

Appeals Regulations

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Associated regulations and policies

Code of Professional Ethics

AAT Regulations 2021

Disciplinary Regulations

Licensing Regulations

Licensing Policy

Criminal Conviction Policy

Insolvency Policy

Civil Sanctions Policy

Disciplinary Sanctions Policy

Health and Disability Policy

Indicative Sanctions Guidance

AAT Glossary

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Introduction

AAT endeavours to ensure that all applicants and members are treated fairly and consistently in accordance with the compliance policy framework agreed by the Council but recognises that there are some instances where an applicant or member might wish to appeal a decision that has been taken by AAT.

Scope and applicability

1. The *Appeals Regulations* were made by the Council on 20 November 2014 under Articles 23 and 65 of the *Articles of Association* and this version came into force on 08 September 2022 superseding all previous *Appeals Regulations*.

This document covers appeals in relation to the outcome of any decision to refuse a licence or to impose a specific condition under the *Licensing policy* or to terminate a licence under the *Licensing Regulations*; or any decision to refuse an application under the *AAT Regulations*; or any finding of misconduct or sanction imposed under the *Disciplinary Regulations*.

Purpose and objectives

2. The purpose of this policy is to set out the process of making an appeal and how AAT will respond. It stipulates a clear understanding of the appeals procedures in place and how appeals will be dealt

Terms and definitions

3. The website is the definitive guide to all policies currently in force. All terms in italics, save titles of publications, are interpreted in the *AAT Glossary* which supports the entire policy framework.

Appeal detail

Right to appeal

4. Any *member* or *applicant* who is the subject of an *appealable decision* may appeal within 14 days of the date of service of that decision (or such longer period as the *Appeals Secretary* may allow where there is good reason for the *appellant* having failed to meet the time limit).
5. No appeal shall be permitted:
 - a) solely on the question of costs; or
 - b) against the refusal of an application for an adjournment.

Form of and grounds of appeal

6. Any appeal under these *Regulations* shall be made to the *Appeals Secretary* and must contain:
 - a) the *appellant's* name and address.
 - b) the name and address of the *appellant's* representative, if any.
 - c) whether the *appellant* wishes an oral hearing of the appeal.

- d) an indication of which of the grounds of appeal set out in Regulations 8 and 9 the *appellant* relies upon in the appeal.
 - e) the reasons in support of each ground of appeal relied upon.
 - f) any documents which the *appellant* wishes the *Appeals Committee* to take into account; and
 - g) the appropriate *appeal fee*.
7. The *Appeals Secretary* may reject any appeal which does not comply with Regulation 6.
8. The grounds on which an appeal against a decision of the *Association* (in respect of a *fit and proper decision* or *licensing decision*) or of the *Disciplinary Tribunal* (in respect of a *disciplinary decision*) can be made are:
- a) the decision was unreasonable in that the *Association* or *Disciplinary Tribunal* gave insufficient weight to or drew incorrect conclusions from any material before it, which was or should have been material to its decision; and
 - b) the decision was flawed because of a serious procedural or other irregularity in the consideration of the *appellant's application* or in the proceedings before the *Disciplinary Tribunal*; and
 - c) the decision was wrong in law.
9. The additional grounds on which an appeal against a decision of the *Disciplinary Tribunal* can be made are:
- a) the *appellant* has acquired new evidence that could not have been submitted to the *Disciplinary Tribunal* and if submitted, would have been likely to influence its decision; and
 - b) the sanction imposed by the *Disciplinary Tribunal* was disproportionate in light of the facts or the *appellant's* circumstances.

Procedure on appeal

10. The *Association* shall serve a response on the *appellant* within 28 days of receipt by the *Appeals Secretary* of an appeal complying with Regulation 6 above, which must contain:
- a) the name and address of the *Association's* representative, if any.
 - b) a statement as to whether the *Association* opposes the appeal or not.
 - c) if the *Association* opposes the appeal, a statement of its reasons for doing so; and
 - d) any documents which the *Association* wishes the *Appeals Committee* to take into account.
 - e) The *Appeals Committee* shall determine its own procedure in accordance with these *Regulations* and the overriding requirement of fairness.
11. The *Appeals Secretary* shall serve upon the *appellant* at least 28 days' written notice of the date, time, and place of the *Appeals Committee* hearing and as soon as it is practicable before the hearing, inform the *appellant* of the names of the members of the *Appeals Committee* who will consider the case.
12. Where the *appellant* has not requested an oral hearing, the *Appeals Committee* may decide the matter without a meeting.
13. In disposing of an appeal under these *Regulations*, the *Appeals Committee* may determine to:

- a) dismiss the appeal.
 - b) allow the appeal and quash the decision appealed against.
 - c) substitute for the sanction or decision appealed against any other sanction or decision that could have been made by the *Disciplinary Tribunal* or *Association* as the case may be.
 - d) remit the matter back to the *Disciplinary Tribunal* or *Association* to dispose of in accordance with the directions of the *Appeals Committee*; and/or
 - e) order the payment of costs by the *member* and/or direct the refund of the *appeal fee*.
14. The *Chair of the Appeals Committee* may at any time, adjourn the proceedings at the request of any party.
 15. The *Appeals Committee* may admit any evidence it considers fair and relevant to the case before it.
 16. The *Appeals Committee* may proceed with an oral hearing in the absence of an *appellant* if it is satisfied that all reasonable efforts have been made in accordance with these *Regulations* to serve notice of the hearing on the *appellant*.
 17. All oral hearings of the *Appeals Committee* shall be open to the public, save where the *Chair of the Appeals Committee* considers that the particular circumstances of the case outweigh the public interest in holding the hearing or any part of the hearing in public.
 18. At any oral hearing of the *Appeals Committee* both parties shall be given reasonable opportunity to present or resist the appeal as appropriate.
 19. At the conclusion of an oral hearing, the *Appeals Committee* shall consider and announce its determination of the appeal in the presence of the parties.
 20. On reaching a determination (whether after an oral hearing or not), the *Appeals Committee* shall ensure that a written statement of its determination with reasons is served on the parties as soon as practicable.
 21. Any decision of the *Appeals Committee* shall be final.

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