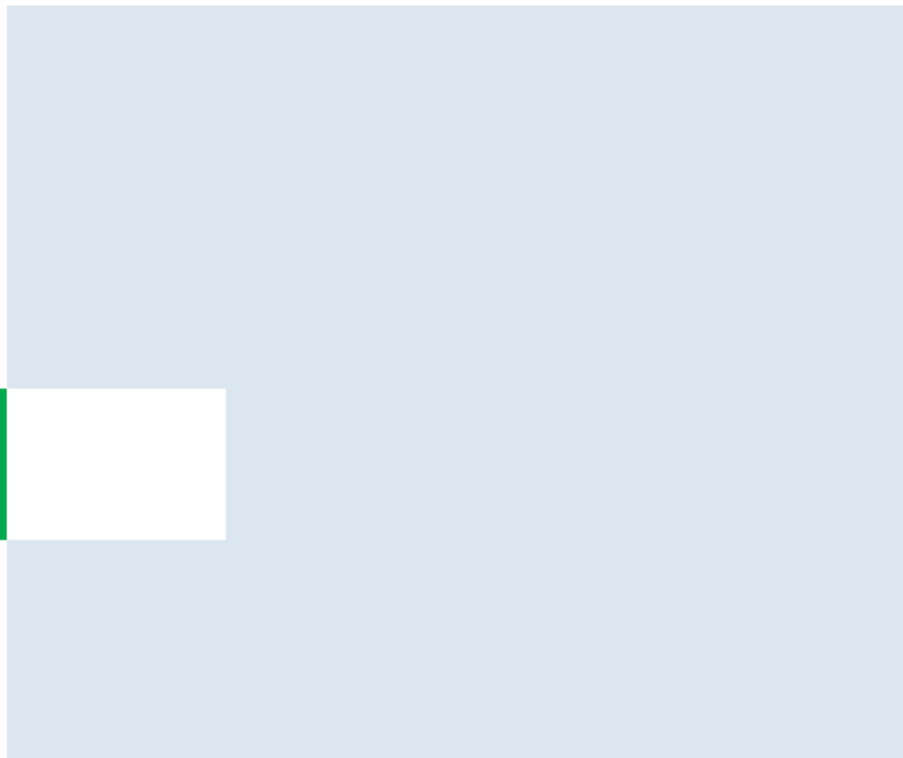


Appeals Regulations



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Associated regulations and policies

<i>Code of Professional Ethics</i>
<i>Disciplinary Hearings Policy</i>
<i>AAT Regulations</i>
<i>Licensing Regulations</i>
<i>Disciplinary Regulations</i>
<i>Health and Disability Policy</i>
<i>Protected Characteristics Policy</i>
<i>Indicative Sanctions Guidance</i>
<i>Publication Policy</i>

Contents

1.	Introduction	4
2.	Citation and commencement	4
3.	Scope and applicability	4
4.	Terms and definitions	4
5.	Right to appeal	6
6.	Form of and grounds of appeal	6
7.	Procedure on appeal	7

1. Introduction

- 1.1. 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.

2. Citation and commencement

- 2.1 These Regulations may be cited as AAT's *Appeals Regulations 2022*. They were made by the Council under Articles 21 of the *Articles of Association*.
- 2.2 These Regulations came into force on 8 September 2022 superseding all previous *Appeals Regulations*. They apply to any matters where the notice of appeal was received by AAT on or after that date.

3. Purpose and applicability

- 3.1 These regulations apply to any *member* or *applicant* who is wishing to seek a review of an *appealable decision*.
- 3.2 The purpose of the *Appeal Regulations* is to set out the Association's appeal procedures. They explain the process of investigation and adjudication, which may be by way of public hearings. Any appeal shall be dealt with in accordance with these Regulations and the *Association's* policies and guidance on such matters published from time to time.

4. Terms and definitions

- 4.1. The words and phrases set out in the following table only have the meanings set opposite them for the purpose of our regulations and policies as published by AAT from time to time in force.

Word	Meaning
<i>Articles of Association</i>	The Association's Articles of Association.
<i>Association</i>	The Association of Accounting Technicians, a company registered in England and Wales (No. 1518983) or its employees or delegees (and shall also referred to as 'AAT').
<i>Appeals Committee</i>	A committee with a quorum of three consisting of two lay and one professional panellist convening to hear appeals under the <i>Appeals Regulations</i> .
<i>applicant</i>	An individual applying for Associate, full or fellow membership under <i>AAT's Regulations</i> or for a licence under the <i>Licensing Regulations</i> .
<i>appellant</i>	An individual bringing an appeal under the <i>Appeals Regulations</i>

<i>appeal fee</i>	Any individual bringing an appeal under the Appeals Regulations must include the appropriate appeal fee.
<i>appealable decision</i>	Any decision to refuse a licence or to impose a specific condition or to terminate a licence under the <i>Licensing Regulations</i> ; or any decision to refuse an application under the <i>AAT Regulations</i> ; or any finding of misconduct or sanction imposed under the <i>Disciplinary Regulations</i> .
<i>Appeals Secretary</i>	The senior member of staff at AAT (or their appointed delegate) responsible for administering appeals brought under the <i>Appeals Regulations</i>
<i>Chair of the Appeals Committee</i>	The member of the <i>Appeals Committee</i> appointed to chair the appeals proceedings for any cases being heard under the <i>Appeals Regulations</i> .
<i>costs</i>	A monetary charge ordered against a member in respect of costs incurred by <i>Professional Standards</i> in bringing a case before a <i>Disciplinary Tribunal</i> or upon an appeal. The maximum amount as set by AAT is £15,000.
<i>Council</i>	The Council of the Association responsible for establishing and overseeing AAT's strategic direction. It delivers on this in accordance with AAT's Articles of Association.
<i>Disciplinary Tribunal</i>	A panel with a quorum of three consisting of two lay and one professional panellist drawn from the pool of the <i>Disciplinary and Conduct panel</i> to hear cases brought under the <i>Disciplinary Regulations</i> .
<i>licensing decision</i>	Any decision to grant, refuse or terminate a licence under the <i>Licensing Regulations</i> .
<i>member</i>	A person admitted to the membership of AAT in accordance with the provisions of the <i>AAT Regulations</i> (where the context so permits), this term includes associate members, full members, and fellow members, whether past or present.
<i>misconduct</i>	A <i>member</i> committing any act or omission that falls short of the standards reasonably expected of them, including but not limited to those matters listed in the <i>Code of Professional Ethics</i> , which brings, or is likely to bring, discredit to the member, the accountancy profession, or AAT.
<i>Professional Standards</i>	The department of AAT responsible for investigating misconduct and bringing cases under the <i>Disciplinary Regulations</i> .

5. Right to appeal

- 5.1 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 *Chair of the Appeals Committee* may allow where there is good reason for the *appellant* having failed to meet the time limit).
- 5.2 No appeal shall be permitted:
- 5.2.1 solely on the question of costs; or
 - 5.2.2 against the refusal of an application for an adjournment.

6. Form of and grounds of appeal

- 6.1 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 6.3 and 6.4 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 consider; and
 - g) the appropriate *appeal fee*.
- 6.2 The *Appeals Secretary* may reject any appeal which does not comply with Regulation 6.1.
- 6.3 The grounds on which an appeal against a decision of the *Association* (in respect of an application 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.

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- 6.4 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 considering the facts or the *appellant's* circumstances.

7. Procedure on appeal

- 7.1 The *Association* shall serve a response on the *appellant* within 28 days of receipt by the *Appeals Secretary* of an appeal complying with Regulation 6.1 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 consider
- 7.2 The *Appeals Committee* shall determine its own procedure in accordance with these *Regulations* and the overriding requirement of fairness.
- 7.3 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.
- 7.4 Where the *appellant* has not requested an oral hearing, the *Appeals Committee* may decide the matter without a meeting.
- 7.5 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*;
 - 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*.
- 7.6 The *Chair of the Appeals Committee* may at any time, adjourn the proceedings at the request of any party.

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- 7.7 The *Appeals Committee* may admit any evidence it considers fair and relevant to the case before it.
- 7.8 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.
- 7.9 All oral hearings of the *Appeals Committee* shall be open to the public, save where the *Chair of the Appeals Committee* considers that the circumstances of the case outweigh the public interest in holding the hearing or any part of the hearing in public.
- 7.10 At any oral hearing of the *Appeals Committee* both parties shall be given reasonable opportunity to present or resist the appeal as appropriate.
- 7.11 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.
- 7.12 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.
- 7.13 Any decision of the *Appeals Committee* shall be final.

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