



## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Mr Ahmad Abdullah Khan

**Heard on:** Monday, 25 January, Tuesday, 26 January, Wednesday, 27 January,  
Thursday, 28 January and Friday, 29 January 2021.

**Location:** Remotely by Skype for Business via ACCA's Offices, The Adelphi,  
1-11 John Adam Street, London, WC2N 6AU

**Committee:** HH Suzan Matthews QC (Chair)  
Mr Martin Davis (Accountant)  
Mr Gerard McClay (Lay)

**Legal Adviser:** Miss Juliet Gibbon

**Persons present**

**and capacity:** Mr Benjamin Jowett (ACCA Case Presenter)  
Mr Jonathan Lionel (Hearings Officer)  
Mr Richard Foster (Senior Investigations Officer)

**Outcome:** Allegations 1.1, 1.2, 1.3, 1.4, 3.1.2, 3.1.3, 3.1.4, 3.1.5  
and 4.1 found proved

**Sanction:** Exclusion from membership of ACCA with immediate effect  
No application for re-admission to be considered before the expiry of  
a period of 5 years from effective date of order for exclusion  
  
Interim Suspension Order rescinded

**Costs:** Ordered to pay a contribution to ACCA's costs in the sum of £10,000

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## PRELIMINARY

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Mr Ahmad Abdullah Khan. The hearing was conducted remotely through Skype for Business in order to comply with the current COVID 19 Regulations. The Committee had a bundle of papers numbered pages 1 to 1773, five additional bundles, numbered 1-177, 1-85, 1-18, 1-3, and 1-5 together with a service bundle, numbered pages 1 to 12, two costs schedules and a statement of financial position from Mr Khan. The Committee also had a recording of the Case Management meeting held on 18 November 2020.
2. Mr Benjamin Jowett represented ACCA. Mr Khan, based in Pakistan, attended the hearing but was not represented.

## APPLICATION TO AMEND THE ALLEGATIONS

3. Mr Jowett made an application to remove the words ‘*charge a fee to*’ in Allegation 1.4 and to substitute the word ‘*assist*’ in its place and to remove the words ‘*in return for a fee*’ in Allegation 3.1.5. Mr Khan consented to the proposed amendments.
4. The Committee was satisfied that Mr Khan would not be prejudiced in the conduct of his defence by the proposed amendments and allowed ACCA’s application.

## ALLEGATIONS (AS AMENDED)

1. Between 21 March 2017 and 02 April 2019, Mr Ahmad Abdullah Khan, an ACCA member:
  - 1.1 Approved any or all of the Practical Experience Performance objectives and/or supporting statements of the ACCA Qualification trainees referred to in Schedule A when he had no reasonable basis for believing they had been achieved and/or were true;
  - 1.2 Falsely represented to ACCA that he had supervised the work experience of any or all of the ACCA Qualification trainees referred to in Schedule A in accordance with ACCA’s Practical Experience Requirements;

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- 1.3 Improperly assisted any or all of the ACCA Qualification trainees referred to in Schedule A in completing their supporting statements as evidence of their achievements of their ACCA Practical Experience performance objectives;
  - 1.4 Improperly participated in, or was otherwise connected with, an arrangement to assist ACCA Qualification trainees referred to in Schedule A to draft and/or approve their supporting statements as evidence of their achievement of their ACCA Practical Experience performance objectives, when those trainees were unable or unwilling to properly obtain verification from a supervisor that they had met ACCA's Practical Experience Requirements.
2. Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014, Mr Ahmad Abdullah Khan, an ACCA member, failed to co-operate fully with the investigation of a complaint in that he failed to provide all of the information requested by an Investigation Officer in correspondence dated:
    - 2.1 16 December 2019;
    - 2.2 19 December 2019.
  3. Mr Ahmad Abdullah Khan's conduct in respect of 1 above was dishonest in that Mr Ahmad Abdullah Khan:
    - 3.1.1 Had no reasonable basis for believing the objectives had been met or the supporting statements were true, because he had pre-drafted the supporting statements or arranged for them to be pre-drafted rather than prepared by the ACCA Qualification trainees referred to in Schedule A based on their actual experience;
    - 3.1.2 Had not supervised sufficiently or at all any or all of the ACCA Qualification trainees referred to in Schedule A in accordance with ACCA's Practical Experience Requirements;
    - 3.1.3 Knew the supporting statements in relation to the Performance objectives should be written personally by the ACCA Qualification trainees referred to in Schedule

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A but had not been so done by any or all of them;

3.1.4 By approving the performance objectives and supporting statements of the ACCA Qualification trainees referred to in Schedule A, he was improperly assisting them in obtaining membership of ACCA when he knew they had not properly completed ACCA's Practical Experience Requirements, and accordingly, were not eligible to become members;

3.1.5 Was involved in an arrangement to enable ACCA Qualification trainees referred to in Schedule A to ostensibly complete ACCA's practical experience requirement.

3.2 In the alternative, any or all of the conduct referred to in paragraph 1 above demonstrates a failure to be straightforward and honest and accordingly is contrary to the Fundamental Principle of Integrity (as applicable from 2017 to 2019).

4. By reason of his conduct, Ahmad Abdullah Khan is:

4.1 Guilty of misconduct pursuant to byelaw 8(a)(i) in respect of any or all of the matters set out at 1 to 3 above; or

4.2 Liable to disciplinary action pursuant to byelaw 8(a)(iii) in the alternative in respect of Allegation 2 above.

## **Schedule A**

Trainee A                      Trainee AA

Trainee B                      Trainee BB

Trainee C                      Trainee CC

Trainee D                      Trainee DD

Trainee E                      Trainee EE

Trainee F                      Trainee FF

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Trainee G	Trainee GG
Trainee H	Trainee HH
Trainee I	Trainee II
Trainee J	Trainee JJ
Trainee K	Trainee KK
Trainee L	Trainee LL
Trainee M	Trainee MM
Trainee N	Trainee NN
Trainee O	Trainee OO
Trainee P	Trainee PP
Trainee Q	Trainee QQ
Trainee R	Trainee RR
Trainee S	Trainee SS
Trainee T	Trainee TT
Trainee U	Trainee UU
Trainee V	Trainee VV
Trainee W	Trainee WW
Trainee X	Trainee XX
Trainee Y	Trainee YY

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Trainee Z

Trainee ZZ

## **ADMISSIONS**

5. The allegations were read out to Mr Khan by the Hearings Officer. Whilst Mr Khan appeared to make some admissions, the Committee was of the view that his admissions were equivocal and that the allegations would need to be proved in evidence by ACCA.

## **WRITTEN OPENING**

6. Mr Jowett read out, with minor modifications, ACCA's written case opening (Exhibit 1).

## **BACKGROUND**

7. Mr Khan submitted all twenty possible performance objectives ("POs") to his Practical Experience Supervisor ("PES") on or around 08 September 2016, and they were approved by his PES on the same day. Mr Khan was subsequently admitted as a member of ACCA on 23 September 2016. ACCA has found no evidence of Mr Khan being a member of any IFAC body apart from ACCA.
8. Mr Khan was referred for investigation after ACCA's Professional Development Team became concerned about him approving ACCA trainees' personal statements in relation to ACCA POs.

## **PRACTICAL EXPERIENCE REQUIREMENTS TO BECOME A MEMBER OF ACCA**

9. In order to become a member of ACCA, a trainee must complete thirty-six months of supervised experience in a relevant accounting or finance role, or roles, and in the process complete nine performance objectives ("POs") including five that are "essential" and a minimum of four other "technical" ones. This is known as ACCA's Practical Experience Requirement or "PER".
10. Trainees must record their supervised experience using the "MyExperience" recording tool through ACCA's online portal "myACCA". The PER Recording tool has been in its current form since February 2016.
11. A "Help" page, explaining who qualifies as a PES and the role, as well as links to further resources, is available within the MyExperience recording tool.

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12. In the period March 2017 to April 2019, Mr Khan approved as Supervisor the training records of 52 ACCA trainees. These were analysed for the following periods:
  - a. 21 March 2017 to 26 October 2017, when Mr Khan approved 33 training records;
  - b. 18 March 2018 to 07 November 2018, when Mr Khan approved 17 training records;
  - c. 23 January 2019 and 02 April 2019, when Mr Khan approved a further 2 training records.

### **PERFORMANCE OBJECTIVES**

13. Each PO is made up of a short description of the PO, five elements describing the skills and expertise that trainees must demonstrate to have achieved the PO and a personal statement written by the trainee personally. The PES evaluates these when considering if the trainee has achieved the standard that is required by ACCA.
14. PO statements should be between 200 and 500 words, be a concise explanation of how the trainee has achieved the PO and include details of tasks the trainee has undertaken pertinent to that objective.

### **PRACTICAL EXPERIENCE SUPERVISORS**

15. After a PES's details have been inserted into the MyExperience tool and the trainee has clicked the submit button, the PES is sent an email with an invitation to accept and link with the trainee. The PES is requested to confirm which IFAC body he or she is a member of and to upload a copy of their membership certificate or provide their membership number.
16. When a PES logs in to consider a trainee's POs, they see the trainee on a "*supervisor overview*" page, which shows the name of the trainee, the "*Pathway*" or PER, the "*Permissions*", that is whether the PES can approve or sign-off both POs and a trainee's time, the "*Items submitted*", that is the POs waiting for assessment, the "*elements waiting for assessment*" and the "*time claims waiting for assessment*".
17. When a PES accesses a trainee's data an "*Approve time*" option is located towards the top left-hand side of the screen, showing the number of months experience the trainee has recorded. When the "*Approve time*" button is selected, the PES is then presented with the specific time claim they are being asked to approve. Each PO is accessed by clicking on those submitted by the trainee, which takes the PES to the statement that the trainee has submitted

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for approval. On the right-hand side of the screen, the role and expectations of a PES are clearly laid out.

18. A PES can click on and view the PO statement and add comments approving the PO or not. If a PES declines a PO, they must always leave a comment to ensure there is proper feedback to a trainee to clarify any shortcomings and offer extra guidance if necessary.
19. The PES must necessarily be familiar with the work of the trainee to be able to validate the PO statement against the trainee's work experience. They must assess each statement against the PO requirements, including whether there are any obvious areas which appear to be copied or are otherwise not the trainee's work. If the statement does not capture enough evidence that the trainee has met the PO requirement or appears to be not the work of the trainee, or appears to have been copied, the PES must return the statement back to the trainee with appropriate commentary.

### **Mr AHMAD ABDULLAH KHAN**

20. On 28 February 2017, Mr Khan wrote to ACCA applying to pay a reduced ACCA subscription because he had returned to full-time education. He claimed to be earning less than £5,000 per year. Mr Khan enclosed a letter from Firm A, dated 28 February 2017, that stated he had been a "trainee" at Firm A from 24 January 2016 until 05 February 2017. Mr Khan's PER Record, however, stated that he had been a trainee at the firm from 01 September 2012.
21. In the seven months from 21 March 2017 to 26 October 2017, Mr Khan approved the POs of thirty-three ACCA trainees. Thirty-one of these was as an "external accountant" and two as a line manager at Firm E (Lahore) and Firm F (Multan) respectively. Multan is approximately 300 kilometres from Lahore.
22. The PO1 (Ethics and professionalism) statements of Mr Khan and 13 of the trainees all contained the exact same statement: "*I had observed that cashier is paying workers their wages after deducting Rs. 10/ from every worker's salary and making an excuse that*



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*he do not have change cash” and “I discussed the whole scenario with my Manager. He then discussed the situation with GM plant and Head of Finance”.*

23. The PO3 (Strategy and Innovation) statements of Mr Khan and 22 ACCA trainees all contained the same sentence: *“I was appointed as internee render service of audit, taxation and corporate consultancy to its clients”*. Each of these PO3 statements also contains the same reference to becoming head of an audit team for six assignments with eighteen of them containing the same misspelling of “beacame”. They also contained the same references to a subordinate finding a fake employee, with the same misspelling of “subordiante” and to the trainee having had three juniors working under their supervision.
24. The PO6 (Record and Process Transactions and Events) statements of Mr Khan and 19 of the ACCA trainees all contain the same sentence *“It took four months for me to prepare the fixed asset register and completed the tagging of fixed assets of both divisions”*.
25. On 02 January 2018, Mr Khan again contacted ACCA requesting that he pay a reduced subscription as he had been unemployed for the past ten months.
26. On 02 January 2019, Mr Khan made a further application to pay a reduced ACCA subscription on the basis that he had been unemployed for ten months. That would have included the period in which he approved the POs of the trainees referred to above.
27. In the eight months from 18 March 2018 to 07 November 2018, Mr Khan approved the POs of a further 17 ACCA trainees. Fifteen of these were as a line manager at Firm B, one as an external accountant and one as a line manager at Firm D, Islamabad.
28. The PO18 statement of one of the trainees is identical to the PO19 statements of four other trainees.
29. In January 2019, Mr Khan again paid a reduced ACCA member subscription.
30. Between 23 January 2019 and 02 April 2019, Mr Khan approved the POs of two ACCA trainees in a role as a line manager at Firm B.
31. By 02 April 2019, therefore, Mr Khan had approved the POs of 52 ACCA trainees in the capacity of line manager or as an external accountant. This was over a period of time when Mr Khan had informed ACCA that he had either returned to full-time education or was

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unemployed.

32. In total, Mr Khan had claimed to be a line manager at four different firms.

### **WITNESSES**

33. Mr Stephen Baillie is employed by ACCA as a Professional Development Team Manager. Mr Baillie provided a witness statement, dated 06 July 2020, and also gave oral evidence to the Committee. In his statement, he states that he has *“not come across ACCA trainees working in different roles at different employers or otherwise, providing the same, or essentially the same PO statements as other trainees”*.
34. Mr Baillie states that, in his experience, only PESs from large accountancy firms, typically one of *“the big four”* firms would have more than one or two trainees at any given time. Further, the *“typical”* ACCA PES would only have between one and two trainees. Of the 52 trainees, 32 subsequently became ACCA members. 19 of these trainees submitted their POs stating that Mr Khan was their line manager at Firm B on various dates between January 2012 and March 2019, which included the period when Mr Khan himself had claimed that he was employed as a trainee at Firm A. The Professional Development Team and ACCA Pakistan have been unable to trace Firm B, either on the internet or found a physical location for the firm in Pakistan itself.
35. In his oral evidence, Mr Baillie explained the function of the PES, as set out above, to the Committee. He stressed that the PES must be a qualified accountant and would need to engage with the trainee and plan what work was required. Mr Baillie described it as *“quite an involved process”* in which there would have to be regular meetings and appraisals. He informed the Committee that when a PES signs up as a supervisor, they must find out what they need to do. The PES has to apply judgment, ethics and must coach and mentor their trainee to help them become a member of ACCA. He stressed that it was a *“very important role”*.
36. The Committee was referred to ACCA's Practical Experience Requirements (“PER”) Quick Guide, which sets out what is required of a PES. He said that a person should not become a PES unless they are aware of their obligations. Similarly, the PER Quick Guide sets out what a trainee should do to source a suitable PES. The trainee should know what the supervisor is required to do and that their work must always be supervised and approved by the PES. It must always be the trainee's own work. Further, a trainee should never share his or her ACCA

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sign in details with the PES. Mr Baillie was of the view that if a trainee had not gone through supervised training properly then there would be issues in relation to their competence.

37. Mr Baillie told the Committee that for some of the trainees, Mr Khan had purported to be their line manager, as he had signed off both the POs and supporting statements and the time for the trainee.
38. Mr Baillie referred the Committee to a number of training records for different trainees to explain ACCA's concerns about Mr Khan acting as a PES, including that some of the POs had been copied from Mr Khan's own PO supporting statements. The main concerns were that Mr Khan did not know some of the trainees and was not connected to their firm. Mr Baillie told the Committee that Mr Khan should certainly not have been approaching trainees on social media offering to assist with their POs. Mr Baillie described that as "*quite horrifying*".
39. In respect of Firm B, Mr Baillie informed the Committee that ACCA had investigated and had been unable to find any trace of Firm B either on the internet or in Pakistan.
40. Four of the trainees: Trainee P, Trainee X, Trainee AA and II, made witness statements.
41. Trainee P made a witness statement, dated 17 October 2020. He states that he first met Mr Khan in about May 2016 when he started working at Firm G, where Mr Khan had been working part-time for six months as an outsourcer providing financial advice to the business. Trainee P states that in May 2017, he had completed 3 years post-graduation experience and decided that he would apply for ACCA membership. He was not aware of what ACCA's PER requirement involved. He discussed this with Mr Khan, who told him that as he was ACCA qualified, he could help him. Mr Khan asked Trainee P to show him his "Practical Experience Certificate" from his previous employment.
42. Having looked at the Practical Experience Certificate, Mr Khan told Trainee P that his work experience was fine. Mr Khan then asked Trainee P to give him his myACCA login details saying that he would sort everything out for him. Trainee P states that he did not think there was anything wrong or untoward with this, and sometime later, he received an email from ACCA about becoming a member. Trainee P then applied for membership.
43. Trainee P states that he worked for his father and uncle's business, Firm G, from May 2016 to May 2017. His PER, however, indicates that he worked there for 43 months. This was not correct. Trainee P states that he did not look at anything that Mr Khan had submitted on his

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behalf and he did not discuss his PER with him. He states that he did not upload anything onto his ACCA link himself in relation to his PER. Trainee P also states that none of the personal statements in relation to POs 1, 2, 3, 4, 5, 6, 7, 8 and 20 were his or were written by him.

44. Trainee P states that he had no idea why Mr Khan would have put all this information in for him. He confirmed that he did not pay him any money and that Mr Khan did not ask anything of him. Mr Khan had simply said that he knew what to do and that he would take care of it.
45. Trainee X made a witness statement, dated 06 October 2020. He states that when he was a student of ACCA taking exams he joined chatroom forums on Facebook about ACCA. He stated that his PER supervisor could not approve his PER because he was not an IFAC qualified accountant. People were giving him advice on Facebook, including Mr Khan, who told him to send over what he had done. Trainee X states that he assumed that Mr Khan was also a student member of ACCA. He provided Mr Khan with his myACCA login details so that he could access his PER. About a week later, Mr Khan contacted him and said that his PER was complete. Trainee X was subsequently confirmed as a member of ACCA. Trainee X states that he did not pay Mr Khan or anyone else any money for completing his PER. It was only when Trainee X was contacted by ACCA that he realised that Mr Khan had made changes to his PER.
46. Trainee AA made a witness statement, dated 15 December 2020. Trainee AA confirms in his statement that Mr Khan did not supervise his PER training during his employment with Firm B and that he was not his line manager. Mr Khan was, however, the only relevant person available at that time in the firm who was eligible to sign off his PER.
47. Trainee II made a statement, dated 20 December 2020. He states that he has known Mr Khan for a long time. He confirms that Mr Khan did not supervise his practical training between August 2012 to 2015, the majority of which was undertaken in the UAE. He states that he was unable to get his PER signed off in the UAE and he had approached Mr Khan to retrospectively sign off his PER.

### **MR KHAN'S CASE**

48. There was correspondence from ACCA's Senior Investigations Officer ("SIO") to Mr Khan on 16 December 2019 requesting information from him and reminding him of his duty to cooperate with the Investigating Officer under Regulation 3(1) of the Complaints and

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Disciplinary Regulation 2014, as amended. Mr Khan responded by email on 19 December 2019 (time: 06:45). In that email he stated: *"The point of PER that are similar. I provide them the sample of PER so that they may write in accordance with that but I guess that they have wrote it as it is. Due to negligence this point have arose for this I apologize ACCA for not being able to make this up to mark"*.

49. Mr Khan sent a further email to the SIO at 12:04 on 19 December 2019 in which he stated: *"I once again apologize if I have not followed the path but that was not deliberately for ethical issue that was a volunteer working and serice to my acca fellows as I have seen many students who are affilliate for a longer period of 10 years I urge them to pay their subscription and penalties and become a member for their betterment and for acca status ... The students which you mentioned are the ones who were finding this extremely difficult so I checked their work experiences and take a liberty to sign off. I once again apologize if I have committed any negligence but I was just trying to help my fellows"*. The SIO responded to Mr Khan's email by way of a letter, emailed on 19 December 2019. He stated: *"Thank you for your two emails earlier today, but you have failed to provide satisfactory responses"*. The SIO asked further questions of Mr Khan.
50. Mr Khan responded to the SIO at 18:54 on 19 December 2019. He explained that he was working in a not-for-profit organisation that provided training in tax and bookkeeping awareness. He stated that trainees from different firms would attend seminars and he would supervise some of their assignments. He said he helped the trainees by giving them guidance. He stated: *"I committed a little negligence when I was approving it I've not check if they are copied by others. Because almost nature of their jobs are same"*.
51. In further correspondence, dated 22 May and 04 June 2020, the SIO specifically asked Mr Khan about the PER of Trainees P and X. Mr Khan responded in an email, dated 05 June 2020. In relation to Trainee P, Mr Khan stated: *"As far as I recall that man was asking about pers as it required an ifac member so I helped him in becoming a member by completing Per requirement"*. In relation to Trainee X, Mr Khan stated: *"... I checked his experience certificate and confirmed his experience. I helped in gaining membership status by completing his PER requirement again. I haven't been in to this for any money but for their membership status so that he can make his position better for work here in Pakistan"*.
52. In an undated completed Case Management form Mr Khan wrote: *"Dear Jury I just want to say that I am a loyal member of ACCA. Probably their remains some misconduct but that was not intentional but to guide students and to make more ACCA members to give strength in*

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*this region”.*

53. ACCA produced a Scott Schedule that sets out in detail the case against Mr Khan in respect of each of the trainees. At a Case Management Meeting (“CMM”) on 18 November 2020, the Chair directed Mr Khan to serve a full response to ACCA’s schedule, setting out (a) whether or not he admitted each of the allegations particularised in the schedule and (b) all such matters as he relies on in contending that he fully and correctly performed his duties as a supervisor of the trainees in accordance with ACCA’s requirements. Mr Khan, however, only commented on the first page of the schedule as follows: *“ACCA has worked a lot on this case. I became member on the date mentioned here. I have explained before that I have approved or supervised those students who were unable to be signed by their supervisors due to many/multiple reasons and scenarios. Those students who were not able to find supervisors contacted me for their supervision. I have guided them further by giving template of statements so that they should understand the way in which they need to record their performance objective statements. The statements might match as indicated by ACCA of this trainee A and all others indicated further in to the template.”*
54. At the CMM, Mr Khan was also directed to serve a witness statement. He has submitted an undated statement in which he states *“I have apologized already from several platforms for my negligence towards performing this step for membership ... This act much consisted of support to ACCA affiliates that they can at least get some pounds more than the existing package as this is the one ACCA member who can work in this country only. There is no doubt that ACCA is recognized all the world but in Pakistan the scope is limited until there is some academic qualification or some membership from local audit or other bodies. This can be even better if training of ACCA students get better opportunities by getting chance to work under good and standard firms with good working and learning opportunities. In this way ACCA students will be well able to complete their performance objectives requirement in a well-mannered way and in that way which ACCA requires it to be done the trainees”.*
55. Mr Khan was directed, to state in writing whether he admitted or denied each of the Allegations 1-4 by no later than 10 December 2020. He failed to do so. In an email dated 13 January 2021, however, in response to an email from the ACCA Senior Investigations Officer dated 12 January 2021, Mr Khan appears to make admissions to all the charges. He also states *“I am not challenging acca investigation but I need to clarify my position with extreme apologize”*. In a further email dated 13 January 2020, Mr Khan wrote: *Lastly I want to ask that the point of being dishonest has been the point of debate and argument for this long time. According to me the act I committed regarding performance objective was negligence and not a*

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*professional one. The allegations which I accept is another thing because acca is my body and I am not challenging it's professionalism and work which it carried in my case. It's working is totally fine and I have accepted that, but being dishonest is something I am trying to defend that I am not dishonest in my act but I was non professional and negligent. You told me on telephone that on that day I will say yes or no on the allegations on which I have responded in email point by point. Can you please elaborate me that what does it mean that I say dishonest to myself even though I am not according to my act. And if I declare myself as dishonest then why is there court and independent assessors. I will cooperate in every scenario with acca because I am in acca from last 12 years and still I want to keep this relation for long. Thank you".*

### **EVIDENCE**

56. Mr Khan has also given oral evidence to the Committee and has been cross-examined by Mr Jowett. Mr Khan informed the Committee that he started with ACCA in 2008. He set out his qualifications and the Committee has seen copies of the certificates that he sent to ACCA on the second day of the hearing which showed that Mr Khan, as well as being a member of ACCA, was a member of the Institute of Certified Public Accountants ("ICPAP") of Pakistan; had a Master's degree in Finance and Accounting and was a Certified Financial Consultant as certified by the Institute of Financial Consultants in Canada. Mr Khan informed the Committee that employers in Pakistan would prioritise candidates with the better qualifications.
57. Mr Khan said that he accepted that he had acted negligently in helping ACCA trainees whose line managers would not assist them in completing their PER. He stressed that the trainees were not able to find anyone who would support their work experience and PO statements. He said that he had advised the trainees that they needed to write their own statements and he had given them copies of his templates of his statements as examples. He said if they had not written the statements on their own then that showed a lack of motivation on their part.
58. Mr Khan informed the Committee that the ACCA qualification was not highly thought of in Pakistan and people with the ACCA qualification were not allowed to undertake audit work. He seemed to imply that the firms were not providing the work experience certificates because they should not have been employing people with the ACCA qualification. Mr Khan said ACCA students were transferring themselves to other professional bodies in order to undertake audit work.
59. Mr Khan accepted that he had breached ACCA regulations by approving the trainees' PERs,

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but stressed that this had not been done to damage the public interest. He informed the Committee that he had apologised for his negligent conduct in not telling ACCA what he was doing, but he said the trainees were contacting him because they had passed their qualifications and done their work experience but were unable to get their POs approved by their line managers. He questioned why ACCA had not asked the trainees' employers how they are currently performing. Mr Khan said the students contacted him for help and he did so in order to support ACCA to be strong in Pakistan. He commented "*I am ACCA and if ACCA is strong in my region then I will be strong*". He said that he had started a campaign for ACCA students to have some statutory rights if they need to work in Pakistan.

60. Mr Khan told the Committee that he felt that he had been doing a public favour. He said the students had contacted him and, whilst he knew that he was signing off a number of students from different organisations whom he had not worked with at the same time, he had kept in mind that this was a general problem in Pakistan, and he thought that ACCA would be very happy that a member was doing something for other ACCA members to guide them to make their paths strong. He said he had not misled anyone and had not done it to damage ACCA's reputation. Mr Khan informed the Committee that he had not been involved in any disciplinary proceedings in the twelve years that he had been with ACCA. He offered to do a programme of work to boost confidence in ACCA in Pakistan by way of repentance or compensation for his negligent actions in approving the POs and the supporting statements of the trainees. Mr Khan outlined his current personal circumstances and asked the Committee not to take his ACCA membership away from him.
61. Mr Jowett asked Mr Khan questions. Mr Khan said that his training record at ACCA showed that he had worked for Firm A from 01 September 2012 to date and Mr Khan said that the dates provided by him in his ACCA training record (01 September 2012 to date) differed to those set out in a letter from a manager at Firm A (January 2016 to February 2017) because of the restriction on employers of employing ACCA trainees. He said employers were reluctant to provide the correct details for ACCA trainees and his employer was not willing to say he had been a trainee at the firm when he had. Mr Khan said that Firm A was a sole proprietor audit firm based in Lahore.
62. Mr Khan said that he had completed 20 POs because he did not know that he only had to complete 9. He agreed that his line manager, Person A, had appropriately discussed the work with him before approving his POs. He agreed that he has not looked at the 2013 PER guidance and Person A had also not looked at it.



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63. Mr Khan said that he had provided the trainees with a 'template' that he had written in relation to his own work experience and had told them to write the statement in their own words and according to their own work experience. He said he now realised that he should not have given them the template. Mr Khan also accepted that he should not have approved the trainees' POs but said that was the only option for the trainees to get ACCA membership. He said that the trainees nominated him because their line managers would not sign off their POs. Mr Khan said he did not receive anything from the trainees for acting as their supervisor.
64. In respect of Trainee Y, Mr Khan said he met him at ACCA college. They discussed the matter and he had just approved Trainee Y's POs. He thought that he had met Trainee Y five or ten times. He reiterated that he was just concerned that the last step to ACCA membership could not be completed and wanted to guide them. He said he realised that it was a '*big negligence*' from a professional point of view. He wanted to support the students and make sure that they remained with ACCA and not any other professional body. Mr Khan accepted that he had an obligation to review the trainees' records and he hadn't done so. He said this was because he was not a nominated person from ACCA. He said that ACCA does not provide statutory support to students in Pakistan.
65. Mr Khan accepted that he did not read the trainees' statements and that he should have done, as that was his responsibility as a supervisor. He reiterated that he was not on an assignment from ACCA, he was not doing a job, he was just helping ACCA students who were friends or friends of friends. He accepted that he should have challenged the trainees, but he told the Committee that he had considered their work experience to be more important than their POs. He said he is now aware that the POs are very important.
66. Mr Khan was asked about the existence of Firm B where Trainee D claimed to have worked for three years. Mr Khan said it did exist, but he had also not been able to find the firm when he researched it for the hearing.

## ADJOURNMENT

67. Following the luncheon adjournment on day 2 of the hearing, Mr Khan informed the Committee that his [redact] had been taken ill and he requested an adjournment until the next day.
68. On the morning of day 3 of the hearing, Mr Khan informed the Committee that he was at the hospital with [redact] who had had difficulties breathing and was awaiting the results of a test for Covid. He said that he was on his telephone in the hospital canteen. The Committee determined that it was not appropriate to proceed with the hearing as Mr Khan would be giving

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his evidence in a public place where he could be overheard, and he may not be able to give his full concentration to the hearing because of his concern over [redact] ill-health. The hearing was adjourned until the next day.

69. On the morning of day 4 of the hearing, Mr Khan informed the Committee that he was content to proceed with the hearing and was in an appropriate setting.
70. Mr Jowett continued his cross-examination of Mr Khan. He was asked about Trainee F. Mr Khan said that he understood that if he didn't work in the same organisation as the trainee then he was not able to confirm his time. He said he had accepted what Trainee F had said to him about how long he had worked at the company and that he had achieved his POs. Similarly, in relation to Trainees D and H he accepted that he did not work in the same organisation but said he must have checked their objective statements.
71. Mr Khan accepted that he had provided the trainees with a template/sample wording from his own PER. He also accepted that where students had copied his or other students' PO supporting statements then what was written in their statements could not be true. He said he should have checked their POs and supporting statements with their work experience but had just approved without looking at what they had written.
72. Mr Khan was asked about Firm C and his relationship with Person B. He said that he did not know why Person B had said that he could falsely sign off trainees' PER in return for money.
73. Mr Khan was referred to a record of a conversation with the SIO in which he said that on one or two occasions he had accessed a trainee's myACCA log in, but it had been Person B, not him, who had amended the PO statements.
74. In answer to questions from the Committee, Mr Khan said that he had never been employed or working at the same firm as any of the trainees when he signed off their PER. He accepted that if a trainee had copied his template in their PO statements then they were acting dishonestly. Mr Khan informed the Committee that he now understood that the POs are a very important part of the work experience and membership process and should have been followed in line with ACCA's PER.

### **SUBMISSIONS ON BEHALF OF ACCA**

75. Mr Jowett submitted that Mr Khan had improperly acted as supervisor for 52 ACCA trainees when he was not qualified so to do. Further, he had no reasonable grounds for believing that

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the trainees' POs were correct and accurate when he approved them. Mr Jowett referred the Committee to ACCA's Scott Schedule in relation to each trainee. He submitted there had been widespread copying and 33 of the trainees had copied from Mr Khan's own PER. Mr Khan would, therefore, have known that the PO statements were false when he signed them off. He had falsely represented that the trainees had completed their training objectives under his supervision.

76. Mr Jowett submitted that there had clearly been a scheme or arrangement by which Mr Khan approved the POs for the trainees. He submitted that the absence of financial gain was not relevant to the issue of dishonesty. Mr Khan had treated ACCA's PERs as something that *'could be got round'*.
77. Mr Jowett submitted that this was the clearest case of dishonesty. He said that whilst Mr Khan may have considered what he had done was laudable and altruistic, the ordinary decent person would know that what he did was wrong and dishonest. Mr Khan had recently gone through the PER process himself; he knew there was guidance available and had seen the help sheet. He understood what the role of supervisor should be, but he did not comply with those requirements.
78. Mr Jowett reminded the Committee that Mr Khan had not challenged the witness statements of the four trainees, the report or the Scott Schedule.
79. In relation to Allegation 2, the failure to fully cooperate, Mr Jowett submitted that Mr Khan had not answered the SIO's specific questions as set out in ACCA's letters to Mr Khan of 16 and 19 December 2019.
80. Mr Jowett reminded the Committee of the admissions made by Mr Khan in respect of the allegations.

### **MR KHAN'S SUBMISSIONS**

81. Mr Khan submitted that whilst he had not previously known the importance of the PO statements, he was now aware that they are *'really important'*. He accepted that the trainees were unable to explain their own work and were not supervised by him. He submitted that he had made a big mistake and had been negligent, but he had not intended to deceive ACCA.

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### **DECISION AND REASONS**

82. The Committee carefully considered all the documentary evidence before it, the oral evidence of Mr Stephen Baillie and Mr Khan and the submissions made by Mr Jowett and Mr Khan. The Committee accepted the advice of the Legal Adviser.
83. Four of the trainees: Trainee P, Trainee X, Trainee AA and II, had made witness statements but had not given oral evidence to the Committee. The Committee treated the evidence of these witnesses with caution as it recognised that they had their own interests to serve. Further, Trainee AA had claimed to work with Mr Khan at Firm B, which is a firm that ACCA could find no trace of in Pakistan.
84. The Committee bore in mind that the burden of proving a factual allegation in dispute rests on ACCA and that the standard of proof is on the balance of probabilities.

### **ALLEGATION 1.1 - PROVED**

85. The Committee was satisfied, on the balance of probabilities, that Mr Khan had approved the POs and supporting statements of the trainees referred to in Schedule A when he had no reasonable basis for believing they had been achieved or were true. Mr Khan accepted that he had not worked as line manager for any of the trainees and said he had just accepted what the trainees had told him about their work experience. It was clear to the Committee that if Mr Khan was correct and he did not check the trainee's objectives or statements before approving them then he would have had no reasonable basis for believing that they had been achieved or were true. Similarly, if he had checked the trainees' POs and statements before approving them, he would have known that they were untrue, particularly as so many were copied from his own PO statements.

### **ALLEGATION 1.2 - PROVED**

86. The Committee was satisfied, on the balance of probabilities, that Mr Khan had falsely represented to ACCA that he had supervised the work of the trainees. He was not a member of ACCA for all or part of the work experience period for all but one of the trainees. Further, Mr Khan accepted that he had not worked in the same firms as any of the trainees. The Committee was, therefore, satisfied that Mr Khan did not supervise the trainees' POs and supporting statements in accordance with ACCA's PER.

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### **ALLEGATION 1.3 - PROVED**

87. The Committee was satisfied, on the balance of probabilities, that in providing a 'template' / sample of his own work experience supporting statements to each of the trainees, Mr Khan had improperly assisted them in completing their supporting statements as evidence of their achievements of their ACCA practical experience POs. Further, two of the trainees made witness statements in which they stated that Mr Khan had gone online and made amendments to their statements. In the Committee's view this was improper assistance as the trainees should have been completing their statements themselves.

### **ALLEGATION 1.4 - PROVED**

88. The Committee was satisfied, on the balance of probabilities, that Mr Khan had participated in an arrangement to assist ACCA trainees to approve their supporting statements as evidence of their achievement of their ACCA practical experience POs. Further, Mr Khan accepted that he did this because the trainees were unable to have their work experience signed off by their supervisors.

### **ALLEGATION 2 – NOT PROVED**

89. The Committee noted that there had been correspondence from ACCA's Senior Investigations Officer ("SIO") to Mr Khan on 16 December 2019 requesting information from him and reminding him of his duty to cooperate with the Investigating Officer under Regulation 3(1) of the Complaints and Disciplinary Regulation 2014, as amended. Mr Khan had responded by email on 19 December 2019 (time: 06:45) in broadly similar terms to his evidence he has given to the Committee.
90. Mr Khan had sent a further email to the SIO on 19 December 2019 at 12:04 in which he provided some further information. The SIO had responded to Mr Khan's email by way of a letter, emailed on 19 December 2019, in which he stated: "*Thank you for your two emails earlier today, but you have failed to provide satisfactory responses*". The SIO asked Mr Khan to provide further information. Mr Khan had replied by email to the SIO at 18:54 on 19 December 2019, again providing further information. There had been no further communication between ACCA and Mr Khan until 22 May 2020 when the SIO wrote to him specifically in relation to Trainee P.
91. The Committee has considered the evidence in relation to this allegation carefully and it is not satisfied that ACCA has proved, on the balance of probabilities, that Mr Khan failed to co-

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operate fully with the investigation of a complaint by failing to provide all of the information requested by the SIO in correspondence dated 16 and 19 December 2019. In particular, the Committee noted that Mr Khan had only been informed on one occasion that he had not provided satisfactory responses. He had then sent further information to the SIO but was not informed again by ACCA that he had failed to provide a satisfactory response. The Committee, therefore, found this allegation not proved.

### **ALLEGATION 3 – DISHONESTY PROVED**

92. The Committee went on to consider whether Mr Khan's conduct had been dishonest.

#### **ALLEGATION 3.1.1 - NOT PROVED**

93. The Committee noted that Mr Khan admitted that he had provided templates of his work experience to the trainees. Two of the trainees made statements indicating that Mr Khan had altered their supporting statements. Mr Khan denied this but did admit that he had logged in to one or two of the trainees' online ACCA accounts. Whilst Mr Khan may have altered some of the statements of the trainees, the Committee was not satisfied that there was sufficient evidence before it to conclude that Mr Khan had pre-drafted all of the trainees' supporting statements or arranged for them to be pre-drafted. Accordingly, the Committee found this allegation not proved.

#### **ALLEGATION 3.1.2 - PROVED**

94. The Committee was fully satisfied to the requisite standard that Mr Khan had not supervised the 52 trainees set out in Schedule A in accordance with ACCA's PER. Indeed, Mr Khan now accepts this to be the case but said that he wasn't aware of the requirements at the time. According to Mr Khan, he simply approved the trainees' POs and supporting statements without reading them. In other words, he 'rubber stamped' them and did not follow ACCA's practical experience requirements.

#### **ALLEGATION 3.1.3 - PROVED**

95. The Committee accepted ACCA's evidence that the supporting statements of many of the trainees had simply been cut and pasted from the supporting statements of Mr Khan's own practical experience POs. The Committee was satisfied, on the balance of probabilities, that Mr Khan must have known that the trainees had not written the statements themselves from their own work experience when he approved their statements.

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### **ALLEGATION 3.1.4 - PROVED**

96. The Committee was satisfied, on the balance of probabilities, that Mr Khan knew when he approved the trainees' POs and supporting statements that they had not properly completed ACCA's PER and were not, therefore, eligible to become members. He had, therefore, in the Committee's determination, improperly assisted the trainees to obtain membership of ACCA when they were not eligible.

### **ALLEGATION 3.1.5 - PROVED**

97. The Committee was satisfied, on the balance of probabilities, that Mr Khan had been involved in an arrangement with the trainees listed in Schedule A to complete their PER. Mr Khan accepted this was the case but said he was doing it to assist students who were unable to have their work experience signed off by their line managers.
98. The Committee, having found Allegation 3.1 proved, did not go on to consider the alternative charge set out in Allegation 3.2.

### **ALLEGATION 4.1 - MISCONDUCT FOUND**

99. The Committee determined that Mr Khan's premeditated and dishonest conduct, in approving the POs and supporting statements of the ACCA trainees, fell far below the standards expected of an ACCA member. In the Committee's determination, Mr Khan's dishonest conduct undermined the integrity of ACCA's membership process and had brought discredit to him, the Association, and the accountancy profession. The Committee was satisfied that Mr Khan's dishonest conduct clearly amounted to misconduct.
100. The Committee, having found Allegation 4.1 proved, did not go on to consider the alternative charge set out in Allegation 4.2.

### **SANCTION AND REASONS**

101. Mr Jowett informed the Committee that there were no previous disciplinary findings against Mr Khan.
102. The Committee accepted the advice of the Legal Adviser who referred it to Regulation 13(4) of the CDR and to ACCA's Guidance for Disciplinary Sanctions. In considering what sanction,

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if any, to impose, the Committee bore in mind the principle of proportionality and the need to balance the public interest against Mr Khan's own interests. The purpose of any sanction was not meant to be punitive but was 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.

103. When considering the appropriate sanction, the Committee considered the aggravating and mitigating features of the case. The Committee considered the following to be mitigating features:

- a. Mr Khan had partially admitted the facts of most of the allegations;
- b. Mr Khan has demonstrated remorse for his actions;
- c. Mr Khan had no previous disciplinary findings against him;
- d. Mr Khan engaged with the investigation and the proceedings.

104. The Committee considered the following to be aggravating features:

- a. This was deliberate and premeditated dishonest conduct on the part of Mr Khan;
- b. Mr Khan was in a position of trust as a supervisor in checking that ACCA trainees were completing their training properly and his dishonest conduct in 'rubber stamping' their training amounted to a breach of that trust;
- c. Mr Khan lacked insight into the seriousness of his dishonest conduct;
- d. Mr Khan's misconduct had the potential to undermine the integrity of ACCA membership and to damage the Association's reputation;
- e. A number of the trainees who had their PER improperly approved by Mr Khan became members of ACCA and there are real concerns that they are practising as qualified accountants when they have not been properly trained;
- f. The trainees who became members of ACCA are at risk of facing disciplinary proceedings themselves.

105. The Committee considered each available sanction in ascending order of seriousness, having concluded that taking no further action was not appropriate due to the seriousness of the dishonest conduct. The Committee also considered that issuing an admonishment or a reprimand would not be sufficient or proportionate, given the gravity of the matters proved, and would not protect the public interest.

106. The Committee carefully considered whether a severe reprimand would be sufficient and proportionate, or whether exclusion from membership of ACCA was required. It had careful



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regard to the factors applicable to each of these sanctions as set out in the Sanctions Guidance. The Committee considered that very few of the factors applicable to a severe reprimand were applicable in this case. The Committee concluded that a severe reprimand would not be appropriate or sufficient to protect the public interest.

107. The Committee had regard to paragraph 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”.*

108. The Committee was mindful that the sanction of exclusion from membership of ACCA was the most serious sanction that could be imposed. The Committee took into account the guidance that this sanction was likely to be appropriate when the behaviour was fundamentally incompatible with being a member of ACCA.

109. The Committee noted that the following factors were present in this case:

- a. Serious departure from relevant professional standards;
- b. Abuse of trust;
- c. Dishonesty;
- d. Lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof;
- e. Affected or had the potential to affect a substantial number of clients/members of the public;
- f. The misconduct had continued for more than two years.

110. The Committee was satisfied that Mr Khan’s dishonest conduct had reached the high threshold for exclusion from membership of ACCA. The Committee had heard no mitigation from Mr Khan to warrant any lesser sanction.

111. For the above reasons, the Committee concluded that the appropriate and proportionate sanction to protect the public and the public interest was to exclude Mr Khan from membership of ACCA.

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112. In view of the seriousness of the factors set out in paragraph 108 above, the Committee considered that Mr Khan should be excluded for a minimum period of five years. The Committee, therefore, considered it was necessary to impose an order that no application for readmission may be considered until the expiry of a period of five years from the effective date of the order excluding Mr Khan from membership of ACCA, which is the maximum period available to the Committee.
113. Any application for readmission as a member of ACCA made by Mr Khan after the minimum period of five years will be referred to the Admissions and Licensing Committee for consideration.

### **DECISION ON COSTS AND REASONS**

114. The Committee was provided with two costs schedules and a statement of financial position from Mr Khan. Mr Jowett applied for costs in the sum of £39,182.50. He submitted that ACCA was entitled to the full costs but that the Committee may wish to make an adjustment to that figure to reflect that the hearing had not gone ahead on day 3. Mr Jowett also accepted that it would be appropriate for the Committee to make some reduction to reflect Mr Khan's current limited financial circumstances.
115. The Committee was satisfied that the costs claimed by ACCA in the sum of £39,182.50 took account of the thorough investigation there had been into this complex case. It was satisfied that the amount should be reduced to £38,000 to reflect that although the Committee had sat on five days, on the third day it had been unable to take any substantive evidence. The Committee noted that Mr Khan had not provided any documentary evidence to support his very brief financial statement but that ACCA had accepted that he was a man of limited means. The Committee considered that it was appropriate and reasonable for there to be a further reduction to reflect Mr Khan's current limited financial circumstances.
116. The Committee determined that in all the circumstances it would be fair and proportionate to order Mr Khan to pay a contribution to ACCA's costs in the sum of £10,000. The Committee anticipated that Mr Khan's means are likely to improve in the future and he will then be in a position to pay his contribution to ACCA's costs.

### **ORDER**

- i. Mr Ahmad Abdullah Khan shall be excluded from membership of ACCA.

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- ii. No application made by Mr Ahmad Abdullah Khan for readmission as a member of ACCA shall be considered until the expiry of five years from the effective date of this order.
- iii. Mr Ahmad Abdullah Khan shall pay a contribution to ACCA's costs in the sum of £10,000.

### **EFFECTIVE DATE OF ORDER**

117. The Committee directed that it was in the interests of the public for the order to have immediate effect subject to the order being varied or rescinded on appeal as described in the Appeal Regulations.

### **INTERIM ORDER**

118. The interim suspension order imposed on Mr Khan on 08 July 2020 is rescinded.

**HH Suzan Matthews QC**  
**Chair**  
**29 January 2021**

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