

# Sanctions Handbook

For use by Disciplinary Process Committee  
Members and AIA Members

Valid for use in disciplinary proceedings with effect from 19 July 2019

# Sanctions Handbook

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## 1.0 Definitions and Glossary

The Association of International Accountants (AIA) is required to collect information about individuals to carry out its functions as a recognised professional accountancy and membership body and to act in accordance with relevant legislation and regulatory requirements.

Term	Definition
Aggravating factors	Any matter which, in the opinion of a Committee, justifies increasing the suggested level of penalty.
Appeal Committee	Appointed by AIA Council under the AIA Bye-Law 9
Complainant	A person or body who has made a complaint against a Member, Student or Firm.
Complaint	Any complaint, allegation, expression of concern, matter or event relating to the conduct (whether by act or omission) or
Consent Order	The sanctions order made by the Investigations Committee with a member's agreement where liability is admitted.
Disciplinary action	An adverse finding, plus a penalty and / or other order.
Disciplinary Committee	Appointed by AIA's Council under the AIA Bye-Law 9
Disciplinary record	In relation to any person or entity, comprises all orders, findings, financial penalties and penalties to which the
Investigations Committee	Appointed by AIA's Council under the AIA Bye-Laws 9
Member	A member of AIA.
Mitigating factors	Any matter which, in the opinion of the Committee, justifies reducing the suggested level of penalty.
Practice	Practice as a public accountant in the United Kingdom in accordance with the AIA Constitution and legislation in force
Practising Certificate	A certificate issued to a Member under the Association's Public Practice Regulations in force from time to time
Sanctions order	The order made by the Investigations Committee (by a consent order) or a Disciplinary Committee as allowed by the
Starting point	An indication of where a Committee will start when it considers its decision on a penalty.

## 2.0 Introduction to the Guidance

### 2.1 Introduction

This guidance was approved by the AIA Council on 19 July 2019 to apply to all complaints considered by:

- the Investigations Committee
- the Disciplinary Committee
- the Appeals Committee
- the Practice Compliance Committee
- the Practice Compliance Appeals Committee

The guidance sets out the methodology which should be followed by the Committees involved in AIA's Complaints, Disciplinary and Appeals process in determining the appropriate sanction to impose on an AIA Member, former Member, Elected Member or Student.

The guidance has been provided to:

- describe general principles that Committees should take into account when considering the appropriate sanction;
- set out the range of sanctions available to the Committees;
- describe relevant factors to be considered and/or decided in relation to the various sanctions;
- suggest criteria to apply when considering the seriousness of a particular case.

The guidance provides a structured approach for committee members who make decisions on sentencing and to provide Members, who may be the subject of complaints or disciplinary referrals, with a transparent range of penalties and orders likely to be imposed.

Committee members should refer to this guidance in every case when considering what sanction, or combination of sanctions, to impose.

The guidance is an evolving document that uses recent cases to define its future direction whilst maintaining a consistent approach to disciplinary sentencing.

Nothing in this guidance should be treated as a source of legal advice to any user of the guidance. Members are recommended to obtain their own legal advice.

### 2.2 The Purpose of Sanctions

AIA operates a range of sanctions that can be imposed on Members depending on the seriousness of the situation, the level and history of the Member's non-compliance and the risk posed to the interests of the public and the integrity of AIA's reputation and the reputation of the profession as a whole.

The purpose of imposing sanctions is to:

- protect the public interest
- correct and deter misconduct by Members
- uphold proper standards of conduct in the profession
- maintain the reputation of the profession in general and AIA more specifically

## 2.3 AIA Sanctions Policy and General Principles

The imposition of sanctions is a last resort.

AIA actively supports Members to prevent situations arising that would warrant a sanction being imposed. When sanctions are required, the level and duration of the sanction will correspond to the seriousness of the incident.

When any Committee finds a prima facie case or a breach of regulations or upholds a complaint and considers what sanction to impose, it should determine the appropriate sanction in relation to the following principles:

- protecting the public
- maintaining the reputation of the Association and the profession
- upholding proper standards of conduct within the profession
- correction and deterrence of misconduct

A Committee should consider each case on its own merit referring to the evidence available.

### 2.3.1 Protecting the Public

In applying the principle of 'protecting the public', AIA's Disciplinary committees should consider any clients or third parties affected and whether or not the wider public may be put at risk by the future conduct of the respondent.

In complaints which are based on the competence of the member the Disciplinary committees should consider whether the public can be properly protected and whether, instead of or alternatively to a financial sanction, whether the order should include a requirement for a respondent to undergo training.

### 2.3.2 Maintaining the Reputation of the Profession

To maintain the reputation of the profession Members guilty of serious lapses of conduct are not only expelled but also denied readmission; the most valuable asset of the profession is the confidence inspired by its collective reputation.

### 2.3.3 Maintaining Proper Standards of Conduct within the Profession

In applying this principle, the Disciplinary committees should consider whether the respondent is capable of setting the standards of conduct expected of someone within the profession and, if the issue is competence, whether further training should be considered as part of a sanction in order to improve competence and eliminate the chance of reoccurrence.

### 2.3.4 Correction and Deterrence of Misconduct

Although a sanction will not itself improve a respondent's conduct in the future or prevent others committing the same types of misconduct, a proportionate punishment can act as a deterrent both in relation to future acts of the respondent but also dissuading others from acting in the same way through fear of financial or reputational consequence.

## 3.0 The Disciplinary Legal Framework

AIA members are required and expected to act in line with the requirements set out in the AIA Constitution (incorporating the Code of Ethics).

Members who act outside of these requirements or bring the AIA into disrepute are liable for disciplinary action under the rules and regulations of the Association.

AIA's Disciplinary Process is made up of a system of committees which receive and investigate complaints, take disciplinary action and issue sanctions where appropriate.

## 3.1 AIA Bye-Laws and Regulations

AIA Disciplinary Proceedings are detailed in:

- Bye-Law 6, Ethics and Conduct
- Bye-Law 7, Disciplinary Proceedings
- Bye-Law 8, Liability to Disciplinary Action
- AIA Complaints, Disciplinary & Appeals Regulations

The framework of the Constitution sets out the following:

- Liability to disciplinary action
- Disciplinary process
- Investigations Committee
- Disciplinary Committee
- Appeal Committee
- Disciplinary Costs
- Publications of decisions and orders

The above should be referred to as the primary document when reviewing complaints and referrals, and when establishing if a defined category or type of behaviour warrants disciplinary action.

The powers and duties of the following committees are detailed in AIA Bye-Law 10:

- Practice Compliance Committee
- Practice Compliance Appeal Committee

The above Bye-Laws should be referred to as the primary document when reviewing complaints and referrals, and when establishing if a defined category or type of behaviour warrants disciplinary action.

## 3.2 AIA Code of Ethics

AIA has adopted the International Ethics Standards Board for Accountants (IESBA) Code of Ethics for Professional Accountants ("the Code"). All AIA members are bound by the AIA Constitution to observe this code.

Specifically, the Code relates to the following:

- General Application – Part A
  - Fundamental Principles
  - Integrity
  - Objectivity

- Professional Competence and Due Care
- Confidentiality
- Professional Behaviour
- Professional Accountant in Public Practice – Part B
  - Professional Appointment
  - Conflicts of Interest
  - Second Opinion
  - Fees and Other Remuneration
  - Marketing Professional Services
  - Gifts and Hospitality
  - Custody of Client Assets
  - Objectivity
  - Independence
- Professional Accountants in Business
  - Conflicts of Interest
  - Preparation and Reporting of Information
  - Acting with Sufficient Expertise
  - Financial Interests
  - Inducements

### 3.3 Professional Conduct in Relation to Taxation (PCRT)

AIA has adopted the Professional Conduct in Relation to Taxation (PCRT). This guidance, written by professional bodies for members working in tax, sets out the hallmarks of a good tax adviser, and the fundamental principles of behaviour that members are expected to follow.

The guidance has been recognised in the courts as 'setting the standard' for use by all tax advisers in the UK and, where appropriate, will be used as guidance by the disciplinary committees.

This guidance aims to make clear a tax adviser's obligation to advise their clients or businesses accurately and thoroughly of the implications of their actions, including reputational and practical aspects and includes expert commentary on more complex and difficult.

### 3.4 Anti-Money Laundering Guidance for the Accountancy Sector (AMLGAS)

Money laundering is defined very widely in UK law. It includes all forms of using or possessing criminal property (as well as facilitating the use or possession) regardless of how it was obtained.



Accountants are key gatekeepers for the financial system, facilitating vital transactions that underpin the UK economy. As such, they have a significant role to play in ensuring their services are not used to further a criminal purpose. As professionals, accountants must act with integrity and uphold the law, and they must not engage in criminal activity.

Anti-Money Laundering Guidance for the Accountancy Sector (AMLGAS) is guidance based on the law and regulations as of 26 June 2017. It covers the prevention of money laundering and the countering of terrorist financing. It is intended to be read by anyone who provides audit, accountancy, tax advisory, insolvency, or trust and company services in the United Kingdom and has been approved and adopted by the UK accountancy AML supervisory bodies.

The law which comprises the UK AML regime is contained in the following legislation and relevant amending statutory instruments:

- The Proceeds of Crime Act 2002 (POCA) as amended by the Serious Organised Crime and Police Act 2005 (SOCPA);
- The Terrorism Act 2000 (TA 2000) (as amended by the Anti-Terrorism Crime and Security Act 2001 (ATCSA) and the Terrorism Act 2006 (TA 2006));
- The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the 2017 Regulations);
- Terrorist Asset-Freezing Act 2010;
- Anti-terrorism, Crime and Security Act 2001;
- Counter-terrorism Act 2008, Schedule 7;
- The Criminal Finances Act 2017

Because this guidance has been approved by HM Treasury, the UK courts must take account of its contents when deciding whether a business subject to it has committed an offence under the 2017 Regulations, or Section 330-331 of POCA. This guidance is not intended to be exhaustive.

If an anti-money laundering supervisory authority is called upon to judge whether a business has complied with its general ethical or regulatory requirements, it is likely to be influenced by whether or not the business has applied the provisions of this guidance.

## 4.0 The Disciplinary Process

### 4.1 Disciplinary Sequence

#### 4.1.1 Complaints and Non-Compliance Referrals



The following summarises the sequence of events for non-compliance leading up to and through the various committees:

- Non-compliant issues relating to members engaged in public practice are initially referred to the Compliance Officer to review and work with members to resolve any outstanding issues
- Unresolved non-compliant issues relating to members engaged in public practice are forwarded to the Practice Compliance Committee. The Practice Compliance Committee has the power to issue fines and suspend practising certificates for a period of up to six months pending the outcome of disciplinary proceedings.
- Members receiving a fine or suspension from the Practice Compliance Committee have the right to appeal against the decision. Appeals are reviewed by the Practice Compliance Appeal Committee.
- Referrals (from the Practice Compliance and Practice Compliance Appeal Committee) are referred to the Disciplinary Committee.
- The member has the right to be present in person and/or represented by another appointed person during the course of a Disciplinary Committee meeting.
- The member or their representative provides details of any mitigating or personal issues relating to the facts of the complaint or referral.
- The Disciplinary Committee considers any request that the defendant's name is not included in any publicity and considers its decision in private.
- The Disciplinary Committee announces its decision during the course of the Committee meeting and any Disciplinary Order is issued by the Secretary to the Disciplinary Process.

- A member receiving a Disciplinary Order from the Disciplinary Committee has the right to appeal against the decision. Appeals are reviewed by the Appeal Committee.

For complaints received by the Association the process is set out in AIA's Complaints, Disciplinary and Appeals Regulations 2019.

### 4.1.2 Publicity

Sanctions concern both punishment and deterrence. AIA demonstrates its commitment to high standards and to maintaining those standards through the disciplinary process and by publishing details of the orders made.

When an order has been agreed by the Committee, other than an order to dismiss a case or where no further action is required, the Committee will instruct AIA to publish the findings in relevant newspapers, journals and websites.

AIA's website includes notices of disciplinary meetings as well as published disciplinary orders as standard.

### 4.1.3 Reporting Responsibilities

A report is submitted to regulatory bodies containing details of case findings and disciplinary orders issued.

In cases of members holding practising certificates with other professional bodies AIA will share details of case findings and disciplinary orders issued if appropriate.

AIA will inform HMRC of any instances resulting in AIA no longer providing AML supervision because of a disciplinary order.

Disciplinary findings against members are added to the Financial Conduct Authority Shared Intelligence Service (SIS) database, which is available for professional bodies and law enforcement access.

## 5.0 Determining Appropriate Sanctions

When any of the AIA's Disciplinary Process committees finds a prima facie case or a breach of regulations or upholds a complaint and considers what sanction to impose, it should determine the appropriate sanction in relation to the following principles:

- protecting the public
- maintaining the reputation of the Association and the profession
- upholding proper standards of conduct within the profession
- correction and deterrence of misconduct

### 5.1 Identifying the Relevant Category of Complaint from within the Guide

The list of possible complaints and behaviour is not exhaustive and, if there is no category which directly corresponds to the present complaint, the Committees should find the closest category with assistance from the Secretary to the Disciplinary Process.

Guidance on appropriate sanctions for specific issues of misconduct is provided within this guide.

## 5.2 Available Sanctions

If a Committee believes a complaint or referral has been proven in whole or in part, it shall find to that effect and impose a Disciplinary Order(s) on the member or firm that incorporates one or more of the available sanctions below.

A Disciplinary Order containing details of the sanction imposed will be published within 28 days from the date of conclusion of the proceedings unless there are extenuating circumstances which will be considered by the Committee presiding over the case.

### 5.2.1 No Further Action

AIA Complaints, Disciplinary & Appeals Regulations do not require that a Committee impose a sanction in every case. It is open to the Committee to conclude a case without taking further action.

However, if the Committee decides to take no further action it must be satisfied that it is in the public interest to impose no sanction and must make it clear in its reasons how it came to that decision.

### 5.2.2 Fines

When a Committee decides the most appropriate sanction to impose on a Member or Firm is a fine it must first consider the seriousness of the misconduct along with any aggravating and mitigating factors.

A fine of up to £50,000 may be imposed. The level of fine will primarily reflect the gravity of the misconduct in question, but should also reflect any financial benefit obtained by the member.

Factors which should be considered in order to determine whether a fine is an appropriate sanction include:

- if deterrence cannot be effectively achieved by issuing another sanction such as a reprimand or severe reprimand alone
- if the individual has derived any financial gain or benefit (including avoidance of loss) as a result of the misconduct
- if the misconduct involved caused or put at risk the loss of significant sums of money
- the value of the engagement, the size of the fee and any commission or any other reward
- the amount of any costs or fees which the individual has avoided incurring or paying through non-compliance
- whether the individual caused or encouraged other individuals to commit misconduct

A fine is a sanction which can be imposed as a standalone sanction or made in conjunction with all other available and appropriate sanctions.

The Practice Compliance Committee has the power to impose a fine and the Disciplinary Committee also has the power to impose an appropriate fine. The Investigations Committee can impose a fine up to a maximum of £3,000 if the dispute is resolved through mediation.

### 5.2.3 Reprimand

When a Committee decides that the most appropriate sanction to impose on a member or firm is a reprimand it must first consider the seriousness of the misconduct along with any aggravating and mitigating factors.

A Reprimand would usually be applied in situations where the conduct is of a minor nature and there appears to be no continuing risk to the public. It would also be expected that there is sufficient evidence of an individual's understanding and genuine insight into the conduct found proved. This sanction may be appropriate where most of the following factors are present. It should be remembered that this list is not exhaustive:

- willingness to comply with directions and advice provided by AIA
- failure or conduct in question is the result of misfortune
- conduct was not in deliberate disregard of professional obligations
- period over which misconduct took place was short and it was stopped as soon as possible
- there has been early and genuine acceptance that misconduct has been committed
- there has been no or very little adverse consequence – it has not caused material distress, inconvenience or loss
- early admission.

A Reprimand could also be described as a warning.

### 5.2.4 Severe Reprimand

When a Committee decides that the most appropriate sanction to impose on a member or firm is a severe reprimand it must first consider the seriousness of the misconduct along with any aggravating and mitigating factors.

A Severe Reprimand would usually be applied in situations where the conduct is of a serious nature but there are particular circumstances of the case or mitigation provided which satisfy a Committee that there is no continuing risk to the public, and there is evidence of the Member's understanding and appreciation of the conduct found to be proved. This sanction may be appropriate where most of the following factors are present. It should be remembered that this list is not exhaustive:

- the misconduct was not intentional and is no longer continuing, though the member may have acted recklessly
- evidence that the conduct would not have caused direct or indirect harm
- insight into failings
- genuine expression of regret/apologies
- previous good record
- no repetition of failure/conduct – an isolated incident
- corrective steps taken to cure the conduct and ensure future errors do not occur
- relevant and appropriate references
- co-operation during the investigations stage

A Severe Reprimand could be described as a final warning.

### 5.2.5 Withdrawal or Suspension of a Practising Certificate

If a Committee decides the most appropriate sanction would be to suspend or withdraw a practising certificate, then it should also consider the following points:

- at what point does the suspension or withdrawal commence? This may have AML reporting implications.
- are there other practising certificates within the firm and if so how effective will this sanction be on the member or firm?
- is the member also a member of another professional body? If so are there reporting implications?

## 5.2.6 Suspension from Membership

If a Committee decides the most appropriate sanction would be to suspend membership, then it should also consider the following points:

- the length of the suspension and potential impact
- whether the member is engaged in public practice
- if the member is also a member of another professional body and associated reporting implications

## 5.2.7 Exclusion

This sanction is likely to be appropriate when the behaviour of the individual is fundamentally incompatible with being a Member. This is the most serious sanction that can be imposed on a member. The Committee is also entitled to consider whether to impose a fine alongside this sanction and any other order available under the rules. Exclusion may be appropriate when the conduct involves any or all of the following circumstances from this inexhaustive list:

- serious departure from relevant professional standards, such as repeated defective work
- actual loss or adverse impact on client and / or members of the public
- abuse of trust / position
- dishonesty
- lack of understanding and insight into the seriousness of the act / omissions and the consequences thereof
- conduct continued over a period of time
- affected or had the potential to affect substantial number of clients / members of the public
- attempted to cover up the misconduct
- persistent denial of misconduct
- convictions or cautions involving any of the conduct set out above
- collusion to cover up misconduct

If a Committee decides the most appropriate sanction would be to exclude from membership, then it should also consider the following points:

- at what point does the exclusion commence? This may have AML reporting implications.
- whether the member is engaged in public practice
- if there are other practising certificates within the firm and if so how effective the sanction would be on the member or firm

- if the member is also a member of another professional body and any resulting reporting implications

### 5.2.8 Costs

AIA can apply to a Committee to recover costs from a member if a complaint or referral is proved in whole or in part.

Where possible a schedule of expenses should be provided to the Committee to consider.

All costs ordered by the Committee should be paid within 21 days and no appeal can be considered solely on the question of costs.

## 5.3 Determining the Nature and Seriousness of the Misconduct

For many complaints there are different starting points for sanctions depending on the nature and seriousness of the misconduct.

The seriousness of the misconduct in relation to some complaints depends on the quality of the work whereas, for other complaints, the seriousness depends on the mindset at the time of the conduct which is the subject of the complaint.

For these complaints the Committees will need to determine to which of the following categories the misconduct relates:

- **Very serious** where the conduct was deliberate, knowing and / or dishonest.
- **Serious** where the conduct was reckless or the result of wilful blindness.
- **Less serious** where the conduct resulted from failures to carry out certain required or expected acts or breaches of strict liability regulations where there is no evidence of a deliberate act or recklessness.

The starting points for financial sanctions are set in separate categories which will be subject to adjustment from time to time.

These sanctions may be imposed instead of, or as well as, a penalty based on fee income or return or waiver of fees or commission.

Where a Court has made a sentencing order, or where another regulatory body has imposed a sanction against a respondent, this should be considered by the Disciplinary committees. Prior orders by the Court or another regulatory body should not, however, prevent the Investigations Committee or Disciplinary Committee from imposing further sanctions, particularly non-financial sanctions, if it considers that it is appropriate to do so.

## 5.4 Considering whether there are Aggravating or Mitigating Factors

For each category of complaint, the guidance provides a 'starting point' sanction. The starting point indicates only where the Committees might start before they consider any aggravating and mitigating factors before deciding, if appropriate, to reduce or increase the penalty. Some aggravating and mitigating factors may be common to most complaints while others may be particular to the complaint in question. Common aggravating and mitigating factors are set out below:

### 5.4.1 Common Aggravating Factors

- adverse financial or other consequences on the client and / or third parties
- correct advice given on proper conduct by AIA or another but was ignored
- repeated failures and / or poor conduct over a lengthy period
- previous sanctions imposed by AIA or other regulatory bodies for similar breaches

### 5.4.2 Common Mitigating Factors

- following incorrect advice given by AIA or another party
- isolated failure and / or over a very short period
- no adverse financial or other consequences on the client or third parties
- full cooperation with AIA during the investigation of the complaint
- self-reported conduct
- breaches remedied / situation rectified
- payment of compensation or restitution made to client and / or third parties

The common mitigating and aggravating factors and those that are more complaint specific and listed at the relevant section of the guidance are inexhaustive. The Committees may find others which are relevant to a case.

## 5.5 Considering Additional or Alternative Sanctions

The Committees should consider whether the sanctions order should include, instead of or in addition to, any non-financial sanction such as Exclusion / Suspension / Severe Reprimand / Reprimand or financial sanction or any or all of the following orders:

### 5.5.1 Order to Undertake / Provide Training

Order that a respondent undertake specified training or that a firm should provide training for some or all of its employees.

The Committees should consider whether the requirement to undertake or provide training might be more appropriate to a financial sanction in achieving the objectives of maintaining professional standards and protecting the public. A requirement for training will only be appropriate in certain circumstances and will be dependent on the availability of the training prescribed.

The Committees should also consider whether the respondent has already undertaken remedial training and take this into account as a mitigating factor.

### 5.5.2 Requirement to take Advice

In appropriate cases a Committee may consider making an order that the respondent seek advice from a specified source at his own cost and implement the advice obtained.

### 5.5.3 Waiver or Return of Fees

The Committees may make an order that fees charged by a respondent to the client must be waived, or that fees already paid are returned.



## 5.5.4 Repaying Commission

The Committees may also consider making an order that the respondent pay the complainant or the client a sum related to any commission the respondent has received or will receive. Such an order is likely to be appropriate in cases where the respondent has been paid commission by agencies for work referred to them or for investment business advice or services that have been provided.

## 5.5.5 The Complainant's Expenses

If a complainant has given notice that he would like to recover expenses, the Committees may consider the request if the complaint is found proved. However, a complainant may only recover those expenses incurred in either making the complaint in the first instance or in making representations to be considered by the Committees. The maximum amount the Committees may order is £1,000.

## 5.6 Issuing Discounts

The Committees should apply a discount to reduce any financial sanction (determined by adjusting the appropriate sanction starting point for aggravating and mitigating factors) where there has been a full and unequivocal admission by the respondent at the relevant time. Discounts are not applicable to any recommended non-financial sanction.

A discount of up to 30% should be applied in cases where a full admission has been made after the respondent has received the final complaint wording and the draft report prepared for the Investigations Committee. The discount cannot be more than 30%. Earlier admissions and / or full cooperation may be considered as additional mitigating factors in the consideration of the appropriate financial and non-financial sanctions.

### 5.6.1 Investigations Committee

Admissions should not alter the Investigations Committee's decision to offer a consent order or to refer a complaint to the Disciplinary Committee if that is warranted. If there has been a qualifying admission, the discount will be applied to any financial sanction offered by the Investigations Committee in a consent order. If there is more than one complaint, and only one complaint has been fully admitted, the discount will be applied only to the sanction determined for that complaint only.

### 5.6.2 Disciplinary Committee

A discount should still be applied by the Disciplinary Committee to the financial sanction relating to any complaint where an admission was made at the relevant time when the Committee determines whether to uphold the complaint which has been referred to it.

## 5.7 Costs

The Committees have the power, in addition to imposing a non-financial sanction and / or a financial sanction, to order that the respondent pay some or all of the costs incurred by AIA in investigating and presenting the complaint(s) or a reasonable proportion of those costs. This is based on the principle that AIA members should not have to subsidise the costs caused by the minority who, through their failings, find themselves liable to disciplinary action.

A summary of the costs incurred will be sent to the respondent before the Investigations Committee meeting or the Disciplinary Committee hearing the complaint. This is sent with a covering letter which explains that, if the Investigations Committee finds a prima facie case and decides to offer a consent order, the Investigations Committee will determine whether to make a costs order as part of any consent

order. Similarly, the letter will explain ahead of a hearing that the Committees may consider making a costs order if it finds the complaint proved.

An order for costs should reflect the costs reasonably incurred and must never be imposed as a penalty. The Committees should only consider the question of costs after it has reached its decision on the appropriate penalty for the complaint.

### 5.8 Financial Means

The Committees may consider any information about a respondent's financial means and circumstances which, they believe, may have a bearing on the sanctions to be imposed.

Respondents are advised to provide, in advance of the review / hearing of the complaint, some documentary proof of their financial circumstances. If no proof is provided, then the Committees are entitled to assume that the respondent can meet any financial penalty and costs order that it includes as part of the sanction.

As well as, or in addition to, reducing the amount of any financial sanction and reducing the amount of costs to pay, the Committees can also extend the time scale within which the respondent can pay the financial element of a sanction as long as the period does not normally extend beyond one year.

### 5.9 Restricting Publicity

Respondents may request that their names not be included in the published record of a decision.

Given the expectation that AIA will be acting transparently and in the public interest in discharging its disciplinary and regulatory functions, the Committees should only accede to requests not to publish names in exceptional circumstances and only where publication is likely to involve the risk of harm to the individual or unfair impact on innocent third parties.

### 5.10 Reasons for Sanctions

AIA Committees must give reasons for their decisions on sanctions. The reasons should clearly explain:

- the interests and factors the Committee took into consideration in arriving at its decision;
- the weight it attached to those interests and factors
- how the balancing of those interests and factors led the Committee to its decision

It is important that the Committee's determination on a sanction makes clear that it has considered all the options and provides clear reasons (including mitigating and aggravating factors that influenced its decision).

### 5.11 Sanctions Imposed by Another Professional Body

It is not the purpose of a sanction to punish a Member for the second time in relation to a conviction or sanction imposed by another professional body.

Similarly, a Committee is not limited by the sanctions imposed by another professional body and is free to impose whatever sanction it deems appropriate.

## 6.0 Categories of Complaint or Referral

### 6.1 Criminal Convictions or Adverse Findings by other Regulatory Bodies

Complaint	Suggested starting sanction
Conviction involving dishonesty, breach of trust or money laundering.	Expulsion and a fine of £5000
Conviction not involving dishonesty, breach of trust or money laundering where the member receives a	Expulsion and a fine of £3000
Conviction not involving dishonesty, breach of trust or money laundering where the member does not receive a	Severe reprimand and a fine of £1000
Disqualification as a company director, trustee or misappropriation of funds from another position of trust.	Expulsion and a fine of £3000
Other misconduct as a company director, trustee or other position of trust.	Severe reprimand and a fine of £1000
Failure to comply with the Money Laundering Regulations 2017.	Severe reprimand and a fine of £2000
Adverse finding by another regulatory body involving dishonesty.	Expulsion and a fine of £3000
Adverse finding by another regulatory body not involving dishonesty.	Reprimand and a fine of £1500

### 6.2 Failure to Comply with a Decision of an AIA Disciplinary Committee

Failure to comply with an order from the Disciplinary Committees	Suggested starting sanction
Failure to comply with the order and/or failure to take advice.	Severe reprimand and a fine of £1000
Other cases where a member failed to act or acted belatedly on an order.	Reprimand and a fine of £750

## 6.3 Breach of AIA Bye-Laws and/or Regulations

Breach of AIA Bye-Laws and/or Regulations	Suggested starting
Practising without a practising certificate.	Severe reprimand and a fine of £1500
Practising without carrying adequate professional indemnity insurance.	Severe reprimand and a fine of £1500
Failure to cooperate with arranging or following a monitoring visit.	Severe reprimand and a fine of £1000
Failure to cooperate with the disciplinary process.	Reprimand and a fine of £1000
Failure to complete an annual membership/and/or firm practice return within the period specified.	Reprimand and a fine of £1000
Failure to notify of change of address.	Reprimand and a fine of £500
Holding out to be in practice or using the AIA's designatory letters when not authorised to do so.	Reprimand and a fine of £1000
Failure to certify CPD compliance or provide evidence of such compliance.	Reprimand and a fine of £500
Failure to make adequate arrangements for absence, incapacity or death.	Reprimand and a fine of £500
Failure to comply with the Public Practice Regulations in respect of Clients Money.	Reprimand and a fine of £1000
Failure to provide engagement letter to client.	Reprimand and a fine of £1000
Failure to respond properly to professional enquiry or handover.	Reprimand and a fine of £1000

## 6.4 Ethical Issues

Ethical Issues	Suggested starting
Serious breach of fundamental principles of AIA Code of Ethics.	Severe reprimand and a fine of £3000
Less serious breach of fundamental principles of AIA Code of Ethics.	Reprimand and a fine of £1000
Failure to communicate with successor or transfer information.	Reprimand and a fine of £1000
Deceiving / misleading AIA / statutory regulatory	Severe reprimand and a fine of £2000
Failing to act with integrity	Reprimand and a fine of £500
Conflict of interest	Reprimand and a fine of £500
Breach of confidentiality	Reprimand and a fine of £500

## 6.5 General Accountancy Failings and Competence

Complaint	Suggested starting sanction
Lack of attention, poor service or delay on client's affairs.	Reprimand and a fine of £1000
Bad advice.	Reprimand and a fine of £1000
Errors in client's accounts, financial statements, payroll, assurance tax returns or other client service.	Reprimand and a fine of £1000

## 6.6 Money Laundering Regulations 2017

Complaint	Suggested starting sanction
Failure to have appropriate policies, controls and procedures in place (Regulation 19 and 20)	Severe reprimand and a fine of £2000
Failure to follow firm's policies, controls and procedures.	Severe reprimand and a fine of £2000
Failure to have appropriate training for staff (Regulation 24)	Severe reprimand and a fine of £2000
Failure to implement the firm's policies and procedures and / or have appropriate internal controls to monitor	Severe reprimand and a fine of £2000
Failure to take reasonable care to ensure no-one is appointed to act, or continues to act, as an officer or	Severe reprimand and a fine of £2000
Failure by firm to report an approved person with a relevant criminal conviction to AIA within 30 days of the	Severe reprimand and a fine of £2000
Failure by firm to ensure appropriate AML supervision is in place (Regulation 7) or firm acting as a TCSP when	Severe reprimand and a fine of £2000
Failure to report	Severe reprimand and a fine of £2000
Deliberate tipping off	Severe reprimand and a fine of £2000
Any other significant breach.	Severe reprimand and a fine of £2000

## 6.7 Students and Exam Malpractice

Reference: AIA Malpractice and Maladministration Policy: Table of Offences and Range of Penalties Applied to Exam Candidates

In cases of Student malpractice, the Qualifications Committee will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice and the type of qualification involved.

The Committee can impose sanctions and penalties on candidates responsible for malpractice to:

- minimise the risk to the integrity of exams and assessments both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- ensure as a minimum that there is nothing to gain from breaking the regulations; and
- deter others from doing likewise.

The Committee will normally impose sanctions and penalties to individuals found guilty of malpractice. When considering the action to be taken, the Committee will balance responsibilities towards the rest of the cohort and the students/candidates caught up in the malpractice incident.

## 7.0 Further Information and Contact

### 7.1 About AIA

The Association of International Accountants (AIA) was founded in the UK in 1928 as a professional accountancy body and promotes the concept of 'international accounting' to create a global network of accountants.

AIA is recognised by the UK government as a recognised qualifying body for statutory auditors under the Companies Act 2006, across the European Union under the mutual recognition of professional qualifications directive and as a prescribed body under the Companies (Auditing and Accounting) Act 2014 in the Republic of Ireland. AIA also has supervisory status for its members in the UK under the Money Laundering Regulations 2017. AIA is a Commonwealth Accredited Organisation.

AIA believes in creating a global accountancy profession and supports the International Federation of Accountants (IFAC) in their vision of a global accountancy profession recognised as a valued leader in the development of strong and sustainable organisations, financial markets and economies. AIA has adopted IFAC's Code of Ethics for professional accountants and also incorporates IFAC's International Education Standards (IES) into its qualifications and policies.

AIA has members working throughout the whole spectrum of the accountancy profession. Many of our members are at the top of the accountancy industry, from senior management to director level. Conversely, significant numbers of our members work in small and medium sized businesses (SMEs) and we strive to champion the importance of SMEs and their needs.

### 7.2 Further Information

If you require any further information, please contact:

Secretary to the Disciplinary Process  
The Association of International Accountants  
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