

HEARING

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

REASONS FOR DECISION

In the matter of: Miss Sehrish Anwar Memon

Heard on: Wednesday, 14 July 2022

Location: Remotely via Microsoft Teams

Committee: Mr Martin Winter (Chair)
Mr Constantinos Lemonides (Accountant)
Mr Nigel Pilkington (Lay)

Legal Adviser: Mr David Marshall

**Persons present
and capacity:** Mr Benjamin Jowett (ACCA Case Presenter)
Ms Nikita Apostol (Hearings Officer)
Miss Sehrish Anwar Memon (ACCA Member)

Summary: Costs: Exclusion from membership

Miss Memon to pay £500 towards ACCA's costs

1. The Committee heard an allegation of misconduct against Miss Memon. Mr Jowett appeared for ACCA. Miss Memon was present and represented herself.
2. The Committee had a main bundle of papers containing 444 pages, a decision of the chair granting an Adjournment on 24 June 2022 (3 pages), Service bundles of 34 and 18 pages, a 'Tabled Additional's' bundle containing 42 pages, and two files each of 2 pages containing emails from Miss Memon sent today, 14 July 2022.

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ALLEGATION(S)/BRIEF BACKGROUND

3. Miss Memon has been an ACCA Member since 09 June 2017. Before that, she had been an affiliate since August 2010. Regulation 3(a) of ACCA's Membership Regulations provides that one of the qualifications for membership is that the applicant *'has completed three years of approved experience in accordance with the Association's Practical Experience Requirement'* ('PER'). The PER involved completing 36 months supervised practical experience in a relevant role and demonstrating that the trainee had achieved the required number of performance objectives ('POs'). These are benchmarks of effective performance describing the types of work activities they would have been involved in as a trainee accountant. Before 2016, ACCA trainees had to achieve 13 POs in total, currently it is 9 POs.
4. Miss Memon submitted one training record, claiming to have achieved nine performance objectives to ACCA on 24 May 2017 in which she claimed to have satisfied the relevant PERs. The training referred to was with a company in Saudi Arabia and was said to have been completed in 2014. She named as her supervisor for all the POs an ACCA member referred to as Person A.
5. Person A came before a hearing of the Disciplinary Committee ('DC') which concluded on 29 January 2021. That Committee found, amongst other things, that Person A had approved the Practical Experience Performance Objectives and/or supporting statements for 52 ACCA trainees when they had no reasonable basis for believing they had been achieved and/or were true. It also found that Person A had falsely claimed to have supervised the work experience of those trainees. Miss Memon was alleged to have been one of those trainees.
6. Miss Memon faced the following allegations:

Allegations

Miss Sehrish Anwar Memon, at all material times an ACCA affiliate:

1. Submitted or caused to be submitted to ACCA on or about 24 May 2017 an ACCA Practical Experience training record which purported to confirm:

- a. Her Practical Experience Supervisor in respect of her practical experience training in the period 01 January 2013 to 31 December 2014 was Person A when Person A did not and/or could not supervise her practical experience training in accordance with ACCA's requirements as set out and published in ACCA's PER Guidance (the Guidance).
- b. She had achieved:
 - Performance Objective 1, Ethics and Professionalism;
 - Performance Objective 2, Stakeholder Relationship Management;
 - Performance Objective 3, Strategy and Innovation;
 - Performance Objective 4, Governance, risk and control;
 - Performance Objective 5, Leadership and Management;
 - Performance Objective 6, Record and process transactions and events;
 - Performance Objective 7, Prepare external financial reports;
 - Performance Objective 8, Analyse and interpret financial reports; and
 - Performance Objective 18, Prepare for and plan the audit and assurance process.

2. Miss Memon's conduct in respect of the matters described in allegation 1 above was:-

- a. In respect of allegation 1a, dishonest, in that Miss Memon sought to confirm her supervisor did and could supervise her practical experience training in accordance with ACCA's requirements which she knew to be untrue.

- b. In respect of allegation 1b dishonest, in that Miss Memon knew she 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 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. Her 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 allegation 1b above accurately set out how the corresponding objective had been met.
- 4. By reason of her conduct, Miss Memon 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.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

Allegation 1

- 7. Miss Memon made some admissions, but the Committee took the view that her admissions were equivocal, so it did not accept them. It made it clear that it would not think the worse of her as a result of treating this allegation as not admitted.
- 8. Mr Jowett took the Committee carefully through the relevant documents and demonstrated that it would not have been possible for Person A to have certified Miss Memon's Performance Objectives because they had not in fact supervised her work in Saudi Arabia. They had not worked with her and had not even been an ACCA member at the relevant time. Furthermore, the statements which Miss Memon submitted in support of her achievement of POs were identical, or very

similar, to the statements submitted by others of the 52 trainees referred to above, including Person A herself. Mr Jowett submitted that if she had really undergone training, she would have submitted details of it and not copied other trainees' documents.

9. Essentially, Miss Memon did not dispute what Mr Jowett said about the facts in relation to the document submitted by her in May 2017. She set out the reasons and justification she felt for submitting those PER records, as set out below in relation to Allegation 2, but she accepted that she had not in fact undergone practical training in the form set out. She accepted that the statements she submitted in support were templates provided by Person A. She described her conduct in using them unaltered as a '*mistake*' and '*negligent*'.
10. In these circumstances the Committee was satisfied that **Allegation 1 was proved in its entirety**. It was proved by Miss Memon's own evidence.

Allegations 2(a) and (b)

11. Miss Memon denied dishonesty.
12. Miss Memon described the efforts she had made in trying to qualify for ACCA membership in Saudi Arabia and the extreme difficulties she had experienced. Mr Jowett had described her actions in submitting false PER documents as a '*shortcut*' to obtaining ACCA membership. Miss Memon objected to this strenuously. Her case was that she had made enormous efforts to qualify but had been prevented. She said that she had started in 2010 but had found numerous obstacles in her way as a woman. She alleged that she had been told by ACCA Middle East that ACCA membership '*was not for women*'. She said she had enormous difficulty in obtaining internships and, when she did, in finding a supervisor prepared to sign off her training in accordance with ACCA's requirements. She alleged that ACCA did not provide her with the support she needed. She felt that by about 2013 or 2014 she had completed the practical training she required for ACCA membership, but she did not have the evidence required by ACCA. Miss Memon said that she had started a training record on ACCA's previous computer system and had a supervisor of some kind. That information was not transferred across to the current system when it was implemented. She also said that she had evidence in the form of emails in her

ACCA email account under the old system, but she no longer had access to these.

13. Miss Memon said that by 2017, she had spent some seven years in attempting to qualify in a 'clean' way. On a trip to Pakistan that year, she was introduced to Person A as someone who could '*help her*'. On the basis of their advice and suggestions, she prepared and submitted the documents which led to this hearing. She said that she did not set out to be dishonest or to take shortcuts but, '*I couldn't find anyone to sign it off so I had to go to Pakistan*'. In cross examination she said, '*I did lie but ... it was out of necessity that I lied*'. She denied any serious wrongdoing.
14. Mr Jowett described Miss Memon's approach as 'the end justifies the means'. The Committee agreed that she had persuaded herself that somehow she was morally justified in submitting false documents to ACCA. This was because despite all her efforts it had proved impossible to qualify by 'clean' means.
15. The Committee had no doubt that ordinary, decent people would regard Miss Memon's conduct as dishonest. She had created fraudulent documents in order to mislead her Regulator into granting her membership which she could not get by honest means. **The Committee found allegations 2(a) and (b) proved.**
16. Allegation 2(c) was in the alternative and therefore the Committee did not need to decide it. Allegation 3 was also in the alternative and again the Committee did not need to decide it.

Allegation 4

17. Miss Memon denied misconduct.
18. The Committee considered, as a matter of judgement, whether the allegations found proved amounted to misconduct. The Committee accepted that Miss Memon felt extremely frustrated and was desperate to achieve her ACCA membership. However, she was not under physical duress or constraint. She had a choice, and she chose to be dishonest. The public expects, and is entitled to expect, the highest standards of honesty from professionally registered accountants. Any accountant may from time to time be put in a position where they have to choose honesty over her personal interests. Miss Memon failed to

do so.

19. The Committee had no doubt that Miss Memon's actions did amount to misconduct. They were a discredit to her, to ACCA and to the profession. Members of the profession and members of the public would regard her conduct as deplorable. **The Committee concluded that Miss Memon was guilty of misconduct.**

SANCTION(S) AND REASONS

20. Having found the most serious allegations proved, the Committee considered what sanction, if any, to impose, having regard to ACCA's sanctions guidance.
21. The Committee first identified the mitigating and aggravating factors. In mitigation, Miss Memon had been a member or affiliate of ACCA for about 12 years and was of previous good character. That was a significant factor in her favour. She had co-operated with the investigation. Person A's dishonesty was very extensive but there was no reason to think that Miss Memon was involved in the other cases or knew about them. The Committee was prepared to treat this as a single episode of dishonesty. The Committee accepted that there were cultural differences in Saudi Arabia in relation to women in the workplace and that this could have caused huge frustration to Miss Memon. It accepted that she acted in part in desperation. It also accepted that she probably had significant experience as an accountant, although it is impossible to know the extent or nature of that experience.
22. Some important mitigating factors were absent. There were no references or testimonials. More importantly, Miss Memon had not demonstrated any insight into her behaviour and its consequences. Right up to her closing submissions, the most she would accept was that she had been 'negligent' and then only in relation to her copying of templates.
23. There were several aggravating factors in Miss Memon's conduct. The misconduct found proved was of a kind that was extremely serious. It involved deliberate dishonesty in relation to the system of qualification for ACCA membership. This would tend to undermine public trust in ACCA. It was intentional. It involved collusion with another ACCA member. It was

sophisticated and involved creating evidence to support experience in nine separate areas of practice. All that evidence was wholly false.

24. The Committee was quite satisfied that a sanction was required in this case because of the seriousness of the misconduct. It considered the available sanctions in order of seriousness having regard to ACCA's sanctions guidance.
25. The Committee first considered the sanctions of admonishment and then reprimand but the guidance made it clear that these were not nearly sufficient to mark the seriousness of this case. For reprimand, the guidance states '*This sanction would usually be applied in situations where the conduct is of a minor nature and there appears to be no continuing risk to the public*'. Falsifying a practical experience record to obtain membership cannot be described as a minor matter.
26. The Committee next considered the sanction of severe reprimand. The guidance states that this sanction would usually be applied in situations where the conduct is of a serious nature but 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.
27. The Committee was impressed by the sincerity of Miss Memon's belief that her actions were justified by the enormous difficulties she had experienced in Saudi Arabia. It therefore considered the relevant factors carefully to assess whether this sanction could be sufficient:
 - (a) '*misconduct was not intentional ...*'. The misconduct was deliberate and intentional. It was continuing in the sense that Miss Memon was still benefiting from ACCA membership.
 - (b) '*the conduct would not have caused direct or indirect harm*'. The Committee took the view that the misconduct did cause significant harm to the public interest. It enabled Miss Memon to become registered as a member and hold herself out as a Chartered Certified accountant when there had been no independent verification of her experience.
 - (c) '*insight into failings*'. There was none.

- (d) *'genuine expression of regret/apologies'*. There was none.
 - (e) *'previous good record'*. This factor was present.
 - (f) *'isolated incident'*. Although this was a single episode of dishonesty, the Committee could not treat it as a momentary or isolated lapse. Miss Memon had collaborated with another ACCA member to create a web of false evidence and had then taken a separate and deliberate decision to submit that evidence in support of an application for membership. She was still benefiting from her deception.
 - (g) *'rehabilitative/corrective steps'*. There was none.
 - (h) *'relevant and appropriate references'*. There were none.
 - (i) *'co-operation during the investigations stage'*. This factor was present.
28. The Committee concluded that the few points of mitigation were far outweighed by the seriousness of the misconduct and its consequences. It considered whether it could be sufficient to add a fine to increase the impact of the sanction. However, because (for example) of the absence of meaningful insight, it concluded that adding a fine would not make any difference. Miss Memon's seriously dishonest conduct was fundamentally incompatible with remaining as an ACCA Member.
29. The Committee recognised that there was strong personal mitigation. Miss Memon told the Committee that she was a [PRIVATE] and that ACCA membership was a significant factor in her right to live and work in Saudi Arabia (although she did not work as an accountant). The consequences of exclusion from the register could be very serious for her. Nevertheless, the Committee concluded that this was the minimum sanction it could impose.
30. The Committee did not consider that it was necessary to make an order extending the period before which Miss Memon can apply to be readmitted. She will be entitled to apply after 12 months but will have to demonstrate both that she is eligible and that she has fully rehabilitated herself.

COSTS AND REASONS

31. Mr Jowett applied for costs totalling £7,233.
32. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs. The Committee considered that the time spent, and the sums claimed were reasonable given the amount of evidence to be considered, including a large number of related cases. However, Miss Memon was of very limited means. She provided a Statement of Financial Position and amplified this in evidence. Mr Jowett did not dispute what she said. She told the Committee that her disposable income was about £150 per month. Doing the best, it could the Committee assessed the contribution she should make to ACCA's costs at £500.

EFFECTIVE DATE OF ORDER

33. The Committee considered that there was a significant risk to the public in allowing Miss Memon to hold herself out as a Member of ACCA during the appeal period when she had not demonstrated her eligibility for membership. It decided that its order should have immediate effect.

ORDER

34. The Committee ordered as follows:
 - (a) Miss Sehrish Anwar Memon shall be excluded from membership of ACCA.
 - (b) Miss Sehrish Anwar Memon shall pay a contribution to ACCA's costs assessed at £500.
 - (c) This order shall take immediate effect.
 - (d) The Interim Order on Miss Memon's registration is rescinded.

Mr Martin Winter
Chair
14 July 2022