Appeals policy and procedure 2013

Revised September 2013
# Contents

Introduction............................................................................................................................................... 3  
The Association of Accounting Technicians ......................................................................................... 3  
The compliance framework and procedures of AAT ............................................................................ 3  
Compliance framework ........................................................................................................................ 4  
About this publication .......................................................................................................................... 5  
Related publications ............................................................................................................................ 5

Scope of regulatory policy and powers .................................................................................................... 6  
1. Scope of policy ............................................................................................................................ 6  
2. Scope of appeals ........................................................................................................................ 6  
3. Commencement .......................................................................................................................... 6  
4. Definitions .................................................................................................................................... 7  
5. Grounds for appeal ....................................................................................................................... 10  
6. Scope of powers and outcomes under the policy..................................................................... 10  
7. Procedures and processes for all appeals ................................................................................ 11  
8. Important information on different types of appeals .............................................................. 13  

Appeals on membership applications – process and indicative timeline ........................................ 18  
Appeals under Members in practice (MIP) regulations - process and indicative timeline .......... 19  
Appeals on disciplinary findings – process and indicative timeline ................................................ 20
Introduction

The Association of Accounting Technicians

The Association of Accounting Technicians (AAT) upholds high standards of competence and professional conduct. Accountancy is a trusted and respected profession and AAT ensures that members:

- behave professionally and ethically
- comply with AAT regulations and relevant legislation
- keep their skills and competence up to date.

AAT also investigates complaints and misconduct allegations against AAT members and approved training providers. Depending on the circumstances, AAT may resolve these complaints informally or take disciplinary action.

The compliance framework and procedures of AAT

AAT endeavours to ensure that all applicants and members are treated fairly and consistently in accordance with the compliance framework agreed by Council that users of members’ services are protected and that the reputation of the profession is maintained.

The compliance framework of AAT is governed by the AAT Articles of Association and sets out the following compliance regulations and guidance that ultimately members must meet.

- Members in practice regulations
  Compliance requirements for members providing self-employed accountancy services.

- Disciplinary regulations
  To address non-compliance issues.

The regulations and guidance are underpinned by publications covering specific areas of compliance policy and related procedures which include:

- insolvency policy
- convictions, civil sanctions and disciplinary findings policy
- delegated powers for the handling of investigations
- indicative sanctions guidance
- appeals policy and procedure.

Information on the processes that put the different areas of compliance policy into practice and which must be understood and followed by members and applicants for membership as applicable, are included in these publications. Further information on the compliance framework is available at aat.org.uk including the purpose of each publication and how they relate to each other.

Further details also include:

- fees in relation compliance, such as the cost of appeals
- an updates page providing information on changes to compliance publications and any relevant transition arrangements.
Compliance framework

The structure of the compliance framework is shown below. The publications that are currently in force should be referred to online together with the updates page to highlight any changes in the latest edition of each publication.
About this publication

This publication provides essential information for existing and potential members that wish to understand their right to appeal and the roles and responsibilities involved in the handling of appeals cases. It sets out policy and procedure for all appeals except appeals against assessment decisions for students, which can be found in AAT’s Code of Practice for training providers.

This publication covers the following types of appeal.

Appeals on membership applications

Applicants for membership should read this document in conjunction with the Insolvency policy and/or the Convictions, civil sanctions, and disciplinary findings policy. The types of membership application are:

- applications for student membership
- applications for full membership
- applications for fellow membership.

Appeals under the Members in practice regulations

Members in practice should read this publication in conjunction with the Members in practice regulations for appeals on decisions made under those regulations.

Appeals on disciplinary findings

Members taking forward appeals on disciplinary findings should read this publication in conjunction with the Disciplinary regulations. Student members, full members and fellow members can appeal on disciplinary findings.

Related publications

Disciplinary regulations

The regulations for appeals against disciplinary findings are published in the 2012 Disciplinary regulations. The regulations set out the requirements that must be met in relation to the disciplinary procedures of AAT and how consideration of grounds for disciplinary action may be taken forward to address potential professional practice issues and misconduct.

Indicative sanctions guidance

This guidance sets out the actions and sanctions that should normally apply in cases of professional practice issues and misconduct, in order to support consistent decision-making. However there may be mitigating or aggravating factors that impact on action to be taken and sanction(s) to be applied. The guidance is not intended to substitute the judgement exercised on the facts of any individual case and provides a platform from which the most suitable action can be taken, including the right level of sanction when this is considered appropriate. The guidance is used and referred to by the Disciplinary Tribunal, Investigations Committee, Investigations team and the Compliance and Conduct team in considering the action to propose to a member.
Scope of regulatory policy and powers

1. Scope of policy

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. This policy therefore sets out the framework within which appeals will be considered. It seeks to ensure the fair, consistent and timely treatment of all appellants through a decision-making procedure that is independent from the process for reaching the original decision that is the subject of the appeal. The policy also seeks to ensure that costs are contained as much as possible for both parties.

2. Scope of appeals

This policy applies to appeals on decisions relating to:

(i) applications for student membership
(ii) applications for full membership
(iii) applications for fellow membership
(iv) the Members in practice regulations
(v) disciplinary findings against student, full and fellow members.

Appeals on decisions in relation to the Members in practice regulations include applications to join or renew membership of the Members in practice (MIP) scheme and applications to obtain or renew a licence to practise. The regulations for appeals against disciplinary findings are published in the 2012 Disciplinary regulations which should be read in conjunction with this publication.

3. Commencement

3.1. This appeals policy and procedure was finalised on 11 July 2013 and approved by the Council. It will commence operation on 1 September 2013.

3.2. This policy supersedes all previous corresponding polices on these matters and will be subject to regular review.
4. Definitions

The following definitions apply for the purposes of this policy and procedure and associated guidance.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>A postal address or, for the purposes of electronic communication, a fax number, and e-mail or postal address or a telephone number for receiving text messages in each case registered with the association.</td>
</tr>
<tr>
<td>Appeals Assessor</td>
<td>A lay member or non-lay member of the Appeals Committee that can assess, or help to assess cases for different types of appeal.</td>
</tr>
<tr>
<td>Appeal body</td>
<td>The appropriate decision maker considering the appeal in accordance with the provisions of this policy.</td>
</tr>
<tr>
<td>Appeal Committee</td>
<td>The Committee appointed under paragraphs 4-7 of the Disciplinary regulations.</td>
</tr>
<tr>
<td>Appeal Tribunal</td>
<td>The Tribunal (comprising three members of the Appeal Committee) appointed under paragraph 4(c) of the Disciplinary regulations below to determine a case.</td>
</tr>
<tr>
<td>Articles</td>
<td>The Articles of Association and the regulations of the Association from time to time in force.</td>
</tr>
<tr>
<td>Association</td>
<td>The Association of Accounting Technicians – the company regulated by the Articles of Association (See ‘Articles’ above).</td>
</tr>
<tr>
<td>Code of professional ethics</td>
<td>The AAT code that sets out fundamental ethical principles, guidance and required standards of professional behavior, to support the quality of decision-making and understanding of ethical implications for professional practice. It is based on the ‘Code of Ethics for Professional Accountants’ approved by the International Ethics Standards Board for Accountants (IESBA).</td>
</tr>
<tr>
<td>Conduct and Compliance</td>
<td>The Conduct and Compliance team of AAT.</td>
</tr>
<tr>
<td>Convictions, civil sanctions and disciplinary findings policy</td>
<td>The policy that sets out AAT’s approach and procedures for handling applications for student and full membership (including renewals and readmissions) in circumstances where an applicant has disclosed a previous conviction for criminal offences, a civil sanction and/or exclusions by another professional body on disciplinary grounds. It also covers procedures for disciplinary action in these circumstances.</td>
</tr>
<tr>
<td>Council</td>
<td>Collectively, the members of Council at any given time.</td>
</tr>
<tr>
<td>Days</td>
<td>All references to days relate to calendar days (not working days).</td>
</tr>
<tr>
<td>Disciplinary regulations</td>
<td>The AAT regulations that set out the requirements to be met in relation to the Disciplinary procedures of AAT and how consideration of grounds for disciplinary action to address potential professional practice issues is taken forward.</td>
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<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Disciplinary Tribunal</td>
<td>The Tribunal (comprising three members of the Disciplinary Committee) appointed under the Disciplinary regulations to determine a case.</td>
</tr>
<tr>
<td>Fee(s)</td>
<td>The fee or fees set from time to time by Council for any purpose under these regulations.</td>
</tr>
<tr>
<td>Fellow</td>
<td>Fellow who has satisfied the requirements for Fellow Membership and been admitted by the Council to the status of Fellow Member.</td>
</tr>
<tr>
<td>Indicative sanctions guidance</td>
<td>Guidance on the determination of sanction(s) where a member has been admitted by the Council to the status of Fellow Member.</td>
</tr>
<tr>
<td>Insolvency policy</td>
<td>The policy on the factors that AAT may consider for an applicant or member that is, or has been, insolvent, in the case of:</td>
</tr>
<tr>
<td></td>
<td>• assessing applications for admission (or readmission) to membership</td>
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<td></td>
<td>• where such information on the insolvency of a member has been brought to the attention of AAT during the course of their membership, and how AAT will consider such matters as potential misconduct.</td>
</tr>
<tr>
<td>Licence</td>
<td>Issued to a member or fellow member who is a licensed and a regulated member in practice.</td>
</tr>
<tr>
<td>Licensed member</td>
<td>A full or fellow member of AAT who holds a practising licence within the meaning of the Members in practice regulations.</td>
</tr>
<tr>
<td>Member</td>
<td>A student, affiliate, full or fellow member of AAT.</td>
</tr>
<tr>
<td>Member in practice</td>
<td>A member registered on the membership in practice scheme that requires compliance with the Members in practice regulations, who may or may not be a licensed member. Members registered on the scheme have up to two years to meet the requirements to become a licensed member.</td>
</tr>
<tr>
<td>Members in practice regulations</td>
<td>The regulations that must be complied with by Members in practice who may or may not be a licensed member (as defined above). Breach of the provisions of these regulations constitutes grounds for disciplinary action in accordance with AAT’s Disciplinary regulations in force from time to time.</td>
</tr>
<tr>
<td>Notice of Decision</td>
<td>Formal notice served on the member by Conduct and</td>
</tr>
</tbody>
</table>
Compliance, which for disciplinary proceedings is referred to in the Disciplinary regulations.

<table>
<thead>
<tr>
<th>Notice of Appeal</th>
<th>Formal notice served by the member under the Disciplinary regulations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Order of the Association</td>
<td>A formal record of disciplinary action taken against a member.</td>
</tr>
<tr>
<td>Pre-hearing review policy</td>
<td>Policy and procedures for pre-hearing reviews in the interests of ensuring a fair and timely hearing for the member under investigation.</td>
</tr>
<tr>
<td>Student</td>
<td>A person registered as a student with AAT.</td>
</tr>
</tbody>
</table>
5. Grounds for appeal

AAT is committed to ensuring that members and applicants have access to a proportionate appeals process to consider the decision taken in the first instance that may require correction on one of the following grounds:

(i) there was irregularity or unfairness in the procedure leading to the decision made
(ii) the decision reached was unreasonable
(iii) new evidence is available which was not available at the time the original decision was made.

A decision is considered ‘unreasonable’ (as stated in 5.1 (ii) above) when:
• information considered in reaching the decision was not relevant to the case
• some information that was relevant to the case was not taken into account in reaching the decision
• the decision was so unreasonable that no authority could reasonably have taken that decision.

6. Scope of powers and outcomes under the policy

6.1 The appeals body has the power to:
(i) uphold the appeal and on this basis:
   (a) set aside the decision taken in the first instance that is the subject of the appeal
   (b) vary the decision taken in the first instance that is the subject of the appeal within the scope of the decisions that the original body could have taken, including the imposition of conditions as the appeals body sees fit
   (c) refer the matter back to the body that made the decision in the first instance for reconsideration
(ii) dismiss the appeal
(iii) for disciplinary appeals, make a costs order in addition to the fines and costs already paid up to the current agreed maximum published by AAT.

6.2 The Chairman of the Appeals Committee may adjourn consideration of the appeal if new information emerges that could impact on the appeal proceedings or other proceedings that relate to the same applicant/member.

The Council will review periodically the maximum amount of the cost order that can be made, which will be published on AAT’s website aat.org.uk
7. Procedures and processes for all appeals

The consideration of all appeals should be handled proportionately, for example in relation to the complexity of the case, and the potential impact of the outcome on the appellant and the reputation of the profession.

The breadth of appeals described in this policy (at paragraph 5.1) will normally be considered and determined through the written evidence that is available, including written representations from the appellant and from Conduct and Compliance.

Appeals cases (other than appeals on disciplinary findings) are not normally held by way of an oral hearing, decided at the discretion of the Chairman of the Appeals Committee. However a member/applicant may submit a request for an oral hearing (and may also seek permission to provide oral evidence), on the basis of exceptional circumstances, or particular requirements for reasonable adjustments to provide access to engagement with the appeal. Such requests will be considered, and arrangements made at the discretion of the Chairman of the Appeals Committee.

7.1 Payment and refund of fees

(i) The current published appeal fee is payable with the Notice of Appeal sent by the member/applicant. If the appeal fee is not received with the Notice of Appeal or if the payment fails for whatever reason, then the appeal will not proceed.

(ii) In order for the Notice of Appeal to be valid, payment must be received within 21 days.

(iii) The appeal shall only be considered where all outstanding monies owed to AAT have been paid in full, which may include disciplinary costs and fines that may have been imposed by a Disciplinary Tribunal. If the appeal is upheld and the fine and/or costs set aside, AAT shall return to the individual, those monies paid in relation to disciplinary costs and fines, within 14 days.

(iv) Where the appeal is upheld and the decision made in the first instance is set aside, in accordance with paragraph 6.1(i)(a), or the matter is referred back to the body that made the decision in the first instance for reconsideration in accordance with 6.1(i)(c) then the appeal fee shall be refunded to the appellant in full.

(v) Where the appeal is dismissed, no refund shall be made.

The current fee is £50, subject to any fee changes on the 1 September every year.

Regulations for disciplinary tribunals are published in the 2012 Disciplinary regulations which should be read in conjunction with the policy and procedures in this publication.

7.2 Roles and responsibilities

The following roles and responsibilities apply in the context of all appeals.

(i) Appeal Committee
   (a) The Appeal Committee shall be constituted to consider the breadth of appeals described within this policy as specified in paragraph 5.1.
   (b) Members of the Appeal Committee shall be appointed for a period of up to three years and will be eligible for reappointment after that time, subject to any relevant policy issued from time to time by Council.
(c) The Appeal Committee shall consist of no more than 12 persons, comprising up to six non-lay members, and a maximum of six lay members who are not and who have never been either an accountant or a member of the Association.

(d) The appeal must not involve any individual who participated in the original decision being appealed.

(e) AAT shall ensure that legal advice is available for the Appeal Committee or Appeal Assessor, when required in determining the appeal, as directed by the Chairman of the Appeals Committee.

(ii) Scope of consideration

In making a decision on an appeal, the appeals body shall give consideration to:

(a) information available to the body making the decision at the time the decision being appealed was made

(b) reasons given by that body as to the decision taken

(c) regulations and policies relevant to the circumstances of the challenged decision.

(iii) Evidence

(a) The appeals body may only consider new evidence which became available after the original decision was made, that is the subject of the appeal

(b) The appeals body shall not make a finding on admissions or facts that are undisputed and that are known and understood

(c) The appeals body shall not consider evidence which was available, but not produced, at the time the original decision was made which is the subject of the appeal, except insofar as to make their determination in accordance with the provisions of paragraph 5.1.

(iv) Representations

(a) Conduct & Compliance shall be notified of the appeal and invited to make representations as it sees fit, in response to representations from the member/applicant.

(b) Any other such representations or further information provided by Conduct and Compliance (referred to in 7.2(iv) (a) above), will be shared with the appellant with notification of when consideration of the appeal will take place.

(c) The appellant may provide further representations following their consideration of any subsequent information from Conduct and Compliance, before the Appeal commences, within seven days of receipt of the notification of the appeal (referred to in 7.2(iv) (b) above).

With the exception of appeals on disciplinary findings, appeals will be usually be determined through written evidence including any written representations from the appellant and Conduct and Compliance without proceeding to an appeals hearing.

(v) Notice of decision

(a) The appellant shall be informed of the decision of the appeals body within seven days of the decision being made.

(b) Full written reasons for the decision will be supplied, normally within seven days of the appeal outcome being notified.

(c) The decision of the appeal body is final and no further right of appeal exists.

Publication of Disciplinary Appeals Tribunal outcomes is permitted under paragraphs 125 and 126 of the Disciplinary regulations. Publication includes the name and number of the member, the grounds of appeal brought by the member and the decision made by the Appeals Tribunal with written reasons and details of the basis of the decision, as deemed necessary so that the public can understand how the decision was reached.
8. Important information on different types of appeals

8.1. Appeals on student, full and fellow membership applications

Appeals on membership applications may relate to initial applications or applications to renew different types of membership. The original decision that is the subject of the appeal may have been reached through the application of relevant policies such as the Insolvency Policy or the Convictions, civil sanctions and disciplinary findings policy, and consideration by a Membership Assessor.

(i) If an applicant/member wishes to appeal a decision on a membership application, they must send a notice of appeal to AAT within 21 days of receiving notification of the original decision being appealed.

(ii) In order for Appeals on membership applications and renewals to proceed, the decision made in the first instance must satisfy one of the three criteria in paragraph 5.1 which specify the grounds on which a decision may be appealed.

(iii) Appeals Assessor

Appeals on student, full or fellow membership may be considered by an Appeals Assessor appointed by the Chairman or the Secretary of the Appeals Committee. The Appeals Assessor:

(a) must not have been involved in determining the original decision that is the subject of the appeal
(b) must make the determination having due regard to the parameters identified in paragraph 7.2 (iii) and (iv) and the representations put forward by the member.

(iv) Appeals process

Following submission of a Notice of Appeal on a membership application, Conduct and Compliance will take forward initial consideration of the appeal and respond to the applicant to:

(a) acknowledge receipt of the appeal within five days
(b) Supply any further information that AAT will rely on for consideration of the appeal
(c) Advise when the final decision on the appeal is anticipated.

(v) Information relating to 7.2 (iv) (b) must be received no later than seven days before the date when consideration of the appeal will commence.

(vi) In exceptional circumstances, for other types of appeal, the Chairman and Secretary of the Appeals Committee together may elect to convene an Appeals Hearing which will be heard in private unless there are reasons, by exception, for it to be a public hearing.

(vii) The member/applicant may only submit a request on an exceptional basis, for their appeal to be considered by way of an oral hearing and for their oral evidence to be heard, stating the reasons for their request.

(viii) The request of the applicant/member under 8.1 (vii) (above) may relate to particular requirements of the member/applicant including reasonable adjustments to provide access to engagement with the appeal.

(ix) The final determination of the appeal will be made by the Appeals Assessor, by the Appeals Tribunal if appointed for the appeal, or by the Chairman of the Appeals Committee. Full written reasons for the decision will subsequently be provided.

A membership assessor makes the final decision on the suitability of applications for membership before the appeal stage.
8.2. Applications for appeal under the Members in practice regulations

Applications for appeal can be made under the Members in practice regulations, which apply to the Members in practice scheme. The scheme operates on the basis that its members either have, or are working towards attaining, an AAT practising licence. If someone meets some but not all of the elements of the licence criteria, they may register on the scheme for a maximum of two years before applying for a licence.

Appeals under the regulations may relate to applications or renewals to join the scheme and applications to obtain or renew a licence to practice. The original decision that is the subject of the appeal may have been reached through the application of relevant policies such as the Insolvency Policy or the Convictions, civil sanctions and disciplinary findings policy, and consideration by a Membership Assessor. If such applications or renewals involve matters dealt with at a Disciplinary Tribunal, the process for disciplinary appeals will apply.

(i) If a member wishes to appeal a decision under the Members in practice regulations, they must send a Notice of Appeal to AAT within 21 days of receiving notification of the original decision being appealed.

(ii) In order for Appeals on registering for the Members in practice scheme, or on the provision or renewal of a licence to practice, the decision made in the first instance must satisfy one of the three criteria in paragraph 5.1 which specifies the grounds on which a decision may be appealed.

(iii) Appeals on decisions under the Members in practice regulations, may be considered by an Appeals Assessor appointed by the Chairman or the Secretary of the Appeals Committee.

(iv) The Appeals Assessor:

(a) must not have been involved in determining the original decision that is the subject of the appeal

(b) must make the determination having due regard to the parameters identified in paragraph 7.2(iii) and (iv) and the representations put forward by the appellant.

(v) Appeals process

Following submission of the Notice of Appeal by the member/applicant under the Members in practice regulations, Conduct and Compliance will take forward initial consideration of the appeal and respond to the applicant to:

(a) Acknowledge receipt of the appeal within five days

(b) Supply any further information that AAT will rely on for consideration of the appeal.

(c) Advise when the final decision on the appeal is anticipated.

(vi) Information relating to 7.2(iv) (c) must be received no later than seven days before the date when consideration of the appeal will commence

(vii) The process for consideration of the appeal will depend on the complexity of the case, the impact of the services provided by the applicant, if the appeal relates to a licence to practice, and the information provided in representations in support of the appeal.
(viii) In exceptional circumstances, the Chairman and Secretary of the Appeals Committee together may elect to convene an appeals hearing which will be heard in private unless there are reasons, by exception, for it to be a public hearing.

(viii) The member/applicant may only submit a request on an exceptional basis, for their appeal to be considered by way of a hearing and for their oral evidence to be heard, stating the reasons for their request. The request may also relate to particular requirements of the member/applicant in relation to reasonable adjustments to provide access to engagement with the appeal.

(ix) The final determination of the appeal will be made by Appeals Assessor, by the Appeal Tribunal, if appointed, or by the Chairman of the Appeals Committee and communicated to the applicant. Full written reasons for the decision will subsequently be provided.

See page [22] for further information on the process and indicative timeline for considering appeals under the Members in practice regulations.

8.3. Appeals against disciplinary findings

The 2012 Disciplinary regulations should be read in conjunction with this publication for requirements in relation to appeals on disciplinary findings. All disciplinary findings are determined through a Disciplinary Tribunal which is taken forward as a public hearing unless there are specific grounds for why the hearing should be heard in private.

(i) Grounds for disciplinary appeals
In respect of appeals against findings made under the Disciplinary regulations from time to time in force, the grounds of appeal shall be one of the following:

(a) That any finding of fact cannot be reasonably sustained
(b) That any finding of misconduct cannot be reasonably sustained
(c) That the sanction was excessive and/or inappropriate and/or disproportionate
(d) That there was a material procedural irregularity.

(ii) Notice of Appeal and time limits for appeals on disciplinary findings

(a) A notice of appeal against disciplinary findings shall be sent by the appellant in writing to the Secretary of the Appeal Committee at the registered address of the Association with the appropriate fee. The notice must not be sent by electronic mail unless also sent by post requiring signature on delivery,

(b) The appeal must be lodged within 21 days of the date of the original outcome given in the Notice of the Decision, on which the appeal is being progressed. A notice of appeal lodged after more than 21 days limit shall render the appeal out of time.

(c) The original decision of the Disciplinary Tribunal will stand until the 21 day period for submitting a notice of appeal has passed. If an appeal proceeds, the original decision will stand until the outcome of the appeal has been reached.

(d) The appellant will provide in their notice of appeal, the grounds for the appeal, and where applicable, additional new evidence which was not available at the time the decision was made by the Disciplinary Tribunal, with supporting evidence, to demonstrate why it was not available at that time.

(iii) Appeals process
Upon receipt of a Notice of Appeal, AAT shall:

(a) Acknowledge receipt within five days
(b) Make arrangements for the appeal to be considered and for the decision to be communicated to the member/applicant.

(c) Send the response to the notice of appeal by first class post to the applicant/member’s registered address or other latest address known to the Association, specifying the date and time of the appeal hearing.

(d) All documentation being relied on shall be provided no less than seven days in advance, including the notice of the original decision and any existing transcript of the original hearing.

(iv) The Secretary and Chairman of the Appeal Committee may together elect to convene an Appeal Tribunal on for appeals on disciplinary findings in accordance with the provisions in the *Disciplinary Regulations* and shall ensure that the Tribunal:

(a) Is independent of AAT’s Council and Secretariat

(b) Does not include members that have had any involvement in determining the original decision that is the subject of the appeal

(c) Comprises three members of the Appeal Committee including at least one lay-member of the Appeals Committee in addition to the Chairman.

(v) The Appeal Tribunal will not receive oral evidence from the member unless it directs otherwise.

(vi) Appeals hearing

(a) An appeal hearing against a disciplinary finding will normally be held in public, unless the Chairman of the Appeals Committee directs otherwise in the interests of justice or for some other substantial reason. However the appellant may submit a written request for the hearing to be held in private, stating the reasons for this proposal. If the Chairman of the Appeal Committee is in agreement, arrangements may be made to facilitate this and the application will be heard in private but the decision shall be announced in public.

(b) Prior arrangements can be made, by exception, at the discretion of the Chairman of the Appeals Committee, for the appellant to give oral evidence at the Appeal Tribunal.

- The appellant may give their oral testimony by telephone, email, or virtual conferencing if they are unable to attend the hearing in person.
- The request may also relate to particular requirements of the member/applicant in relation to reasonable adjustments to provide access to engagement with appeal.

(c) The hearing may proceed in the member’s absence if the Appeal Tribunal is satisfied that appropriate notice has been served upon him/her in writing.

(vii) The final determination of the appeal will be made by the Appeal Tribunal, or by the Chairman of the Appeals Committee and communicated to the applicant. Full written reasons for the decision will subsequently be provided.

| An index of the hearing bundle from the Disciplinary Tribunal with all documents that were considered as evidence in reaching the original decision being appealed, will be provided for the applicant/member in accordance with paragraph 116 of the Disciplinary regulations. |

| The test which the Tribunal shall apply when considering an Appeal is whether or not the decision appealed against was a decision which no reasonable Committee, or person, could have reached. |
(viii) Award of costs
The Appeal Tribunal shall consider whether it is appropriate to make an award of costs in addition to the provisions detailed in paragraph 6.1, at the discretion of the Chairman of the Appeals Committee.

See page [23] for further details of the process and indicative timeline for considering appeals on disciplinary findings.
## Appeals on membership applications – process and indicative timeline

<table>
<thead>
<tr>
<th>Application for membership is unsuccessful</th>
</tr>
</thead>
<tbody>
<tr>
<td>If an applicant receives a letter advising that their application for membership has not been successful, the reasons for the rejection of their application will also be advised, with information on their right to request an appeal.</td>
</tr>
<tr>
<td>All references days are calendar days</td>
</tr>
</tbody>
</table>

### Submission of Notice of Appeal

| Applicants have 21 days from the date of the Notice of Decision to submit their Notice of Appeal |

### Appeals process commences

<table>
<thead>
<tr>
<th>Acknowledgement within 5 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of the Notice of Appeal is acknowledged within 5 days. The period for handling the appeal commences on receipt of the Notice of Appeal.</td>
</tr>
</tbody>
</table>

### Preparation for the appeal

<table>
<thead>
<tr>
<th>Preparation and further information: Up to 28 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct and Compliance will draw up a plan to progress the appeal and may require further written representation and information. Applicants have 7 days to respond to a request for further information.</td>
</tr>
</tbody>
</table>

### Consideration of the appeal commences

<table>
<thead>
<tr>
<th>Consideration of the appeal: Further 14 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Appeal Assessor and/or the Chair of the Appeals Committee progress consideration of the appeal. Any information that will be relied on for the appeal will be provided for the applicant no later than 7 days before full consideration of the appeal commences.</td>
</tr>
</tbody>
</table>

### Recommendation and final outcome

<table>
<thead>
<tr>
<th>Final decision will normally be determined within 42 days from receipt of the Notice of Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The final outcome of the appeal is determined by the Chair of the Appeals Committee. Membership appeals will only be considered by way of a hearing in exceptional circumstances, or a hearing may be considered at the request (in writing) of the member/applicant if they have particular requirements relating to reasonable adjustments to provide access for them to engage with the appeal.</td>
</tr>
</tbody>
</table>

### Communication of final outcome

<table>
<thead>
<tr>
<th>Notification of final decision within further 7 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant will be advised of the outcome of the appeal in writing within 7 days of the final decision. Full written reasons for the decision will subsequently be provided. There is no further right of appeal.</td>
</tr>
</tbody>
</table>
# Appeals under Members in practice (MIP) regulations - process and indicative timeline

<table>
<thead>
<tr>
<th>Application/renewal for Members in practice scheme or to obtain a licence to practise is unsuccessful</th>
</tr>
</thead>
</table>
| If an applicant is advised that they are not permitted to join the Members in practice scheme or to obtain or renew a licence to practise, the reasons for the decision will be advised and information will be provided on their right to request an appeal.  
  
  All references days are calendar days |

## Submission of request for an appeal

| Applicants have 21 days from the date of the Notice of Decision to submit their Notice of Appeal |

## Appeals process commences

<table>
<thead>
<tr>
<th>Acknowledgement within 5 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of the Notice of Appeal is acknowledged within 5 days. The period for handling the appeal commences on receipt of the Notice of Appeal.</td>
</tr>
</tbody>
</table>

## Preparation for the appeal

<table>
<thead>
<tr>
<th>Preparation and further information: Up to 28 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct and Compliance will draw up a plan to progress the appeal and may require further written representation and information. Applicants have 7 days to respond to a request for further information.</td>
</tr>
</tbody>
</table>

## Consideration of the appeal commences

<table>
<thead>
<tr>
<th>Consideration of the appeal: Further 14 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Appeal Assessor and/or the Chair of the Appeals Committee progress consideration of the appeal. Any information that will be relied on for the appeal will be provided for the applicant no later than 7 days before full consideration of the appeal commences.</td>
</tr>
</tbody>
</table>

## Recommendation and final outcome

<table>
<thead>
<tr>
<th>Final decision will normally determined within 42 days from receipt of approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>The final outcome of the appeal is determined by the Chair of the Appeals Committee. Appeals under the MIP regulations will only be considered by way of a hearing in exceptional circumstances, or a hearing may be considered at the request (in writing) of the member/applicant if they have particular requirements relating to reasonable adjustments to provide access for them to engage with the appeal.</td>
</tr>
</tbody>
</table>

## Communication of final outcome

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<thead>
<tr>
<th>Notification of final decision within further 7 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant will be advised of the outcome of the appeal in writing within 7 days of the final decision. Full written reasons for the decision will subsequently be provided. There is no further right of appeal.</td>
</tr>
</tbody>
</table>
# Appeals on disciplinary findings – process and indicative timeline

<table>
<thead>
<tr>
<th>Member/applicant receives notice of decision on disciplinary findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following receipt of a Notice of Decision on disciplinary findings, a member/applicant may wish to appeal that decision. <strong>All references to days are calendar days.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission of request for an appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants have 21 days from the date of the Notice of Decision to submit their Notice of Appeal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeals process commences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acknowledgement within 5 days</strong></td>
</tr>
<tr>
<td>Receipt of the notice is acknowledged within 5 days. The period for handling the appeal commences on receipt of the Notice of Appeal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Notification of appeal arrangements and supply of written representations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notification of appeal arrangements within further 14 days</strong></td>
</tr>
<tr>
<td>The Chairman/Secretary of the Appeal Committee confirm arrangements for the appeal and will notify the appellant of the date and time of the appeal hearing. Written representation and information required to progress the appeal to final outcome may be requested. The member/applicant has 7 days to respond to the request. All documentation that is being relied on for the case will be provided for the member/applicant, including the notice of the original decision and any existing transcript of the original hearing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeal hearing and final decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consideration of appeal and final decision within 60 days</strong></td>
</tr>
<tr>
<td>Appeal hearing proceedings and final determination of the outcome of the appeal. The hearing may progress in the absence of the member if the Appeals Tribunal is satisfied that appropriate notice has been served upon him/her in writing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Communication of final outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Final determination</strong></td>
</tr>
<tr>
<td>The member will be advised of the outcome of the appeal in writing within 7 days of the final decision at the hearing. Full written reasons for the final determination of the appeal will subsequently be provided.</td>
</tr>
</tbody>
</table>