



Think Ahead

News release

21 January 2021

Disciplinary Committee ordered exclusion from membership with immediate effect*

On 01 December 2020, the Disciplinary Committee of ACCA (the Association of Chartered Certified Accountants) found proved the following allegations against Mr Nicholas Burton, of Weymouth, Dorset, United Kingdom:

Allegations

- 1) Between approximately April 2016 and February 2019, improperly provided services as specified below for reward to a company ('the Company'), when at all material times the Company was a client of his employer (a firm of Chartered Certified Accountants).

The services provided by Mr Burton to the Company comprised:

- 1.1. Payroll / wages
- 1.2. Preparation and submission of VAT returns
- 1.3. Preparation of Management reports

- 2) Mr Burton's conduct at 1 above was:

- 2.1 Dishonest, in that he used his position as an employee to secure a financial gain for himself at the expense of his employer, which as a firm of Chartered Certified Accountants was able to provide the services referred to at paragraphs 1.1 to 1.3 above;

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- 2.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable 2016 to 2019 in that such conduct demonstrates a failure to be straightforward and honest.
- 3) Mr Burton signed declarations at the request of his employer on the dates set out in Schedule A below which were not true in the following regard:
- 3.1 He did not have a business relationship with a client of [his employer] or with the management of a client;
- 3.2 That he had not worked for a client of [his employer] in the last two years.

Schedule A

21 November 2016

21 February 2018

12 February 2019

- 4) Mr Burton's conduct at 3 above was:
- 4.1 Dishonest in that he knew that any or all of the above declarations were untrue;
- 4.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable 2016 to 2019 in that such conduct demonstrates a failure to be straightforward and honest.
- 5) In relation to the services provided to the Company as referred to in paragraphs 1.1 to 1.3 above:
- 5.1 Failed to declare in his personal income tax return year ending April 2017 income of approximately £4,492 received in respect of such services;
- 5.2 Failed to declare in his personal income tax return year ending April 2018 income of approximately £5,500 received in respect of such services.

6) Mr Burton's conduct at 5 above was:

6.1 Dishonest, in that he knew he should have declared such income in his personal tax returns referred to;

6.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable 2018 and 2019 in that such conduct demonstrates a failure to be straightforward and honest.

7) In relation to building works carried out on his home between about October 2018 and February 2019 totalling about £52,043 plus VAT and in order to avoid liability to pay the VAT amount:

7.1 Arranged for the Company to pay for such works and to recover VAT on the above amount and then reimbursed the Company for the building works less the VAT amount.

8) Mr Burton's conduct at 7 above was:

8.1 Dishonest, in that he entered into the arrangement described above which enabled him to avoid paying VAT on building works carried out on his home;

8.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable 2018 and 2019 in that such conduct demonstrates a failure to be straightforward and honest.

9) Between about May 2018 and February 2019, in order to acquire an Audi Q7 vehicle for his personal use, caused or permitted the Company to acquire the vehicle under a lease agreement in order to avoid paying VAT in respect of the lease payments.

10) Mr Burton's conduct at 9 above was:

- 10.1 Dishonest, in that he knew the above arrangement was improper because the vehicle was not a company acquisition and, therefore, VAT was not recoverable;
- 10.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable 2018 and 2019 in that such conduct demonstrates a failure to be straightforward and honest.
- 11) Prepared and caused to be submitted the Company's VAT return for February 2019, seeking to recover VAT of £41 in respect of payment of an ACCA annual membership subscription fee when no VAT had, in fact, been due or paid.
- 12) Mr Burton's conduct at 11 above was:
- 12.1 Dishonest, in that he knew an ACCA annual membership subscription fee would not have attracted VAT and, therefore, there was no VAT to recover;
- 12.2 Or, in the alternative, contrary to the Fundamental Principle of Integrity as applicable in 2019 in that such conduct demonstrates a failure to be straightforward and honest.
- 13) Between about April 2018 and October 2019:
- 13.1 Carried on public practice without holding an ACCA practising certificate, contrary to Global Practising Regulation 3(i)(a);
- 13.2 Was a director and principal of FCD Associates Ltd which carried on public practice, contrary to Global Practising Regulation 3(2)(a) and 3(2)(b) respectively.
- 14) In light of any or all of the facts set out at 1 to 13 above, Nicholas Burton is:
- 14.1 Guilty of misconduct pursuant to byelaw 8(a)(i);

The Disciplinary Committee ordered that Mr Burton be excluded from membership and to pay costs to ACCA in the sum of £10,000.

Please note that this may be the subject of an appeal.

ACCA's regulations require ACCA to publish the Committee's findings and orders by way of a news release, as soon as practicable.

** An order made by the Disciplinary Committee shall take effect from the date of expiry of the Appeal Period referred to in the Appeal Regulations unless the Committee directs that the order should have immediate effect*

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About ACCA: ACCA is the Association of Chartered Certified Accountants. We're a thriving global community of **227,000** members and **544,000** future members based in **176** countries that upholds the highest professional and ethical values.

We believe that accountancy is a cornerstone profession of society that supports both public and private sectors. That's why we're committed to the development of a strong global accountancy profession and the many benefits that this brings to society and individuals.

Since 1904 being a force for public good has been embedded in [our purpose](#). And because we're a not-for-profit organisation, we build a sustainable global profession by re-investing our surplus to deliver member value and develop the profession for the next generation.

Through our world leading ACCA Qualification, we offer everyone everywhere the opportunity to experience a rewarding career in accountancy, finance and management. And using our respected research, we lead the profession by answering today's questions and preparing us for tomorrow. Find out more about us at www.accaglobal.com