

Institute urged to keep some disciplinary tribunals private

Peter Mitchell calls for a two-tier system, in which minor offences are not left open to the public gaze

Kevin Reed, [Accountancy Age](#), 18 Oct 2007

A proportion of the ICAEW's disciplinary tribunals should be conducted behind closed doors, according to the chairman of the Society of Professional Accountants.

Peter Mitchell has called for a two-tier system, where minor offences were not left open to the public gaze. 'The directions given on penalties is coarse and heavy-handed,' he said.

With the institute due to open its disciplinaries to the public from 1 January, Mitchell said the 'clock was ticking' for the ICAEW to reveal how its processes would change leading up to the event.

The public tribunal decision was made by council in tandem with a wider-ranging review of the ICAEW's disciplinary system, which Mitchell said was currently 'unfair'.

'When you are open to the public view you must be modern and fair,' said Mitchell. Minor penalties should see members given the chance to reform, which could include undertaking courses, said Mitchell. 'We haven't yet had something addressing or debating these issues. If we find the timescale isn't going to get us to the starting gun then we will bring it back to council,' he added.

Vernon Soare, ICAEW executive director professional standards, issued a robust defence of the disciplinary processes and plans for the future.

Members set for a tribunal will be able to make an application to the tribunal chairman for part or the whole of the process to be undertaken privately, if sensitive personal details are to be revealed, he said.

'We've made it clear that the chair can hear parts of the proceedings privately; we will be sensitive to that. It's not pioneering, just common practice,' said Soare.

He also defended the level of seriousness of matters which reach tribunals. 'Offences classed as minor technical breaches never reach a hearing,' he said, though members who continually commit minor breaches are brought to tribunal.

The ICAEW announced in May it would move to public tribunal hearings, leaving ICAS as the only CCAB member undertaking disciplinaries in private.

The ICAEW council had previously concluded that issues such as implications for client confidentiality and the risk of action for defamation should not inhibit a public tribunal.