

Report of decisions



MEETING: ICAEW Regulatory Board (IRB)
DATE & TIME: 10 October 2017
LOCATION: Boardroom, Chartered Accountants Hall
CHAIR: Michael Caplan
SECRETARY: Tracy Stanhope

ATTENDEES:

Board members:	Staff:
Ann Wright	Claire Phillips
Chris Fraser	Duncan Wiggetts
David Chitty	Matthew Downton
Ian Leigh	Pat Adair
John Milsom	Peter James
Michael Sufrin	
Pauline Wallace	
Philip Nicol-Gent	
Steve Barrow	

APOLOGIES Jane Titley, Andrew Goldsworthy

Minutes

The minutes of the previous meeting held on 13 June 2017 were approved by the IRB and signed by the chair.

Introduction of time limits for the acceptance of complaints

The IRB agreed as a matter of principle that amendments should be proposed to the Disciplinary Bye Laws for 2018 to introduce a time limit for the acceptance of complaints for investigation. The IRB decided that there should be an override of any decided time limit for exceptional circumstances.

The detail of the amendments to the Disciplinary Bye Laws will be brought back to the IRB for approval at its meeting in December.

The governance process for all the changes to the Disciplinary Bye Laws, once approved by the IRB, is that changes must be approved by ICAEW Board, ICAEW Council, ICAEW members and Privy Council.

Appeals by the Investigation Committee against decisions of disciplinary tribunals

The IRB agreed in principle that the disciplinary bye laws should be amended to enable the Investigation Committee to appeal decisions of tribunals of the Disciplinary Committee in certain limited circumstances, with the decision to appeal resting with the Investigation Committee.

The IRB was also of the view that the right of appeal should be restricted only to the liability for disciplinary action and not the sanction. The IRB did not wish to restrict the right of appeal to the regulated areas.

The detail of the amendments to the Disciplinary Bye Laws will be brought back to the IRB for approval at its meeting in December.

Threshold for costs against ICAEW in disciplinary proceedings

The IRB agreed in principle that the disciplinary bye laws be amended to include a more stringent test for the award of costs against ICAEW in disciplinary proceedings.

The detail of the amendments to the Disciplinary Bye Laws will be brought back to the IRB for approval at its meeting in December.

Amendments to the disciplinary bye laws – grounds of appeal

The IRB agreed in principle, that the disciplinary bye laws should be amended in 2018 to restrict appeals to the Appeal Committee in disciplinary proceedings to certain grounds. As to the grounds for the appeal, the IRB concluded that there should be a consistent approach so that complainants would have the same grounds of appeal as the Investigation Committee.

The detail of the amendments to the Disciplinary Bye Laws will be brought back to the IRB for approval at its meeting in December.

Amending the threshold for liability for disciplinary action under Disciplinary Bye Law 4.1(a) and (b)

The IRB discussed the suggested amendment to disciplinary bye law 4.1 and agreed to the change to amend the threshold for liability to disciplinary action.

Statement of Insolvency Practice 11 – the handling of funds in formal insolvency appointments

The IRB approved a revised version Statement of Insolvency Practice 11, effective from 1 January 2018. The SIP will apply UK wide.