

## HEARING

# DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

## REASONS FOR DECISION

<b>In the matter of:</b>	<b>Mr Touqeer Nasir</b>
<b>Heard on:</b>	<b>Thursday, 25 November 2021</b>
<b>Location:</b>	<b>Held remotely by video conference</b>
<b>Committee:</b>	<b>Mr Martin Winter (Chair) Mr Ryan Moore (Accountant) Mr Geoff Baines (Lay)</b>
<b>Legal Adviser:</b>	<b>Mr Andrew Granville Stafford</b>
<b>Persons present and capacity:</b>	<b>Mr Benjamin Jowett (Case Presenter) Ms Nyero Abboh (Hearings Officer)</b>
<b>Observers:</b>	<b>None</b>
<b>Outcome:</b>	<b>Allegations 1(a), 1(b), 2(a), 2(b) and 4 found proved Excluded from membership, to have immediate effect Costs of £7,403 Interim order rescinded</b>

## INTRODUCTION

1. The Disciplinary Committee of ACCA ('the Committee') convened to consider a report concerning Mr Touqeer Nasir.
2. The Committee had before it the report to the Disciplinary Committee and accompanying documents (202 pages), four tabled additional bundles (2, 2, 4 and 2 pages respectively) and a service bundle (23 pages).

## PROCEEDING IN ABSENCE

3. Mr Nasir did not attend the hearing and was not represented.
4. Notice of today's hearing was sent by email to Mr Nasir on 28 October 2021. The notice was sent to his registered email address and ACCA provided a receipt confirming that the email had been delivered.
5. On 11 November 2021, ACCA wrote to Mr Nasir, by email and airmail, asking him to confirm whether he intended to attend this hearing. Mr Nasir replied the same day saying his daughter had been admitted to hospital and he was unable to confirm whether he could attend until she was discharged.
6. On 19 November 2021, ACCA emailed Mr Nasir asking him whether, in light of his daughter's condition, he was seeking an adjournment. Mr Nasir replied on 21 November 2021 saying:

*'As I mentioned you before my daughter is in the hospital. I discuss with doctor and asked him for the discharge date. He told me that may be discharge on 27 November.so due to the issue I am unable to attend the hearing .kindly proceed it without my presence. In case any detail required please let me know.'*(sic)

7. The following day, ACCA emailed Mr Nasir asking him to confirm whether he was applying for an adjournment or was content for the hearing to proceed in his absence. He replied on 23 November 2021 saying:

*'I appreciate your support. But as I mentioned discharge date is not confirmed .it will based on my daughter condition.doc just told me may be they will discharge on 27 Nov 21.so kindly proceed the hearing in my absence.i have provided all the detail but in case of further detail required please let me know.'* (sic)

8. The Committee was satisfied that the requirements of Regulations 10(1) and 22(5) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations ('CDR') as to service had been complied with.

9. Having satisfied itself that service had been effected in accordance with the regulations, the Committee went on to consider whether to proceed in the absence of Mr Nasir. The Committee bore in mind that the discretion to do so must be exercised with the utmost care and caution and having regard to the public interest in dealing with this matter fairly, expeditiously and efficiently.
10. Mr Nasir was clearly aware of the hearing and, in the Committee's view, had voluntarily chosen not to take part in it. He had been provided with the opportunity to take part in the hearing remotely but had not availed himself of that opportunity.
11. The Committee further noted that Mr Nasir had twice said in his email correspondence with ACCA that he was content for the hearing to proceed in his absence. The Committee also noted that Mr Nasir's position was that he had provided all the details required. It considered that it was unlikely that Mr Nasir would attend if the hearing were adjourned, given that he had been offered the opportunity to apply for an adjournment and had not done so. Further, given the nature and seriousness of the allegations, the Committee considered that there was a public interest in proceeding which overrode any unfairness there might be to Mr Nasir by doing so.
12. The Committee therefore decided to proceed in Mr Nasir's absence.

### **ALLEGATIONS AND BRIEF BACKGROUND**

13. The allegations faced by Mr Nasir were as follows.

#### **Allegations**

Mr Touqeer Nasir, at all material times an ACCA affiliate:

1. Submitted or caused to be submitted to ACCA on or about 28 March 2018 an ACCA Practical Experience training record which purported to confirm:
  - a. his Practical Experience Supervisor in respect of his practical experience training in the period 01 January 2012 to 01 January 2015 was Mr A when Mr A did not and/or could not supervise his practical experience training in accordance with ACCA's requirements as set out and published in ACCA's PER Guidance (the Guidance).
  - b. he had achieved Performance Objective 1: Ethics and professionalism.

2. Mr Nasir's conduct in respect of the matters described in Allegation 1 above was:
  - a. In respect of Allegation 1a, dishonest, in that Mr Nasir sought to confirm his supervisor did and could supervise his practical experience training in accordance with ACCA's requirements which he knew to be untrue.
  - b. In respect of Allegation 1b dishonest, in that Mr Nasir knew he had not achieved the performance objectives referred to in Allegation 1b above as described in the corresponding performance objective statements or at all.
  - c. 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 in 2018.
3. In the further alternative to Allegations 2a and or 2b above, such conduct was reckless in that it was in wilful disregard of ACCA's Guidance to ensure:
  - a. His Practical Experience Supervisor met the specified requirements in terms of qualification and supervision of the trainee; and /or
  - b. that the performance objective statement relating to the performance objective referred to in paragraph 1b above accurately set out how the corresponding objective had been met.
4. By reason of his conduct, Mr Nasir is guilty of misconduct pursuant to ACCA byelaw 8(a)(i) in respect of any or all the matters set out at 1 to 3 above.
14. Mr Nasir became an ACCA affiliate on 02 August 2013 and was admitted as a member of ACCA on 13 April 2018.
15. A trainee cannot become a member of ACCA until they have completed three years of approved work experience (Regulation 3 of the Membership Regulations). Their training must be supervised by a PER Supervisor who is a qualified accountant, namely a member of an International Federation of Accountants (IFAC) member body, who has worked closely with the trainee and knows their work.
16. They must also complete a number of Performance Objectives (POs) which describe the type of activities they have been undertaken as a trainee. The statement must be personal to them and reflect their own unique experiences. If a

trainee's line manager is not a qualified accountant they can sign-off or approve the trainee's time in the relevant role, but the trainee must nominate a qualified supervisor to sign-off their POs.

17. In support of his application for membership, Mr Nasir submitted a Performance Experience Requirement record. ACCA's case was that Mr Nasir had falsely claimed he had completed PO1 on ethics and professionalism when he had not. ACCA further alleged that Mr A, who was named as Mr Nasir's PER supervisor, either did not actually supervise Mr Nasir or could not have properly done so because Mr A himself did not have the appropriate qualification to be a supervisor.
18. Mr Nasir's PER record shows he claimed 36 months of workplace experience, with an employer named as Company B, from 01 January 2012 to 01 January 2015. This claimed period of employment was approved by Mr A on 28 March 2018.
19. However, Mr A did not become a member of ACCA until 23 September 2016. ACCA's case, therefore, was that Mr A could not have supervised Mr Nasir's practical training experience.
20. As regards the Mr Nasir's claim that he gained his practical experience at Company B, ACCA could not verify the existence of the firm. ACCA relied on a statement from Mr C,

*'I am aware that in their PER and POs, 15 of the former trainees of [Mr A] submitted to ACCA that they completed their supervised practical experience at a firm called [Company B] Co in Lahore, Pakistan. Neither myself nor any of my colleagues in Professional Development have been able to find any address or contact details for this firm and the only thing we have come across is a page on the www.rozee.pk website which describes it as a "Local firm of Chartered Accountants engaged in providing Taxation, Audit and Business Advisory to a wide range of Corporate and individual clients".'*

21. Mr Nasir's PER record also shows he submitted nine PO statements for approval to Mr Khan on 28 March 2018 and 30 March 2018. The PO statements were approved by Mr Khan on the same dates.
22. His PO1 statement contained the following:

*'Following my basic ethics and while working in tax department of firm, I came across information of multiple clients which was shared with us solely for the purpose of better tax planning and tax decisions. All of the information had always been kept safe and not shared with any unauthorized official and without company's*

*consent. Information received from duly authorized person in company's context and only been included in final decision making after thorough review of the information and after applying its relevance tests for decision making purposes. There were twice the occasions when I had been approached by unauthorized persons requesting for company's information without any justified reasons." (sic)*

23. This was identical to the text of a PO1 statement submitted by another trainee, Trainee L, which had been approved by Mr A on 7 November 2018. It was also identical to the text of a PO1 statement submitted by Trainee FF also approved by Mr A on 15 May 2018.
24. Mr Nasir was one of a total of 52 trainees who submitted applications for membership to ACCA claiming that Mr A had been their PER supervisor for some or all of their practical experience training. A PO should be unique to the trainee as it reflects the trainee's own personal work experience. However, Mr Nasir's PO1 bore striking similarities to the PO1 statement of two other trainees which were approved by Mr A.
25. Mr A appeared before an ACCA Disciplinary Committee in January 2021 to answer allegations of misconduct in respect supervision of PER trainees. The Committee found that Mr A had:
  - a) approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Nasir, when Mr A had no reasonable basis for believing they had been achieved and/or were true.
  - b) falsely represented to ACCA that he had supervised the work experience of 52 ACCA trainees, including Mr Nasir, in accordance with ACCA's PER.
  - c) improperly assisted 52 ACCA trainees, including Mr Nasir, in completing their supporting statements as evidence of their achievements of their ACCA Practical Experience performance objectives; and
  - d) improperly participated in, or been otherwise connected with, an arrangement to assist 52 ACCA trainees 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.

26. ACCA's investigations department wrote to Mr Nasir on 30 January 2020, informing him that his conduct in relation to the submission of his PER was being investigated. Mr Nasir was asked the following questions about his PER.

- '1. Please explain why and how you came to register [Mr A] as your practical experience requirement (PER) supervisor and whether he was also your line manager as well as your PER supervisor.*
- 2. Please provide me with a detailed explanation as to how [Mr A] supervised you.*
- 3. Please provide me with all the documentary evidence you have in relation to [Mr A's] supervision of you. If you do not provide me with any documentary evidence e.g. copies of emails, letters, reports I will assume that you do not have any such documentation.*
- 4. Please provide me with documentary evidence of your employment as referred to in your PER logbook e.g. a copy of your contract of employment or terms and conditions, copies of wage slips, copies of emails and or letters regarding your employment.*
- 5. Please explain the process you followed in submitting your performance objective statements through ACCA's My Experience tool.*
- 6. Please confirm whether you wrote each of the performance objective statements set out in your PER logbook in your own words?*
- 7. Please confirm if anyone provided you with assistance in writing any or all the performance objective statements as set out in your PER logbook?*
- 8. Please confirm if anyone provided you with assistance in submitting your performance objective statements to [Mr A].*
- 9. Please confirm if you paid any third parties to help you write your performance objective statements as set out in your PER logbook? If you did, please tell me who you paid, the amount or amounts you paid and the dates of the payments you made.'*

27. Mr Nasir replied by email on 12 February 2020, giving the following answers.

*'This email is in response to the email which I received on 30 January 2020 Regarding your investigation into my professional conduct. being an ACCA Member it's my ethical duty to cooperate with you during the investigation. (sic)*

*Before answering your question, I just want to share my experience which I faced in Pakistan being an Acca Affiliate*

*Acca Student faces a lot of problems finding the trainee vacancy in any Audit firm, due to the conflict of ICAP (Institute of Chartered Accountant of Pakistan) with ACCA. The ICAP has always established policies that are especially not in favor of Acca Students, even ICAP issued one Circular in 2012, in which they prohibited the audit firms from hiring Acca Students as a trainee, that's why Audit firm in Pakistan are usually preferred ICAP students for the trainee job. if some of the firms hire an Acca it will remain off the record. (sic)*

*Answers of your Required Questions are mentioned below:*

- 1) I worked as a trainee in [Company B] from January 2012 to January 2015. I completed my practical experience requirement, but no one is signing off my Per. I tried almost 3 Years but no one signed off my PER . i moved to UAE in 2015 and get a job of Accountant in Lighting equipment company. In 2017 i visited the firm and I met with [Mr A]. [Mr A] was working as a volunteer on a research project from NPO. I explained my issue to him and requested him to signoff my PER. he is an Acca member with having experience in this field knew my work. therefore he agreed to assist me as a supervisor to sign PER objectives. (sic)*
- 2) As I mentioned I worked [Company B] 3 years and I have worked in many assignments during this time. as an Acca Member helps me in the supervision and the identification of performance objectives that I have to achieve. I worked on these performance objectives and he viewed the objective and sign off it. (sic)*
- 3) As I mentioned earlier, I did not work under the supervision of [Mr A], during my internship, he was visiting the firms two or three times a week, he knew that I was working as a trainee and he was aware of my work assignments, when I visit the firm in 2017, He just Assists me for signing off my PER.so I don't have any email conversation or any documentary correspondence. (sic)*
- 4) Audit firms in Pakistan are keeping hiring of Acca Affiliates off Record.no one get any type of documents like offer letters and employment contract, even I was getting only 5000 Pkr Stipend per month in cash, hence the amount value is less than the minimum amount (15,000) of bank requirement that,s, why there was no payslip, was maintained by the firm. (sic)*



- 5) *I followed the same procedure which has been Explained by the ACCA in the Guideline. I Add employer and mentioned the role which I performed in the firm, then I add the supervisor and send a request to Accepting as a registered supervisor. I wrote the statement of 200 to 250 words on each performance objective and submit it for review. he review my statement and approved it. (sic)*
- 6) *I am not fluent in English. I just took some help from my friends.*
- 7) *the basic idea was given by [Mr A] that how I have to identify the achieve the performance objective. I search it online also and then I make the draft. (sic)*
- 8) *I personally submit my performance objective to Mr. A, no one assists me in the submission of the objectives. (sic)*
- 9) *I didn't make any payment.'*

28. ACCA sent a further email to Mr Nasir on 12 March 2021, asking him why two other trainees' PO1 statements bore striking similarities to his.

29. Mr Nasir replied by email on 24 March 2021 saying:

*'Acca has asked me to provide the evidence of working in [Company B]. I will try to explain you the whole scenario how i get the oppurtunity. firms have very clear instruction from icap do not hire Acca students. then how its possible they could hire us on contract basis.at that time no firm is giving any documentry evidence to acca students. Even they are getting cash stipend every month. [Company B] is not a well knowed firm that's why i dont have information about their managment and either i dont have any contact detail of senior managment.at that time it was a good oppurtunity for me gaining prcatical experience.thats have i joined the firm beacuse i dont have the other option. (sic)*

*I have moved to UAE in 2015, and i am working in the same company since 6 years. I have good reputation in my company. If Acca want i can provide the letter from my company. Secondly at that time i have worked some small compaines during my intership. I can try if they can provide me any letter. (sic)*

*Secondly your concern regarding performance obejctive no 1 is identical with other trainee. it may happened due to my negligence. (sic)*

*As i have mentioned in my earlier email. I have written all of my performace obejctives my self .i am not fluent in english and dont have experience of writing these obejctices I took help from [Mr A]. He assist me and provide me the some samples. (sic)*

*I can resubmit this obective if it is not accepted by Acca. (sic)*

*"Please therefore provide evidence of the work experience you have claimed, from your then employer or other person who can personally verify the accuracy of that record of your experience."*

*its mentioned in your email kindly provide me the detail of other person wo can fall in this category and share with me the format of statment so i can try to submit it to acca.' (sic)*

## **DECISIONS ON ALLEGATIONS AND REASONS**

30. The Committee considered the documents before it, the submissions of Mr Jowett on behalf of ACCA and the advice of the Legal Adviser. 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**

31. The papers before the Committee included a copy of the PER submitted by Mr Nasir in support of his application for membership of ACCA. This shows that he nominated Mr A as his PER Supervisor and Mr A purported to act as such.
32. The Committee went on to consider whether Mr A both could have and did supervise Mr Nasir in accordance with practical experience training in accordance with ACCA's requirements, as set out and published in ACCA's PER Guidance.
33. The Committee found, on the balance of probabilities, that Company A did not exist. It noted that a total of 15 of Mr A's trainees claimed to have worked at this company. It was inconceivable, in the Committee's view, that a firm of that size would be untraceable by ACCA. Further, Mr Nasir had been unable to provide any evidence to demonstrate either that the firm ever existed or that he had worked for it.
34. Given that finding, it followed inevitably that Mr A could not have supervised Mr Nasir's practical training.
35. Further, Mr A had only become an ACCA member in September 2016. He could not, therefore, have been Mr Nasir's PER supervisor between January 2012 and

January 2015, as Mr Nasir claimed. Indeed, the Committee noted that there was an acceptance by Mr Nasir in his email correspondence with ACCA that he did not meet Mr A until after this period. It again follows inevitably that Mr A could not, therefore, have been his PER Supervisor.

36. Moreover, if Company A had existed, which the Committee found it did not, both Mr Nasir and Mr A accept that Mr A had never worked at that firm. Mr A further accepted at his hearing before a panel of this Committee in January 2021 that he had simply accepted what his trainees had said to him about their practical experience. Again, for those reasons, it would not have been possible for Mr A to supervise Mr Nasir's training in accordance with ACCA's requirements.
37. The Committee also noted that Mr A had been found at the hearing in January 2021 to have falsely represented to ACCA that he had supervised the work experience of 52 ACCA trainees, and those included Mr Nasir.
38. For all the above reasons, the Committee was satisfied both that Mr A could not have acted and did not in fact act as Mr Nasir's PER Supervisor.
39. The Committee therefore found Allegation 1(a) proved.
40. Allegation 1(b) was a simple factual allegation. It alleged that Mr Nasir had submitted his PER record to ACCA and that it purported to confirm that he had achieved PO1.
41. The Committee was satisfied both that Mr Nasir had submitted his training record to ACCA, as part of his application for membership, and in doing so he claimed to have completed PO1. It therefore found Allegation 1(b) proved.

## **Allegation 2**

42. The Committee had found, in respect of Allegation 1(a), that Mr A both did not act and could not have acted as Mr Nasir's supervisor to supervise his practical experience training. The Committee was satisfied that Mr Nasir knew this to be the case. The Committee had found, for the reasons given above, that Company A did not exist and therefore the PER record Mr Nasir submitted was a deliberately false document.
43. The Committee was further satisfied that, by representing that Mr A had supervised his practical training at Company A when he knew this to be untrue, Mr Nasir's actions were dishonest by the standards of ordinary and decent people. It therefore found Allegation 2(a) proved.

44. In respect of Allegation 2(b), the Committee was satisfied that the PO1 statements of Mr Nasir, Trainee FF and Trainee L were clearly copies of each other. It noted that Mr A admitted at his hearing in January 2021 that he had provided his trainees with 'templates' for the performance objectives statements.
45. The Committee also noted that Mr Nasir had made what it regarded as at least partial admissions in respect of this allegation. In his email to ACCA on 24 March 2021, though he claimed to have written the POs himself, he accepted that he 'took help' from Mr A and that Mr A had provided him with 'some samples'.
46. Further, Mr Nasir claimed he had achieved PO1 whilst working for Company A, a firm which the Committee found was fictitious.
47. The Committee was therefore satisfied that Mr Nasir had submitted his PER record to ACCA knowing that he had not achieved PO1 and, indeed, that his PO1 statement had been copied from a template supplied to him by Mr A. The Committee was in no doubt that, given the purpose of doing so was to gain membership of a professional organisation, right thinking members of the public would regard this conduct as dishonest. It therefore found Allegation 2(b) proved.
48. Having found Allegations 2(a) and 2(b) proved, there was no need for the Committee to consider the alternative Allegation 2(c).

### **Allegation 3**

49. As Allegation 3 was an alternative to Allegations 2(a) and 2(b), there was no need for the Committee to consider it.

### **Allegation 4**

50. Making a dishonest application for membership of a professional organisation falls so far short of acceptable standards that it clearly amounts to misconduct. Indeed, the Committee considered that such behaviour lies at the upper end of the scale of misconduct.
51. The Committee was therefore satisfied that Allegation 4 was proved.

### **SANCTION AND REASONS**

52. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare

and uphold proper standards of conduct and behaviour. It took into account the submissions of the parties and the advice of the Legal Adviser.

53. Having found that Mr Nasir's dishonest actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.
54. The Committee considered that the following were aggravating factors.
55. Mr Nasir was a party to a widespread fraudulent arrangement to obtain membership of ACCA by the submission of a false training record. His participation in this enterprise was quite deliberate. Such conduct undermines confidence in the profession and damages the reputation of ACCA. Further, Mr Nasir attempted to conceal his wrongdoing and, by his persistence in asserting facts that were clearly untrue, for example that he had gained his practical experience training at Company A, he had put the investigation to unnecessary work.
56. In mitigation the Committee took into account that no previous disciplinary findings had been made against Mr Nasir. It noted that there had been some degree of co-operation from Mr Nasir, in that he had accepted a voluntary undertaking not to hold himself out as an ACCA member and had replied to ACCA's questions. However, this had to be weighed against the fact that co-operation is an expected requirement of membership and that the answers he had given to ACCA were deliberately misleading.
57. An admonishment was clearly not an appropriate sanction. The Committee considered that none of the factors identified in the GDS which suggest that admonishment might be justified were present in this case.
58. The GDS suggests that a reprimand may be appropriate if the misconduct is of a minor nature. This was a serious departure from expected standards and, therefore, a reprimand was not a sufficient sanction in this case.
59. Further, the Committee considered that the misconduct was so serious that a severe reprimand would not be appropriate. It bore in mind, in particular, that Mr Nasir's dishonest conduct was intentional and that he had maintained his denial of any wrongdoing. Furthermore, there was no evidence of any insight, remorse or apology.
60. The Committee considered that exclusion from membership was the only appropriate and proportionate sanction. This was a deliberate dishonest conduct which was fundamentally incompatible with continued membership of a professional

body. Not only was it a serious departure from the standards expected of an accountant but it amounted to an abuse of the trust the Association places in its trainee members. There is clearly an adverse impact both on the reputation of the profession and the public itself when someone who is not properly qualified falsely gains membership of an organisation like ACCA.

61. Therefore, pursuant to CDR 13.1(c), Mr Nasir is excluded from membership of ACCA.

### **COSTS AND REASONS**

62. ACCA applied for costs in the sum of £7,733. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing.
63. Mr Nasir provided no information as to financial circumstances.
64. The Committee considered that, in principle, a costs order should be made in favour of ACCA. Further, the Committee considered that the sums sought were reasonable, save that some reduction should be made to the estimated costs of the hearing to reflect the time the hearing had actually taken.
65. The Committee determined that the appropriate order was that Mr Nasir pay ACCA's costs in the sum of £7,403.

### **RECISSION OF INTERIM ORDER**

66. Pursuant to CDR 12(5)(b), the interim order suspending Mr Nasir's membership is rescinded.

### **EFFECTIVE DATE OF ORDER**

67. The Committee determined that it would be in the interests of the public for the sanction of exclusion to take immediate effect. Therefore, pursuant to CDR 20, the orders made by the Committee will take effect immediately.

**Mr Martin Winter**  
**Chair**  
**25 November 2021**