

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Dean Grant

Heard on: Tuesday, 03 November 2020

Location; Remotely via ACCA Offices, The Adelphi, 1-11
John Adam Street, London WC2N 6AU

Committee: Mr Martin Winter (Chair)
Ms Fiona MacNamara (Accountant)
Mr Damian Kearney (Lay)

Legal Adviser: Mr Iain Ross

Persons present

And capacity: Ms Michelle Terry (ACCA Case Presenter)
Ms Anna Packowska (Hearings Officer)

1. The Committee heard an allegation of misconduct against Mr Dean Grant. The hearing was conducted remotely through Skype for Business (Audio only) so as to comply with the COVID 19 Regulations. Ms Terry appeared for ACCA. Mr Grant was not present and was not represented. The Committee had a main bundle of papers numbered pages 1 to 158, an additional bundle numbered pages 1 to 15 and a service bundle numbered pages 1 to 14.

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS/PROCEEDING IN ABSENCE

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2. The Committee noted that notice of this hearing was sent to Mr Grant by email on 01 October 2020. The Committee was satisfied that the notice contained the required information and had been sent more than 28 days in advance of the hearing as required by the Regulations. Accordingly, the Committee was satisfied that notice of the hearing had been properly served.
3. Ms Terry applied for the hearing to proceed in Mr Grant's absence. She referred the Committee to an email from Mr Grant to ACCA dated 06 October 2020 in which he stated that he is unable to attend this hearing and was content for it to proceed in his absence. Ms Terry submitted that Mr Grant had voluntarily absented himself and had not applied for the hearing to be adjourned.
4. The Committee considered whether to proceed in the absence of Mr Grant with the utmost care and caution. It noted that whilst Mr Grant had referred to work and personal circumstances as a reason for his non-attendance, he had not applied for the hearing to be adjourned. He appeared to have absented himself and had not indicated a willingness to attend any adjourned hearing. Taking into account the public interest in the hearing proceeding expeditiously, the Committee decided to proceed in Mr Grant's absence.

PRIVATE HEARING

5. Ms Terry drew the Committee's attention to Mr Grant's comment in his Case Management Form that he would like the hearing to be held in private to avoid others knowing about his case. Having considered the relevant Regulation and the Legal adviser's advice, the Committee concluded that Mr Grant had not raised any matters which displaced the public interest in hearings being conducted in public. The Committee decided that the hearing would continue in public.

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6. ALLEGATION / BRIEF BACKGROUND

1. Between August 2017 and April 2018, Mr Dean Grant, whilst employed at Company A:
 - 1.1. Set up incorrect supplier payment details with HSBC; and
 - 1.2. Issued incorrect invoices to the sum of £27,025.83.
 2. Mr Dean Grant's conduct in respect of 1 above was:
 - 2.1. Dishonest, in that he knew that the supplier details set up with HSBC and the invoices issued were false to facilitate payment to himself, or in the alternative
 - 2.2. Contrary to the Fundamental Principle of Integrity (as applicable between 2017 and 2018), in that such conduct demonstrates a failure to be straightforward and honest.
 3. By reason of his conduct in respect of 1 and 2, Mr Dean Grant is guilty of misconduct pursuant to byelaw 8(a)(i).
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7. Mr Grant became an ACCA student member on 10 September 2011. At the time of this complaint, he was employed within the Finance Department at Company A.
 8. A complaint was made to ACCA on 11 June 2018 by Person A on behalf of Company A. The complaint was that Mr Grant had issued false invoices and set up false supplier details to Company A's HSBC account between August 2017 to April 2018. Person A confirmed that he had reported this matter to West Yorkshire Police.

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9. ACCA received an email from West Yorkshire Police on 17 August 2019, confirming that no further criminal action would be taking place against Mr Grant because he had put in place a repayment plan with Company A.

DECISION ON FACTS / ALLEGATION AND REASONS

10. In his response to ACCA on 11 September 2019, Mr Grant admitted to the allegations of setting up false supplier details with HSBC online with himself as payee and also to issuing false invoices.
11. When he admitted the allegations to ACCA, Mr Grant stated, (in admission of these allegations): *“Both of which I regret fully and shown complete remorse and with the police investigation I admitted these straight away and I have now repaid Company A in full for any lost monies, I have sincerely apologised and since I left the company I have been with same company and this was complete one off.”*
12. Mr Grant also stated: *“...I was dismissed from the business and a month later I was brought into police questioning which I was true and honest from the outset and I was completely remorseful and shouldn't have done what I did, I fully regret my actions and now I am settled with my current employer I am looking to move on especially as the police are taking no further action.”*
13. On the basis of Mr Grant's full and frank admissions to ACCA, the Committee found the entirety of Allegation 1 proved. The only remaining issues for the Committee's consideration were whether Mr Grant had acted dishonestly and whether he was guilty of misconduct.
14. The Committee was in no doubt that in putting in place a scheme through which Mr Grant was able over a long period of time to appropriate money belonging to his employer which he used for his own personal benefit, was dishonest and

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would objectively be regarded as such. Accordingly, the Committee found Allegation 2.1 proved and did not consider the alternative Allegation 2.2.

15. Having found that he acted dishonestly, the Committee was satisfied that Mr Grant's conduct amounted to misconduct. The theft of a large amount of money by a person who was employed in a position of trust as a professional accountant over a long period of time is extremely serious and would be regarded as deplorable. Given that Mr Grant was at that time an ACCA student member, he brought discredit upon himself, upon ACCA and upon his profession.

DECISION ON SANCTION AND REASONS

16. The Committee heard submissions from Ms Terry on behalf of ACCA. The Committee received advice from the Legal Adviser and had regard to the Guidance for Disciplinary Sanctions.
17. The Committee noted that the matters found proved against Mr Grant were very serious. The Committee considered the aggravating factors to be that Mr Grant's misconduct was premeditated, persisted over a long period of time, was intended for his own benefit and undermined the trust which the public rightly have in ACCA. His dishonest conduct was directly related to the practice of his profession as an ACCA student member.
18. As mitigating factors, the Committee took into account that Mr Grant had made full admissions as to the facts and had fully cooperated with the ACCA investigation. Whilst he had, in this correspondence with ACCA, demonstrated some insight as to the effect of his actions on ACCA and his profession, the Committee was troubled by Mr Grant's continued attempts to prevent his new employer from discovering what he had done in the past rather than making a full disclosure to his current employer
19. The Committee was not satisfied that Mr Grant had demonstrated the need for

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ACCA members to act with honesty and integrity and to be open and frank in their dealings with their employers/clients.

20. The Committee considered each available sanction in ascending order of seriousness, having concluded that taking no further action was not appropriate. The Committee also considered that issuing an admonishment or a reprimand would not be sufficient or proportionate given the gravity of the dishonesty in this case.
21. The Committee carefully considered whether a Severe Reprimand would be sufficient and proportionate or whether Removal from the Student Register was required and had careful regard to the factors applicable to each of these sanctions set out in the Sanctions Guidance.
22. The Committee considered the other orders which it could impose in combination with a Severe Reprimand and concluded that such a course of action would not be appropriate or sufficient to protect the public interest. The Committee had regard to E 2.2 of the Guidance for Disciplinary Sanctions which states,

“The public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in difficult circumstances. It is a cornerstone of the public value which an accountant brings.”
23. The Committee was mindful that the Sanction of Removal from the Student Register is the most serious sanction which could be imposed. The Committee also took into account the guidance that this sanction is likely to be appropriate when the behaviour is fundamentally incompatible with being a member. The

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Committee was satisfied that Mr Grant's misconduct reached that high threshold.

24. For all of the above reasons, the Committee concluded that the only appropriate and proportionate sanction was Removal from the Student Register. The Committee did not deem it necessary to impose any minimum period before which Mr Grant can re-apply for admission as a student member, bearing in mind that were he to make an application in the future it would be considered by the Admissions and Licensing Committee.

DECISION ON COSTS AND REASONS

25. ACCA applied for costs in the sum of £5,843.00. The Committee could identify no reason why, in principle, ACCA should not recover its costs which the Committee considered had been reasonably incurred.
26. The Committee was provided with information from Mr Grant which set out his monthly income and expenditure and other financial commitments. The Committee took into account that the hearing of this matter took less time than anticipated and reduced the amount claimed by ACCA by £700 to reflect that. The Committee also, having regard to Mr Grant's means, family circumstances and other financial commitments reduced the amount claimed by ACCA by a further 20%.
27. In all the circumstances, the Committee determined that Mr Grant be ordered to pay a contribution to ACCA's costs in the sum of £4,114.40.
28. The Committee did not deem it necessary to make any immediate orders.

Mr Martin Winter
Chair
03 November 2020