

APPOINTMENTS BOARD ASSESSMENT POLICY

DEFINITIONS

The following definitions shall apply to the Appointments Board Assessment Policy (the “**Policy**”) and its attached appendices unless the context otherwise requires:

The following definitions are agreed under this agreement:

ACCA property means all documents, books, manuals, materials, records, correspondence, papers and information (on whatever media and wherever located) relating to the business or affairs of ACCA or its members and any data or documents (including copies) produced, maintained or stored by the committee member on either ACCA's or the Panel member's computer systems or other electronic equipment;

appoint means the appointment of individual members by the Appointment Board to a Panel of chairman, committee members, assessors, regulatory assessors and legal advisers. The Appointments Board shall, inter alia, have the power to fill any vacancy on the Panel and to appoint additional persons to the Panel;

Appointments Board means the board appointed by ACCA's Council referred to in Background (clause B) and referred to in the Regulatory Board and Committee Regulations with responsibility, inter alia, for appointing members to ACCA's panel of chairman, committee members, assessors, regulatory assessors and legal advisers;

assessor means an independent person so appointed by the Appointments Board with responsibility, inter alia, for discharging the responsibilities and exercising the powers of the assessor;

Code means the ACCA Code of Conduct applicable to members of ACCA's panel of committee members, assessors, regulatory assessors and legal advisers which is attached to this agreement as Schedule 1;

chairman means an independent person so appointed by the Appointments Board with responsibility, inter alia, for carrying out the function of a chairman of the Disciplinary Committee, Admissions and Licensing Committee, Appeal Committee, Health Committee, Interim Orders Committee or Consent Orders Committee;

committee members means an independent person so appointed by the Appointments Board with responsibility, inter alia for discharging the responsibilities and exercising the powers of a committee member of the Disciplinary Committee, Admissions and Licensing Committee, Appeal Committee, Health Committee or Interim Orders Committee and includes the chairman;

confidential information means all information and data (whether or not recorded in any form) relating to or provided by ACCA which is identified as or known by the committee member to be confidential or not for general disclosure, and/or which should reasonably be considered as confidential including, without limitation, information in relation to the business or affairs of ACCA and its members and disciplinary and regulatory committee papers;

legal adviser means an independent person qualified so appointed by the Appointments Board with responsibility, inter alia, for discharging the responsibilities and exercising the powers of the legal adviser in accordance with the Chartered Certified Accountants Regulatory Board and

Committee Regulations for the Disciplinary Committee, Admissions and Licensing Committee, Appeal Committee, Health Committee, Interim Orders Committee or Consent Orders Committee;

Panel means the panel of chairman, committee members, assessors, regulatory assessors and legal advisers so appointed by the Appointments Board in accordance with the Regulatory Board and Committee Regulations;

Panel member means an independent person so appointed by the Appointments Board with the responsibility for carrying out the function of chairman, committee member, assessor, regulatory assessor or legal advisers

regulatory assessor means an independent person so appointed by the Appointments Board with responsibility, inter alia for discharging the responsibilities and exercising the powers of the Admissions and Licensing Committee in accordance with the Chartered Certified Accountants Authorisation Regulations;

Regulatory Board means the board appointed by the Council which inter alia reports to the Council not less than once a year on the operation of the Association's disciplinary and regulatory procedures adopted pursuant to or for the purposes of ACCA's bye-laws and regulations and its recognition under statute;

required standards means the standards outlined in the Competency Framework and is attached as appendix 1 of Schedule 2 of this agreement.

In this agreement, words importing the masculine gender include the feminine and words in the singular include the plural and vice versa. References to 'he' or 'his' shall include 'it' or 'its' where the context requires.

OBJECTIVE

1. The objective of this Policy is to safeguard the integrity of ACCA's disciplinary and regulatory processes by:
 - 1.1 assessing the performance of committee members (including chairmen), assessors, regulatory assessors and legal advisers (the "**Panel member**") in accordance with the competency framework;
 - 1.2 promoting consistency in the performance of members of the Panel;
 - 1.3 identifying training and support needs of members of the Panel;
 - 1.4 encouraging and promoting best practice;
 - 1.5 if appropriate in the case of an unsatisfactory performance, recommending an appropriate remedy to enable improvement in performance or terminating the contract between a member of the Panel and ACCA.
2. The performance of Panel members shall be assessed with reference to the Competency Framework attached as Appendix 1 to this Policy. The Competency Framework may be subject to change following an annual review by the Board and ACCA shall notify Panel members accordingly.

ROLE OF THE APPOINTMENTS BOARD

3. This Policy will be followed by the Appointments Board (**'the Board'**) in:
 - 3.1 assessing Panel members' performance in accordance with the competency framework;
 - 3.2 reviewing reasons for decisions prepared by the committee members;
 - 3.3 reviewing cases considered by the assessors and regulatory assessors.
4. The Board shall bring to the attention of the Regulatory Board any general issues it identifies at its observations in relation to the performance of Panel members.
5. The Board has the power to do anything which is calculated to facilitate, or be conducive to, the discharge of any of its functions with particular regard to the wider public interest.

ASSESSMENT PROCEDURE FOR PANEL MEMBERS

Observations of committee hearings

6. Board members shall observe a sample of hearings to assess the performance of committee members (including chairmen) and legal advisers, at committee hearings. The Board shall subsequently provide reports of its observations.
7. The observation of hearings by Board members will be without prior notification to those being observed;
8. The Board may also assess committee members (including chairmen) and legal advisers by way of transcripts of hearings and recordings from which those transcripts have been made

Frequency and coverage of observations for committee hearings

9. The Board shall:
 - 9.1 observe all chairman at least once a year;
 - 9.2 observe all committee members and legal advisers within his first year of appointment, and during the last year of his first term of appointment and if relevant during the last year of any subsequent term of appointment;
 - 9.3 conduct additional observations of any Panel member as the Board may consider appropriate;
 - 9.4 for each observed hearing the Board may report upon the performance of any Panel member even where he is not scheduled for an observation;
 - 9.5 for each observed hearing the Board shall review the committee's written reasons;
 - 9.6 cover all types of disciplinary and regulatory hearings within the sample observed.

10. ACCA may refer to the Board at its own discretion, or at the Board's request, additional written reasons for review, transcripts and/or any other matter with regard to the performance of a Panel member.

Protocols when observing committee hearings

11. Members of the Board shall observe the following protocols when observing hearings:
 - 11.1 members of the Board shall retire with the Committee during its deliberations for the purpose of observing those deliberations;
 - 11.2 members of the Board shall not participate in, provide or offer comment on, or interrupt the open proceedings or private deliberations at any stage.

Procedure for observations of committee members (including chairman) and legal advisers

12. Members of the Board having regard to the competency framework shall after the observation:
 - 12.1 prepare a report of the findings. The report shall reflect on the performance of each committee member and legal adviser, and will specifically highlight any performance that is not of the required standard;
 - 12.2 the report will also comment on the committee's written reasons.

Distribution of reports

13. The Board member who carries out an observation or review is responsible for producing the corresponding report and submitting it to ACCA. The Board member will endeavour to submit the report to ACCA in a timely manner, normally within seven days of the said observation protected by an agreed password.
14. ACCA then copies the report (or the relevant section of the report) to the individual who is the subject of the report (or section of the report), to the other members of the Board, and to the relevant ACCA staff. ACCA will endeavour to circulate this report within seven days of receipt.
15. Each Panel member receives a copy of the Board member's comments regarding the committee's written reasons for decision.
16. The report shall be circulated by way of a password protected email.
17. In the event there is performance identified that is not to the required standard expected of a committee member (including a chairman) or the legal adviser, the board member may consider discussing the matter with the relevant committee member or legal adviser, prior to its inclusion in the report and before the report is finalised.
18. Where discussions have taken place, the report will be submitted within seven days of that discussion.
19. Reports received by ACCA arising out of this Policy are presented to the Board at each Board meeting.

Performance that is below the required competency in relation to a committee member and/or legal adviser

20. Where, in the opinion of the Board member performing the assessment, a Panel member's performance has fallen below the required standard, the Board shall consider the report and may determine what action, if any, is required.
21. If deemed appropriate, the Chairman of the Board, or the Chairman's nominee, may meet with a committee member or legal adviser to discuss any performance related issues. Following this meeting, the Chairman of the Board, or the Chairman's nominee, shall report back to the Board within seven days and within 28 days, the Board shall recommend what action, if any, is required.
22. The Board may determine, as deemed appropriate, any of the following actions (albeit not limited to):
 - 22.1 take no further action;
 - 22.2 suitable training, at the committee member's or legal adviser's own expense, is required;
 - 22.3 additional observation or assessment should be undertaken;
 - 22.4 the relevant Panel member not be allocated any more cases until such a time as the Board considers appropriate;
 - 22.5 following investigation, the committee member's or legal adviser's contract with ACCA should be terminated.
23. The Board's decision is final and there is no right to appeal.

ASSESSMENT PROCEDURE FOR ASSESSORS AND REGULATORY ASSESSORS

Review of assessor and regulatory assessor cases

24. Members of the Board shall review a sample of assessor and regulatory assessor cases to assess his performance with regard to his written reasons. The Board shall subsequently provide reports of its review.

Frequency and coverage of assessors and regulatory assessor cases

25. Every three months, ACCA shall report to the Board on the activity of the assessors and regulatory assessors, and where possible, provide the Board with a list of assessor cases for possible review. Cases for review will be selected at random.
26. The Board shall:
 - 26.1 seek to review one case per quarter from each assessor and regulatory assessor in the first year of the assessor's or regulatory assessor's appointment;
 - 26.2 review one case per year from each assessor and regulatory assessor;

- 26.3 conduct additional reviews if ACCA or the Board has concerns regarding an assessor's or regulatory assessor's decision or performance.
27. ACCA may refer to the Board at its own discretion, or at the Board's request, additional cases for review and/or any other matter in relation to the performance of the assessor or regulatory assessor.

Distribution of reports

28. The Board member who carries out the review of an assessor's or regulatory assessor's case is responsible for producing the corresponding report and submitting it to ACCA. The Board member will endeavour to submit the report to ACCA in a timely manner, normally within 21 days of the said review protected by an agreed password.
29. ACCA then copies the report to the assessor or regulatory assessor, to the other members of the Board, and to the relevant ACCA staff. ACCA will endeavour to circulate this report within seven days of receipt.
30. The report shall be circulated by way of a password protected email.
31. In the event there is performance identified that is not to the required standard expected of an assessor or regulatory assessor, the board member may consider discussing the matter with the assessor, prior to its inclusion in the report and before the report is finalised.
32. Where discussions have taken place, the report will be submitted within seven days of that discussion.
33. Reports received by ACCA arising out of this Policy are presented to the Board at each Board meeting.

Performance that is below the required standard in relation to an assessor or regulatory assessor

34. Where, in the opinion of the Board member performing the assessment, an assessor's or regulatory assessor's performance has been below the required standard, the Board shall consider the report and may determine what action, if any, is required.
35. If deemed appropriate, the Chairman of the Board, or the Chairman's nominee, shall meet with the assessor or regulatory assessor to discuss any performance related issues. Following this meeting, the Chairman of the Board, or the Chairman's nominee, shall report back to the Board within seven days and within 28 days, the Board shall recommend what action, if any, is required.
36. The Board may determine, as deemed appropriate, any of the following actions (albeit not limited to):
- 36.1 take no further action;
- 36.2 suitable training, at the assessor's own expense, is required;
- 36.3 an additional review should be undertaken;

- 36.4 the relevant assessor or regulatory assessor not be allocated any more cases until such a time as the Board considers appropriate;
 - 36.5 the assessor's or regulatory assessor's contract with ACCA should be terminated.
37. The Board's decision is final and there is no right to appeal.

REVIEW OF THE POLICY

38. The Board shall review this Policy annually to ensure it remains fit for purpose.
39. It should be noted that this Policy was last updated on [*insert date*].

March 2019