Members’ guide to the disciplinary process
Function of AAT

As a professional body the AAT is responsible for the maintenance of standards of the profession for the benefit of all its members, the public and also employers.

Why AAT has a disciplinary process?

The lack of competence or integrity by just one member can have an adverse effect upon the reputation of the whole profession unless the professional body is seen to act decisively in relation to that member. This is why AAT has a disciplinary process.

The purpose of the disciplinary process is to investigate possible misconduct and to take appropriate action when misconduct is proven. Any action taken must be to protect the public and the reputation of the profession.

What will we investigate?

AAT will investigate any allegation of misconduct where a member behaves in a manner which prejudices his/her status as a member and/or reflects adversely on the reputation of the Association. Some examples of what we will investigate are:

- bankruptcy, arrangement with creditors/individual voluntary arrangement (IVA), county court judgment (CCJ) and other insolvency circumstances
- criminal convictions
- civil offences (for example, offences under Money Laundering legislations, health and safety legislations, Director Disqualification etc.)
- complaints arising from issues of professional conduct
- student misconduct during examinations and assessments
- Member in practice failing to comply with The Money Laundering Regulations 2007 or AAT’s Money Laundering Guidance
- a member in practice failing to renew their practice license before the date of expiry
- a member failing to comply with the Association’s policy on continuing professional development (CPD).
- breach of AAT regulations, guidance or policies, including the Association’s 2012 Disciplinary Regulations, Guidelines and regulations for members in practice and Code of Professional Ethics

What circumstances will we not investigate?

AAT will not investigate, or will suspend disciplinary proceedings, in the following circumstances:

- if there are any ongoing or intended legal proceedings in relation to the matter
- fee disputes between members in practice and their clients in certain circumstances
- breach of contract or civil disputes not involving allegations of professional incompetence
- disputes between employers and employees on employment issues
- issues not connected with the professional activities of the member
- a complainant (or member) using the disciplinary process to support a subsequent legal action.

How long will it take?

The length of an investigation will depend on the complexity of the issues. We are normally able to conclude a full investigation in most cases within six months of opening a case. If we are unable to meet this timescale, the member will be advised of the reasons for delay.
How does the disciplinary process work?

The Conduct and Compliance section will start an investigation to establish the facts and circumstances directly with the member. On completion of initial enquiries, Conduct and Compliance will decide whether or not there appears to be a case to answer. The member will then be informed of the ground(s) for disciplinary action in writing, and will be invited to provide further representation in writing within 21 days.

AAT will appoint a member of the Investigations Committee along with a relevant staff member(s) of Conduct and Compliance who shall together be referred to as the ‘Investigations Team’.

In circumstances where it is so authorised by Council, Conduct and Compliance may undertake further inquiries itself as it considers necessary to complete the investigation as if it were the Investigations team.

On completion of their investigation, the Investigations Team or Conduct and Compliance will decide whether or not there are grounds for disciplinary action and what disciplinary action (if any) it recommends. The member will be informed of the outcome in writing and, if appropriate, advised of any recommendation as to his/her future conduct.

Disciplinary action

Conduct and Compliance, the Investigations Team, or Disciplinary Tribunal may recommend any one or more of the following courses of disciplinary action against a member. That the member:

- be reprimanded
- be severely reprimanded
- be debarred from sitting AAT assessments for a period of time
- have a relevant assessment result declared null and void
- give a written undertaking to refrain from continuing or repeating the misconduct in question
- be fined a sum not exceeding a maximum figure set by Council
- have his/her registration as a student withdrawn
- have his/her membership of the Association suspended
- have his/her practising licence withdrawn
- be declared unfit to become a full member
- be declared ineligible for a practising licence
- have his or her fellow member status removed (if applicable)
- be expelled from the Association.

Decision and recommendation

The member will have one month from the date of the notice to either consent or refuse the recommended disciplinary action in writing. If the member provides written consent, or does not respond within the period permitted, the recommendation of the Investigations Team or Conduct and Compliance will stand as the Order of the Association.

If the member provides written refusal of the recommended disciplinary action, the case will be referred to the Disciplinary Tribunal. Before a Tribunal is convened, Conduct and Compliance will send the member a written Notice of Allegation. The notice will include:

- a statement confirming the case will be referred for consideration before the Disciplinary Tribunal
- the allegation and the particulars of the allegation against the member
- a summary of the facts and matters relied upon by Conduct and Compliance in presenting the case
- copies of any written statement and/or other document that Conduct and Compliance has in its possession
- the names and addresses of any witnesses Conduct and Compliance intends to call in person to attend the hearing
- copies of witness statements provided by those witnesses
- a copy of the Disciplinary Regulations
- where applicable, notice of intention to make any application(s) at the pre-hearing review.
The member has one month from the date of the notice to respond to Conduct and Compliance and advise of any facts in writing such as statements they will rely upon, names and addresses of any witness they intend to call, whether they intend to appear or be represented at the hearing, and also any admission as to alleged facts and the allegation itself. Further details of this process can be found in the AAT’s 2012 Disciplinary Regulations.

What happens at a Disciplinary Tribunal?

Conduct and Compliance, on behalf of the Association, will present the case before the Disciplinary Tribunal and for this purpose may instruct a legal representative.

The member can choose between either an oral or paper determination. If the member opts for an oral hearing and wishes to attend the Disciplinary Tribunal, they have the right to call legal representation.

If a member decides not to be present at the disciplinary hearing and also not to be represented, the Disciplinary Tribunal may proceed to hear the matter in the member’s absence, if completely satisfied that notice has been served upon the member.

Further information

All time limits set out above shall be doubled when the member concerned lives outside the UK.

Full details of the disciplinary process can be found in AAT’s 2012 Disciplinary Regulations.

All documents referred to in this guide can be found on our website at aat.org.uk

If you have any questions or require further guidance please contact the Conduct and Compliance team:

AAT
140 Aldersgate Street
London
EC1A 4HY

t: +44 (0) 20 7397 3008
e: aatstandards@aat.org.uk