

Annual Return FAQ

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Help and guidance

The Annual Return, now in its third year, should be familiar to Members. We in Member Services are committed to making the Annual Return as simple and straight forward as possible for our Members to complete and submit it on time and correctly the first time.

We recognise that it is not possible to cover every set of circumstances for every Member in these guidance notes. However, based on questions we received over the past two years, we have attempted to cover a broad base of frequently asked questions.

If you cannot find the answer you are looking for and need help or would simply like to discuss an aspect of the Annual Return please contact the Membership Team at annualreturn@ciot.org.uk or annualreturn@att.org.uk or call us on **0844 482 3925**.

Information about the Annual Return

- **What is the Annual Return?**

The Annual Return consists of 11 questions based on your work history over the past 12 months and current work status. It is a crucial element in the Institute's role as an Anti-Money Laundering Supervisor. Additionally, the Return provides the vehicle for you to self-certify your CPD compliance and PII.

- **Do I have to fill in the Annual Return?**

All Members of both the CIOT and ATT must complete the form and submit within the timeframe required. Fully retired Members, Members not working in tax and Members on long term leave are required to complete the form.

- **What if I am fully-retired, do I still need to complete the form?**

Yes, but only complete questions 1, 2 and 10. Retired Members need only complete the form once every three years. If you completed an Annual Return in 2012 you will not be required to complete another form until 2015.

- **What if I am semi-retired, do I still need to complete the form?**

If you deal with a small number of clients on a self-employed basis or worked for any part of the previous year, the form must be completed in full.

- **I am on long term leave, do I still need to fill in the form?**

Yes, the form still needs to be completed every year. During the time you are on leave only questions 1, 2 and 10 need to be answered. If however, you worked for any part of the year the form will need to be completed in full.

- **I am on a reduced rate subscription, do I still need to complete the Annual Return?**

Yes, the form still needs to be completed in full.

- **How long does it take to complete the Annual Return?**

The Annual Return takes between two to five minutes to complete.

- **I'm a Member of both the CIOT and ATT, do I need to complete the form twice?**

No, we will record that you have met your Annual Return obligations for both bodies.

- **Can my company or firm complete the Annual Return form for me in the same way as they record my CPD?**

Unfortunately, no, the Annual Return must be completed by you.

- **Why is the Annual Return not combined with the subscription renewal notice?**

The CIOT and ATT are aware of the possible benefits of aligning the Annual Return with subscriptions. Members will be consulted on any changes in future.

- **I do not have access to the internet. What am I supposed to do?**

If you are unable to complete the Annual Return online, you can contact the Membership Team and complete the form over the telephone or request that a paper copy be sent to you by post.

- **Is there a charge for the Annual Return?**

No, there is no charge for the Annual Return.

- **Is this a practising certificate scheme?**

No, this is not a practising certificate scheme and we have no plans to introduce such a scheme.

- **What happens when I complete the form?**

You will receive an automatic confirmation e-mail containing a copy of the questions and your answers. Please check the information for accuracy. If you spot an error contact the Membership Team.

- **What if I do not complete the form?**

The Annual Return is a compulsory part of your Membership obligations. This information helps us comply with our legal requirements as an Anti-Money laundering supervisor. We will provide such help as needed. Ultimately if you fail to complete the Annual Return we will have no alternative but to refer you to the Taxation Disciplinary Board.

Personal Details

- **The form automatically filled in some of my details, but they are wrong. How do I change/update them?**

Details can be automatically updated via the Annual Return. However, should you wish to change them yourself return to the homepage of the CIOT or ATT website and select the My Profile button on the top right-hand corner. Alternatively contact the Membership Team who will be happy to change them over the phone. Changing your name requires copies of the relevant documents to be scanned or posted to us.

- **Why is it important for me to keep my contact details up to date?**

To ensure that we can contact you regarding any changes to your subscription and that you receive all of the literature associated with your Membership.

Tax Work

- **What is the definition of ‘working in tax’?**

Tax work covers a broad range of activities from routine compliance work to complex tax planning, for example: preparation and submission of tax returns, advice on tax planning, representation and defence of tax payers before authorities and courts and the provision of overall advice, including the implementation of such advice in the area of taxation and the complementary accounting and legal services, which are provided as a Member in Practice with the intention that another person, body or organisation should rely on such services. For the avoidance of doubt taxation includes, direct taxes, indirect taxes, national insurance and any welfare or other benefits administered by HM Revenue & Customs.

- **I work for an educational institute teaching about tax. I don’t provide any tax advice to clients. Should I answer yes or no to the question “Do you work in tax?”**

You should answer no.

- **I work on a pro bono basis, should I answer yes or no to the question “Do you work in tax”?**

You should answer yes.

- **I work overseas, do I still need to complete the form?**

Yes, you do.

- **I work for a company in their finance department. Does this count as working in tax?**

If your position includes tax work, even if only a small amount, then you should answer yes.

- **I am self-employed, but only write articles about tax and do not provide any other taxation services. Should I answer yes or no to the question “Do you work in tax”?**

You should answer no.

- **Where can I find the Professional Conduct in Relation to Taxation?**

CIOT: <https://www.tax.org.uk/professional-standards/professional-rules/professional-conduct-relation-taxation>

ATT: <http://www.att.org.uk/professional-standards/professional-conduct-relation-taxation>

Members in Practice

▪ **Am I a Member in Practice?**

You're a Member in Practice if you are:

- self-employed, a principal, a partner, or a member of an LLP in a firm providing taxation services
- a director of a company providing taxation services.

Generally employees are not Members in Practice but if you are an employee in one of these categories you **are** a Member in Practice:

- an employee with a 5% or higher equity capital stake in a company providing taxation services
- an employed Member who also provides tax services on a self-employed basis e.g. in the evening and weekends.

▪ **You are not a Member in Practice if you work as:**

An employee in a firm, in industry, or work for HMRC.

▪ **I am a retired Member providing pro bono services. Am I a Member in Practice?**

Yes you are. However as you are not paid for these services you need not be registered for AML supervision nor are you obliged to have PII (see further guidance under PII heading)

▪ **When I retired I agreed to provide consultancy services on a self-employed basis to my old firm, does this make me a Member in Practice?**

Yes, it does. As a self-employed consultant providing taxation services you are considered to be a Member in Practice.

▪ **I am an employee at a firm, however, I also provide tax advice outside this on a self-employed basis. How should I answer this question?**

You should answer the question as a Member in Practice and relate your answers to the tax advice you give outside your regular employment.

Professional Indemnity Insurance

▪ **What is Professional Indemnity Insurance or PII?**

PII is insurance that covers your practice should a client claim to have suffered a loss or damage as a result of the professional advice or services provided by you.

- **I am a retired Member. Do I still need PII?**

If you retire or leave your profession, you can be sued for up to six years after an act done in the past. You need to have a run-off policy to cover you for this period. If you don't have a policy in place, claims that arise from work done in the past will not be covered

- **I am a retired Member providing pro bono services. Do I need to carry PII?**

You are not required to hold PII provided that you are not receiving payment for the work. However, we recommend that you consider whether it would be beneficial to have PII cover as you can still be sued even if you did not charge for your services.

- **I am a Member working overseas. I do not work for a UK company or work with UK taxes, the country I am working in has different PII rules; how do I answer this question?**

You should be compliant with the jurisdiction under which you are working. If you hold PII in compliance with the country you work in, answer yes or use the dialogue box to give a brief explanation if necessary.

- **When I retired I agreed to provide consultancy services on a self-employed basis to my old firm, do I need separate PII cover?**

If you work on a self-employed basis as a consultant for a firm which provides taxation services, you must have PII cover. However, the contracting firm's policy *may* cover you in your role as a self-employed consultant, if so, individual PII cover is not needed. Do not assume you are covered, be sure to confirm with the contracting firm. If you are not covered by the firm, you will need to organise your own PII.

- **Where can I find more information about PII?**

More information can be found on the CIOT website here:

<http://www.tax.org.uk/Standards/Professional-Indemnity-Insurance-Regulations.htm>

And on the ATT website here:

<http://www.att.org.uk/members/pii>

Anti-Money Laundering Supervision

Applicable to Members in Practice only

- **As a Member of the CIOT/ATT am I not automatically supervised by you for Anti-Money Laundering Regulations (2007)?**

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No, you need to apply to register for AML supervision. If you have not registered with an AML supervisor, you must do so without further delay. It is an offence to be in practice as a tax adviser without being registered with an AML Supervisor.

For CIOT & ATT supervision register at the following link: <http://hub.tax.org.uk/>

- **My AML supervisor is not listed on the drop-down menu?**

Please select 'International - Other' and then in the dialogue box below provide the name of your AML Supervisor.

- **I am the Money Laundering Reporting Officer – is this the same as the Supervisor?**

No, being a MLRO is an internal role within your organisation and is defined in the Anti-Money Laundering Regulations 2007.

- **I am a retired Member providing pro bono services. Do I need an AML supervisor?**

No. Providing you are not receiving any payment for your services you need not be registered for AML supervision.

- **When I retired I agreed to provide consultancy services, on a self-employed basis to my old firm, do I need separate AML supervision?**

As a self-employed consultant, supervision by an AML Supervisory Authority is a legal requirement. However, the contracting firm's supervisor *may* cover you in your role as a self-employed consultant. Certain conditions must be met e.g. you do not do business directly with the firm's clients; you are included in the firm's anti-money laundering controls and procedures, suspicious activity reporting, and training programs and you have a written contract confirming that every aspect of the relationship between you meets all anti-money laundering requirements. If you are not covered by the firm's Supervisor you will need to organise your own supervision.

- **Where can I find out more information about AML supervision?**

More information can be found on either the CIOT website here:

<http://www.tax.org.uk/members-area/anti-money-laundering-and-counter-terrorist-financing>

Or on the ATT website here:

<http://www.att.org.uk/members/anti-money-laundering>

Employee Details

- **I work for HMRC, where can I enter my division?**

You may use the dialogue box for the company name to enter your division followed by your office address.

Continuing Professional Development

- **How many hours of CPD do I have to complete?**

CIOT Members and ADIT affiliates: a minimum of 90 hours per calendar year with 20 hours being structured learning, eg. attending a lecture or class.

ATT Members: a minimum of 45 hours per calendar year with 15 hours being structured learning, eg. attending a lecture or class.

- **Are there any official forms I can use to record my CPD on?**

Pre-made institute forms can be downloaded from the Members' area on the website.

On the CIOT website:

<https://www.tax.org.uk/members/membership-obligations/continuing-professional-development-regulations/cpd-forms>

On the ATT website:

<http://www.att.org.uk/members/continuing-professional-development-cpd/cpd-forms>

- **What happens if I have not completed the required hours of CPD due to extenuating circumstances such as maternity leave or illness?**

Remember you can average your CPD over three consecutive years so you may still be able to comply even if you have not completed the required CPD for one year. If this does not apply, please provide a genuine reason as to why your CPD hours were not completed for the prior year in the dialogue box.

- **Do I need to upload my CPD records when I complete the Annual Return?**

No, completing the Annual Return does not require you to provide any CPD records. However, you are required to keep your CPD records for three years. The CIOT and ATT randomly select Members to produce proof of compliance.

- **I am a retired Member providing pro bono services. Do I need to complete my CPD?**

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Yes, you do. As a Member who is still practicing tax you need to complete your CPD. However depending upon your circumstances we may be able to offer some flexibility. Please contact us if you would like more information.

- **Where can I find out more information about my CPD requirements?**

For more information about the CIOT requirements go to the following page:

<https://www.tax.org.uk/members/membership-obligations/continuing-professional-development-regulations>

For the ATT regulations, go to the following page:

<http://www.att.org.uk/professional-standards/professional-rules/continuing-professional-development-regulations>

Member in Practice Certificate

- **What is the Member in Practice Certificate?**

The Member in Practice Certificate is a certificate for display in offices. To qualify for a Member in Practice Certificate you must complete your Annual Return and pay the £30 fee.

- **Who can get a Member in Practice Certificate?**

Only Members in Practice can elect to purchase a certificate annually for £30.

- **Do I need a Member in Practice Certificate?**

The Member in Practice Certificate is optional, but you are required to have PII and AMLS to practice.

List of Members in Practice

- **What is the list of Members in Practice?**

An online list, searchable by either tax specialisation or location, that other Members or the public can use to find and contact an appropriate tax specialist or practitioner in their area. These lists are accessed through the CIOT and ATT homepages.

Declaration

- **What if I am uncertain about some of the information I am providing?**

If you cannot find the answer you are looking for and need help or would like to discuss an aspect of the Annual Return please contact the Membership Team at annualreturn@tax.org.uk or annualreturn@att.org.uk or call us on **0844 482 3925**.

- **What if I get an answer wrong?**

If, after submitting the form, you know you made a mistake, contact us and we will correct it.

Problems with the CIOT or ATT website

- **I am not sure that the reset password option is working?**

Several issues could cause the reset password option to not work. Please contact the Membership Team and we can assist you with resetting your password.

- **The website is not recognising my e-mail as my user name?**

Try using your Membership number. This could be due to your account having several e-mail addresses attached to it and a different address is set as your default.

- **The website is not recognising either my e-mail or Membership number?**

This is an issue with the website. Please contact the Membership Team so that we can get it fixed.

- **What if I got my confirmation e-mail but it is blank?**

Contact the Membership Team. We can confirm whether the information was correctly submitted and update the database manually if necessary.

- **What happens if my form submits but I haven't finished filling it out?**

Please contact the Membership Team and continue the form over the phone.

- **What should I do if the website says I have submitted the form but I know I haven't?**

This could be a website error. Please contact the Membership Team and we can complete the form over the phone.

We are here to help and support our Members, if you cannot find the answer you are looking for and need help or would simply like to discuss an aspect of the Annual Return please contact the Membership Team at annualreturn@tax.org.uk or annualreturn@att.org.uk or call us on **0844 482 3925**.