

## **Guide for candidates applying for appointment as a disciplinary assessor**

This guide explains the background to ACCA's disciplinary and regulatory processes and outlines what ACCA expects of disciplinary assessors 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).

### **BACKGROUND: REGULATION AND DISCIPLINE - AN OVERVIEW**

#### **THE ROLE OF DISCIPLINARY ASSESSORS**

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

All disciplinary assessors are engaged under a contract for services and are bound by a Code of Conduct.

Assessors are expected to produce their reports within approximately two weeks of receipt of the papers. However, it is noted that some cases can be large and complex and may require longer.

Disciplinary Assessors are also expected to access any training provided by ACCA. They are also expected to maintain their own professional development and knowledge.

#### **CONSTITUTIONAL REQUIREMENTS**

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

The Regulations provide that:

- disciplinary assessors are appointed for an initial term of three to five years, with the possibility of renewal for a further three to five years, and to a total of no more than ten years.
- the disciplinary assessor shall consider:
  - reports of disciplinary allegations from ACCA's Investigations department in order to decide whether there is a case to answer or no case to answer
  - review decisions to close a case or that allegations should rest on file

#### **ABOUT ACCA**

##### **ACCA's purpose is:**

We're a force for public good. We lead the global accountancy profession by creating opportunity.

##### **About ACCA**

ACCA (the Association of Chartered Certified Accountants) is the global professional body for professional accountants.

We're a thriving global community of **233,000** members and **536,000** future members based in **178** countries and regions, who work across a wide range of sectors and industries. We uphold the highest professional and ethical values.

We offer everyone everywhere the opportunity to experience a rewarding career in

accountancy, finance and management. Our qualifications and learning opportunities develop strategic business leaders, forward-thinking professionals with the financial, business and digital expertise essential for the creation of sustainable organisations and flourishing societies.

Since 1904, being a force for public good has been embedded in our purpose. We believe that accountancy is a cornerstone profession of society and is vital in helping economies, organisations and individuals to grow and prosper. It does this by creating robust trusted financial and business management, combating corruption, ensuring organisations are managed ethically, driving sustainability, and providing rewarding career opportunities.

And through our cutting-edge research, we lead the profession by answering today's questions and preparing for the future. We're a not-for-profit organisation. Find out more at [accaglobal.com](https://accaglobal.com)

## **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 Appeal Committee hears appeals from both the Admissions and Licensing Committee and the Disciplinary 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 Chair 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.
- 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 six 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 (i.e. non-accountant) Chair, 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, chairs, legal advisers, disciplinary 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, chairs and legal advisers and 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, chairs, legal advisers and assessors
- promoting consistency of performance
- identifying support needs
- encouraging and promoting best practice.

## **ASSESSMENT**

- The Appointments Board is responsible for the renewal of contracts of panel members, chairs, legal advisers, disciplinary assessors and regulatory assessors.
- The performance of panel members, chairs, 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 chairs, 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 Appointments Board reviews a sample of Disciplinary Assessor decisions to assess performance and feedback is provided.

## **HOW TO APPLY**

### **PERSON SPECIFICATION**

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.

All data is shared and managed virtually, and Disciplinary Assessors are expected to possess a familiarity with and demonstrate a proficient use of all appropriate information technology. Training and guidance will be provided on ACCA processes.

Please see the disciplinary assessor **role and responsibilities** and the **core competencies** for further information.

### **APPLICATION FOR APPOINTMENT**

All candidates must complete the application form and the case study online as part of their application.

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

The deadline for completion of the application form and case study is **12pm (noon) Monday 27 September 2021**. 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 case study and submit it by the deadline.

The information requested is completed anonymously online and will not be seen by the panel 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.

The case study should take a maximum of 1 – 1.5 hours to complete and will be considered alongside your application by the interview panel.

### **Next steps**

Once all applications and case studies have been received, they will be forwarded to the Appointments Board for shortlisting. In order to pseudonymise the applicants, the personal details of the application form are removed prior by ACCA before being provided to the Appointments Board for shortlisting.

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 who are selected for interview. Appointment will only be confirmed following the receipt of references and due diligence.

All interviews will be virtual, and interviewees are expected to cover their own costs for attendance.

Interviews are scheduled to take place on Tuesday 26 and Wednesday 27 October and Tuesday 2 and Wednesday 3 November 2021. Members of the Appointments Board will undertake the interviews.

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 mandatory induction process and following appropriate outcome from reference and due diligence checks.

Successful candidates are expected to attend mandatory induction on 30 November 2021. We are currently expecting that this will be in person and will be held in London.

The Appointments Board will assess three decisions during the first year of sitting.

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

## **CONTACT**

If you require any further information, please contact the email address below:

e: [panelmemberrecruitment@accaglobal.com](mailto:panelmemberrecruitment@accaglobal.com)