

## HEARING

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

#### REASONS FOR DECISION

<b>In the matter of:</b>	<b>Mr Adeel Khadim</b>
<b>Heard on:</b>	<b>Monday 17 January 2022</b>
<b>Location:</b>	<b>Hearing held remotely</b>
<b>Committee:</b>	<b>Mr Andrew Gell (Chair) Mrs Susan Gallone (Accountant) Mr Andrew Skelton (Lay Member)</b>
<b>Legal Adviser:</b>	<b>Mr Richard Ferry-Swainson</b>
<b>Persons present and capacity:</b>	<b>Mr Benjamin Jowett (Case Presenter) Miss Geraldine Murray (Hearings Officer)</b>
<b>Summary:</b>	<b>Allegations 1(a), 1(b), 2(a), 2(b) and 4 found proved. Member excluded from Register.</b>
<b>Costs:</b>	<b>£6750.00</b>

#### INTRODUCTION/SERVICE OF PAPERS

1. The Disciplinary Committee (“the Committee”) convened to consider a number of Allegations against Mr Khadim. Mr Khadim did not attend, nor was he represented.
2. The papers before the Committee were in a main bundle numbered 1 to 216 and a tabled additional bundle of 5 pages. The Committee was also provided with a 15-page service bundle and a costs schedule.

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3. Given the absence of Mr Khadim, Mr Jowett made an application to proceed in his absence.
4. The Committee first considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations (“the Regulations”). The Committee took into account the submissions made by Mr Jowett on behalf of ACCA and also took into account the advice of the Legal Adviser.
5. Included within the service bundle was the Notice of Hearing dated 20 December 2021, thereby satisfying the 28-day notice requirement, which had been sent to Mr Khadim’s email address as it appears in the ACCA register. The Notice included details about the time, date and remote venue for the hearing and also Mr Khadim’s right to attend the hearing, by telephone or video link, and to be represented, if he so wished. In addition, the Notice provided details about applying for an adjournment and the Committee’s power to proceed in Mr Khadim’s absence, if considered appropriate. There was a receipt confirming the email had been delivered to Mr Khadim’s registered email address. The Committee noted that the email address the Notice was sent to was the same as that used by Mr Khadim when corresponding with ACCA during the investigation.

#### **PROCEEDING IN ABSENCE**

6. The Committee received and accepted legal advice on the principles to apply in deciding whether to proceed with the hearing in Mr Khadim’s absence. The Committee was satisfied that the Notice had been served in accordance with the Regulations, which require ACCA to prove that the documents were sent, not that they were received. Having so determined, the Committee then considered whether to proceed in Mr Khadim’s absence. The Committee bore in mind that although it had a discretion to proceed in the absence of Mr Khadim, it should exercise that discretion with the utmost care and caution.
7. Mr Khadim did not respond to the Notice of hearing. On 14 January 2022, the ACCA Hearings Officer telephoned Mr Khadim on the number recorded in ACCA’s records. On the first try an automated message advised “*The number that you have dialled cannot be reached at this time, please try again later*”, giving no opportunity to leave a voice message. On the second attempt the call was connected but there was silence on the line and again, no opportunity to

leave a voice message. Similar attempts were made on the morning of the hearing with the same results.

8. The Committee noted that Mr Khadim faced serious allegations, including an allegation of dishonesty, and that there was a clear public interest in the matter being dealt with expeditiously. He had not responded to the Notice of Hearing or provided written representations for the Committee to consider. The Committee noted that Mr Khadim had been told he could apply for an adjournment and had chosen not to do so. There was nothing before the Committee to suggest that adjourning the matter to another date would secure Mr Khadim's attendance. In light of his lack of engagement since June 2021 and his lack of response to the Notice of Hearing, the Committee concluded that Mr Khadim had voluntarily absented himself from the hearing and thereby waived his right to be present and to be represented at this hearing.
9. In all the circumstances, the Committee decided that it was in the interests of justice and in the public interest that the matter should proceed, notwithstanding the absence of Mr Khadim. No adverse inference would be drawn from his non-attendance and the Committee would take into account his various written responses to the matters alleged.

#### **ALLEGATIONS/BRIEF BACKGROUND**

10. It is alleged that Mr Khadim is liable to disciplinary action on the basis of the following Allegations:

Mr Adeel Khadim, at all material times an ACCA affiliate:

1. Submitted or caused to be submitted to ACCA on or about 11 September 2018 an ACCA Practical Experience training record which purported to confirm:
  - a) his Practical Experience Supervisor in respect of his practical training in the period 3 December 2014 to 17 December 2017 was Mr A when Mr A did not 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 objectives:

- Performance Objective 3 – strategy and innovation;
- Performance Objective 6 – record and process transactions and events.

2. Mr Khadim's conduct in respect of the matters referred to in allegation 1 above was:
    - a) In respect of allegation 1a, dishonest, in that Mr Khadim 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 Khadim knew he had not achieved the performance objectives referred to in paragraph 1b 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 demonstrate 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 referred to in paragraph 1b accurately set out how the corresponding objective had been met.
  4. By reason of his conduct, Mr Khadim 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.
11. Mr Khadim became a member of ACCA on 28 September 2018.
  12. Regulation 3(a) of ACCA's Membership Regulations provides that an ACCA trainee cannot become a member of ACCA until they have completed three years of approved work experience, in accordance with ACCA's Practical Experience Requirement ("PER").

13. ACCA's PER is based on the International Federation of Accountants ("IFAC") International Education Standard 5, PER. ACCA's PER develops the professional knowledge and values, ethics and behaviours needed to become a professionally qualified accountant.
14. ACCA's PER has three components. The achievement of "Essential" and "Technical" Performance Objectives ("PO") by gaining the experience required to achieve the necessary elements for each PO, evidenced by a personal statement for each PO signed off by the trainee's Practical Experience Supervisor ("PES"). Secondly, 36 months' work experience in one or more accounting or finance-related roles, which is verified by a PES. And thirdly, regularly recording PER progress in the online "*MyExperience*" recording tool, which is accessed via ACCA's online portal "*myACCA*".
15. ACCA trainees' personal statements for each PO must be a 200 to 500-word concise explanation of how they have achieved the PO. Trainees must provide examples of tasks they have been involved with to illustrate their personal statement. Trainees' statements must be unique to their own work experience.
16. ACCA trainees are responsible for finding a PES who must be a qualified accountant recognised by law in the trainee's country and or a member of an IFAC body with knowledge of the trainee's work. A PES will therefore usually be a trainee's line manager, or the person to whom the trainee reports on projects or activities. A PES cannot sign off experience that a trainee has not been able to demonstrate to them in the workplace. If a PES is not a trainee's line manager, then the PES may consult with the trainee's line manager to validate their experience.
17. Trainees must enter the PES's details into the "*MyExperience*" recording tool and send their PES an invitation to register as their PES. Trainees cannot submit anything to their PES until the PES is registered. Guidance about ACCA's PER including trainees' responsibilities, PESs and their role, is published on ACCA's website.
18. Mr Khadim 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

trainees' PO statements and/or Mr A's own PO statements, from his training record.

19. Mr Khadim's PER record shows he claimed 36 months of workplace experience at Company A between 13 December 2014 to 17 December 2017. This claimed period of employment was submitted to Mr A, as his Line Manager, and approved by Mr A in that capacity, on 03 September 2018. Mr A purported to confirm that Mr Khadim had achieved 9 performance objectives on 03 September 2018 and 11 September 2018.
20. In his response to ACCA's letter of 22 January 2020, Mr Khadim stated, on 29 February 2020, that he met Mr A during his work at Company A when his assignments were being supervised for quality assurance purposes. He stated that as Mr A was an ACCA member and supervised him and others, he consulted Mr A regarding his PER submissions.
21. Mr Khadim also stated the following:

*"1. Strategy and innovation. I might copied it negligently. I apologies ACCA for this. If this is breaking the rules. I can re submit it.*

*2. Secondly, I was hired as trainee in A&A. In Pakistan, CA members leads the firms. And they did not considers us accountants, they do consider us aliens. As I was hired as trainee they did not give me contract paper, and we were only offered a little stiped of 5000 PKR. which becomes 6000 latter. and this a very peny amount in Pakistan as well. (sic)*

*Regarding how I met Mr. [A], in our batch we were supervised by members of local body in Pakistan. They loved to troll us and bullied us.*

*Mr. [A] was from taxing background working in NPO, he supervised our assignments for quality assurance purpose.*

*As local firm do not provide support us in completing PER and did not review our work in that way as it should be.*

*As Mr [A] was ACCA member and supervising us so we consult him PER submission." (sic)*

22. On 20 September 2020, Mr Khadim sent an email to ACCA saying:

*"ACCA has the right to evaluate my integrity. But why ACCA hold my status membership. I already presented explanation on my case to ACCA."*

23. On 05 October 2020, Mr Khadim sent an email to ACCA stating, *“Please cancel my membership. I don’t need membership status from ACCA.”* He was informed, however, that his membership could not be cancelled whilst there was an outstanding complaint against him.
24. Mr Khadim was asked on 16 March 2021 why his PO3 statement was the same as two other trainees’ PO3 statements (Trainee L and Trainee AA), and his PO6 statement was the same as the PO6 statements of three other trainees (Trainee C, Trainee DD and Trainee T), all trainees purportedly supervised by Mr A.
25. In an email dated 16 June 2021, Mr Khadim said as follows:
- “Please note I am in KSA can’t go to pakistan for verifications. Regarding PER 6, I have taught so many students in KSA if you need confirmation my students can prove it to you. Secondly, PER no 3 strategy and innovation, these experience directly relates to my company experience, if you need letter from my supervisor I can provide it you. He will sending it to you through company’s registered domain. ALSO, my supervisor can also give you clarification of PER 3 which is a normal practice at our company and part of my rutine job.”* (sic)
26. Mr Khadim maintained that he had carried out the work he detailed in his PO statement. He did not provide any explanation for why it was his PO statements bore a stark similarity to other trainees’ PO statements.
27. As regards the firm Company A, despite Mr Khadim’s assertions that he worked at the firm, ACCA has been unable to verify the existence of the firm, as detailed in the statement provided by ACCA’s Professional Team Manager. Mr Khadim has not provided any documentary evidence to corroborate his assertion that Company A exists or has ever existed. ACCA, in the on-table documents, had discovered that although the firm Company A could be found on an internet search it was only found on a recruitment agency’s website and it was referred to as an unverified site by that agency.
28. ACCA’s wider investigations led it to conclude that Mr A had not worked closely with Mr Khadim and was not familiar with Mr Khadim’s work, such that he would be permitted to act as Mr Khadim’s supervisor and that these facts should have been or more likely were known by Mr Khadim.

29. Further Mr A could not have been Mr Khadim's supervisor when working at Company A during most of the period claimed, because Mr A did not become an ACCA member, and therefore able to supervise trainees, until 23 September 2016.
30. On 29 January 2021, ACCA's Disciplinary Committee found that Mr A had:
- approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Khadim, when Mr A had no reasonable basis for believing they had been achieved and/or were true;
  - falsely represented to ACCA that he had supervised the work experience of 52 ACCA trainees, including Mr Khadim, in accordance with ACCA's PER;
  - improperly assisted 52 ACCA trainees, including Mr Khadim, in completing their supporting statements as evidence of their achievements of their ACCA Practical Experience performance objectives;
  - 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.
31. Mr A's conduct was found to have been dishonest and he was excluded from membership of ACCA.

### **DECISION ON FACTS/ALLEGATION AND REASONS**

32. The Committee considered with care all the evidence presented and the submissions made by Mr Jowett. The Committee accepted the advice of the Legal Adviser and bore in mind that it was for ACCA to prove its case and to do so on the balance of probabilities. The Committee also took into account the written responses provided by Mr Khadim during the course of the investigation (as referred to above).

### **Allegation 1 (a) - proved**

33. The Committee considered there was ample evidence to prove that Mr Khadim had submitted or caused to be submitted to ACCA, on or about 11 September 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 03 December 2014 to 17 December 2017 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.
34. Mr Khadim did not appear to dispute this.
35. The Committee noted the question mark over the very existence of the firm Company A. The Committee also noted that Company A was the firm quoted by 15 other trainees purportedly supervised by Mr A. Notwithstanding the question mark over the status of Company A, the Committee did not consider this was a matter which it had to decide one way or the other in order to find Allegation 1(a) proved.
36. The Committee was provided with a copy of Mr Khadim's PER training record, which was submitted on 11 September 2018, which purported to confirm Mr Khadim's PES, in respect of his practical experience training in the period 03 December 2014 to 17 December 2017, was Mr A. On the evidence relating to Mr A, the Committee was satisfied that Mr A did not supervise, and could not have supervised, Mr Khadim during this period, not least because Mr A did not become a member of ACCA until 23 September 2016 and therefore was not eligible to act as a supervisor prior to that date. Mr A did not meet the requirements of the PES guidance in that prior to 23 September 2016 he was not an ACCA member and thereafter he was not in a role of responsibility at Company A or able to supervise Mr Khadim in order to be able to sign off his PER. The Committee noted that Mr A, in his case, said that he did not supervise the trainees, he just signed off on their POs.
37. Furthermore, Mr Khadim's PER training record, submitted to ACCA on or about 11 September 2018, purported to confirm that Mr A had been his line manager

(being the only person in accordance with the PER Guidance who could confirm his period of employment) at Company A from 03 December 2014 to 17 December 2017. Mr A was not Mr Khadim's line manager at that firm, which Mr Khadim admits. Mr Khadim states that during his work with Company A he met Mr A, who was from a taxing background working in an NPO (Non-profit organisation).

38. Accordingly, the Committee found Allegation 1(a) proved.

**Allegation 1(b) - proved**

39. Mr Khadim's training record confirmed that he had achieved the POs stated when, at the very least, he cannot have achieved them in the way recorded since they were apparently fictitious accounts provided by Mr A and not his own. There was no evidence provided by Mr Khadim to show that he had legitimately achieved the two identified performance objectives claimed in his training record. The Committee noted that:

(a) Mr Khadim's PO3 statement was identical to other trainees, both of whom also claimed to have trained at Company A, and whose PO3 statements were approved by Mr A;

(b) Mr Khadim's PO6 statement was identical to three other trainees, two of whom also claimed to have trained at Company A and all of whose PO6 statements were purportedly approved by Mr A.

40. Furthermore, the Committee took into account the findings of the ACCA Disciplinary Committee which found Mr A had:

- approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Khadim, when Mr A had no reasonable basis for believing they had been achieved and/or were true;
- improperly assisted 52 ACCA trainees, including Mr Khadim, in completing their supporting statements as evidence of their achievements of their ACCA Practical Experience performance objectives; and
- 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.

41. The Committee noted that in his written representations, Mr Khadim said:

*“Strategy and innovation. I might copied it negligently. I apologies ACCA for this. If this is breaking the rules. I can re submit it. .” (sic)*

42. This was not in fact one of the two POs identified by ACCA as having been copied from other trainees. However, given the similar nature of the two identified PO statements to other trainees approved by Mr A, Mr Khadim's statement that he might have copied another of them and the evidence relating to Mr A, the Committee found Allegation 1(b) proved.

**Allegation 2(a) and 2(b) - proved**

43. The Committee then considered whether the behaviour found proved in Allegations 1(a) and 1(b) was dishonest. Whilst it considered each separately, the Committee recognised that they were clearly linked. The Committee considered what it was that Mr Khadim had done, what his intentions were and whether the ordinary decent person would find that conduct dishonest. Mr Khadim appeared to admit that he had copied at least one PO, albeit not one of the two identified by ACCA in this case. The Committee noted that the two POs ACCA did identify were identical to other trainees' POs approved by Mr A and the Committee was satisfied on the evidence that he must have done the same with those POs, namely copied them. The only realistic explanation was that Mr A had provided Mr Khadim with stock responses, which he used for many other students, and Mr Khadim copied them and pretended they were his own. The only reason for doing so was to deceive ACCA into believing he had the relevant experience shown in those POs and thereby to allow him to become a member of ACCA, which is what in fact happened.
44. On the evidence, therefore, the Committee was satisfied, on the balance of probabilities, that Mr Khadim knew the PES requirements and that Mr A could not legitimately be his PES, was not supervising him and he could not, therefore, legitimately rely on him to sign off his POs. Furthermore, the Committee was satisfied on the balance of probabilities, that the

aforementioned POs Mr Khadim submitted were not genuine and did not reflect the work experience he had completed, but rather were stock answers provided by Mr A.

45. In addition, the Committee could not ignore the fact that Mr A had been found guilty of the dishonest conduct described in paragraph 40 above. This had included: improperly participating in, or being otherwise connected with, an arrangement to assist 52 ACCA trainees (including Mr Khadim) 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.
46. The Committee could not know the precise mechanics of how the PO statements were completed. However, whatever process was followed the only reasonable inference to be drawn was that Mr Khadim was complicit in, and entirely aware of, Mr A's provision of false POs so that he, Mr Khadim, could add those to his PER and subsequently illegitimately qualify as an ACCA member. Furthermore, Mr Khadim, in his various written responses, sought to explain his actions rather than to deny that which was alleged and appeared to be saying that he thought this was what he had to do in order to qualify.
47. As mentioned above, there was also a significant question mark over the very existence of Company A. ACCA had been unable to find any cogent evidence to establish its current existence. Clearly if Company A never existed then that would mean Mr Khadim was lying about its existence. There was also no documentary evidence of Mr Khadim being employed by Company A. However, the Committee did not feel able to resolve one way or the other, whether that firm had existed at the time Mr Khadim said he was working there.
48. Mr Khadim must have known that Mr A had not and could not supervise his work and/or act as his supervisor at the material time in accordance with the necessary requirements. In addition, Mr Khadim did not achieve at least some of the performance objectives he claimed, in the manner he claimed or at all, but rather relied on stock answers provided by Mr A. The Committee was in no doubt that an ordinary decent member of the public, in full possession of the facts of the case, would find the entirety of this conduct to be dishonest. The Committee therefore found Allegations 2(a) and 2(b), on the balance of probabilities, proved.

49. Having found Allegations 2(a) and 2(b) proved it was not necessary for the Committee to consider Allegations 2(c) or 3(a) and (b), which were alleged in the alternative.

**Allegation 4 - proved**

50. Having found the facts proved in Allegations 1(a), 1(b), 2(a) and 2(b), the Committee then considered whether they amounted to misconduct. The Committee considered there to be sufficient evidence to show that Mr Khadim sought the assistance of Mr A to provide false POs and to act as his PES in order to allow him, Mr Khadim, to, illegitimately, qualify as a member of ACCA. This pre-meditated and calculated dishonest behaviour demonstrated a disregard for ACCA's membership process and allowed Mr Khadim to become a member of ACCA when not qualified to be so. Such behaviour undermines the integrity of the membership process and the standing of ACCA. It brings discredit upon Mr Khadim, the profession and ACCA. The Committee considered this behaviour to be very serious and was in no doubt it amounted to misconduct.
51. The Committee therefore found Allegation 4 proved.

**SANCTION AND REASONS**

52. In reaching its decision on sanction, the Committee took into account the submissions made by Mr Jowett. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind the fact that the purpose of sanctions was not to punish Mr Khadim, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate. The Committee accepted the advice of the Legal Adviser.
53. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features in this case.
54. The Committee considered the misconduct involved the following aggravating features: an element of premeditation and planning; a course of conduct over a period of time, involving repeated acts of deceit; collusion with Mr A; undermining the integrity, and thereby undermining public confidence, in ACCA's membership process; becoming a member of ACCA when not qualified to be so; the significant period during which Mr Khadim continued to hold

himself out as a member when aware that he had relied on false POs prepared by Mr A in order to do so; a lack of insight into his dishonest behaviour; no evidence of genuine regret or remorse; a lack of engagement with this hearing.

55. The Committee considered there to be one mitigating factor, namely the absence of any previous disciplinary history with ACCA.
56. The Committee did not think it appropriate, or in the public interest, to take no further action or order an admonishment in a case where a member had disregarded the membership requirements and acted dishonestly when submitting information in connection with his PER.
57. The Committee then considered whether to reprimand Mr Khadim. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature, there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding, together with genuine insight into the conduct found proved. The Committee did not consider Mr Khadim's misconduct to be of a minor nature and he had shown no insight into his dishonest behaviour. The Committee noted that when addressing factors relevant to seriousness in specific case types, ACCA's Guidance indicates that misleading ACCA is considered to be very serious. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the misconduct in this case.
58. The Committee then considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case or mitigation advanced which satisfy the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The Committee considered none of these criteria to be met. The guidance adds that this sanction may be appropriate where most of the following factors are present:
  - the misconduct was not intentional and no longer continuing;
  - evidence that the conduct would not have caused direct or indirect harm;
  - insight into failings;
  - genuine expression of regret/apologies;
  - previous good record;
  - no repetition of failure/conduct since the matters alleged;

- rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur;
  - relevant and appropriate references
  - co-operation during the investigation stage.
59. The Committee considered that virtually none of these factors applied in this case and that accordingly a severe reprimand would not adequately reflect the seriousness of Mr Khadim's behaviour. His misconduct was intentional, and he has not demonstrated any insight into his dishonest behaviour. He has offered no expression of regret or apology. He does have a previous good record, but there has been no evidence of rehabilitative steps. He had provided no references, and his co-operation during the investigation stage had been limited.
60. The Committee noted that the Association provides specific guidance on the approach to be taken in cases of dishonesty, which is said to be regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, or is related to matters outside the professional sphere, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions where there has been a lack of probity and honesty and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than striking off. The guidance also states that 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."*
61. The Committee bore in mind these factors when considering whether there was anything remarkable or exceptional in Mr Khadim's case that warranted anything other than exclusion from membership. The Committee was of the view that there were no exceptional circumstances that would allow it to consider a lesser sanction and concluded that the only appropriate and proportionate sanction was exclusion. The Committee was cognisant of the severity of this conclusion. However, seeking out or making contact with a third party to provide false POs in order to satisfy one's PER represents behaviour fundamentally incompatible with being a member of ACCA and undermines the integrity of ACCA's membership process. The PER procedure is an important

part of ACCA's membership process and the requirements must be strictly adhered to by those aspiring to become members. In the Committee's view, Mr Khadim's dishonest conduct was such a serious breach of byelaw 8 that no other sanction would adequately reflect the gravity of his offending behaviour. In addition, it was not known if Mr Khadim had the relevant practical experience to have ever become a member in light of the way he went about securing his membership.

62. The Committee also considered that a failure to exclude a member from the register who had behaved in this way would seriously undermine public confidence in the profession and in ACCA as its regulator. The public needs to know it can rely on the integrity, ability and professionalism of those who are members of ACCA. In order to maintain public confidence and uphold proper standards in the profession it was necessary to send out a clear message that this sort of behaviour is unacceptable.
63. The Committee therefore ordered that Mr Khadim be excluded from membership.

#### **COSTS AND REASONS**

64. ACCA applied for costs in the sum of £7,365.50 to cover the costs of the Interim Order application in this case together with the main hearing. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable. However, the costs were based on the hearing lasting a whole day when, in the event, it did not take quite that long. Accordingly, the Committee made a reduction to reflect the time actually taken.
65. Mr Khadim did not provide any details of his means or provide any representations about the costs requested by ACCA. There was, therefore, no evidential basis upon which the Committee could make any reduction on that ground.
66. In deciding the appropriate and proportionate order for costs the Committee took into account the above factors and decided to make an order for costs in the sum of £6,750.00.

## **EFFECTIVE DATE OF ORDER**

67. In light of its decision to exclude Mr Khadim from ACCA and the seriousness of his misconduct, the Committee decided it was in the interests of the public to order that the sanction have immediate effect.
  
68. The Committee rescinded the current Interim Order.

**Mr Andrew Gell**  
**Chair**  
**17 January 2022**