

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

**REASONS FOR DECISION**

**In the matter of:** Mr Ibrar Ashraf

**Heard on:** Tuesday, 12 July 2022

**Location:** Remotely via Microsoft Teams

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

**Legal Adviser:** Mr Robin Havard (Legal Adviser)

**Persons present**

**and capacity:** Mr Benjamin Jowett (ACCA Case Presenter)  
Ms Nikita Apostol (Hearings Officer)  
Mr Ibrar Ashraf (ACCA Member)

**Summary** Immediate exclusion from membership

**Costs:** £4,000

**ALLEGATIONS**

Mr Ibrar Ashraf, at all material times an ACCA trainee:

1. Submitted or caused to be submitted to ACCA on or about 23 March 2017 an ACCA Practical Experience training record which purported to confirm: -
  - a. His Practical Experience Supervisor in respect of his practical experience

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training in the period 01 January 2014 to 31 December 2016 was Person B when Person B 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 3: Strategy and innovation;
    - Performance Objective 7: Prepare external financial reports; and
    - Performance Objective 17: Tax planning and advice.
2. Mr Ibrar Ashraf's conduct in respect of the matters described in allegation 1 above was: -
- a. In respect of allegation 1a, dishonest, in that Mr Ibrar Ashraf sought to confirm his supervisor did and could supervise his practical experience training for the period referred to in allegation 1a above in accordance with ACCA's requirements which he knew to be untrue.
  - b. In respect of allegation 1b, dishonest, in that Mr Ibrar Ashraf 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 act with 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 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 Ibrar Ashraf is guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 3 above.

### **DECISION ON FACTS, ALLEGATIONS AND REASONS**

1. The Committee had considered the following documents: a main hearing bundle (pages 1 to 327); a Tabled Additional (1) bundle (pages 1 to 26), and a Service bundle (pages 1 to 30).
2. The Committee had listened to the oral submissions made by Mr Jowett and the oral evidence and submissions from Mr Ashraf.

### **Allegations 1(a) & (b)**

3. On 26 April 2019, Mr Ashraf became a member of ACCA.
4. 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").
5. The Committee had considered the evidence of Person C, set out in his statement dated 15 April 2021. The content of his statement had not been challenged by Mr Ashraf. The Committee had also considered carefully the content of the Practical Experience Requirements booklet. The Committee made the following findings of fact.
6. The following abbreviations have been used:  
  
PER – Practical Experience Requirement;  
PES – Practical Experience Supervisor;  
PO – Performance Objective.
7. At the material time in respect of the events leading to these proceedings i.e., between 01 January 2014 and 31 December 2016, the requirements in respect

of procedural validation of the completion of a trainee's three years' approved work experience were as follows:

- a) Since at least 01 December 2007, in order to meet ACCA's PER, ACCA trainees had to complete 36 months supervised practical experience in a relevant role and demonstrate that they have achieved the required number of performance objectives or POs, which are benchmarks of effective performance describing the types of work activities they would have been involved in as a trainee accountant.
- b) Prior to 2016, ACCA trainees had to achieve 13 POs in total, 9 of which were "Essential" POs and any 4 "Optional" POs using ACCA's trainee development matrix or TDM through ACCA's online portal 'myACCA' to track and record the achievement of their POs access.
- c) A trainee's "workplace mentor" was responsible for signing-off or approving a trainee's practical experience and POs as soon as they agreed that a trainee had met the standard required. A workplace mentor had to be someone with whom the trainee worked closely, who knew the type of work the trainee was undertaking and who knew the quality of their work. In addition, the workplace mentor had to be a qualified accountant who, if not an ACCA member, was a member of a professional accountancy body or an audit body recognised by law in the country in which the trainee worked.
- d) In 2011, ACCA's online recording tool was updated and renamed "My Experience". Trainees were still required to achieve 13 POs in total (9 Essential POs plus any 4 Options). 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.
- e) In 2016, ACCA's PER was revised again and a new version of the "My Experience" recording tool introduced. Trainees had to achieve five "Essential" and any four "Technical" Performance Objectives ("POs"). To

do so, the trainee must gain the experience required to achieve the necessary elements for each PO and complete a personal statement for each, which are signed off by the trainee's "practical experience supervisor" (PES). Trainees must complete 36 months' experience in one or more accounting or finance-related role which is verified by their PES. Trainees must regularly record their PER progress in the online "MyExperience" recording tool, which is accessed via ACCA's online portal "myACCA".

- f) A trainee's personal statement for each PO must be a 200-500-word concise explanation of how they have achieved it. Trainees must provide examples of tasks they have been involved with to illustrate their personal statement. Trainee's statements must be in their own words and unique to their own work experience.
  
- g) It is a trainee's responsibility to find 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.
  
- e) A trainee can also select the "IFAC qualified external supervisor option". A trainee should choose this option if the nominated supervisor is an IFAC qualified accountant but is not an employee of the trainee's organisation, such as an external auditor or consultant. The IFAC qualified external supervisor needs to then consult with the trainee's unqualified line manager in order to be able to sign off or approve the trainee's POs. As they would not be working directly for the same employer, they would not be able to sign-off the trainee's time.
  
- f) Trainees must enter their 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.

- g) Guidance about ACCA's PER including trainees' responsibilities, PESs and their role, is, and was throughout the material time, published on ACCA's website.
8. Mr Ashraf's PER record showed he claimed 36 months of workplace experience at Company A between 01 January 2014 and 31 December 2016 and that his PES was Person B. This claimed period of employment was submitted to Person D by Mr Ashraf.
9. Mr Ashraf's PER record also showed that, on 23 and 24 March 2017, he submitted to Person B nine PO statements for Person B's approval. The PO statements were approved by Person B on the same day that they received them, ie. 23 or 24 March 2017.
10. On investigation, ACCA discovered that other trainees who were alleged to have been supervised by Person B had submitted personal statements in respect of POs 3, 7 and 17 which were effectively identical to those of Mr Ashraf and Person B, in terms of content, spelling (to include numerous words which were misspelt in exactly the same way), grammar and typographically.

### **PO3**

11. The Committee had considered the documentary evidence and found that the words used by Mr Ashraf in his "Strategy and innovation" PO statement ("PO3") were identical to the words used by six other trainees and also Person B.
12. The Committee found that the words below are the words used by Mr Ashraf, Person B and the six other trainees. They are also the words which were then approved by Person B on 24 March 2017:

*"The firm in which I was appointed as internee render service of audit, taxation and corporate consultancy to its clients. It is a registered with local governing laws and Institute of Chartered accountancy. It is well a reputed firm in this field. Firstly I was appointed in a department where employees strength was near to 12. Management was thinking that they are running internal audit with excess*

*number of employees and their salary budget is disturbing because of this. Further, they started thinking internal audit itself is increasing costs instead of decreasing. For this, Co. had conducted number of trainings and workshops in order to enhance the skills of all the employees including me. Due to enhanced skills employees strength of internal audit department was reduced and Co. got a permanent savings from salaries and performance of our department become also improved. Being senior officer Internal audit, I became head of post audit team for 6 assignments. I did have three juniors working under my supervision. I reviewed their work at each post audit assignment and guided them our audit strategy before starting each assignment and finalized the audit reports according to their findings. During the audit of HR function, One of my subordinate had found the fake employee in the system and he had discussed the whole thing with HR manager and Director HR before completion of audit without even discussing me and my manager. I told him that he did the wrong thing and he should not have discussed his observation with anyone outside the department before completion of audit. I told him that he did "tipping off" and his activity had warned the whole HR deptt. and they can try to rectify or conceal the things before completion of Audit. In their findings they found that maintenance supervisor and manager were found guilty so were fired." (sic).*

13. The records also showed, and the Committee found, that, by way of example, PO3 had been submitted by Trainee Person A and approved by Person B on 08 September 2016. This pre-dated the submission by Mr Ashraf of his PO3 which took place on 24 March 2017 with Person B's approval recorded as having taken place on the same day. The Committee therefore found that it could not be the case that the other trainees had copied the words of Mr Ashraf. Furthermore, as stated, the words are exactly the same as those submitted by Person B on 08 September 2016.

#### **PO7**

14. The Committee had considered the documentary evidence regarding the words used by Mr Ashraf in his "Prepare external financial reports" PO statement ("PO7") and found that they were identical to the words used by three other trainees.

15. The Committee found that the words below are the words used by Mr Ashraf and the three other trainees. They are also the words which were then approved by Person B on 23 March 2017:

*"Being a supervisor in a private company , One of my main duty is to close the monthly accounts which included ensuring all the provisions and accruals has been made in the system and ensuring that all the entries of the month relevant to payables,recievables,cash and general ledger has been posted and approved.I have prepared financial statements along with noted to the accounts quarterly.I extracted final trial balance for the quarter and converted into excel format so i could use it to prepare income statement,balance sheet,cashflow statement and statement of changes in Equity. I have prepared a checklist to ensure that all information required had been completed. The checklist includes items like the fixed assets schedule, accruals, prepayments etc. The checklist also serves as a guideline that I had met all requirements and completed all duties. First of all, I compared my financial statements with the previous period financial statements to ensure that all the necessary requirements have been met. Then I compared my statements with statements of other companies operating in the same industry to ensure that all the legal and regulatory requirements have been met. At last all the statements were reviewed by deputy Manager and then by Manager. Being an advance user of Excel, I used graphical charts to present my analysis. This includes bar charts and trend line analysis. Bar Charts showed the proportion of revenue, cost and profit of each division of the company and trend line showed the seasonal fluctuations in sales and future forecast of sales for the next year. Further, I have prepared a power point slide which included the reason of the changes in key figure like sales, gross profit, net profit, operating cost, income tax and fixed assets and etc."(sic).*

16. The records also showed, and the Committee found, that, by way of example, PO7 had been submitted by Trainee Person A and approved by Person B on 08 September 2016. This pre-dated the submission by Mr Ashraf of PO7 which took place on 24 March 2017 with Person B's approval recorded as having taken place on the same day. The Committee also noted that PO7 of Trainee Person Y was submitted and approved by Person B at the same time as that



of Mr Ashraf. The Committee therefore found that it could not be the case that the other trainees had copied the words of Mr Ashraf.

## **PO17**

17. The Committee had considered the documentary evidence regarding the words used by Mr Ashraf in his "Tax Planning and Advice" PO statement ("PO17") and found that they were identical to the words used by Trainee Person A.
18. The Committee found that the words below are the words used by Mr Ashraf and approved by Person B. They are also identical to the words used by Trainee Person A.

*"Tax planning is the art of reducing the tax liability of a person by making use of the various provisions of Law. The govt. in many cases provides various deductions and exemptions which can be used by a person to reduce his tax liability. Planning incomes and expenses in such a manner so as to avail various tax deductions and exemptions is called tax planning. Tax avoidance basically means making use of the loopholes in tax law to one's own advantage to reduce the tax burden. Although both tax planning and tax avoidance are legal ways to reduce tax there is only a difference between these two is that in tax planning a tax payer is doing what the Govt. wants him to do to avoid tax whereas in tax avoidance the tax payer does what the Govt. doesn't want him to do to avoid tax, but it is also 100% legal. On the other hand tax evasion involves the breaking of law for one's own benefit to avoid tax and this is illegal. The term tax risk means different things to different people and we need to start with common understanding of what it is we are talking about. Only then can we address how tax risk can be managed. In my view there are seven broad categories of risk associated with taxes, four are specific risk areas and three are rather broader and more generic. These are: Specific risk areas 1) Transactional risk 2) Operational risk 3) Compliance risk 4) Financial accounting risk Generic risk areas 5) Portfolio risk 6) Management risk 7) Reputational risk It will be interesting to see how companies apply section 404 to the tax accounts. The 'spirit' of the law would suggest that better information and more timely consideration of risk evolve. Some have suggested the*

*mechanical 'Check the Box Approach' to the adoption of the requirement of section 404."(sic).*

19. The records also showed, and the Committee found, that PO17 had been submitted by Trainee Person A and approved by Person B on 08 September 2016. This pre-dated the submission by Mr Ashraf of PO17 which took place on 24 March 2017 with Person B's approval recorded as having taken place on the same day.
20. The Committee found that Person B only became a member of ACCA on 23 September 2016. It was therefore only from that date that Person B was permitted to supervise a trainee in respect of his or her workplace experience.
21. In the circumstances, Person B could not have been Mr Ashraf's Supervisor when working as an Audit and Corporate Executive at Company A throughout all but the last 3 months of the 36 months' workplace experience claimed by Mr Ashraf.
22. The Committee had considered the written response from Mr Ashraf in his email of 18 February 2020, extracts of which are reproduced below (sic):

*• "[Person B] is in one of my college friend circle and a senior".*

*• "Furthermore, we use to conduct different audit and tax assignments beside [Company A] internship to fulfil my education and living cost. So at that time one day I asked [them] if [they] can act as my PER approving supervisor because my relevant employer [Company A] was not available to me because of huge workload, as Jan to June use to have peak season here in Pakistan for the audit firms".*

*• "So [Person B] said ok based on the fact that you are working with me and I am supervising your work, so I have no issue to review and approve you're PER objectives and then [they] did accordingly".*

*• "As I mentioned above, [they were] reviewing and supervising my part time assignments on regular basis which I have completed with [them]. For reference I am attaching the relevant document for your understanding".*

*• "As per our general practice, we were using a hard document format for the review of completed assignments in which the detail of client, nature of*

*assignment, review comments and the resolutions or completion has been mentioned, which on sample basis I am attaching with this email for your consideration”.*

• *“The employment/internship contract and fresh reference letter from [Company A] is attached with this email. Furthermore, you can take direct confirmation from my x employer for any further clarification”.* (sic).

23. The Committee had also considered what was agreed to have been said by Mr Ashraf when speaking to ACCA on the telephone on 24 February 2020 following his email of 18 February 2020 and also his oral evidence to the Committee.
24. Mr Ashraf confirmed that the audit client for whom he carried out work where he alleged Person B had supervised him was not a client of Company A. He also confirmed that he did not know where Person B was based or how many times he had worked with Person B or on how many assignments. Mr Ashraf simply relied on the fact that Person B was an ACCA member but confirmed that Person B had no connection with Mr Ashraf's employer, Company A. Furthermore, in the absence of any evidence, the Committee found that Person B had at no stage consulted with any line manager at Company A. Indeed, from Mr Ashraf's own account, he accepted that he did not have a line manager at Company A, *"because my relevant employer [Company A] was not available to me because of huge workload..."*(sic).
25. The Committee did not accept the evidence of Mr Ashraf. He had only provided an account of his relationship with Person B in the most generalised way and, furthermore, he relied on alleged supervision by Person B despite Person B having no connection at all with his employer, Company A, or the work Mr Ashraf was undertaking on behalf of Company A.
26. Furthermore, the Committee rejected the evidence of Mr Ashraf that Person B had, at any stage, provided the requisite level of supervision, as there was no credible evidence to support this assertion.
27. A further extract from Mr Ashraf's email of 18 February 2021 is set out below:

*“On the basis of my practical experience, as per the required objective, I completed in detail and then submitted to my supervisor [Person B]. [Person B] reviewed that and discussed [their] review comments and some detail required justifications verbally and then accordingly he approved”.*

*• “As you know, English is our second language and we are not native speaker, therefore, the objectives which I achieved written by myself, but I have summarized and taken help from [Person B] for a clearer and more professional presentation”.*

*• “Yes as I mentioned above, I used [Person B]’s Assistance and his format to summarize my written performance objectives for clearer and more professional presentation”.*

*• “Yes, before submitting my performance objectives to [Person B], I got assistance (and a format too) from [Person B] for more clear presentation”.*

*• “No, I did not pay to anyone for writing or giving me assistance in my performance objectives”.*

28. However, first, Mr Ashraf had already confirmed that the work allegedly supervised by Person B was not related to work undertaken by Mr Ashraf in the course of his employment with Company A.
29. Secondly, Mr Ashraf had submitted to ACCA what he held out to be a letter from Company A dated 29 March 2021, addressed to, *“To whom it may concern”*, suggesting that Mr Ashraf had, *“successfully worked and completed the below mentioned ACCA performance objectives during his tenure from 1st January 2014 to 31st December 2016”*, namely POs 3, 7 and 17.
30. However, the name of the individual who had allegedly been Mr Ashraf’s line manager as stipulated in his PER record was not included in the document. Therefore, ACCA wrote to Mr Ashraf requesting this information. Mr Ashraf wrote to ACCA on 17 May 2021, providing ACCA with the name of a person who, according to Mr Ashraf, had supervised him. ACCA wrote to that person on 27 May 2021 to ask for confirmation that they had been Mr Ashraf’s line manager during the relevant period and that Person B had been Mr Ashraf’s supervisor. They were also asked for details of their knowledge of the supervision undertaken by Person B and details of any conversations this person had held with Person B regarding Mr Ashraf’s work. There was no reply.

31. The Committee considered that the content of the letter from Company A was based on what Mr Ashraf needed to be said to justify what had taken place. In the absence of any contact from the person alleged to have been Mr Ashraf's line manager at Company A, Person D, or anyone else from that organisation, the Committee placed no weight on its content.
32. In more recent disclosure from Mr Ashraf, he had provided ACCA with two documents, purporting to be from Company A dated 14 February 2020 and 17 January 2017 i.e., approximately 13 months and over four years respectively before the first letter disclosed by Mr Ashraf, dated 29 March 2021.
33. The letter dated 14 February 2020 is purportedly signed by the Managing Partner of the Peshawar office of Company A, Person D, the same person who, according to Mr Ashraf, had written the letter of 29 March 2021 but who had not responded to ACCA's request for information. Whilst it states the following, "*During his tenure, he ably handled major responsibilities in Audit, Tax and Account Corporate Department*", it made no reference to who supervised his work at Company A, nor does it make any reference to Person B.
34. The Committee had found that Mr Ashraf confirmed in his email of 18 February 2021 that Person B had supervised work which was unrelated to the work he was undertaking at Company A. Indeed, the only evidence of any supervision carried out by Person B was in the form of a document relating to Mr Ashraf's work carried out for an organisation which was not a client of Company A. It also related to a period between March and April 2016, once again before Person B qualified as an accountant, and therefore at a time when he was not qualified to supervise.
35. As for the letter of 17 January 2017, it does not name the person who has written it and only refers in general terms to the work being undertaken by Mr Ashraf. Again, there was no reference to Person B.
36. The purpose for which both letters were produced in January 2017 and February 2020 was not made clear and the Committee found that it was significant that not one of the three letters was addressed to ACCA nor was

there any other correspondence sent by any party directly to ACCA, except for Mr Ashraf himself, to corroborate what he had to say.

37. The Committee had been provided with the decision of an ACCA Disciplinary Committee in relation to disciplinary proceedings brought against Person B in January 2021, arising out of their conduct which were directly related to the allegations against Mr Ashraf. At the conclusion of those proceedings, that Committee had found that Person B had:
- a) Approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Ashraf, when Person B had no reasonable basis for believing they had been achieved and/or were true;
  - b) Falsely represented to ACCA that they had supervised the work experience of 52 ACCA trainees, including Mr Ashraf, in accordance with ACCA's PER;
  - c) Improperly assisted 52 ACCA trainees, including Mr Ashraf, 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.
38. In respect of allegation 1(a), as stated, the Committee found that Person B did not become an ACCA member until 23 September 2016. Person B could not be Mr Ashraf's PES until and unless they were qualified to do so. Consequently, they were only able to do so with effect from 23 September 2016.
39. Therefore, the Committee found that Person B could not, and did not, act as Mr Ashraf's supervisor for any of the time Mr Ashraf claimed to have worked for Company A between 01 January 2014 and 23 September 2016 ie. just under

33 months of the 36 months of training that required supervision which was compliant with the PER.

40. The Committee was also satisfied, on the balance of probabilities, that Mr Ashraf knew that, from 01 January 2014 to 23 September 2016, Person B was not qualified to, and therefore could not, act as his PES. The obligation to ensure that a person is qualified to supervise remained with Mr Ashraf. Mr Ashraf suggested that it was for Person B to inform him of their eligibility to supervise but the Committee rejected his evidence. The Committee noted that Mr Ashraf was a friend of Person B and the Committee found, on the balance of probabilities, that Mr Ashraf knew that Person B could not act as his PES. He also stated that he was not aware of the PER nor the existence of the PER booklet. Again, the Committee found that Mr Ashraf's evidence was neither credible nor reliable on this issue. The Committee found, on the balance of probabilities, that Mr Ashraf was aware of the PER and that Person B was not qualified to supervise until they became a qualified accountant in September 2016.
41. Whilst his evidence was not consistent on when he first became friends with Person B, stating in his oral evidence that it was in 2013 or 2014 which was at odds with his written evidence that it was in 2014 to 2015, it was found that such a friendship was formed when he and Person B were in college together and so the Committee found that he must have known of Person B's level of qualification. The Committee found on the balance of probabilities that Mr Ashraf was not only aware of the PER but also that Person B was not qualified to supervise.
42. Mr Ashraf also conceded that it was not until 2017 that he requested Person B to act as his PES for the purposes of submitting his PER record. He would have known, therefore, in confirming that the relevant period of employment was from 01 January 2014 to 31 December 2016 and that the employer for the purposes of his submission was Company A, that Person B would have had no knowledge of the work Mr Ashraf had conducted during that period on behalf of Company A.

43. In addition, there was no evidence of any contact taking place between Person D of Company A, who Mr Ashraf describes as his line manager, and Person B.
44. The Committee found that Person B did not provide the necessary supervision of Mr Ashraf's work during the entire period of 01 January 2014 to 31 December 2016. As is stated in the PER booklet, one of the three components of PER is to, *"regularly record your PER progress in your online My Experience record, which can be accessed via myACCA"*.
45. Finally, the PER booklet makes it clear that a trainee such as Mr Ashraf should avoid having a friend as a PES to prevent any conflict of interest.
46. To summarise, in reaching its finding, the Committee had taken account of the following:
  - (a) There was no documentary evidence at all of any contact between Mr Ashraf and Person B, such as supervision notes, meeting notes, file reviews, text messages; appointments, or emails concerning work undertaken by Mr Ashraf when at Company A between 01 January 2014 and 31 December 2016;
  - (b) The only document that made reference to a review being carried out by Person B of Mr Ashraf's work related to an organisation which was not a client of Company A and took place at a time when Person B was not qualified to supervise;
  - (c) There was no evidence of any contact between the person held out to be Mr Ashraf's line manager, Person D, and Person B throughout the entire 3-year period;
  - (d) There was no supporting evidence of supervision being undertaken by anyone else, including anyone from Company A, who was qualified to supervise, during the relevant period;
  - (f) It had been found in proceedings against Person B that Person B had not conducted any supervision of any of the 51 trainees to include Mr Ashraf;



- (g) The Committee had found that Mr Ashraf knew that Person B was not qualified to supervise him;
  - (h) It was a number of months after he had claimed to have worked for Company A for 36 months that he approached Person B and asked them to agree to act as his PES for the period 01 January 2014 to 31 December 2016, knowing that Person B had had no involvement in Mr Ashraf's work for Company A during that period.
47. On this basis, the Committee found the facts of allegation 1(a) proved.
48. With regard to allegation 1(b), the Committee relied on its findings as set out at paragraphs 9 to 19 above. It made the following additional findings of fact.
49. With regard to the statements submitted by Mr Ashraf in respect of POs 3, 7 and 17, the Committee noted that it was a stipulation of ACCA's PER, as confirmed in the booklet, that the words in the statement must be unique to the trainee who had undertaken the practical training.
50. The Committee found that the words used by Mr Ashraf were not his own and that he had effectively copied the words which had been provided to him in a form of template by Person B. As stated above, the words were identical to those used by a number of other trainees, and Person B himself.
51. This was a clear abuse of the process of validation and no weight could be placed on the description of the experience gained as described in the statements. It was simply not credible that the performance objectives of up to eight trainees would have been absolutely identical, let alone that, independently of each other, they would then use exactly the same words.
52. It had been found that Mr Ashraf had deliberately submitted PO statements which were identical to the PO statements of other trainees who had purported to be supervised by Person B, as well as Person B himself, when he knew it did not accurately reflect the work that he had undertaken.

53. The Committee considered that it was significant that Mr Ashraf had been employed by Company A as an Audit and Corporate Executive whereas PO3, 7 and 17 do not relate to audit work. As Person C stated in paragraph 17 of his statement, *"ACCA recommends to trainees that they choose the technical objectives that best align to their role so that it is easier to achieve the PO"*.
54. No evidence had been provided regarding the description of the work allegedly carried out by Mr Ashraf to satisfy POs 3, 7 and 17 when employed by Company A and the Committee found, on the balance of probabilities, that no such work had been carried out.
55. The Committee also noted that, when initially asked for an explanation, Mr Ashraf stated in his email of 18 February 2021 that he had drafted the personal statements which had then been approved by Person B. Mr Ashraf then modified his account when giving oral evidence to say that Person B had provided him with text which he adopted.
56. For the reasons outlined above, the Committee had not found Mr Ashraf's explanations contained in his responses, both written and oral, to be either plausible or credible.
57. On this basis, the Committee found the facts of allegation 1(b) proved.

#### **Allegations 2(a) and (b)**

58. The Committee relied upon its findings of fact under allegations 1(a) and 1(b) above.
59. The Committee had found that Mr Ashraf knew that, in the period 01 January 2014 to 31 December 2016, Person B had not supervised his practical training to the requisite standard. The Committee also found that Mr Ashraf knew that, from 01 January 2014 to 23 September 2016, Person B could not have supervised his practical experience.
60. The Committee had also found that Mr Ashraf had failed to write the statement in support of POs 3, 7 and 17 in his own words. He had simply adopted words

used by others and therefore there was no guarantee whatsoever that the description would match in any way his practical experience. He therefore knew that he had not achieved the performance objectives in respect of POs 3, 7 and 17 as described.

61. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.
62. Consequently, the Committee found allegations 2(a) and 2(b) proved.

#### **Allegation 2(c)**

63. On the basis that this allegation was pleaded in the alternative to allegation 2(a) and 2(b), the Committee made no finding in respect of it.

#### **Allegations 3(a) and (b)**

64. On the basis that this allegation was pleaded in the alternative to allegation 2(a) and 2(b), the Committee made no finding in respect of it.

#### **Allegation 4**

65. Taking account of its findings that Mr Ashraf had acted dishonestly, the Committee was satisfied that he was guilty of misconduct in that such conduct fell far below the standards expected of an accountant and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Mr Ashraf, the Association and the accountancy profession.
66. The Committee found allegation 4 proved.

#### **SANCTION AND REASONS**

67. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had listened to legal advice from the Legal Adviser, which it accepted.

68. The Committee considered the available sanctions in increasing order of severity having decided that it was not appropriate to conclude the case with no order.
69. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
70. The Committee considered whether any mitigating or aggravating factors featured in this case.
71. The Committee accepted that there were no previous findings against Mr Ashraf.
72. The Committee had listened to the submissions provided by Mr Ashraf in relation to sanction.
73. The Committee noted that Mr Ashraf had engaged and cooperated with the proceedings, but that he had effectively denied the allegations throughout.
74. The Committee listened to what Mr Ashraf had to say in respect of the background which led to these proceedings. However, it did not consider that this could ever amount to a justification for acting dishonestly to circumvent the regulatory requirements that had to be followed in order to succeed in becoming an ACCA member.
75. As for aggravating features, on the basis of the Committee's findings, it had been established that Mr Ashraf's behaviour had been dishonest and the steps Mr Ashraf had taken involved a level of determination, premeditation and collusion with another member of ACCA. In the case of the POs, it also represented an act designed to deceive his regulator. The Committee was entirely satisfied that his behaviour would undermine confidence in the profession and put at risk the reputation of ACCA.

76. The Committee also noted that Mr Ashraf had denied the allegations and therefore had not shown either insight or remorse. He had not said anything to the Committee that illustrated an understanding of the gravity of his conduct. Indeed, even in the course of his submissions in respect of sanction, the Committee was not persuaded that he truly understood or accepted the fact that he had been dishonest.
77. The Committee concluded that neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings.
78. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
79. Mr Ashraf had been found to have acted dishonestly in his conduct. The Committee was also concerned that, based on its findings, the objective of his dishonest conduct was to gain an unfair advantage over those who had approached their practical training in an honest way. Due to the lack of legitimate evidence regarding his training, he may have become a member when he was not competent to do so. Therefore, this was conduct on Mr Ashraf's part which had led to him to achieve a level of success to which he was not entitled and which was not merited. In this way, he presented a risk to the accountancy profession and the public for a period of approximately five years.
80. This was conduct which was fundamentally incompatible with being a member of ACCA and undermined the integrity of ACCA membership. The Committee adopted the Guidance which stated that the reputation of ACCA and the accountancy profession was built upon the public being able to rely on a member to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings.
81. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to exclude Mr Ashraf from membership of ACCA but could find none.

82. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Ashraf shall be excluded from membership of ACCA.

### **COSTS AND REASONS**

83. The Committee had been provided with a simple cost schedule (page 1) and a detailed cost schedule (pages 1 to 4).
84. The Committee concluded that ACCA was entitled to be awarded costs against Mr Ashraf, all allegations, including dishonesty, having been found proved. The amount of costs for which ACCA applied was £8,624.00. Taking account of the complexity of the case, and the application and review of the Interim Order made in respect of Mr Ashraf, the Committee did not consider that the costs incurred were unreasonable.
85. Mr Ashraf had provided the Committee with details of his means but without any supporting documents. Mr Jowett had not challenged the information. The Committee were prepared to reflect the fact that Mr Ashraf's means may have been limited due to the imposition of the Interim Order although it would have preferred much more supportive information, particularly taking account of its findings as to Mr Ashraf's honesty.
86. In all the circumstances, and taking into account Mr Ashraf's means, the Committee exercised its discretion when determining the amount Mr Ashraf should be expected to pay. It considered that it was reasonable and proportionate to award a contribution towards the costs of ACCA in the reduced sum of £4,000.00.

### **EFFECTIVE DATE OF ORDER**

87. Taking into account all the circumstances, the Committee decided that it was in the interests of the public for this order to take immediate effect.

88. In reaching its decision, the Committee was concerned that Mr Ashraf had achieved membership status by dishonest means. His case was to be distinguished from a case where an individual had become a member of ACCA legitimately and who subsequently became the subject of disciplinary proceedings for reasons unrelated to his application for membership.
89. It followed that, unless the effect of the order was immediate, there was a risk that Mr Ashraf may continue to hold himself out as a member pending the outcome of any appeal without the necessary skills and experience to conduct work which only a properly qualified member should undertake. In this way, he may represent a risk to the public. It was therefore in the interests of the public for the order to take immediate effect.
90. The Committee ordered that the Interim Order in respect of Mr Ashraf shall be rescinded.

**HH Suzan Matthews QC**

**Chair**

**12 July 2022**