



AIA

THE ASSOCIATION
OF INTERNATIONAL
ACCOUNTANTS

DISCIPLINARY COMMITTEE PROCEEDINGS

INFORMATION FOR COMMITTEE MEMBERS

INTRODUCTION

An AIA Member may be liable to disciplinary action as a result of a breach of AIA Articles or regulatory requirements, or if a complaint has been made against him on matters of conduct or professional ethics.

Membership of the Disciplinary Committees is defined in the AIA Constitution 2013 and may not include any members of Council. Further information may be found at Articles 74 to 87.

This booklet should be seen as an introduction for members of the Disciplinary Committees and does not provide an exhaustive description of the AIA Disciplinary Proceedings. Committee members are advised to refer to the current edition of the AIA Articles and Bye-Laws with particular reference to Articles 74 – 87 and Bye-Laws 27, 30(F) and 30(G).

CONTENTS

COMMITTEES	4
ELIGIBILITY FOR MEMBERSHIP	5
CONDUCT AT MEETINGS	6
1.0 Practice Compliance Committee	7
2.0 Practice Compliance Appeal Committee	8
3.0 Investigations Committee	9
4.0 Disciplinary Committee	11
5.0 Appeal Committee	14
ARRANGEMENTS FOR MEETINGS	15
ATTENDANCE AT DISCIPLINARY HEARINGS	15
REMUNERATION	15
HEARINGS	15
PUBLICITY	16
ROUTE OF DISCIPLINARY PROCEEDINGS	17

1.0 COMMITTEES

There are five committees within the AIA disciplinary process which operate outside of the Council.

Membership of these Committees is approved at the first Council Meeting after the Annual General Meeting.

They are:

- Practice Compliance Committee
(Bye-Law 30(F))
- Practice Compliance Appeal Committee
(Bye-Law 30(G))
- Investigations Committee
(Article 76)
- Disciplinary Committee
(Article 79)
- Appeal Committee
(Article 80)

2.0 ELIGIBILITY FOR MEMBERSHIP

Nobody can be a member of more than one of the disciplinary committees at the same time.

Council members are not eligible for membership of a disciplinary committee.

Nobody who has been a member of Council may be a member of one of the disciplinary committees for a period of two years from when he ceased to be a member of Council.

The Council may at any time appoint an additional person, as an additional person, or to fill a vacancy, and also has the authority to remove a member from the committee, always ensuring that the appropriate ratio of lay members is maintained.

3.0 CONDUCT AT MEETINGS

Minutes are required to be taken at all meetings of the disciplinary committees. These are to be signed by the Chairman of the meeting at the next succeeding meeting to show agreement.

All matters dealt with by the disciplinary committees should be reported to the Council at the next succeeding Council meeting.

Each committee consists of at least five members and the quorum for a meeting is three. There are various specific requirements for each committee.

4.0 PRACTICE COMPLIANCE COMMITTEE

The Practice Compliance Committee deals with:

- The monitoring of the compliance by Members and Firms in their public practice with the Association's Articles, Bye-Laws, Regulations and Code of Ethics, relevant accounting and auditing standards, and relevant regulatory and legal requirements.
- Provision of returns, statements and information necessary for monitoring the Member's public accounting and reporting work.
- The monitoring of members in industry, commerce, public service or employed in public practice.
- The monitoring of the compliance by Members with the Association's Continuing Professional Development (CPD) requirements.

ACTIONS WHICH MAY BE TAKEN

The Committee can require remedial action to be taken by a Member, or a firm in the case of non-compliance with a Regulatory Requirement. Where there is a failure to meet a Regulatory Requirement the Committee in addition to requiring remedial action to be taken within a specified period can:

- Impose a penalty by way of a fine;
- Suspend a Practising Certificate pending the outcome of disciplinary proceedings;
- Impose a condition or restriction relating to a Practising Certificate; and/or

- Refer the failure to the Investigations Committee for further action.

Where the Committee decides to suspend a Practising Certificate the suspension is limited to a period of six months unless it is renewed by the Disciplinary Committee.

5.0 PRACTICE COMPLIANCE APPEAL COMMITTEE

To deal with all appeals from the Qualifications Committee and the Practice Compliance Committee relating to:

- The granting and holding of a Practising Certificate.
- The monitoring of Members and Firms concerning compliance with the Bye-Laws, Articles, Regulations and Code of Ethics.
- The provision of returns, statements and information relating to monitoring.

6.0 INVESTIGATIONS COMMITTEE

The requirements for membership of this committee are as specified in the Articles as follows:

The Committee consists of not less than five persons including the Chairman of whom not less than three shall be non accountants and the others Members of the Association, provided always that where the members of the Committee shall exceed five persons the majority shall always be non accountants. The quorum for the meeting is three of whom at least two shall be non accountants. The majority at any meeting must be non accountants.

The Committee is empowered to:

- Investigate all complaints referred to it by the Secretary or by the Practice Compliance Committee.
- Refer its findings and recommendations to the Disciplinary Committee.
- Settle minor complaints by mediation or other dispute resolution process in the form of a Consent Order.
- Undertake such functions relating to disciplinary proceedings allocated to it by the Articles and Bye-Laws.

ACTIONS WHICH MAY BE TAKEN

The Committee may decide that the complaint can be resolved through mediation.

If the dispute is resolved through mediation a Consent Order is required to set out the terms of the settlement and any sanction imposed.

Sanctions available to this committee are:

- i) A reprimand; and/or
- ii) A fine not exceeding £3,000; and/or
- iii) An order for costs not exceeding £5,000.

The Committee may decide to refer the complaint to the Disciplinary Committee and must provide the necessary information to assist that committee.

7.0 DISCIPLINARY COMMITTEE

The Committee consists of not less than five persons including the Chairman of whom not less than three shall be non accountants and the others Members of the Association. The quorum for the meeting is three of whom at least two shall be non accountants. The majority at any meeting must be non accountants.

No member or former member of the Investigations Committee, who has been previously involved with the complaint, is eligible to hear a complaint as a member of the Disciplinary Committee.

The Disciplinary Committee is empowered to:

- Conduct proceedings in matters referred to it by the Investigations Committee.
- Make findings in relation to disciplinary action.
- Prescribe Orders dealing with disciplinary offences.
- Undertake such functions relating to disciplinary proceedings allocated to it by the Articles and Bye-Laws.

ACTIONS WHICH MAY BE TAKEN

If the Disciplinary Committee agrees that the complaint has been proved they may make an Order against the Member/Student/Firm/Elected Member as appropriate.

In relation to a Member:

- a) Exclusion from membership
- b) Suspension of membership for a period

- c) Severely reprimand, reprimand or admonish a Member
- d) Suspend a Member from practice for a period determined by the Committee
- e) Declare a Member ineligible for a Practising Certificate
- f) Withdraw a Practising Certificate
- g) Impose restrictions on a Member's Practising Certificate
- h) Impose a fine not exceeding £30,000
- i) Order a Member to pay costs

In relation to a Student:

- a) Removal from the student register
- b) Disregard a specified period of the Student's professional experience
- c) Declare the Student ineligible to sit the examinations
- d) Disqualify from the examinations as specified by the Committee
- e) Admonish, reprimand or severely reprimand a Student
- f) Declare a Student unfit to become a member
- g) Impose a fine not exceeding £10,000
- h) Order a Student to pay costs

In relation to a Firm:

- a) Withdraw any certificates or authorisations granted by the Association, or suspend such certificates or authorisations for a period determined by the Committee

- b) Exclude from membership any Members of the Firm who are wholly or mainly responsible for the complaint
- c) Reprimand or severely reprimand the Firm
- d) Prohibit the Firm from styling itself as International Accountant, or similar
- e) Impose a fine not exceeding £30,000 per partner who is a Member of AIA
- f) Order the Firm to pay costs

In relation to an Elected Member (Honorary, Affiliate or Academic):

- a) Withdraw the Elected Member status
- b) Suspend the Elected Member status for a period
- c) Admonish, reprimand or severely reprimand an Elected Member
- d) Impose a fine not exceeding £15,000
- e) Order an Elected Member to pay costs

8.0 APPEAL COMMITTEE

The Appeal Committee consists of at least five persons of whom:

- The Chairman shall be a lawyer;
- Not less than two others shall be non accountants; and
- The others are Members of the Association.

The quorum for the meeting is three which must include the Chairman and at least one other non accountant.

Irrespective of the number of persons appointed to the Appeal Committee for the purposes of the appeal, non accountants shall always be in the majority.

The Appeal Committee has the power:

- To determine appeals against the findings and Orders of the Disciplinary Committee.
- To make Orders following the hearing of such appeals.
- Undertake such functions as are allocated to it by the Articles and Bye-Laws.

ACTIONS WHICH MAY BE TAKEN

The Committee may affirm, vary or rescind any Order and may substitute any other Order.

The Appeal Committee may also order that the complaint be heard afresh by the Disciplinary Committee.

9.0 ARRANGEMENTS FOR MEETINGS

Arrangements for meetings of the Committees will be made by the Secretary, as required, and notified to all parties.

10.0 ATTENDANCE AT DISCIPLINARY HEARINGS

The Member is given the opportunity to make written representations to the Investigations Committee and is entitled to be present and heard or represented at a meeting of the Disciplinary or Appeal Committee.

The complainant is entitled to be present at the Disciplinary or Appeal Committee but may not take part in the proceedings.

11.0 REMUNERATION

Remuneration and reasonable expenses are payable to lay members appointed to the Investigations, Disciplinary or Appeal Committees and to lay members who have been appointed to advise any of the Committees.

AIA Members are entitled to claim reasonable expenses only.

12.0 HEARINGS

Hearings are conducted as a tribunal and not as a court.

13.0 PUBLICITY

The hearings of the Disciplinary and the Appeal Committees are held in public unless it is agreed by the Committee to be inappropriate.

The findings of the disciplinary committees may be published in any newspaper or journal that the Council determines, after the member and complainant have been informed.

The findings of the committees should also be advised to any regulatory body.

14.0 ROUTE OF DISCIPLINARY PROCEEDINGS

ROUTE 1

As a result of a breach of AIA Articles or a regulatory requirement:



ROUTE 2

As a result of a complaint on a matter of conduct or professional ethics:





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