HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Md Saddam Hossain

Heard on: Monday, 14 January 2019

Location: The Adelphi, 1-11 John Adam Street, London WC2N 6AU

Committee: Mrs Helen Carter-Shaw (Chairman), Mr Arif Kamal (Accountant), and Mr Grahame Owen (Lay)

Legal Adviser: Mr Mark Ruffell

Persons present and capacity: Mr Ben Jowett (ACCA Case Presenter)
Ms Anna Packowska (Hearings Officer)

Summary: Allegations 1(a), 1(b)(i), 1(b)(ii), 1(c) and 1(d)(i) found proved.
Removal from the student register.
Not to apply for re-admission for 5 years.
Costs £4,180.08.

PRELIMINARY APPLICATIONS/SERVICE OF PAPERS

1. The Committee had read and considered a service bundle pages 1-18, and a hearing bundle pages A-J and 1-75. Mr Hossain was not present and not represented. The Committee considered the service bundle, and was satisfied that the papers had been served in accordance with Regulations
10(1)(a) and 22(1)(a) of the Complaints and Disciplinary Regulations. There were no preliminary matters.

**PROCEEDING IN ABSENCE**

2. Mr Jowett, on behalf of ACCA submitted that the Committee should proceed in Mr Hossain’s absence.

3. The Committee accepted the advice of the Legal Adviser. The Committee had regard to the public interest in the expeditious disposal of the case as well as fairness to Mr Hossain. The Committee had a discretion as whether to proceed in absence, which should be exercised with the utmost care and caution having regard to the factors set out by Lord Bingham, and endorsed by the House of Lords in *R. v. Jones (Anthony William)(No.2)*[2002] UKHL 5. The Committee noted that there was no application for an adjournment, and that there had been no engagement with ACCA since Mr Hossain had been notified of the complaint. The Committee determined that Mr Hossain had waived his right to attend and was voluntarily absenting himself. The Committee determined to proceed in absence.

**ALLEGATION 1:**

1. Mr Md Saddam Hossain who is registered with ACCA (Association of Chartered Certified Accountants) as a student:

   a) On 23 May 2018 caused or permitted the submission to ACCA of one or more of the documents listed in Schedule A, which purported to have been issued by Anglia Ruskin University when, in fact, they had not been.

   b) Md Saddam Hossain’s conduct as set out in paragraph 1a) above was:

      i. Dishonest in that he knew he had submitted or caused to be submitted false documents described to ACCA.
ii. Contrary to the Fundamental Principle of Integrity.

c) Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014, Md Saddam Hossain has failed to co-operate fully with the investigation of a complaint in that he failed to respond to any or all of ACCA’s correspondences as set out in Schedule B.

d) By reason of his conduct as set out in 1a) and/or 1b) i and ii and/or 1c), Md Saddam Hossain is:

i. Guilty of misconduct pursuant to Bye-law 8(a)(i); or

ii. Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of 1c) only.

**BRIEF BACKGROUND**

2. Md Saddam Hossain was admitted onto ACCA’s student register on 30 January 2013. Subsequently, on 23 May 2018, Mr Hossain emailed ACCA informing them that he had completed a BA Honours in applied accounting at Anglia Ruskin University, and he requested exemptions. He submitted with this email, his Bangladesh passport, a photograph of himself and a certificate and transcript in Md Saddam Hossain’s name, which purported to be from Anglia Ruskin University. He also completed and returned a declaration form to ACCA on 24 May 2018. Mr Hossain sent two chasers to ACCA regarding his exemptions request on 27 May 2018 and 04 June 2018.

3. ACCA Exemptions made enquiries and received a response from Anglia Ruskin University, who stated that they had no records of Md Saddam Hossain attending their university. Mr Hossain had never been a student at the University and the documentation had not been issued by them. The matter was then referred to ACCA Investigations. Mr Hossain’s examination history was also reviewed.
Since his initial registration, he had only sat one examination on 10 June 2013 (FA1 recording financial transaction), which he failed with a mark of 46.

4. ACCA initially wrote to Mr Hossain at his registered mailing address, on 5 June 2018, for his comments and observations. Mr Hossain was asked to respond by 26 June 2018. ACCA did not receive a response from Mr Hossain. A chaser letter was sent to Mr Hossain on 05 July 2018 to his registered mailing address, and he was warned that an additional allegation of failure to cooperate may be brought against him if he did not respond to this chaser by 27 July 2018. ACCA did not receive a response. A final chaser letter was sent to Mr Hossain on 30 July 2018, and again there was no response. These letters were also sent to Mr Hossain’s registered email address.

DECISION ON ALLEGATION AND REASONS

5. The Committee accepted the advice of the Legal Adviser. The Committee was satisfied that Mr Hossain had submitted the documents in allegation 1(a), and that they were false. The Committee found Allegation 1(a) proved.

6. The Committee considered that Mr Hossain must have known that the documentation was false, and by signing the documentation that purported to suggest the documentation was correct, he had acted dishonestly by the standards of ordinary people. Such conduct was also contrary to the Fundamental Principle of Integrity. The Committee found Allegations 1(b)(i) and 1(b)(ii) proved.

7. The Committee was satisfied that Mr Hossain had received letters that he was under a duty to respond to, and that he had failed to respond or co-operate with ACCA’s investigation. The Committee found Allegation 1(c) proved.
8. The Committee considered that the facts found proved were serious as they involved dishonesty. The Committee considered that it was an important requirement of membership to respond to a regulator on a serious matter. The Committee found Allegation 1(d)(i) proved in its entirety. The Committee did not go on to consider Allegation 1(d)(ii).

SANCTION AND REASONS

9. Mr Jowett submitted that the Committee should have regard to ACCA’s Guidance on Sanctions in relation to offences of dishonesty.

10. The Committee accepted the advice of the Legal Adviser and had regard to the Guidance on Sanctions. The Committee did not consider that there were any aggravating or mitigating features. The Committee noted that there was no co-operation from Mr Hossain, and he had not demonstrated any insight or remorse.

11. The Committee considered that no further action, admonishment and reprimand were insufficient sanctions.

12. The Committee considered whether a severe reprimand was an appropriate sanction. The Committee noted that the conduct was intentional, could have harmed the reputation of the profession had it gone unnoticed, there was no insight, no expression of remorse and no references. The Committee considered that a severe reprimand was an insufficient sanction. The Committee noted that the misconduct was a serious departure from the standards expected of a student, and involved dishonesty. The Committee considered that the only appropriate sanction was removal from the student register. Given the serious nature of the misconduct, the Committee considered that Mr Hossain should not apply to be re-admitted to the student register for a period of five years.
COSTS AND REASONS

13. Mr Jowett applied for costs in the sum of £6,460.08. Mr Jowett invited the Committee to reduce the sum due to the hearing lasting only half a day. The Committee had regard to the ACCA’s Guidance on Costs. The Committee considered that it was appropriate for ACCA to apply for its costs, but reduced the sum to take account of the brevity of the hearing. The Committee made an order for costs in the sum of £4,180.08.

EFFECTIVE DATE OF ORDER

14. The Committee directed that the order should take effect at the expiry of the appeal period referred to in the Appeal regulations.

Mrs Helen Carter-Shaw
Chairman
14 January 2019