



GUIDANCE ON BOUNDARIES BETWEEN A MEMBER'S PERSONAL AND PROFESSIONAL LIFE

GUIDE

1 December 2021

This guidance has been issued by ICAEW's Ethics department to help members understand when conduct in their personal life may be of relevance to their professional life.

It does not offer exhaustive advice regarding every circumstance in which a member's personal life conduct could be of interest to ICAEW's professional conduct department. Members may also wish to refer to the following sources of information:

- ICAEW's [Code of Ethics](#)
- [Guidance on Sanctions](#)
- Guidance on the [Duty to Report Misconduct](#)

CCAB PRINCIPLES

In July 2021 the Consultative Committee of Accountancy Bodies ('The CCAB') published [guidance](#) on the high-level principles that a CCAB member body will take into account in determining whether a member may have breached their professional body's Code of Ethics, Bye-Laws and regulations.

ICAEW INTERPRETATION

As a member of the CCAB, ICAEW prescribes to these principles. This guidance explains in further detail how ICAEW will approach a case of poor conduct in a member's personal life.

Illegal Behaviour

Under ICAEW's [Code of Ethics](#) the principle of professional behaviour requires every member¹ to comply with all relevant laws and regulations. In particular, should a member commit a criminal act, then they may render themselves liable to disciplinary action.

The gravity of the offence committed is relevant, notably indictable (particularly serious criminal) offences are specifically referred to in Disciplinary Bye-law 4.1 e:

"If they have, in a court of competent jurisdiction, been convicted of an indictable offence (or have, before such a court outside England and Wales, been convicted of an offence corresponding to one which is indictable in England and Wales);"

¹ The term 'member' also includes affiliates, provisional members, foundation qualification holders, provisional foundation qualification holders and employees of a member firm or an affiliate, and member firms where relevant.

Other (non-indictable) criminal offences could constitute a breach of other Disciplinary Bye-laws that deal with a member's actions bringing discredit on themselves, ICAEW or the profession, or falling significantly short of professional standards.

Examples of criminal conduct that could render a member liable to disciplinary action include, but are not limited to:

- Assault / threats to kill
- Counterfeit offences
- Dishonesty offences including fraud
- Possession of illegal drugs
- Harassment
- Public order offences
- Road traffic offences
- Sexual offences

In considering whether a member's criminal conviction is a disciplinary matter, the Professional Conduct Department and relevant ICAEW disciplinary committee/tribunal take into account the specific facts and circumstances of the case and relevant aggravating and mitigating factors. Further details can be found in ICAEW's [Guidance on Sanctions](#).

Conduct bearing on a member's professional qualities

As a Chartered Accountant, there are certain matters where we are held to a higher standard than a lay person. For example, the general public expect that a Chartered Accountant will be competent in dealing with their own financial affairs. If HM Revenue & Customs were to raise a complaint with ICAEW that a member had made serious errors in their self assessment tax return, such as trying to claim a significant amount of tax relief with no realistic basis for the claim, this may be something that would need to be considered by the Professional Conduct Department.

Poor conduct where a member identifies themselves as a Chartered Accountant

There are instances where, although not illegal, the conduct of a member in their personal life could bring discredit to the profession. The risk of bringing discredit is heightened where a member identifies themselves as a Chartered Accountant, as the reputation of the profession could be damaged by association.

If a member behaves in such a way that the fundamental principle of professional behaviour is breached, then this could be a disciplinary matter for the member concerned. To be relevant, the behaviour would have to be of the kind that a reasonable and informed third party would likely conclude has damaged that the reputation of the profession. This could include for example posting a comment on social media, or through another form of communication (including in person), that uses highly offensive or threatening language that causes distress.

Such examples could include:

- Twitter arguments with colleagues or competitors that descend into inappropriate name calling and highly offensive language.
- Inappropriate sexual behaviour towards a colleague.

Seriously poor conduct regardless of identification as a Chartered Accountant

Although the risk of causing discredit to the profession is greater where a member behaves badly and identifies themselves as a Chartered Accountant, seriously poor conduct can also cause discredit even where the member does not identify themselves as a member of the profession. This is partly because it is relatively straightforward to find out via internet research who an individual is employed by and details of their profession. The overarching issue however is that a member who behaves extremely poorly in their personal life may demonstrate a serious lack of professional judgement and bring into question their fitness to be a professional.

A member's conduct in their personal life is more likely to be relevant in a professional context if it relates to the workplace in some way by including colleagues/clients/other accountants, or is so seriously concerning that it is of relevance regardless.

Examples of some relevant conduct include:

- Social media posts made from a personal account containing offensive racist comments.
- Physically and/or verbally assaulting a client outside of the work environment (where no criminal conviction is received).

Duty to Report Misconduct

For examples of the types of conduct that may constitute a breach of ICAEW's Disciplinary-Bye Laws, members are encouraged to consult the revised guidance on the [Duty to Report Misconduct](#).

This includes reference to the following types of conduct:

- abusive or intimidating behaviour directed at employees, managers, clients or other third parties;
- harassment, sexual or otherwise;
- being convicted of a criminal offence (minor motoring offences that do not result in disqualification are an exception);
- inappropriate use of social media.

Under Disciplinary Bye-laws 9.1 and 9.2, members are obligated to report misconduct – either their own, or of another ICAEW member, provisional member or firm, concerning matters that, if unreported, could adversely affect the reputation of the Institute or the profession as a whole.

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Chartered accountants are talented, ethical and committed professionals. There are more than 1.8m chartered accountants and students in the world, and more than 187,800 of them are members and students of ICAEW. All of the top 100 global brands employ chartered accountants.*

Founded in 1880, ICAEW has a long history of serving the public interest and we continue to work with governments, regulators and business leaders globally. And, as a world-leading improvement regulator, we supervise and monitor over 12,000 firms, holding them, and all ICAEW members and students, to the highest standards of professional competency and conduct.

We promote inclusivity, diversity and fairness and we give talented professionals the skills and values they need to build resilient businesses, economies and societies, while ensuring our planet's resources are managed sustainably.

ICAEW is the first major professional body to be carbon neutral, demonstrating our commitment to tackle climate change and supporting UN Sustainable Development Goal 13.

We are proud to be a founding member of Chartered Accountants Worldwide, a network of 750,000 members across 190 countries which promotes the expertise and skills of chartered accountants around the world.

We believe that chartered accountancy can be a force for positive change. By sharing our insight, expertise and understanding we can help to create sustainable economies and a better future for all.

* Source: CAW, 2020 – Interbrand, Best Global Brands 2019