



ACCA Code of Conduct for Legal Advisers

Definitions

1. In this Code -
 - (a) “the Appointments Sub-committee” means the Committee established by the *ACCA Regulatory Board* with responsibility, inter alia, for appointing legal advisers;
 - (b) “the Code” means the Code of Conduct set out below;
 - (c) “legal advisers” means independent persons so appointed by the Appointments Sub-committee with responsibilities, inter alia, to provide legal and procedural advice to the Admissions and Licensing Committee, Disciplinary Committee and Appeal Committee;
 - (d) reference to a legal adviser's partner means a person with whom that legal adviser lives as a couple and includes a person with whom that legal adviser is not currently living but from whom he or she is not living separate and apart;

and
 - (e) reference to legal advisers' private interests includes (without limitation) their interest as a legal adviser of any body or organisation.

Integrity

- 2.1 Legal advisers must in the performance of their duties act:
 - (a) in the public interest; and
 - (b) in accordance with the public trust placed in them.
- 2.2 Legal advisers must at all times comply with the law and uphold the administration of justice.
- 2.3 Legal advisers must not:
 - (a) place themselves in a position where their integrity might reasonably be called into question by reason of any financial or other obligation;
 - (b) take any action that could bring discredit to ACCA.



- 2.4 Legal advisers must not make use of their appointment as legal advisers to further their private interests; in particular legal advisers must not:
- (a) use their position to obtain benefits, preferential treatment or other advantage for themselves or their partner;
 - (b) confer benefits, preferential treatment or advantage improperly on others.

Confidentiality

- 3.1 Legal advisers must preserve the confidentiality of all disciplinary and regulatory matters. Legal advisers, to the extent that they become aware of such a confidential matter, shall not discuss or comment on the matter publicly or privately. Similarly, even if the case has been concluded and was heard in public, legal advisers shall refrain from making any public or private statements on the matter.
- 3.2 Legal advisers must take reasonable steps to ensure that all papers or information received in the performance of their duties are kept safe and confidential, and are disposed of safely and securely after use.
- 3.3 Legal advisers must not use any papers or information received in the performance of their duties for any purpose other than the performance of their duties as legal advisers.

Conflict of interest

- 4.1 Legal advisers must ensure that they do not act in a way in which there is or might reasonably supposed to be a conflict of interest between their duties as legal advisers and their private interests.
- 4.2 If legal advisers have a private interest in a matter to be considered legal advisers must:
- (a) disclose their interest to ACCA;
 - (b) take no part in the consideration of the matter;
and, in the case of a matter which is considered at a meeting,
 - (c) request that their disclosure be recorded in the minutes of the meeting.
- 4.3 If a conflict of interest arises between legal advisers' duties as legal advisers and their private interests, legal advisers must:
- (a) disclose their interest to ACCA;
 - (b) ensure that the conflict does not have, and could not be perceived (by a reasonable member of the public) to have, any influence on their decision-making as legal advisers; and
 - (c) take steps to resolve the conflict in a way that protects the public interest.

- 4.4 Legal advisers shall not agree to advise and/or act for an ACCA member, student or firm facing disciplinary or regulatory proceedings brought by ACCA.
- 4.5 Legal advisers shall not agree to advise and/or act as an expert witness in cases where an ACCA member, student or firm facing disciplinary or regulatory proceedings brought by ACCA.
- 4.6 In the event of other individuals in a legal adviser's firm wishing to act for an ACCA member, student or firm facing disciplinary or regulatory proceedings brought by ACCA, legal advisers must not disclose to others in their firm, any information about ACCA's disciplinary and regulatory matters.
- 4.7 Legal advisers shall not hold themselves out as having expertise in dealing with cases where an ACCA member, student or firm is facing disciplinary or regulatory proceedings brought by ACCA. Similarly, legal advisers shall not hold their firm out as having expertise in such matters.

Objectivity

- 5. Legal advisers must act objectively in the performance of their duties.

Competence

- 6.1 Legal Advisers shall attend committee hearings on time, which is to say, to attend at the designated venue for a hearing at least half an hour before the commencement of the hearing. If a member is unable to attend at the required time, they are expected to give ACCA at least 24 hours' notice of the reason for any delay or non-attendance, other than in a genuine emergency. Even in the event of an emergency, the legal adviser is expected to telephone ACCA as soon as possible to advise them of the emergency and of their expected time of arrival.
- 6.2 Legal Advisers shall have read all the papers sent to them carefully and thoroughly in advance of the committee hearing and have familiarised themselves with the relevant law and sections of the ACCA Rules.
- 6.3 Legal Advisers shall have regard to the "Points to Note" appended to the ACCA's Reasons templates.
- 6.4 Legal Advisers shall treat with courtesy and respect the views of Panel members and ACCA personnel as well as witnesses and all others attending Committee hearings.
- 6.5 Legal Advisers shall respect the anonymity of witnesses (other than the member who is the subject of the proceedings) and third parties.
- 6.6 Legal Advisers shall be computer literate and able to type with reasonable speed and proficiency and be accurate in drafting reasons for decisions; draft reasoned decisions should, if possible, be prepared by the conclusion of the hearing; where this is not possible, they must be prepared and sent to the Committee Chairman within five working days of the hearing.

- 6.7 Legal Advisers shall attend the regular training sessions as appropriate held by ACCA for Legal Advisers.

Giving Evidence

- 7.1 Where legal advisers are approached by an ACCA member, firm, affiliate or registered student to provide evidence in relation to a disciplinary or regulatory matter, they shall:
- (a) agree to do so only where their evidence relates to a matter of fact. Legal advisers shall not give expert evidence (either in relation to ACCA procedures or on a point of practice or law), or character evidence; and
 - (b) ensure that their evidence is, as to matters of fact, accurate. Given legal advisers' standing, their conduct must be beyond reproach.

Accountability

8. Legal advisers must submit themselves to whatever scrutiny of their advice, actions or lack of action is reasonable for their office.

Leadership

9. Legal advisers must:
- (a) promote and support the Code by leadership and example; and
 - (b) treat everybody they encounter in the performance of their duties as legal advisers in a way which engenders mutual respect at all times.

Duty to report breaches of the Code

10. Legal advisers must report, in writing, to the Appointments Sub-committee, any breach(es) of the Code of which they are aware, whether by themselves or any other legal advisers.

Investigation of alleged breaches of the Code

- 11.1 Alleged breaches of the Code shall be investigated by an Investigator appointed by the Appointments Sub-committee.
- 11.2 The Investigator shall prepare a report of the relevant matters, supported by the available relevant documentary evidence, and ensure that such report is placed before the Appointments Sub-committee with due despatch. If the Investigator so decides, written legal or other advice relevant to the matter may be obtained and included in the report in order to assist the Appointments Sub-committee in its consideration of it.

- 11.3 In the event that the matter is investigated as described in paragraph 11.1 above, the Investigator shall endeavour to obtain the comments of the legal adviser in question on the matter, and include the same in any report placed before the Appointments Sub-committee.
- 11.4 The Appointments Sub-committee shall consider the report placed before it. The Appointments Sub-committee may call upon the legal adviser to provide further information, or give such other assistance as the Appointments Sub-committee may need or want to assist it in its consideration of the case, and it shall be the responsibility of the legal adviser to provide such assistance or information.
- 11.5 Before reaching any decision on the matter, the Appointments Sub-committee shall be satisfied that the legal adviser has (where possible) been given an opportunity of making written representations before it. The Appointments Sub-committee shall also give the legal adviser an opportunity of being heard before it.
- 11.6 The procedure to be followed at any oral hearing shall be such as the Appointments Sub-committee in its absolute discretion determine.
- 11.7 If the Appointments Sub-committee finds that any of the allegations have been proved, the Appointments Sub-committee may make such order as it sees fit in respect of the matter, including terminating the legal adviser's contract of appointment with or without notice. The legal adviser shall be informed in writing of the Appointments Sub-committee's finding, and the Appointments Sub-committee shall provide written reasons for its decision.
- 11.8 The Appointments Sub-committee's decision shall be final.
- 11.9 Where an alleged breach of the Code is referred to the Appointments Sub-committee for consideration, legal advisers shall not act as a legal adviser until the Appointments Sub-committee has made a decision on the matter. If the Appointments Sub-committee finds no case to answer, or otherwise decides not to terminate the legal adviser's contract, the legal adviser's appointment shall be reinstated at the conclusion of the Appointments Sub-committee's consideration of the matter.

Procedure for legal advisers who are subject to criminal, regulatory or disciplinary investigation or proceedings

- 12. Special considerations shall apply where legal advisers are the subject of a criminal, regulatory or disciplinary investigation or proceedings by any body, government department or any regulatory authority. Accordingly, the following steps shall be taken:
 - (a) legal advisers must inform the Appointments Sub-committee c/o Governance - Regulation if they become aware that they are the subject of an investigation and/or proceedings;
 - (b) legal advisers will not participate in any hearings for the duration of the investigation or proceedings;

- (c) on a disciplinary order, or an order for the withdrawal of a legal adviser's practising certificate or licence taking effect, the legal adviser's contract of appointment shall be automatically terminated; and
- (d) in the event that the matter does not proceed or there is a finding of no case to answer, the legal adviser's appointment shall be reinstated.

I agree to be bound by the Code set out above, and such Code as may be enforced from time to time:

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Print name of legal adviser

.....
Signature of legal adviser

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Date