

BYE LAW 8

CONTINUING PROFESSIONAL DEVELOPMENT

8.1.1

In this Bye Law 8, a reference to any statute or statutory provision includes reference to that statute or statutory provision as from time to time amended, extended or re-enacted, with or without amendment.

8.1.2

In this Bye Law 8, unless there is something inconsistent in the subject or context, words denoting the singular number only, include the plural and vice-versa; words denoting one gender only, include the other genders; words denoting individuals include corporations and vice-versa; and references to "person" include reference to a *Firm*, or corporation, or other body of persons; words such as "hereunder", "hereto", "hereof" and "herein" and other words commencing with "here" shall refer, unless the context clearly indicates to the contrary, to the whole of this Bye Law 8 and not to any particular section or paragraph thereof.

8.1.3

The headings and captions to the paragraphs in this Bye Law 8 are inserted for convenience of reference only and do not affect its construction or interpretation.

The defined terms set out in Article 1 and Article 48 of the *Articles* have the same meaning in this Bye Law 8.

8.2

Continuing Professional Development is the maintenance of professional competence by continuous updating of knowledge and skills. It is the responsibility of the individual *Member* to develop and maintain the professional competence necessary to provide high quality services to clients, employers and other stakeholders.

8.3

CPD REQUIREMENTS

8.3.1

Members in Practice and *Members* working in Practice are required to attain a total of 120 hours CPD over a 3 year period, of which 75 hours are Structured CPD and 45 hours are Unstructured

The minimum requirement is 30 hours of CPD of which at least 15 hours must be structured in any one year.

8.3.2

Members not in Practice and not working in Practice are required to complete a total of 120 hours CPD over a 3 year CPD cycle of which 60 hours are structured CPD and 60 hours unstructured CPD.

The minimum requirement is 20 hours of CPD of which at least 10 must be structured in any one year

8.3.3

CORE COMPETENCIES FOR PRACTISING CERTIFICATE HOLDERS

For holders of Practising Certificates forty hours of the Structured CPD requirement must be completed from any combination of the following six areas over a three year CPD cycle:

- Financial Accounting
- Auditing
- Law & Regulation
- Taxation
- Professional Ethics
- Practice Management

Members who are authorised as Investment Intermediaries should refer to the Investment Business regulations for specific CPD requirements.

8.4

DEFINITIONS

8.4.1

Structured CPD

Structured CPD includes all CPD which has learning as the primary objective and which is measurable and verifiable. In order for Structured CPD to be accredited it must be measurable and verifiable.

There are two forms of Structured CPD:

Directed study:

This includes formal programmes designed with learning as the primary objective and requires at least one of the following;

- physical attendance at group learning activities, for example lectures, presentations, or
- participation in technology assisted learning activities (including online, CD, audio or video training courses), or
- independent assessment of learning, for example the submission of assignments, research papers or examination.

Directed Study can be measured in terms of the hours spent on the learning activity and can be verified through attendance records, examination results etc.

Self-directed study:

This includes independent study with learning as the primary objective, including various forms of self-directed learning such as research (with published outputs), *Writing of Articles*, lecturing and, in specific circumstances, significant on-the-job training. In all cases, this form of study must have measurable outputs which can be verified by an independent and competent source. Self-directed study can be measured in terms of the hours spent arriving at an outcome that can be assessed and verified by an independent and competent source.

8.4.2

Unstructured CPD

Unstructured CPD can be defined as any form of informal learning or development of day to day working skills achieved through self-study and/or informal training. Unstructured CPD can be measurable but is not verifiable.

8.5 ACCREDITATION OF CPD ACTIVITIES

8.5.1

The principal consideration in deciding whether or not a specific programme, course or activity qualifies for Structured CPD accreditation is that it should be a formal learning experience, which is measurable and verifiable and is calculated to contribute directly to the professional competence of a *Member*.

8.5.2

Types of programmes which will qualify for structured CPD accreditation, provided the conditions below are satisfied, are:

- *Institute* Courses and Seminars
- Regional Society Courses and Seminars
- Relevant courses conducted by other recognised accountancy bodies
- Private training companies whose only or main business is professional level training
- Formal organised courses in-house which have been organised by a training department
- Courses run by a University, Institute of Technology or Business School
- Courses organised by the Irish Management Institute and similar bodies
- Formal correspondence or other individual private study programmes which require registration and provide evidence of satisfactory completion including CD, DVD, online, video and audiotape packages

8.5.3

Programmes involving class attendance must satisfy the following conditions: -

- The presenter must have qualifications and in-depth knowledge and experience appropriate to the subject to be presented and this should be fully documented in any course publicity or handout.
- There must be prepared course notes and a course outline which participants can retain for future reference.
- The presentation must be conducted in an appropriate location that allows for the optimal learning experience.
- The course must be at least one-hour in duration, which can include question and answer sessions etc.

- Records of registration and attendance must be maintained and made available to the *Institute* for verification if required.
- The presentation should be attended by a minimum of five delegates to ensure adequate participation.

8.5.4

On-Line, CD-ROM, Video and Audio Courses

In order to qualify for CPD accreditation, courses must meet the requirements for structured CPD as above and in addition: -

- The presentation should be followed by a discussion of the key points of interest or concern with the discussion led by an acknowledged expert in the subject area.
- The learning session should be attended by a minimum of five participants to ensure adequate interaction, or
- Where a course is completed only by the individual *Member*, an assignment must be completed and passed, in order to qualify as structured CPD. This should be marked by the provider of the presentation. Copies of the marked assignment must be retained by participants for future reference.

CPD accreditation will be determined by the *Institute* in the case of *Institute* CD-ROM, DVD, online, audio and video courses. Where the course provider is other than the *Institute*, details of the course should be forwarded to the *Institute* for accreditation. Courses of this nature should form no more than 50% of the annual Structured CPD requirement.

8.6

LECTURES

A *Member* may claim a maximum of 40 hours CPD credit per three year period for lecturing at accredited courses. In the case of lecturing, the initial delivery of a lecture aimed at qualified accountants and/or final level professional accountancy students and/or students completing a Masters in Finance or Accounting count on an hour for hour basis towards the structured CPD requirement. The subject should be relevant to the lecturers' work. CPD hours cannot be claimed for any subsequent delivery of the same lecture. Lecturers should retain a copy of the notes produced for those attending the lecture and verification of his/her lecturing role. *Members* can claim no more than 40 hours Structured CPD for lecturing over a three year cycle.

8.7

SERVICE ON TECHNICAL COMMITTEES / PANELS

Service on technical panels established by the Profession and/or governmental bodies may count on an hour for hour basis towards the Structured CPD requirement. It is necessary that the committee can show a definite output such as a new standard or other form of guidance and that the committee member contributed original research or other work towards the end product. In many cases, however, service on technical panels is more likely to count as Unstructured CPD.

A *Member* can claim a maximum of 15 hours CPD Credit in a three-year period. Any potential claim in this respect for Structured CPD hours must be approved in advance by the *Institute*.

8.8

OCCUPATIONAL OR INDUSTRY CHANGE

A major change in type of employment (e.g., from Public Practice to Industry) or major changes in job responsibilities that require significant development of new skills (e.g., learning about a different Industry assuming increased responsibilities, moving to a new department that is significantly different) may count towards the Structured CPD requirement.

A *Member* can claim a maximum of 15 hours CPD Credit in a three year period. Any potential claim in this respect for Structured CPD hours must be approved in advance by the *Institute*.

8.9

RESPONSIBILITY FOR MAJOR CORPORATE CHANGES

Major involvement, for the first time only, in special projects such as mergers, takeovers, debt/equity issues, major financial re-organisations, research and installations of computer software systems and/or software applications may count towards the Structured CPD requirement as Self-directed study. A *Member* can claim a maximum of 15 hours CPD credit in a three year period. Any potential claim in this respect for Structured CPD hours must be approved in advance by the *Institute*.

8.10

If a member is in any doubt as to whether a particular programme satisfies the *Institute* CPD Requirements, an outline of the programme should be submitted to the *Institute* for approval.

8.11

THE FOLLOWING IS CATEGORISED AS UNSTRUCTURED CPD.

- Lecturing on certificate, diploma and technician programmes.
- On-the-job training including training on accounting software packages which consists of informal briefings carried out by other staff members.
- Technical reading.
- Attendance at Practice Network Groups.

8.12

DEFINITION OF A CPD “HOUR” FOR ACCREDITATION PURPOSES

Each completed period of 50 minutes' attendance at an accredited course will count as one hour (e.g., a total of 400 minutes = 8 hours).

- Attendance at an accredited course for less than 50 minutes will not be counted.
- Attendance at a normal one day course will be counted as eight hours.
- Attendance at a normal half-day course will be counted as four hours.

8.13 CPD COMMITTEE

8.13.1

The Council shall in each year appoint a CPD Committee. The appointments shall be in accordance with the Articles of Association and these bye laws. The Council may appoint from time to time persons to fill any casual vacancy that arises in the membership of the CPD Committee.

8.13.2

Council shall appoint a member of the CPD Committee to be the Chairperson of the Committee.

8.13.3

The CPD Committee shall consist of not less than 5 members. The members of the CPD Committee shall all be *Members* of the *Institute*. The quorum of the meetings of the CPD Committee shall be 3.

8.13.4

The CPD Committee shall:

- (a) Monitor the level of CPD compliance and refer cases to the CPD Compliance Committee in accordance with this Bye Law.
- (b) Advise the *Institute* and its employees on implementation of compliance policy.
- (c) Review the CPD programme and make recommendations where appropriate.
- (d) Advise Council on CPD requirements from *Members* perspective.
- (e) Advise Council, where appropriate, on CPD developments, and also, recommend changes to the CPD regime.
- (f) Carry out any other functions or duties as requested by Council.

8.13.5

The CPD Committee shall have a secretary who shall be an officer or an employee of the *Institute*. The secretary shall carry out administrative functions on behalf of the Committee and shall carry out any other functions that the CPD Committee may assign to him from time to time.

8.14 RECORDING AND REPORTING

8.14.1

A *Member* will be required to submit to the *Institute*, in a manner prescribed by the *Institute*, a report outlining their CPD activity for the previous year on or before 28 February.

8.14.2

Members are responsible for retaining appropriate records and documents for 6 years so that they may provide sufficient evidence, on request, to demonstrate their compliance. If deemed appropriate by the CPD Committee, a *Member* may be called to provide such evidence to the *Institute*. The CPD Committee has the authority to have audits carried out in relation to a sample of *Members* to check compliance with CPD requirements.

8.14.3

The CPD Committee may delegate authority in relation to the recording and reporting bye laws to the secretary of the CPD Committee as it sees fit from time to time.

8.15**DUTY TO COMPLY WITH CPD REQUIREMENTS**

8.15.1

Members who are required under this bye law 8 to comply with the CPD requirements set out herein shall be liable to be referred to the CPD Compliance Committee if: -

- (a) It is alleged by the CPD Committee that the *Member* has failed to satisfy his CPD requirements.
- (b) It is alleged by the CPD Committee that the *Member* has failed to report or provide sufficient evidence to demonstrate his compliance with his CPD requirements.
- (c) It is alleged by the CPD Committee that the *Member* has failed to comply with this bye law.

8.15.2

It shall be at the discretion of the CPD Committee when it shall refer a complaint to the CPD Compliance Committee.

8.16**APPOINTMENT OF THE CPD COMPLIANCE COMMITTEE AND THE CPD COMPLIANCE APPEALS COMMITTEE**

8.16.1

The Council shall in each year appoint a CPD Compliance Committee and a CPD Compliance Appeals Committee. The appointments shall be in accordance with these bye laws.

8.16.2

The Council may appoint from time to time persons to fill any casual vacancy that arises in the membership of the CPD Compliance Committee and the CPD Compliance Appeals Committee.

8.16.3

No person who is a member of the Investigation Committee, the Disciplinary Committee, the Appeals Panel or the CPD Committee shall be a member of the CPD Compliance Committee or the CPD Compliance Appeals Committee. No person who is appointed as an Independent Reviewer under Article 49 shall be a member of the CPD Compliance Committee or the CPD Compliance Appeals Committee.

8.16.4

No person who is an employee of the *Institute* or a member of Council shall be a member of the CPD Compliance Committee or the CPD Compliance Appeals Committee. However, if during the course of a hearing of a complaint a member of the CPD Compliance Committee hearing the complaint, or during the hearing of an appeal a member of the CPD Compliance Appeals Committee, is elected or appointed to the Council he shall continue in office as a member of such CPD Compliance Committee or CPD Compliance Appeals Committee (as the case may be) until the hearing has concluded.

8.16.5

No person shall be a member of more than one of the CPD Compliance Committee and the CPD Appeals Committee.

8.16.6

The CPD Compliance Committee and the CPD Appeals Committee may from time to time and on a case by case basis seek independent legal advice in relation to any legal issues arising out of the complaint or appeal before it. The person providing such independent legal advice may attend at the hearing of the complaint or appeal at the request of the Committee, however, he shall have no role in relation to the decision process.

8.16.7

The Council shall have the power to pay remuneration and reasonable expenses of any person providing independent legal advice to the CPD Compliance Committee or the CPD Compliance Appeals Committee.

8.16.8

The CPD Compliance Committee and the CPD Appeals Committee shall each have the power to make standing orders (not being inconsistent with express provisions of this bye law 8) as may be considered by them necessary for the performance of the respective functions.

8.17**CPD COMPLIANCE COMMITTEE**

8.17.1

The CPD Compliance Committee shall consist of not less than 5 persons.

8.17.2

The quorum for meetings of the CPD Compliance Committee shall be 3 persons.

8.17.3

The Council shall appoint a Chairman and Vice Chairman of the CPD Compliance committee from among the members thereof at the same time that those members are being appointed.

8.17.4

The CPD Committee shall refer complaints to the CPD Compliance Committee under this bye law 8. The complaint must be in writing.

8.18**SECRETARY TO THE CPD COMPLIANCE COMMITTEE**

8.18.1

The CPD Compliance Committee shall have a secretary who shall be an officer or employee of the *Institute*. The secretary shall carry out the functions and duties as assigned to him in this bye law 8 and also all administrative functions relating to the CPD Compliance committee. The person who is the secretary to the CPD Compliance Committee shall not be the same person as the secretary to the CPD Committee and shall not be the same person as the secretary to the CPD Compliance Appeals Committee.

8.19**PROCEDURE BEFORE THE CPD COMPLIANCE COMMITTEE**

8.19.1

Where a complaint has been referred to the CPD Compliance Committee it shall be the duty of the CPD Compliance committee secretary to ensure that a copy of this complaint is sent to the *Member* concerned with a request for a response within 14 days.

8.19.2

The *Member* can request in writing that the CPD Compliance Committee secretary extend this 14 day time limit. The length of the extension shall be a matter for the secretary to determine.

8.19.3

The CPD Compliance Committee secretary can without such a request decide to increase the 14 day period if he is of the opinion that 14 days is not an adequate period of time to allow the *Member* respond. The *Member* shall be notified by the secretary of the time period to respond.

8.19.4

If the *Member* fails to respond within the time limit the secretary shall deem that there was no response and the matter shall proceed to the CPD Compliance Committee for investigation.

8.19.5

If the *Member* makes a written response the secretary may request any further information he deems desirable from the *Member*. The secretary shall set a time limit within which this further information is to be provided. The time limit can be extended if a request is made to the secretary and he deems such an extension appropriate in the circumstances.

8.19.6

The secretary shall then lay the complaint before the CPD Compliance Committee.

8.19.7

The CPD Compliance Committee shall have the power to call for such further information (if any) as it may consider necessary to enable it to decide whether or not a case has been made out against the *Member*.

8.19.8

The CPD Compliance Committee on receipt of the complaint may in its absolute discretion at any stage refer the matter directly to the *Institute's* Investigation Committee.

8.19.9

Before determining whether or not a case has been made out against the *Member* the CPD Compliance Committee shall: -

- (a) Give the *Member* an opportunity to be heard before it and shall permit that person to be accompanied and represented by a third party of that person's choice.
- (b) Give the *Member* the opportunity to call witnesses to give evidence on his behalf and cross examine witnesses that were not called by him.
- (c) Give the *Member* the opportunity to make submissions as he wishes to the Committee.

8.19.10

The presenter of the complaint shall also have the opportunity to: -

- (a) To be heard before it
- (b) Call witnesses to give evidence and cross examine witnesses that were not called by him.
- (c) Make submissions as he wishes to the Committee.

8.19.11

The CPD Compliance Committee secretary shall give the *Member* at least 21 days' notice of the hearing of the complaint.

8.19.12

The *Member* can apply to adjourn the hearing; an application for such an adjournment must be made to the secretary of the CPD Compliance Committee within at least 7 days from the date of the hearing. It is at the discretion of the secretary to adjourn the matter or otherwise.

8.19.13

If the *Member* fails to attend at the hearing of the complaint the CPD Compliance Committee has the absolute discretion to proceed with the hearing of the complaint or to adjourn the hearing to another date.

8.19.14

If the CPD Compliance Committee determines that the case has not been made out against the *Member* it shall notify the CPE Committee and the *Member* of that decision.

8.19.15

If the CPD Compliance Committee determines that the case has been made out against the *Member* it has the power to make any or all of the following orders: -

- (a) That the *Member* be reprimanded.
- (b) That the *Member* be fined a sum not exceeding €2,500.
- (c) That the *Member* be required and/or directed to carry out a certain course of action within a set period of time.
- (d) That the *Member* be directed to pay a certain sum of costs to the

Institute in an amount not exceeding €3,000.

8.19.16

The CPD Compliance Committee shall notify the *Member* of its decision and of any Orders made by it in writing within 21 days from the date of the hearing of the complaint.

8.20

RIGHT OF APPEAL TO THE CPD COMPLIANCE APPEALS COMMITTEE

8.20.1

The *Member* has a right to appeal the decision of the CPD Compliance Committee to the CPD Compliance Appeals Committee within 21 days of the date of the notice in writing notifying him of the determination of the CPD Compliance Committee.

8.20.2

The *Member* must set out in writing the grounds under which he is appealing and provide all information and/or documentation and submissions he is relying on when submitting his appeal.

8.21

CPE COMPLIANCE APPEALS COMMITTEE

8.21.1

The CPD Compliance Appeals Committee shall consist of not less than 5 persons.

8.21.2

The quorum for meetings of the CPD Compliance Appeals Committee shall be 3 persons.

8.21.3

The Council shall appoint a Chairman and Vice Chairman of the CPD Compliance Appeals Committee from among the members thereof at the same time that those members are being appointed.

8.21.4

The CPD Compliance Appeals Committee shall deal with all appeals in writing only. The CPD Compliance Appeals Committee has the discretion to permit a *Member* appear in person before it.

8.22

SECRETARY TO THE CPE COMPLIANCE COMMITTEE

8.22.1

The CPD Compliance Appeals Committee shall have a secretary who shall be an officer or employee of the *Institute*. The secretary shall carry out the functions and duties assigned to him in this bye law 8 and also all administrative functions relating to the CPD Compliance Appeals Committee. The person who is the secretary to the CPD Compliance Appeals Committee shall not be the same person who is secretary to the CPD Compliance Committee and shall not be the same person who is secretary to the CPD Compliance Committee.

8.23

PROCEDURE BEFORE THE CPD COMPLIANCE APPEALS COMMITTEE

8.23.1

A *Member* can request in writing that the CPD Compliance Appeal Committee secretary extend the time limit for bringing an appeal. The decision to grant or refuse such an extension is a matter for the secretary. The length of the extension shall be a matter for the secretary to determine.

8.23.2

The secretary of the Committee shall lay the appeal before the CPD Compliance Appeals Committee.

8.23.3

The CPD Compliance Appeals Committee shall have the power to call for such further

information (if any) as it may consider necessary to enable it to decide on the appeal.

8.23.4

After considering a *Members* appeal the CPD Compliance Appeals Committee shall: -

- (a) Uphold the appeal and set aside the determination and Orders of the CPD Compliance Committee OR
- (b) Reject the appeal and uphold the orders imposed by the CPD Compliance Committee.
- (c) Reject the appeal in relation to the determination that a case was made out against the *Member* but set aside, vary or amend the sanctions imposed by the CPD Compliance Committee, including imposing additional costs on the member associated with the appeal process.

8.23.5

The CPD Compliance Appeals Committee does not have the power to increase the sanctions imposed by the CPD Compliance Committee.

8.23.6

The *Member* will be notified in writing within 21 days of the CPD Compliance Appeals Committee reaching its decision at the decision.

8.24

FAILURE OF A MEMBER TO COMPLY WITH AN ORDER OF THE CPD COMPLIANCE COMMITTEE OR THE CPD COMPLIANCE APPEALS COMMITTEE.

8.24.1

If a *Member* fails to comply with the terms of any sanction made by the CPD Compliance Committee or the CPD Compliance Appeals Committee the respective committee has the right to make a complaint under the disciplinary process as set out in Bye Law 6.

8.25

EXEMPTIONS FROM CPD REQUIREMENTS

8.25.1

Retired *Members*

Members who are not gainfully employed, who do not intend at any time thereafter to seek nor accept gainful employment either temporarily or permanently and who have made a written application for transfer to the retired *Membership* category which has been accepted, are exempt from mandatory CPD requirements.

8.25.2

Career Break

Each Career Break must be approved in advance by the *Institute*. Career Break status *Members* may opt to be exempted from the requirements for a total of two years. The application for exemption must be made in the first and/or second year of a career break period.

8.25.3

Serious Illness

A serious illness may prevent a *Member* from meeting the requirements of mandatory CPD. In this case, the *Member* should submit the CPD Return form, together with a letter of explanation (and appropriate medical documentation).

8.25.4

Maternity Leave, Adoptive Leave and Carer's Leave

For the purposes of CPD only, the requirement of CPD hours shall in any year be reduced pro rata with the amount of statutory maternity leave, statutory adoptive leave or statutory carer's leave taken by a *Member*.

8.25.5

Members may require an exemption for a valid reason other than those set out above. If a *Member* seeks an exemption he should apply as soon as reasonably possible to the CPD Committee *In Writing* setting out the reasons that he seeks an exemption together with any appropriate documentation. The decision to grant or refuse the exemption shall be a matter solely at the discretion of the CPD Committee.

8.25.6

All applications for exemptions must be made *In Writing* and must be approved by the CPD Committee. If or when a *Members* status changes which results in him being no longer qualified for an exemption that *Member* is then required to meet the full CPD requirements of the *Institute* as set out in this bye law 8.