

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS

In the matter of:	Mr Sampson A Bonsu
Heard on:	Thursday, 24 October 2019
Location:	ACCA's Offices, The Adelphi, 1-11 John Adam Street, London, WC2N 6AU
Committee:	Mr Andrew Popat CBE (Chairman) Mr William Hay (Accountant) Mr Barry Picken (Lay)
Legal Adviser:	Miss Juliet Gibbon
Persons present and capacity:	Ms Harriet Gilchrist (ACCA Case Presenter) Miss Rachael Davies (Hearings Officer)
Observers:	Mrs Wendy Harris (Appointment Board) Ms Nora Nanayakkara (Appointment Board)
Outcome:	Allegations 1(a); 1(b)(i) and 1(c)(i) – PROVED Sanction: Removed from student register Costs: £7,844.00

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PRELIMINARY

1. The Disciplinary Committee (“the Committee”) convened to consider allegations made against Mr Sampson Bonsu.
2. The Committee had before it a bundle of papers, numbered pages 1-148. It also had a service bundle, numbered pages 1-15, and three tabled additional bundles, numbered pages 1-5, 1-4 and 1-6.
3. Miss Harriet Gilchrist represented ACCA. Mr Bonsu did not attend the hearing and was not represented.

SERVICE

4. Written notice of the hearing was sent, by electronic mail (“email”) only, to Mr Bonsu’s registered email address, on 17 September 2019. The Committee had sight of the delivery notification. By virtue of Regulation 22(8)(b) of the Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014, as amended on 1 January 2019 (“the CDR”), the notice would have been deemed served on the same day. ACCA has, therefore, given more than the 28 days’ notice required under Regulation 10(1)(a) of the CDR.
5. The Committee accepted the advice of the Legal Adviser. It was satisfied that service had been effected in accordance with Regulations 10 and 22 of the CDR.

APPLICATION TO PROCEED IN ABSENCE

6. Ms Gilchrist submitted that the hearing should proceed in Mr Bonsu’s absence. She informed the Committee that Mr Bonsu had not been in communication with ACCA since he sent in the completed Case Management Form in July 2019. In particular, until 5.02 pm yesterday he had not responded to emails from the Case

Progression Officer asking if he was going to attend the hearing. In his email, Mr Bonsu had set out that he could not attend the hearing because he was doing jury service today. He had, however, provided no supporting evidence of this. Mr Bonsu had not responded to ACCA's subsequent email asking if he was content for the hearing to proceed in his absence.

7. The Committee considered whether it should proceed in Mr Bonsu's absence. It accepted the advice of the Legal Adviser. The Committee bore in mind that whilst it had a discretion to conduct proceedings in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of *R v Jones 2002 UKHL 5* and *Hayward & Others [2001] 3 WLR 125*.
8. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously. It noted that Mr Bonsu had not requested an adjournment of the hearing despite the fact that he must have known, for some time, that he was unavailable to attend as he was on jury service. It noted that ACCA had sent Mr Bonsu ACCA's guidance on adjournments in July 2019. In the circumstances, the Committee was of the view that there was no evidence before it to suggest that an adjournment of the hearing would be likely to result in Mr Bonsu's attendance on a future occasion.
9. Having balanced the public interest with Mr Bonsu's interests, the Committee determined that it was fair, reasonable and in the public interest to proceed in the absence of Mr Bonsu.

ALLEGATIONS

Allegation 1

Mr Sampson A Bonsu, who is registered with ACCA as a student:

- a) On 11 October 2018, submitted to ACCA a letter which purported that BPP University School of Business And Technology ('BPP') had confirmed he had 'completed three years of full-time studies' when, in fact, it had not.
- b) Mr Sampson A Bonsu's conduct as set out in paragraph 1(a) above was:
 - i. Dishonest, in that he knew BPP had not confirmed he had completed three years of full-time study at BPP; or in the alternative
 - ii. Contrary to the Fundamental Principle of Integrity, as applicable in 2018, in that such conduct demonstrates a failure to be straightforward and honest.
- c) By reason of his conduct in respect of paragraphs 1a) and/or 1b) above, Mr Sampson A Bonsu is:
 - i. Guilty of misconduct pursuant to bye-law 8(a)(i);
 - ii. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

BACKGROUND

10. Mr Bonsu was admitted as a student member of ACCA on 18 June 2012. He was granted an exemption from F1 in December 2012
11. On 6 September 2018, Mr Bonsu emailed ACCA a copy of his transcript of modules from BPP in support of his application for exemptions. ACCA responded on 21 September 2018, with a request that Mr Bonsu provide a copy of the completion certificate issued by BPP to support his application or a letter, on headed notepaper, from BPP confirming the date of course completion and the level of award gained. It also stated that if he had not yet completed the course, then the letter should state the number of years of his course that he had successfully completed to date.
12. On 27 September 2018 Mr Bonsu emailed ACCA attaching a letter, purported to be from BPP, dated 24 September 2018. It stated:

“This is to certify that Mr Sampson Bonsu is in the records of BPP University as a Registered student on the BSc (Hons) Professional Accounting Full Time, London (City)”.
13. ACCA contacted Mr Bonsu on 1 October 2018, explaining that he was required to provide a copy of his completion certificate confirming the date the award was made.
14. Mr Bonsu emailed ACCA on 11 October 2018 attaching another letter, purported to be from BPP, which was again dated 24 September 2018. Mr Bonsu said that this was to confirm his ‘*student status*’. The letter contained the same wording as the previous letter, but included an additional sentence which stated: “*Student have completed 3 years of Full Time studies as well as modules on transcript*”.

15. ACCA contacted BPP requesting verification of Mr Bonsu's letter and on 1 November 2018, BPP responded stating: "*Unfortunately, it would see the applicant has tampered with the statement. This is disconcerting and hugely disappointing, since we would have gladly facilitated production of a new letter on request ...*"
16. The Exemptions team investigated the matter. In a written statement, dated 4 February 2019, Person A, who was at the time the Director of the Undergraduate Accounting Programmes at BPP, Head of Graduate Diplomas in Accounting and BSc Accounting and Finance Programmes, stated that the original letter from BPP had not included the sentence that Mr Bonsu had completed '*3 years of full-time studies*'. Further, Person A stated that such a letter would not have been issued because Mr Bonsu had not completed his studies at BPP. Person A also stated that Mr Bonsu had been suspended in May 2018 for failing to complete his level 6 modules. Mr Bonsu had apparently deferred his outstanding assessments, but had not returned to complete them, and had not provided an adequate explanation. BPP had, therefore, changed his status to 'suspended'.
17. ACCA stated that had it accepted the tampered letter as genuine then Mr Bonsu would have been awarded all 9 exemptions, based on the fact that Bachelor's degrees in England are three years in duration, and the letter confirmed that three years had been completed.
18. As Mr Bonsu had not completed his third year, he would only have been eligible for exemptions from the first six papers only (AB, MA, FA, LW, PM and TX) if he had submitted a genuine letter confirming successful completion of two years of study.
19. ACCA wrote to Mr Bonsu to ask for his comments. He responded in an email, dated 11 December 2018, stating '*... I decided to edit what they (BPP) sent*'. He asserted that he had sent the edited letter to ACCA in error.

20. In an email to ACCA, dated 24 December 2018, Mr Bonsu responded to the complaint against him. He stated that he had intended the letter from BPP *'to go to BPP Student Advice to explain the kind of letter expected by ACCA'*. He stated it *'was not meant to go to ACCA'*. He confirmed that he had completed 3 years of Full Time studies, as well as modules on his transcript, which he should have completed in January 2018, but he had to re-sit some of the modules.
21. Mr Bonsu stated *'... for anyone to say I haven't done 3 years of studies with BPP is false'*. He stated that he had been suspended in November 2018 for non-payment of tuition fees. A letter from BPP to this effect was attached. Mr Bonsu also stated that *'there is nothing in the letter which is falsified because I have completed my 3 years Full Time studies with BPP and have completed every module on my transcript which BPP cannot dispute. Also I have never claimed that I have passed all my third year modules but I have finished my studies and preparing to resit the modules left then I got suspended. Yes the letter was edited and meant to be sent to BPP advice as a template but mistakenly sent to ACCA because the original was what I was sending to ACCA not the edited one'*.
22. Mr Bonsu attached copies of various emails between himself and BPP. On 21 September 2018, Mr Bonsu had emailed BPP requesting *'a confirmation letter for the years of studies I have completed please to give to ACCA'*. BPP had provided the original letter of 24 September 2018, which had been sent by Mr Bonsu to ACCA. In a further email to BPP Student Advice, dated 2 October 2018, which stated: *'Thanks for the letter, I have received it but it's not what ACCA accept. The letter needs to confirm the years I have completed and also if possible confirm the modules I have completed'*. On 6 December 2018, Mr Bonsu wrote to BPP Student Advice stating that he was still waiting for BPP to confirm his transcript so that he could be awarded any ACCA exemptions. He was provided with an alternative email address to write to.

23. In a supplementary statement, dated 12 April 2019, Person A stated that Mr Bonsu had been suspended in September/October 2018 and not January 2018, as initially set out in his first statement, having failed to re-sit the five modules during the September 2018 assessment period.
24. The original letter sent to ACCA from BPP, therefore, was accurate because Mr Bonsu's full time registered student status remained active in September 2018, as he was eligible to re-sit the six modules that he had previously failed.
25. Mr Bonsu responded to Person A's supplementary statement in an email to ACCA, dated 13 May 2019. He reiterated that he had *'studied at BPP from May 2015 to January 2018 which makes it 3 years of studies and also i got suspended in 15th November 2018 for non-payment of tuition fees and not failed modules as it clearly states in the suspension letter already submitted ...'*.
26. Mr Bonsu stated that he *'strongly disagree with these allegations levelled against me ... I have already admitted that, the email sent to ACCA was an error and there was no deliberate attempt to mislead or be dishonest with ACCA to obtain exemptions because i was seeking exemptions on the merit of my Transcript submitted and not the years of studies also saying i have completed 3 years of studies with BPP was not false, it is only that i did not clarify some modules i have not finished because it was clear on my Transcript and also i was not going back to BPP due to unsatisfactory paper markings in my last exams sitting and i did not want to do any resit so that is why i opted to do the ACCA through i had options to resit but i didn't'*.
27. Mr Bonsu further stated *'My last exams with BPP was January 2018 as i wasn't going back and my ACCA exemption application according to this case was in September 2018 and the letter sent was October 2018 so all these activities happened before my suspension on 15th November 2018 so therefore, there is no*

connection whatsoever for me knowing i was suspended and in that case deliberately wanted to mislead and be dishonest to ACCA to get exemptions'. He concluded '... i strongly disagree with this allegation as it was a human error which i am devastated ...'.

28. In his completed Case Management Form, Mr Bonsu stated that he did not admit the facts because: *'I was frustrated and acted emotionally ending up making this error but had no wrong intention however I understand I could have put it on a normal email instead of a letter but was just trying to advise BPP the way ACCA want it or is requesting the information'*. He did not admit misconduct *'Because there are inconsistencies in what BPP is saying and I did not intend to do it as being alleged'*. He asked for Person A to attend the hearing in person in order for him to ask Person A some questions.
29. Person A no longer works at BPP. In an email, dated 10 October 2019, Person B, Director of Programmes at BPP, stated that he had checked the records and they show Mr Bonsu as being suspended with only 270 Cr completed. The records also showed that Mr Bonsu had not completed his BSc Professional Accounting. He stated *'As such I support everything Person A has written in his previous evidence'*.

ACCA'S SUBMISSIONS

30. Miss Gilchrist submitted that Mr Bonsu accepted that he had inserted the sentence *'Student have completed 3 years of Full Time studies as well as modules on transcript'*. His case was that he had intended the letter to go to BPP, not ACCA, to demonstrate what ACCA required in the letter. She submitted that whilst the course date may have finished, a student would not have completed the course until he had completed all the modules.
31. Miss Gilchrist submitted that whilst Mr Bonsu's studies were terminated for non-payment of fees in November 2018, the evidence of Person A was that he had already been suspended from his

studies by that date, as a result of his failure to re-sit examinations in September 2018.

32. Miss Gilchrist further submitted that Mr Bonsu would have been aware that he had not completed 3 years of full-time studies when he sent the amended letter to ACCA. She submitted that the Committee could be satisfied that the letter had not been sent to ACCA by mistake, as suggested by Mr Bonsu, but had been a deliberate act on his part to gain exemptions that he was not entitled to. Miss Gilchrist submitted that Mr Bonsu would have known that his actions in sending the letter purporting to be from BPP was dishonest, and that his conduct would be considered dishonest by the standards of ordinary, decent people.
33. Miss Gilchrist submitted that Mr Bonsu's dishonest conduct was clearly misconduct as defined in Bye-law 8(c) and the case of *Roylance*.

DECISION AND REASONS

34. The Committee considered carefully the documentary evidence, including the submissions made by Miss Gilchrist, on behalf of ACCA, together with the written explanations provided by Mr Bonsu. It accepted the advice of the Legal Adviser.
35. The Committee bore in mind that the burden of proving an allegation rests on ACCA, and the standard to be applied is proof on the balance of probabilities.

ALLEGATION 1(a) – PROVED

36. Mr Bonsu accepted that he had sent the altered letter to ACCA, albeit he said by accident. He had, therefore, submitted a letter to ACCA which purported that BPP had confirmed he had '*completed three years of full-time studies*' when, in fact, it had not. The

Committee, therefore, was satisfied that Allegation 1(a) was proved on the balance of probabilities.

ALLEGATION 1(b)(i) – PROVED

37. The Committee went on to consider whether Mr Bonsu's conduct had been dishonest. In reaching its decision, the Committee did not accept Mr Bonsu's assertion that he had sent the altered letter to ACCA by mistake. It found that he had submitted it in an attempt to deceive ACCA that he had completed 3 years of full-time studies, and thereby gain exemptions from ACCA examinations that he was not entitled to.
38. The Committee found that Mr Bonsu had deliberately submitted a letter to ACCA that he had altered and knew to be false. The Committee determined that Mr Bonsu would have known that his conduct in submitting the false letter was dishonest. The Committee also found that his conduct would be considered dishonest by the reasonable standards of ordinary decent people.
39. The Committee, therefore, found Mr Bonsu's conduct was dishonest in accordance with the test set out by the House of Lords in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*.

ALLEGATION 1(b)(ii) – NO FINDING

40. In view of the Committee's findings in relation to Allegations 1(b)(i), it did not go on to consider Allegation 1(b)(ii), which was a lesser alternative charge.

ALLEGATION 1(c)(i) - PROVED

41. The Committee was of the view that Mr Bonsu's dishonest conduct, in submitting a deliberately altered letter purporting to be from BPP in order to gain exemptions from ACCA examinations that he was not entitled to, fell far short of the standards expected of a registered student of ACCA. It also found that Mr Bonsu's dishonest conduct

had brought discredit to him, ACCA and the accountancy profession. In all the circumstances the Committee determined that Mr Bonsu's dishonest conduct was serious and clearly amounted to misconduct.

ALLEGATION 1(c)(ii) – NO FINDING

42. In view of the Committee's findings in relation to Allegations 1(c)(i), it did not go on to consider Allegation 1(c)(ii), which was a lesser alternative charge.

SANCTION AND REASONS

43. Miss Gilchrist informed the Committee that there were no previous disciplinary findings against Mr Bonsu.
44. The Committee accepted the advice of the Legal Adviser, who referred it to Regulation 13(4) of the Regulations and to ACCA's Guidance for Disciplinary Sanctions. In considering what sanction, if any, to impose, the Committee bore in mind the principle of proportionality and the need to balance the public interest against Mr Bonsu's own interests. The purpose of any sanction was not to be punitive but to protect members of the public, maintain public confidence in the profession and ACCA, and to declare and uphold proper standards of conduct and behaviour.
45. When considering the appropriate sanction, the Committee took into account the aggravating and mitigating features in this case. The principal mitigation for Mr Bonsu was that he had no previous disciplinary findings against him, and he had engaged with ACCA and co-operated with the investigation up until July 2019.
46. The main aggravating feature was that this was premeditated conduct in that Mr Bonsu had deliberately altered a letter from BPP and submitted it to ACCA for his own advantage.
47. The Committee determined that as Mr Bonsu did not accept that he had acted dishonestly, he lacked insight into his behaviour. Further,

as a result of his denial of the allegations, Mr Bonsu had not demonstrated any remorse for his actions.

48. Given the seriousness of the dishonest misconduct, the Committee determined that it would not be appropriate to take no action and that a sanction was required.
49. The Committee considered the available sanctions from the least serious upwards. It considered carefully whether the appropriate and proportionate sanction to impose upon Mr Bonsu was an admonishment or a reprimand. The Committee, however, determined that to impose either of these sanctions would not adequately reflect the seriousness of Mr Bonsu's dishonest misconduct in this case. The misconduct was deliberate and was done in an attempt to gain an advantage by way of exemptions from ACCA examinations.
50. The Committee next considered the sanction of a severe reprimand. The only mitigating factors present in this case were 'previous good record' and 'co-operation during the investigations stage'. The Committee did not consider that a serious reprimand was a sufficient sanction, given the seriousness of Mr Bonsu's dishonest misconduct.
51. The Committee was of the view that deliberately altering a letter and submitting it to his regulator to gain exemptions from professional examinations was a very serious departure from the standards expected of an ACCA student.
52. The Committee determined that Mr Bonsu's misconduct was fundamentally incompatible with being a student of ACCA, and that the appropriate and proportionate sanction was removal from the student register. The Committee was of the view that no other sanction would adequately reflect the gravity of Mr Bonsu's dishonest misconduct. Honesty and integrity go to the heart of the accountancy profession. Mr Bonsu's dishonest conduct clearly fell far

below the standards expected of an ACCA student and undermined the reputation of the profession.

ORDER

53. Mr Bonusu's name shall be removed from ACCA's student register.

EFFECTIVE DATE OF ORDER

54. The Committee did not consider that it was in the public interest to direct that the order take immediate effect.

COSTS

55. Miss Gilchrist applied for costs amounting to £7,844.00. Mr Bonusu had not completed a statement of his financial information and had not provided the Committee with any information as to his current financial means.
56. The Committee gave careful consideration as to what would be a reasonable sum to order Mr Bonusu to pay ACCA by way of costs. It accepted the advice of the Legal Adviser, who referred it to ACCA's Guidance for Costs Orders.
57. The Committee determined that it had been reasonable for ACCA to bring the disciplinary proceedings. Mr Bonusu had not provided the Committee with any evidence to show that he was not able to pay the sum claimed by ACCA, which the Committee found was a fair and reasonable sum.
58. In all the circumstances, the Committee considered it appropriate and proportionate to order Mr Bonusu to pay ACCA costs in the sum of £7,844.00.

ORDER FOR COSTS

59. Mr Bonusu is ordered to pay costs to ACCA in the sum of £7,844.00.

Mr Andrew Popat CBE
Chairman
24 October 2019