

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Wajid Mahmood

Heard on: Thursday, 30 September 2021

Location: Remotely via ACCA offices, The Adelphi, 1-11 John
Adam Street, London, WC2N 6AU using MS Teams

Committee: Mr Michael Cann (Chair)
Ms Beth Picton (Accountant)
Ms Rachel O'Connell (Lay)

Legal Adviser: Mr Iain Ross

Persons present

and capacity: Mr Benjamin Jowett (ACCA Case Presenter)
Mr Jonathan Lionel (Hearings Officer)

Summary: 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Interim Suspension Order rescinded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 £6,400

ACCA



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1. The Committee heard an allegation of misconduct against Mr Wajid Mahmood. The hearing was conducted remotely through Microsoft Teams. Mr Jowett appeared for ACCA. Mr Wajid Mahmood was not present and was not represented. The Committee had a main bundle of papers numbered pages 1 to 227, an additional bundle numbered 1 – 5 and a separate service bundle numbered pages 1 to 15.

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS/PROCEEDING IN ABSENCE

2. The Committee heard that notice of this hearing was sent to Mr Wajid Mahmood by email on 02 September 2021. The Committee was satisfied that the notice contained the required information and had been sent not less than 28 days before the hearing as required by the Regulations. Accordingly, the Committee was satisfied that notice of the hearing had been properly served.
3. Mr Jowett applied for the hearing to proceed in Mr Wajid Mahmood's absence. He informed the Committee that Mr Wajid Mahmood had replied to the email sent to him by ACCA on 02 September 2021 raising a query about accessing the documents. Mr Jowett also told the Committee that a reminder email had been sent to Mr Wajid Mahmood on 28 September 2021 which he did not reply to.
4. Having accepted the advice of the Legal Adviser, the Committee considered whether to proceed in the absence of Mr Wajid Mahmood with the utmost care and caution. It noted that Mr Wajid Mahmood had not applied for the hearing to be adjourned and appeared to have voluntarily absented himself. Taking into account the public interest in the hearing proceeding expeditiously, the Committee decided to proceed in Mr Wajid Mahmood's absence.

ALLEGATIONS

Allegation 1

Mr Wajid Mahmood, at all material times an ACCA affiliate

1. Submitted or caused to be submitted to ACCA on or about 05 November 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 12 August 2012 to 15 August 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 2: Stakeholder relationship management statement;
 - Performance Objective 3: Strategy and innovation statement;
 - Performance Objective 4: Governance, risk and control statement;
 - Performance Objective 5: Leadership and management statement;
 - Performance Objective 6: Record and process transactions and events statement; and
 - Performance Objective 15: Tax computations and assessment statement
2. Mr Mahmood's conduct in respect of the matters described in Allegation 1 above was:
 - a. In respect of Allegation 1a dishonest, in that Mr Mahmood 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 Mahmood knew he had not achieved the performance objectives referred to in paragraph 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.
 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 statements relating to the performance objectives referred to in paragraph 1b above accurately set out how the corresponding objective had been met,
 4. By reason of his conduct, Mr Mahmood 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.

BACKGROUND

5. Mr Mahmood became an ACCA affiliate on 31 January 2015 and a member on 23 November 2018.
6. From 2017, ACCA has been aware that persons in Pakistan, unconnected with ACCA, have been advertising on social media or elsewhere as being able to sign-off or approve the Practical Experience Requirement ("PER") Performance Objectives ("POs") of ACCA trainees. PER is the last step to ACCA membership and ACCA trainees must complete at least nine POs undertaking

three years' work experience supervised by a Practical Experience Supervisor ("PES"), who must be an ACCA member or IFAC (International Federation of Accountants) qualified accountant.

7. Each PO includes a personal statement written by the trainee giving details of tasks they have undertaken in respect of that PO. POs must be submitted electronically through ACCA's "MyExperience" recording tool, accessed through the "MyACCA" portal. PESs are responsible for deciding whether trainees have completed their POs satisfactorily. They may be either a trainee's line manager or an external, qualified accountant with a connection to the trainee's employer, who has liaised with the employer about the trainee's work experience. The requirements of ACCA's PERs are publicised widely by ACCA, including on ACCA's website and within the MyExperience recording tool.
8. It is alleged that Mr Mahmood was one of fifty-two ACCA trainees who submitted or caused to be submitted to ACCA that some or all of their practical experience training had been supervised by Mr A, including at times when Mr A was not qualified, and further in doing so submitted one or more performance objective ("PO") statements that were identical, or near identical, to one or more of Mr A's other trainee's PO statements.

DECISION ON FACTS

9. The Committee took into account the evidence provided to it which was contained within the main bundle of documents.
10. The Committee noted that Mr A appeared before an ACCA Disciplinary Committee on 29 January 2021 when that Committee found Mr A had approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Mahmood, when Mr A had no reasonable basis for believing they had been achieved and/or were true.
11. That Committee also found that Mr A had falsely represented to ACCA that he had supervised the work experience of 52 ACCA trainees, including Mr Mahmood in accordance with ACCA's PER as well as improperly assisting 52

ACCA trainees, including Mr Mahmood, in completing their supporting statements as evidence of their achievements of their ACCA Practical Experience performance objectives.

12. Further, that Committee also found that Mr A had 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.
13. This Committee was also referred to the witness statement provided by Mr Mahmood in ACCA's disciplinary proceedings regarding Mr A in which he accepted that Mr A had not supervised his training at a firm called Company X from 12 August 2012 to 15 August 2015. Mr A did not become an ACCA member until 23 September 2016 and thus would not have been able to supervise any ACCA students before that date. Further, neither Mr Mahmood nor any of the other students who purportedly worked at Company X have produced any evidence that the firm exists.
14. Further, the Committee was referred to clear evidence that of the 9 PO's submitted by Mr Mahmood, 6 of them (PO2, PO3, PO4, PO5, PO6 and PO15) were identical to those submitted by other students at around the same time. The Committee had regard to ACCA's evidence which included that a trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. They must not use a precedent or template or another trainee's personal statement, which would clearly undermine the whole point of the PER element of the ACCA qualification and would be regarded by ACCA as dishonest.
15. On the basis of all of the matters set out in paragraphs 10 to 14 above, the Committee found Allegations 1(a) and 1 (b) proved.
16. In respect of Allegations 2(a) and 2(b), the Committee was under no doubt that Mr Mahmood's actions in being involved in fraudulently procuring his ACCA qualification would be regarded as being dishonest. Accordingly, Allegations

2(a) and 2(b) were found proved and the Committee did not consider the alternatives set out in Allegations 2(c) or 3(a) and 3(b).

17. Having found that he acted dishonestly in fraudulently procuring his ACCA membership, the Committee was satisfied that misconduct had been established and found Allegation 4 proved.

DECISION ON SANCTION AND REASONS

18. The Committee heard submissions from Mr Jowett on behalf of ACCA. The Committee received advice from the Legal Adviser and had regard to the Guidance for Disciplinary Sanctions.
19. The Committee noted that the matters found proved against Mr Wajid Mahmood were very serious. The Committee considered the aggravating factors to be that Mr Wajid Mahmood's misconduct was premeditated, intended for his own benefit and undermined the trust which the public rightly have in ACCA. His dishonest conduct struck at the very heart of ACCA's ability to protect the public and maintain the integrity of its membership.
20. As mitigating factors, the Committee took into account that Mr Wajid Mahmood had made a partial admission and had co-operated with the investigation concerning Mr A.
21. The Committee was not satisfied that Mr Wajid Mahmood had demonstrated any meaningful insight into the seriousness of his actions and the gravity of obtaining ACCA membership fraudulently.
22. 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, a reprimand or severe reprimand would not be sufficient or proportionate given the gravity of the matters proved.
23. 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.”

24. The Committee was mindful that the Sanction of exclusion from membership 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 Committee was satisfied that Mr Wajid Mahmood’s misconduct reached that high threshold, given that his membership had been obtained fraudulently.
25. For all of the above reasons, the Committee concluded that the only appropriate and proportionate sanction was exclusion from membership. The Committee also considered, given the seriousness of the matter and that Mr Mahmood should never have obtained membership, that he should be prevented from re-applying for membership for a period of 5 years.

DECISION ON COSTS AND REASONS

26. ACCA applied for costs in the sum of £6,870.00. The Committee was not provided with a statement of means or any other information as to Mr Wajid Mahmood’s ability to pay any costs order. The Committee determined, given that the hearing took less than a full day, to order that Mr Mahmood pay costs to ACCA in the sum of £6,400.

IMMEDIATE ORDER

27. The Committee had regard to its finding that Mr Mahmood had obtained his ACCA membership fraudulently and should never have been granted ACCA membership. Having regard to the need to protect the public, the Committee decided that the sanction of exclusion from membership should have immediate effect.

28. The current Interim Order is revoked.

Mike Cann
Chair
30 September 2021