training and support needs
- encouraging and promoting best practice.

ASSESSMENT

- The Appointments Board is responsible for the renewal of contracts of panel members, chairmen, legal advisers, disciplinary assessors and regulatory assessors. The performance of panel members, chairmen, legal advisers and disciplinary and regulatory assessors is monitored by the Appointments Board in accordance with the Appointments Board Assessment Policy.
- The Appointments Board observes a sample of Committee hearings to assess the performance of chairmen, panel members and legal advisers. Feedback from attendees of each hearing is collated and this may also include commentary on the performance of Committee members.

THE ROLE OF PANEL MEMBERS

ACCA's panel members play a crucial role in ensuring that ACCA's objectives of fairness, impartiality and transparency are achieved in the disciplinary and regulatory regime.

All panel members are engaged under a contract for services and are bound by a Code of Conduct.

ACCA is moving towards holding paperless hearings and panel members are expected to possess a familiarity with and demonstrate a proficient use of all appropriate information technology to facilitate this.

CONSTITUTIONAL REQUIREMENTS

The constitutional requirements for ACCA's panel members are set out in ACCA's Regulatory Board and Committee Regulations.

The Regulations provide that:

- Panel members are appointed for an initial term of three to five years, with the possibility of renewal for up to a further three to five years, and to a total of no more than ten years.
- Disciplinary, and Admissions and Licensing, Committees each have a quorum of three, drawn from the Panel, including the chairman. Of the three, two must be non-accountants and one must be an accountant
- Audit Monitoring Committee has a quorum of two, drawn from the Panel and includes one lay and one accountant member with auditing experience
- at each Disciplinary, and Admissions and Licensing, Committee hearing there is an independent legal adviser present to advise on procedural aspects of the hearing.

- each panel member (except for regulatory assessors) is eligible to sit as a member of each of the Disciplinary, Admissions and Licensing and Appeal Committees, save that no panel member is eligible to hear an appeal if he or she was a member of the committee which considered the matter at first instance. Specially trained panel members are able to sit on Audit Monitoring Committee hearings.

TIME COMMITMENTS

The size of the panel averages at approximately 65 panel members, including 15 chairmen. There is currently a panel of 14 legal advisers. ACCA anticipates that two regulatory assessors are required based on past caseload.

Generally ACCA's disciplinary and regulatory committees are held in London approximately three – four times a week. When agreeing to sit panel members, chairmen and legal advisers are asked to be flexible and are expected to be available for the full day (beginning at 9.30am and although most hearings conclude before 5.00pm to be available until approximately 6.00pm should the hearing overrun).

ACCA are moving to paperless hearings and it is expected that case papers will be despatched electronically prior to the hearings, although this is an ongoing project and panel member may receive hard copies in the short term.

Papers may be extensive and must be read in advance. The reading fee is included as part of the overall hearing fee. Panel members, chairmen and legal advisers will be required to confirm immediately on receipt of papers whether they are conflicted from sitting. Please see the Cancellation Policy for further information on hearing cancellations.

Panel members are invited to sit approximately 12-18 times a year (depending on the role). However, this cannot be guaranteed.

Panel members are paid a fee for each hearing day, plus reasonable expenses.

Panel members are also expected to attend in person or via conference call regular meetings and training days. They are also expected to maintain their own professional development and knowledge.

The caseload of regulatory assessors cannot be predicted with certainty as it is dependent on the outcomes of monitoring visits. Cases are therefore referred on an ad hoc basis with an expectation that the assessor will consider the case and prepare written reasons for decision within four weeks.

The Audit Monitoring Committee is expected to meet once a month. Members of this committee are not precluded from also sitting on the Admissions and Licensing, Disciplinary and Appeal Committees.

PERSON SPECIFICATION

A lay person must never have been a member of ACCA, nor hold qualifications that would entitle them to become a member of ACCA.

It is desirable, although not essential, that applicants for the role of Chairman hold previous experience of chairing similar decision-making committees or panels.

We are particularly keen to receive applications from accountants with recent statutory audit experience (this is a prerequisite for the role of regulatory assessor).

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

Please see the relevant role and responsibilities document and the core competencies for further information.

IT LITERACY

We are moving towards a paperless hearing process, which will mean papers will only be provided electronically. ACCA requires that applicants are confident using various IT packages, and using iPads during the hearing. Training on ACCA processes will be provided.

APPLICATION FOR APPOINTMENT

All candidates must complete the relevant application form for their preferred role. ACCA will not accept applications for both the Chairman and lay person role and ask applicants to select and apply for one role only.

We will accept applications for both the regulatory assessor and accountant panel member roles from accountants. Please note that to avoid conflicts, regulatory assessors are not permitted to sit on the Admissions and Licensing, Disciplinary or Appeal Committees.

We will not accept CVs, covering letters or any other supporting documentation to accompany your application.

Please send the completed application form by email to panelmemberrecruitment@accaglobal.com

Applications must arrive no later than 12pm (noon) 26 April 2019. Applications will be acknowledged by email within five working days of receipt. Incomplete or late applications will not be accepted under any circumstances – it is the candidate's responsibility to complete their application and submit it by the deadline.

Please complete the monitoring form. The information requested is separated from your wider application on receipt and will not be seen by the panels assessing your application. It will be used solely for the purpose of overall analysis.

You will be required to provide competency statements in your application. It will not be enough to say that you have a relevant experience – you must provide evidence of how you succeeded or learned from an experience by describing how you acted in particular scenarios, and what effect(s) your decision(s) or action(s) had. The ACCA Appointments Board will use this information to initially assess your suitability for the role and whether your application will progress to the interview stage.

Next steps

Once all applications have been received they will be sifted internally by ACCA to ensure all criteria are met. Applications which meet the criteria will be forwarded to the Appointments Board for final shortlisting. In order to anonymise the applicants parts 1 to 6 of the application form are removed prior to sifting and shortlisting. Information provided in parts 1 to 6 may be used as part of pre-sift checks and as part of the interview process.

After shortlisting, ACCA will write to each candidate to confirm the outcome of their application and, where appropriate, will make arrangements for interview.

References and due diligence checks will be carried out for applicants successful at interview. Appointment will only be confirmed following the receipt of references and due diligence.

Interviewees are expected to cover their own costs for attendance.

Interviews are scheduled to take place between 17 June and 9 July 2019, in London. Members of the Appointments Board will undertake the interviews.

Interviewees will be expected to complete a case study and present their findings to the interview panel. The case study will be included as part of the assessment of the candidate. The case study will be provided on the day of the interview and the applicant will be expected to make notes and present their findings.

After interview, ACCA will write to each candidate to notify them whether their application has been successful. Any offer will be subject the successful completion of the induction process and following appropriate outcome from reference and due diligence checks.

Successful candidates are expected to attend mandatory training in September and to observe some hearings before being asked to formally sit on a hearing. The Appointments Board will observe a hearing during the first year of sitting.

Training will be provided and successful applicants are also expected to maintain their own personal development.

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