



PRACTICE MONITORING
ANNUAL REPORT 2017



2017

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INTRODUCTION

We are pleased to present our annual report for 2017. As in previous years, this report aims to provide transparency over our work and includes:

- An overview of the activities of ICAS Practice Monitoring during 2017; and
- Key messages and detailed findings arising from monitoring reviews.

We hope that you find it useful in considering how effectively your firm is complying with regulatory requirements. We encourage you to share the report with your colleagues.

If you have any comments or questions, please contact us on auditandpracticemonitoring@icas.com.

FOREWORD

A challenging regulatory landscape

We recognise, first and foremost, that it has been a tough year for firms, mainly due to the challenges arising from changes in the economic and regulatory landscape. A number of significant regulatory changes have taken effect this year, including:

- UK GAAP (FRS 102, FRS 102 1A, FRS 105) and accounts filing changes at Companies House, resulting in changes to corporate reporting in the UK – particularly the implementation of FRS 102 1A and FRS 105 for smaller companies;
- SORP Changes for charities and pension scheme accounts; and
- The new Money Laundering Regulations 2017 (or its formal title, “The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”) creating far wider anti-money laundering requirements.

This period of change continues, with further regulatory developments coming soon:

- The establishment of our new Anti-Money Laundering (“AML”) regulator, The Office for Professional Body Anti-Money Laundering Supervision (“OPBAS”), effective from 1 January 2018;
- The General Data Protection Regulation (GDPR), which comes into force on 25 May 2018; and
- Making Tax Digital, which is due to commence for VAT only in April 2019.

We recognise that this period of flux has put significant pressure on workload, fees and recoverability for most firms.

These changes have inevitably had a knock-on impact on compliance, increasing the number of firms requiring follow-up checks after their Practice Monitoring review. Unsurprisingly, the main focus of our report is on:

- AML compliance; and
- Financial reporting (implications of the new UK GAAP and SORPs).

Looking to the future

2018 is set to be another challenging, but interesting, year, as highlighted in our section “2018 News”.

In the meantime, the key is to try and stay on top of changes. We hope you find this report useful in keeping up to date with some of the main challenges we find.

WHAT WE DO

Background: Developmental Regulation

We aim to deliver Developmental Regulation. This means that our Practice Monitoring regime is designed to both:

- support the work of ICAS Practising Certificate holders and their firms; and
- uphold standards and provide re-assurance to the public.

Our primary role is to **work with**, and to **support**, practitioners and firms to make any improvements required.

As explained previously, the regulatory landscape has become increasingly challenging, meaning we require to act as a robust regulator, when required.

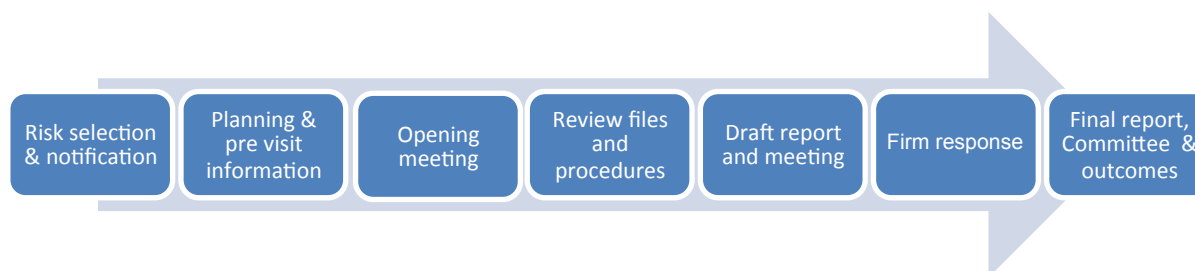
What we review

Practice Monitoring reviews all areas of accountancy practice, except for audit and insolvency activities, which are covered by our Audit and Insolvency Monitoring teams, and are covered by separate annual reports.

We risk assess firms to decide on the timing and frequency of reviews, and we use different delivery methods appropriate to the size and types of practices. Most firms will receive an onsite visit, however we also conducted desktop or telephone reviews during 2017 for the smallest practices assessed as low risk.

How we review

Our visit process is, as follows, for on-site visits:



For desktop reviews, firms submit their files and procedures for the monitoring team to review off-site and a telephone call is held with the firm to go over the findings, after which the draft report is sent to the firm.

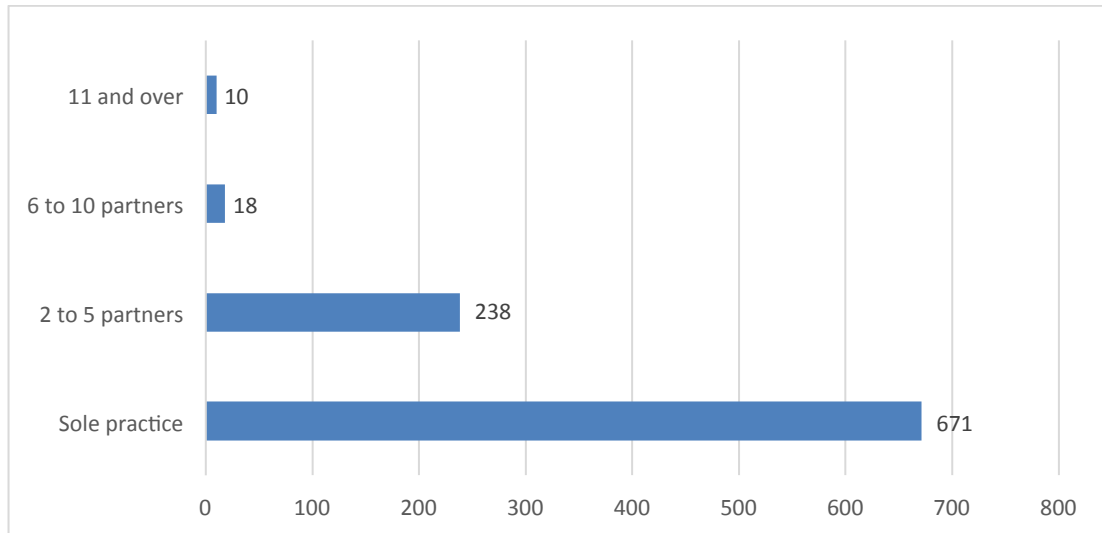
In the case of telephone reviews, no files or procedures are reviewed and the review consists of a telephone discussion with the firm, followed by the issue of a report. As also covered in “2018 News” we are unlikely to conduct many, if any, telephone reviews going forward, due to the changing regulatory landscape.

For more information about Practice Monitoring, and the role of the Authorisation Committee, please search for “**practice monitoring**” at icas.com.

Who we review

We regulated 937 firms and conducted 182 reviews during 2017.

Size of firms regulated by ICAS at the end of 2017

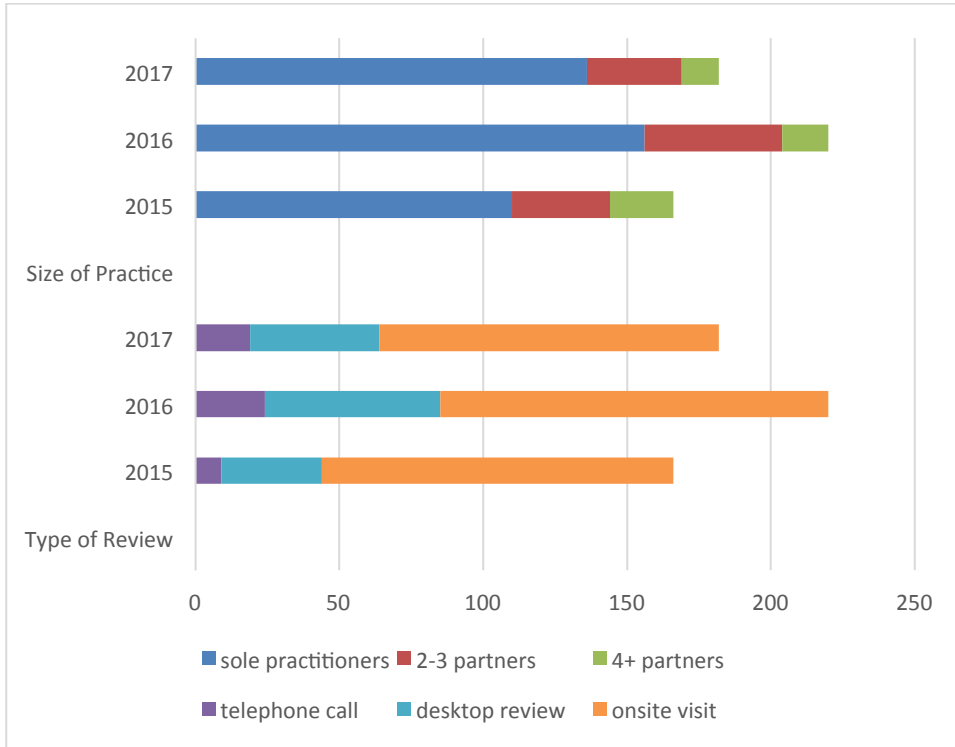


2017 MONITORING RESULTS

Reviews

In 2017 we conducted 182 Practice Monitoring reviews (2016: 220, 2015: 166, 2014: 189), via a combination of delivery methods, and to firms of differing sizes.

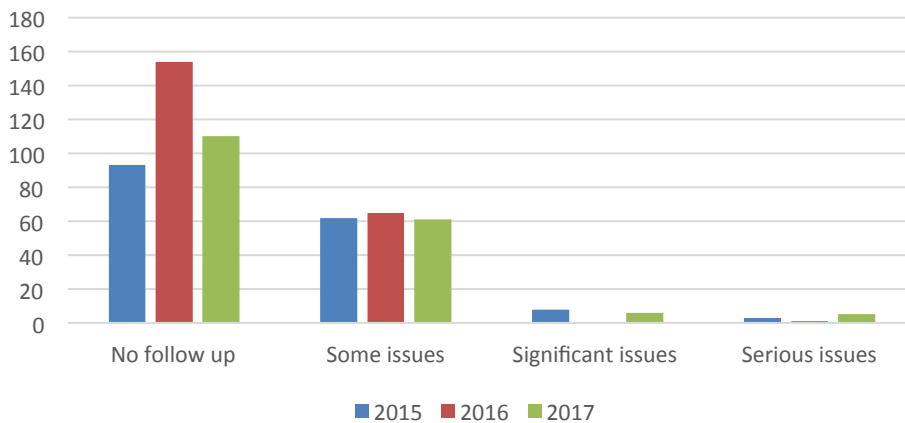
The majority of our reviews were to small firms, which mirrors our community of practitioners:



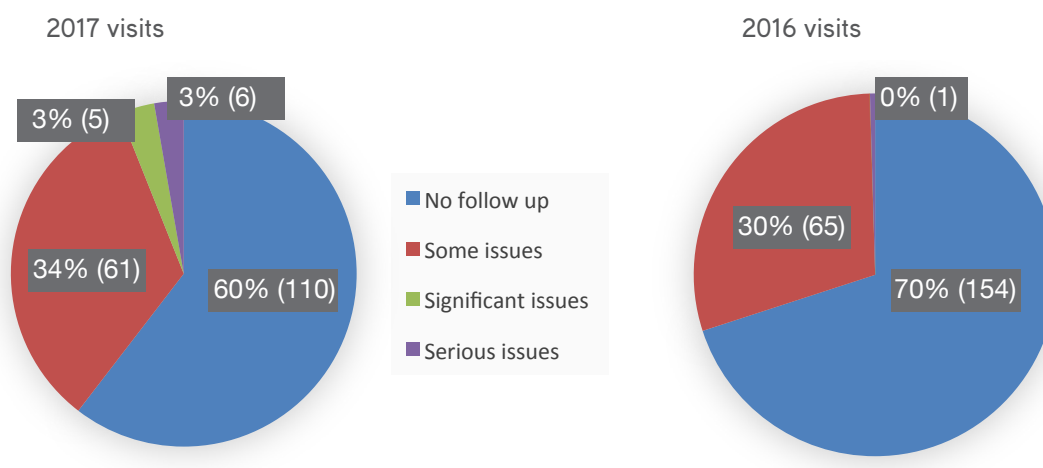
In addition, in excess of 60 follow-up checks were conducted during 2017.

Review outcomes

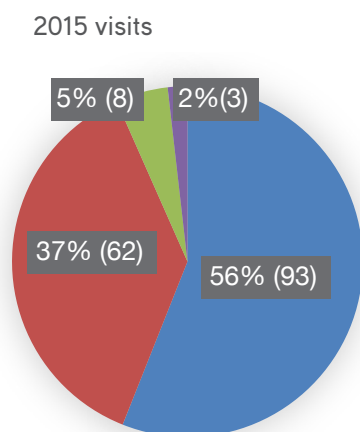
The results for the 182 reviews in 2017 compared to prior years were (by number of firms):



The review outcomes, compared to previous years, expressed as %s:



For clarity, the diagram above shows 1 review in 2016 resulting in serious issues.



It is difficult to make comparisons year-on-year as:

- different firms are reviewed each year; and
- the regulatory landscape has been changing significantly.

Despite the challenges being faced, 60% of firms still achieved satisfactory standards of compliance and required no follow-up. We expected a downturn in overall compliance during this year and think this is set to continue until the main regulatory changes bed in.

34% of firms required follow-up checks for only limited aspects of their practice. In the main, this related to procedural issues in relation to AML compliance, or financial statement disclosures.

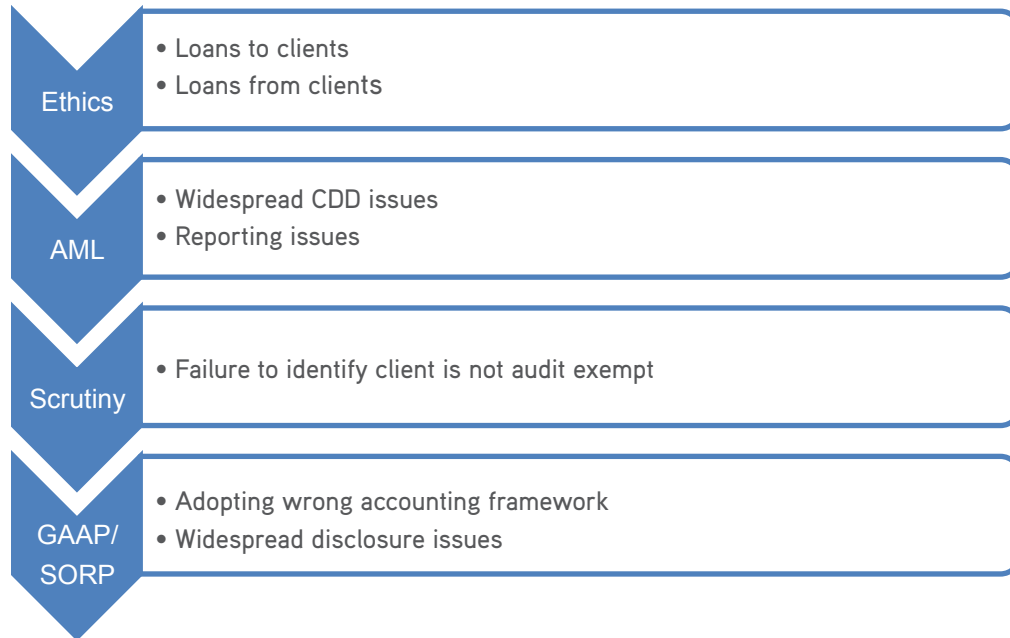
Where there are specific areas that require significant improvement, or where repeat findings are identified, the firm will be subject to follow-up checks by Practice Monitoring. 72 firms (40%), in total are required to have follow-up checks following their 2017 monitoring review.

You will see that there were a number of firms with significant or serious issues. Whilst the numbers remain very low, there were some key themes which are explained in the next section. The Authorisation Committee has a range of powers at its disposal for more serious reports and may impose conditions or restrictions; regulatory penalties; or make referrals to the Investigation Committee.

KEY THEMES

Firms with Significant or Serious Issues

Whilst the numbers of firms with significant or serious issues remains very low, there were a number of key themes:



Two particular issues are worthy of mention in this section:

Ethics

Whilst we come across very few ethical issues on monitoring reviews, there were a number of serious issues identified where practitioners had made or received loans from clients. If you have attended our Practice Management course recently you will recall that we covered this at various points during the course.

The ICAS **Code of Ethics** (Section 280) prohibits loans and such cases usually result in a referral to the Investigation Committee to consider whether any disciplinary action is required. In most cases, breaches resulted from practitioners being unaware of the Code requirements. Lack of awareness is not considered a defence and you are reminded to keep up to date with your ethical obligations.

If you identify any similar circumstances in your firm, we advise you to contact our ethics helpline (details provided at the end of this report).

Scrutiny

Firms are reminded, particularly for specialist entities, such as charities and pension schemes, to check all audit exemption criteria are met. There have been a few firms this year where clients should have been audited but were not. We cover charity disclosures and OSCAR issues in more detail later.

We focus in the next section on the two most common areas requiring follow up: Anti-Money Laundering and Financial Statement Disclosures.

Anti-Money Laundering (AML)

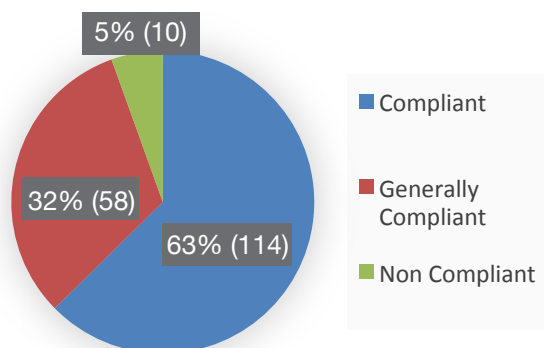
New Money Laundering Regulations 2017 the key changes

In June 2017, we wrote to all MLROs, alerting them to the introduction of the new regulations, and provided a brochure explaining **the key changes**. Our AML **newspage** (www.icas.com/amlnews) has also been keeping firms informed of developments, as they have happened (see "ICAS Support" for more information).

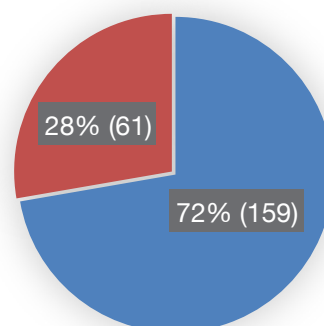
During 2017, we took an educational approach to our monitoring by providing advice to firms during reviews, given the lack of lead-in time for the implementation of the legislation. From 2018 onwards, our focus will turn to how firms are implementing these changes.

The AML results for the year, were as follows:

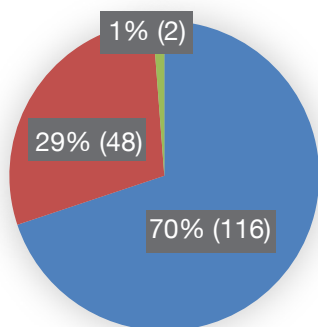
2017 Reviews



2016 Reviews



2015 Reviews



We are required to report to HM Treasury, and going forward to our new regulator OPBAS, whether firms are:

- Compliant;
- Generally Compliant; or
- Non-Compliant.

Whilst 95% of firms do not have serious AML non-compliance, issues in this area result in most follow-up checks.

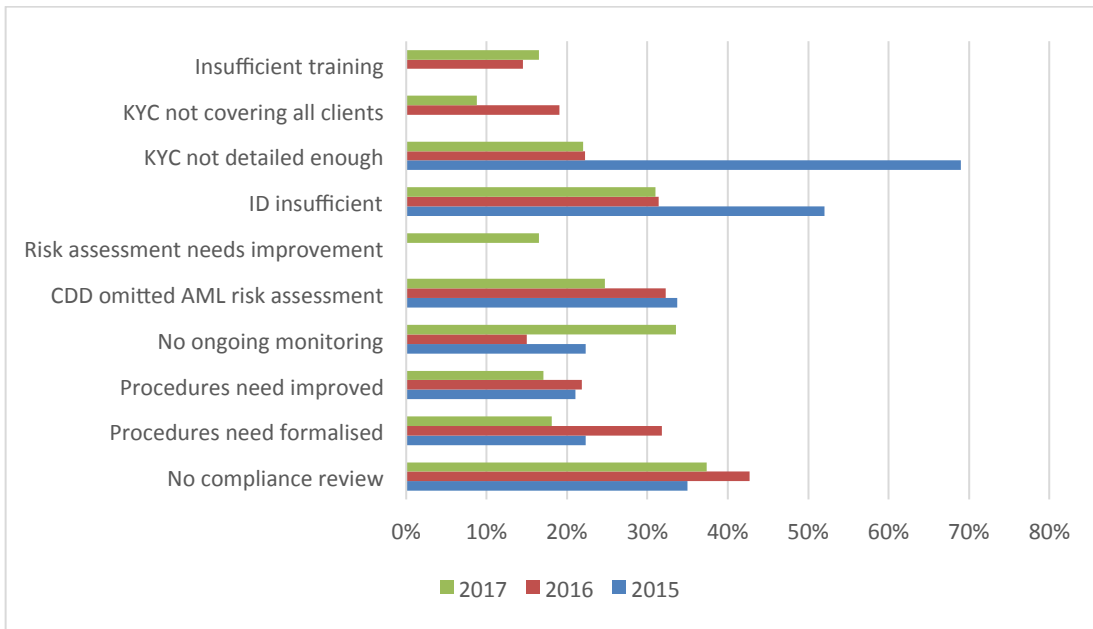
The number of compliant firms has reduced to 63% of firms reviewed (from 72% in 2016 and 70% in 2015). 37% of firms reviewed in 2017 are now subject to AML follow-up checks.

The detailed findings below show that AML improvements are being made. Nevertheless, we are being more robust with our follow-up checks because:

- the previous regulations were in place since 2007 and we are required to follow up on repeat failings;
- if firms don't catch up with pre-existing requirements quickly, they will be left behind with the new regulations; and
- we have a more robust regulatory landscape now, with a new oversight body.

The main AML findings are noted below:

Key AML Findings (% of firms)



Many firms have been adopting the AML section of the General Practice Procedures Manual (GPPM), made free by ICAS to all AML supervised firms, and improvements have been made in relation to:

- Know Your Client;
- Client Identification; and
- AML procedures.

However, more attention needs to be more focussed on risk-based Client (Or Customer) Due Diligence (“CDD”) procedures, particularly in relation to:

Conducting a thorough AML risk assessment

A risk assessment should be conducted for each client, and where relevant to the different services/transactions provided to the client. These risk assessments should include consideration of the five risk criteria of:

- the nature of client;
- geography;
- nature of services being provided to client;
- the transactions of the client; and
- the means of delivery of the services to the client.

This risk assessment is key and determines the extent, and frequency, of the evidence needed to conduct due diligence over the client (i.e. the extent and source of identification and third-party verification procedures). The focus of the new regulations is very much on this area.

Ongoing monitoring

Firms are reminded that CDD is not a one-off exercise and should be kept up to date. CDD should be reviewed regularly (e.g. at least annually) and when there are changes in risks. Firms are advised to use the new firm-wide risk assessment (see “ICAS Support”) to identify key risks in the firm, to ensure that client or service types needing more regular or in-depth CDD are being identified.

Additionally, as with previous years, the lack of a regular AML compliance review continues to be a regular finding on reviews and one which firms should remedy.

For the first time, we have produced a separate AML Annual Monitoring Report. This provides further information for firms on AML compliance and how to improve. Search on “AML Annual Monitoring Report” at icas.com.

UK GAAP Issues

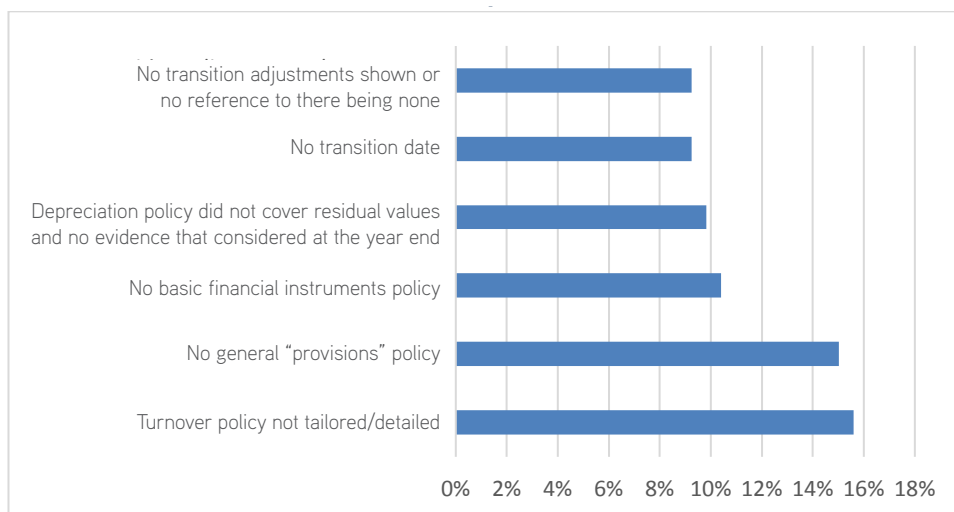
Due to the significant changes to UK GAAP and the relevant specialist SORPs, the number of financial disclosure issues has, unsurprisingly, risen. We alerted firms to the main issues we were identifying on early 2017 reviews via a series of events we ran across the UK called “Bridge the GAAP” (see also our “ICAS Support” section).

The number of issues has been wide-spread and the graphs below cover the most common themes.

A number of issues have arisen due to accounting software issues. ICAS has had various joint meetings with the FRC and the accounting software developers to ensure that software issues are being resolved.

Firms must ensure that all key staff and principals involved in financial reporting are suitably trained and knowledgeable on the new financial reporting requirements, in order that accounts are appropriately tailored.

2017 Common Disclosure Issues: Corporate Accounts



Charity Accounts

Our monitoring findings

The most common findings are noted below:

- No copy of founding deed retained on the accounts file, to demonstrate that the charity's accounts and scrutiny requirements have been considered;
- No specific work programme used to evidence extent of Independent Examiner's work performed;
- SORP accounts prepared but firm followed the wrong SORP (e.g. SORP 2005 followed rather than FRSSE SORP or latterly FRS102 SORP);
- New SORP being followed, but still including old references such as "incoming resources";
- Incorrect legislative references used in the Independent Examiner's report;
- No note setting out transition movements (or not stating that there were none);
- Transition date omitted; and
- Details of payments to key personnel omitted.

For completeness, Appendix One includes other charity issues identified.

OSCR Key Messages

We now liaise closely with OSCR and there are a couple of key themes coming out of their reviews:

- **Reporting Matters of Material Significance:** Unsurprisingly, in light of recent press coverage on charity misconduct, this is a key area of concern for OSCR. It is particularly concerned that a number of charities which it has investigated recently, where serious issues have arisen, have had no prior reports made by charity's Auditor/Independent Examiner. OSCR is concerned that there appears to be a misunderstanding as to the implications of reporting and highlights that the best reporting it sees is where the Auditor/Independent Examiner is working with the charity to make improvements i.e. that the charity is benefiting from the adviser's experience and that the reporting is not viewed only as negative whistleblowing. Your attention is drawn to **joint guidance** issued on charity reporting, issued in November 2017.
- **Groups:** OSCR is particularly concerned about charity groups which have charitable and trading activities. It is clear that a number of charities have grown significantly since their original set up and that the charity may not have obtained current advice on the most appropriate governance and structure of the group. This has resulted in different issues being identified, including:
 - o Loans between charities and trading subsidiaries on non-commercial terms: meaning that essentially charity resources are being used for non-charitable purposes;
 - o Gift-aid claimed on trading activities;
 - o Rates rebates claimed on trading activities;
 - o Lack of oversight by the trustees over the full activities of the group.
- **Audit exemption:** similar to our findings, OSCR is concerned that a number of firms are missing audit requirements. This has mainly arisen due to:
 - o Firms not checking the governing document (e.g. trust deed) of the charity to check accounts & scrutiny requirements; and
 - o Failing to check asset values as well as income limits.

ICAS SUPPORT

We take a developmental approach to regulation, and we have a number of initiatives to assist our community of practitioners and firms in complying with compliance requirements.

AML News (www.icas.com/amlnews)

AML has been fast-changing over the last year and our AML news page informs firms of key developments as they happen.

The AML news page includes the following key publications:

- A link to the new Money Laundering Regulations 2017;
- An explanation booklet on the key changes brought about by the new regulations;
- A link to the new CCAB Anti Money Laundering Guidance for the Accountancy Sector;
- The new ICAS Firm-Wide Risk Assessment, Guidance & Templates (see below);
- A link to the new FCA PEP Guidance; and
- Our consultation responses to various HM Treasury and Financial Conduct Authority consultations on the future of AML regulation.

ICAS Firm-Wide Risk Assessment, Guidance & Templates

In February 2018, the Practice Monitoring team issued **guidance** on the new requirement to conduct a firm-wide AML risk assessment (a requirement of Section 18 of the new Money Laundering Regulations 2017).

This guidance includes the following:

- A new template risk assessment;
- Guidance explaining how to conduct the firm-wide risk assessment, and keep it up to date;
- Two worked examples, showing how the template can be used in practice.

This guidance is aimed at supporting our practitioners and is not mandatory. Firms can use other proprietary checklists, or develop their own approach, if preferred.

CA Practice digital magazine

CA Practice digital magazine brings the latest essential information, news and views for those in public practice. Issued on the third Thursday of each month CA Practice has been designed to alert you to important issues and inform you of the ICAS practice team's activities and important course dates.

Previous articles have included:

- AML developments
- Making Tax Digital updates
- GDPR
- Practice development
- Technical Bulletin roundup

The current issue can be accessed at capractice.icas.com.

Back-dated copies can be accessed at <https://www.icas.com/ca-today-news/icas-digital-magazines/ca-practice/ca-practice>.

The General Practice Procedures Manual

If you have not already registered to use GPPM and you would like to, please go to <https://www.icas.com/member-benefits/general-practice-procedures-manual> (you require to first log in with your member details) or contact Practice Support.

Practice Management Course: The deadline looms

Practising Certificate Holders are reminded of the need to attend this course once in the five-year period from 1 April 2014 to 31 March 2019. **The dates and locations for 2018 below are the last course dates before the 31 March 2019 deadline:**

- **Inverness:** Thursday 24 May
- **Edinburgh:** Tuesday 19 June
- **London:** Wednesday 20 June
- **Glasgow:** Monday 10 September
- **Aberdeen:** Wednesday 19 September
- **Bristol:** Tuesday 2 October
- **Dundee:** Tuesday 23 October
- **Birmingham:** Tuesday 6 November

These are the last opportunities available to attend the course prior to 31 March 2019 and reminders will be issued to those who have yet to attend.

For more details search “Practice Management Course” at icas.com.

Helpsheets & Framework for the Preparation of Accounts

There are a number of practice helpsheets covering regulated areas such as:

- Clients’ Money;
- Investment Business;
- Pensions Auto-Enrolment;
- Signing-off Accounts;
- Exercising a right of lien; and
- Ethical matters for engagement and dis-engagement.

These can be found by first logging in as a member on icas.com and searching on “**regulatory helpsheets**”. The Framework for the Preparation of accounts can also be accessed on the same section of the website.

If you would like more information in relation to Consumer Credit please search on “**consumer credit**” at icas.com to access the consumer credit section of our website.

Bridge the GAAP: Events

In early 2017, the Audit & Practice Monitoring team ran a number of UK GAAP events aimed at updating firms on new UK GAAP issues identified on monitoring reviews, which were recorded as **videos and podcasts** and can be found by searching on “**FRS 102 videos**” on our website.

2018 NEWS

Anti-Money Laundering

Our Anti-Money Laundering Annual Report (search on “AML Annual Report” at icas.com) provides detail on the expected AML developments for 2018. The main changes during 2018 are:

- The HMRC Trust & Company Service Provider register went live on 1 March 2018;
- The next phase of approving beneficial owners, officers and managers takes place in Quarter 2 of this year; and
- Our monitoring approach to the smallest firms is likely to move away from telephone reviews.

TCSP Register 1 March 2018

All firms AML supervised by ICAS were previously asked by our regulatory authorisations team in December 2017 to complete an **AML Regulatory Form** by 5 January 2018, in order to ensure that:

- firms conducting Trust or Company Service Provider (TCSP) services are included on the HMRC’s new statutory TCSP Register; and
- so that we have all the necessary firm information before our regulatory authorisations team start the approval process for officers, owners and managers.

The HMRC register is on track to go live on 1 March 2018, but it is understood that HMRC doesn’t intend to make this register publicly available.

It is a criminal offence to conduct TCSP services without being disclosed on the register. If you have not completed an AML Regulatory Form and you think ICAS is your AML Supervisor, please submit this form urgently. The website link above provides advice by way of FAQs.

Approval of beneficial owners, officers and managers

Section 26 of the new Money Laundering Regulations 2017 requires all beneficial owners, officers and managers in each firm to be approved by their AML supervisory authority – the deadline for application is 26 June 2018.

Following on from submission of the AML Regulatory Form, the Regulatory Authorisations team will contact all respondents directly to ensure that their firm’s beneficial owners, officers and managers apply for “approved person” status. This simple application process will be open during Quarter 2 of this year, and the final deadline for existing firms will be 26 June 2018, in line with the legislation.

Monitoring approach

Given the changing regulatory landscape, we are unlikely to conduct many, if any, telephone reviews going forward. Most firms will receive an onsite or desktop review (with those firms previously receiving a telephone review, most likely receiving a desktop review) both of which include a review of engagement files and procedures.

GDPR

The General Data Protection Regulation (GDPR) (EU Regulation 2016/679) comes into force across the EU on 25 May 2018. This will be enacted into the UK via a new Data Protection Act, which will replace the 1998 Act.

As nearly all firms will process personal data, they will fall into the remit of GDPR. Fortunately, firms that are meeting their obligations under the current law shouldn’t have to do too much to be compliant under the new regime. Nevertheless, your firm should prepare for the forthcoming changes, which include, but are not limited to:

- **Accountability requirements:** with firms being expected to demonstrate to clients how they meet the requirements (e.g. through a privacy notice on the firm’s website).
- **Contract changes:** for data handling having an impact on engagement letters and standard terms.
- **Consent:** the introduction of a higher bar for consent, with pre-ticked consent boxes no longer appropriate.
- **Data processors:** who process data on behalf of a third party (e.g. payroll services) will take on more data protection obligations.
- **Increased data subjects’ rights:** including the right to be “forgotten”, and tighter timescales for responding to ‘subject access requests’.

With the UK’s Information Commissioner having stronger sanctioning powers, firms will want to do everything they can to minimise the risk of non-compliance.

For more information please search on “GDPR” at icas.com.

APPENDIX ONE: DETAILED REVIEW FINDINGS

We have already covered the most common issues on Practice Monitoring reviews which are: AML and the issues on accounts engagements.

Charity accounts

Whilst we have only highlighted the main charity accounts issues in the main body of the report we thought it would also be useful to provide a summary of findings given charity accounts are proving problematic for a number of firms.

General observations:

- No copy of founding deed retained on file;
- Trustees' Annual Report insufficiently detailed;
- No reserves policy included in Trustees' Annual Report, or policy insufficiently detailed;
- No evidence that funding letters reviewed to ensure the income was correctly treated;
- Unclear how allocation of funds determined;
- No signed copy of accounts on file; and
- Insufficient consideration of revenue recognition re grants.

Independent examination work performed:

- No work programme used or records kept to record extent of independent examination work performed.

Independent examiner's report:

- Incorrect legislative references used in report - typically, confusion between the audit requirements: Section 10 (1) (a) to (c) confused with Section 10 (1) (d) and vice versa.

Accounts – Receipts and Payments:

- Although R&P accounts prepared, these have been adjusted for accruals and prepayments; and
- Comparatives not changed when changed to R&P from accruals accounts.

Accounts – SORP (FRS102):

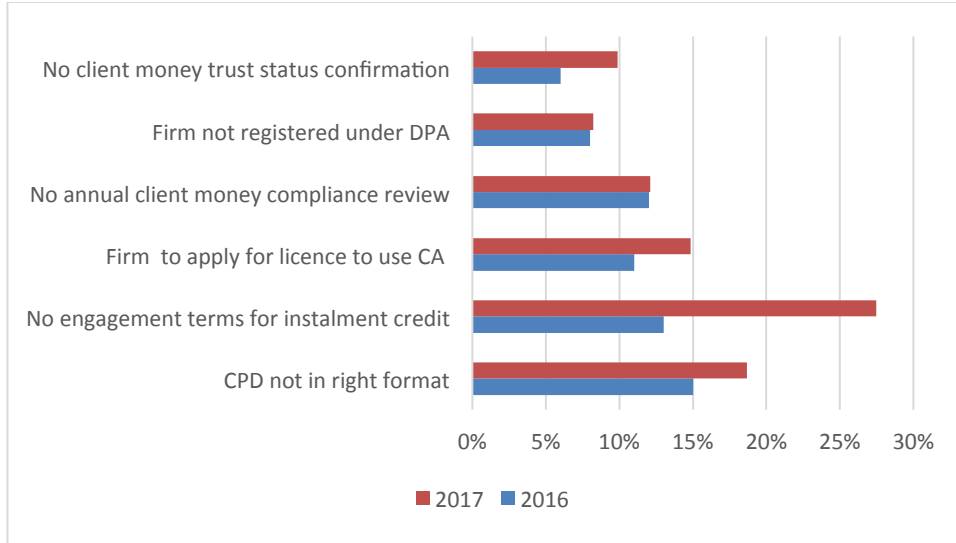
- Accounts prepared under the wrong SORP:
 - Typically, the 2005 SORP followed rather than adopting the FRSSE SORP (if applicable) or FRS102 SORP; and
 - This seems to occur more frequently for charities subject to IE rather than audit.
- New SORP being followed but old references still used on face of SoFA.

Accounts – SORP (FRS102) Notes and disclosures:

- Details of payments made to key personnel omitted or not considered;
- No transition disclosures – transition date, and evidencing impact of transition adjustments;
- Total donations made by trustees not reported;
- Reserves policy insufficiently insightful;
- Small company references omitted from balance sheet;
- Expenses netted off income and hence only net income shown on SoFA for some categories;
- Income recognition policy insufficient;
- Comparatives by fund type not given; and
- Insufficient analysis of main categories on SoFA.

Other Common findings

The graph below shows the most common remaining issues. The incidence of the other findings is low, but are still worth highlighting:



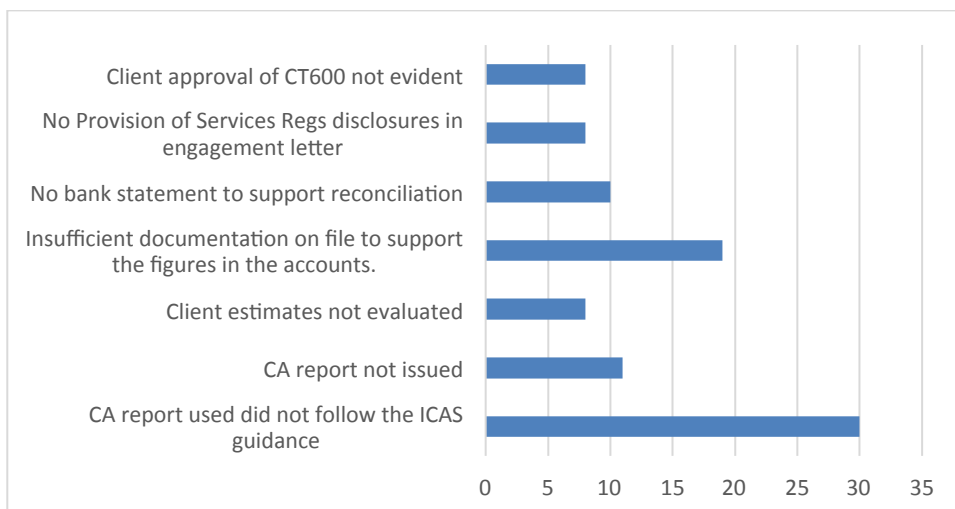
Many of these issues were covered in detail in our 2016 report:

- **Clients’ Money:** whilst the **Clients Money Regulations** are usually complied with well, the main breaches noted related, again this year, to the lack of a compliance review or confirmation from the bank confirming trust status;
- **Firm not registered under DPA:** with the impending GDPR (See “2018 News”), it is vital that all firms take urgent corrective action to ensure compliance with data protection requirements if handling or monitoring personal data;
- **CA logo and roundel:** Firms are reminded that use of “CA” in the firm’s website, email address and social media is encouraged but can only be used when the firm has applied to, and been granted a licence, from ICAS. A number of firms were also using the old ICAS branding and should again contact ICAS to be able to use the ICAS roundel.
- **Consumer credit:** firms are reminded to use the appropriate wording in their standard terms/engagement letter if providing instalment credit. This wording is provided in GPPM and on the **consumer credit** section of our website.
- **CPD:** many members are still using the old input based method of recording CPD, when the CPD Regulations require an output based approach. Please refer to the **CPD** section of our website for how to record your CPD. The website contains a number of worked examples.

Client Work

A number of common client work issues were also identified on reviews.

Client work (by number of firms)



APPENDIX TWO: OTHER USEFUL LINKS AND CONTACTS

We hope you find this report useful. If you have any comments or questions please contact us at auditandpracticemonitoring@icas.com

Within ICAS there are a number of contacts which may be useful:

- Ethics queries: for ethical queries (other than audit ethics) please contact the ethical helpline at ethicalenquiries@icas.com or by telephone on 0131 347 0271.
- Technical queries: for auditing, accounting, law or ethics queries please contact accountingandauditing@icas.com.
- Money Laundering confidential helpline: if you have any potential money laundering issues, please contact our confidential helpline on 0131 347 0271.
- The ICAS Practice Support Service provides support to all ICAS registered firms. It offers a variety of services on all aspects of practice, which can be tailored to meet the needs of your firm. For more information on any of these services, contact 0131 347 0249 or email practicesupport@icas.com.