

Report of decisions



MEETING: ICAEW Regulatory Board (IRB)
DATE & TIME: 5 December 2017
LOCATION: Boardroom, Chartered Accountants Hall
CHAIR: Michael Caplan
SECRETARY: Tracy Stanhope

ATTENDEES:

Board members:	Staff:
Andrew Goldsworthy	Claire Phillips
Ann Wright	Duncan Wiggetts
Chris Fraser	Matthew Downton
David Chitty	Nigel Howell
Ian Leigh	Paul Simkins
Jane Titley	
John Milsom (until item 6.1)	
Michael Sufrin	
Philip Nicol-Gent	
Steve Barrow	

APOLOGIES Pauline Wallace

Minutes

The minutes of the previous meeting held on 10 October 2017 were approved by the IRB and signed by the chair.

Proposed amendments to the Disciplinary Bye-laws for 2018

The IRB approved the detail of five changes to the disciplinary bye laws it had previously agreed in principle at its October 2017, meeting as follows:

- A change to the misconduct test based on the FRC's misconduct test
- Introducing a time limit for the acceptance of complaints, except where it was necessary for the protection of the public or otherwise necessary in the public interest that the time limit to be waived and the matter to be investigated.
- Changes to the respondents' grounds of appeal
- Providing a right of appeal for the Investigation Committee to appeal a decision of a Disciplinary Tribunal to dismiss a complaint
- The threshold for costs against ICAEW in disciplinary proceedings

Additionally the IRB agreed changes to the bye law to enable comment on matters concerning the discharge of ICAEW's disciplinary (as well as its statutory) functions, and so that public statements are

able to be made about any facts or matters which may be brought to the attention of the head of staff and which do not constitute a 'complaint' for the purposes of the disciplinary bye laws.

A number of more minor changes to the disciplinary bye laws were also agreed.

Recruitment of QCs to be Disciplinary Tribunal Chairs

The IRB approved a proposal that all Disciplinary Tribunals be chaired by either a Queen Counsel (QC) or a legally qualified person with judicial experience. The IRB requested that the vacancies be advertised.

Amalgamation of the pool of members for ICAEW Disciplinary and Appeal Committees

The IRB approved the proposal to combine the pool of members for the ICAEW Disciplinary and Appeal Committees to help with recruitment and rostering.

Amendments to the Fitness Committee (Admission to Provisional Membership and Readmissions) Regulations and the Fitness Committee terms of reference

The IRB approved the amendments to the Regulations, , effective on and from 1 January 2018; principally to bring foundation qualification holders within the scope of the regulations together with some minor procedural amendments.

The IRB also approved the renaming of the regulations to the Fitness Committee (Admission to Provisional Membership, Re-registration and Readmission) Regulations from 1 January 2018; and approved the amendments to the Fitness Committee's Terms of Reference because of its increased role in relation to foundation qualification holders and to introduce a delegated powers review.

Fixed penalty process

The IRB agreed that the period to use for the fixed penalty process in cases where a respondent or respondent firm is the subject of a second complaint, which is of a different nature to the first complaint, should start from the date of the notice confirming the fixed penalty in relation to the initial complaint. The five year period (the duration previously decided on by the IRB) would be calculated based on the date on which the subsequent complaint was first brought to the attention of the head of staff.

The IRB concluded that the fixed penalty process should be available for multiple complaints only in cases where the allegation was that the member had no PC and no PII.

Changes to the DPB (Investment Business) Handbook for the Insurance Distribution Directive

The IRB agreed that ICAEW should approach the implementation of the Insurance Distribution Directive using the ancillary insurance intermediary route. Three IRB members volunteered to be part of a sub group formed to review the changes being made to the DPB (Investment Business) Handbook to implement the directive.

Revocation of the Statement of Professional Standing Regulations

The IRB revoked the Statement of Professional Standing Regulations effective 31 December 2017 as ICAEW was to cease to offer statements of professional standing. The IRB also approved changes to the terms of reference for the Investment Business Committee so that the committee's powers accorded with the revocation of the SPS regulations, and recommended that its own terms of reference be amended to remove the reference to the Statement of Professional Standing Regulations.