

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Syed Fakher Abbas Zaidi
Heard on:	Tuesday, 21 and Wednesday, 22 June 2022
Location:	Held remotely by MS Teams videoconference
Committee:	Mr Martin Winter (Chair), Mr George Wood (Accountant), Ms Victoria Smith (Lay)
Legal Adviser:	Mr Andrew Granville Stafford
Persons present and capacity:	Mr Syed Fakher Abbas Zaidi (Member) Mr Benjamin Jowett (ACCA Case Presenter) Ms Anna Packowska (Hearings Officer)
Summary:	Allegations 1(a), 1(b), 2(a), 2(b) and 4 proved. Excluded from membership. Costs of £200.

PRELIMINARY

1. The Disciplinary Committee of the ACCA ('the Committee') convened to consider allegations made against Mr Syed Fakher Abbas Zaidi.

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2. The Committee had before it a bundle of documents (591 pages), a service bundle (18 pages) and a pseudonymisation schedule (3 pages).

ALLEGATIONS

3. The allegations against Mr Zaidi were as follows:

Mr Syed Fakher Abbas Zaidi, at all material times an ACCA affiliate:

1. Submitted or caused to be submitted to ACCA on or about 24 March 2017 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 between 01 January 2010 to 24 March 2017 was Person A when they 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 the

Performance Objective 2: Stakeholder relationship management;

Performance Objective 3: Strategy and innovation;

Performance Objective 4: Governance, risk and control;

Performance Objective 6: Record and process transactions and events;

Performance Objective 7: Prepare external financial reports;

Performance Objective 15: Tax computations and assessments;

Performance Objective 16: Tax compliance and verification;

Performance Objective 17: Tax planning and advice;

Performance Objective 18: Prepare for and plan the audit and assurance process;

Performance Objective 19: Collect and evaluate evidence for an audit or assurance engagement; and

Performance Objective 20: Review and report on the findings of an audit or assurance engagement.

2. Mr Zaidi's conduct in respect of the matters described in allegation 1 above was:
 - a) In respect of allegation 1a, dishonest, in that Mr Zaidi sought to confirm his Practical Experience 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 Zaidi 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 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
 - (i) Practical Experience Supervisors met the specified requirements in terms of qualification and supervision of the trainee and/or
 - (ii) That the performance objective statements referred to in paragraph 1 b accurately set out how the corresponding objective had been met.
4. By reason of his conduct, Mr Zaidi 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.

ACCA'S CASE

4. Mr Zaidi became an ACCA member on 31 March 2017. Prior to that he had been a student member of the Association.
5. The training to become a full ACCA member, in addition to passing the relevant exams, involves the completion of practical experience. ACCA's practical experience requirement ('PER') is a key component of the ACCA qualification.

ACCA's PER is designed to develop the professional knowledge and values, ethics and behaviours needed to become a professionally qualified accountant. There are three components to the PER:

- Completion of nine performance objectives ('POs'). Each PO includes a statement and must be signed off by a PER Supervisor, who must be a qualified accountant recognised by law in the relevant country and/or a member of an IFAC body. A PER Supervisor must have knowledge of the student's work and should be someone with whom the student works closely, for example the student's line manager.
 - Completion of 36 months experience in an accounting or finance related role, verified by a PER Supervisor.
 - Regular recording of the student's PER progress online.
6. On his PER training record, which he submitted in support of his application for membership on or about 24 March 2017, Mr Zaidi stated that he had worked for Company A, a security company, as Assistant Manager Finance and Accounts, from 01 January 2010 to 20 March 2014. He was currently working as Assistant Manager Accounts for Company B, a technology company, which he had joined on 21 March 2014.
7. Mr Zaidi claimed he had gained a total of 86 months PER experience in these two roles. Mr Zaidi named Person B as his PER Supervisor to approve 'time' (ie to verify the length of his practical training).
8. Although an applicant is only required to submit nine POs, Mr Zaidi in fact claimed that he had completed 17. These included:
- Performance Objective 2 ('Stakeholder relationship management')
 - Performance Objective 3 ('Strategy and innovation')
 - Performance Objective 4 ('Governance, risk and control')
 - Performance Objective 6 ('Record and process transactions and events')
 - Performance Objective 7 ('Prepare external financial reports')
 - Performance Objective 15 ('Tax computations and assessments')

- Performance Objective 16 ('Tax compliance and verification')
 - Performance Objective 17 ('Tax planning and advice')
 - Performance Objective 18 ('Prepare for and plan the audit assurance process')
 - Performance Objective 19 ('Collect and evaluate evidence for an audit or assurance engagement')
 - Performance Objective 20 ('Review and report on the findings of an audit or assurance engagement')
9. All of these PO statements were signed off by Person A, who was named on Mr Zaidi's PER training record as his PER Supervisor for the purpose of approving objectives.
10. ACCA's case was that Mr Zaidi did not work closely with Person A and nor was Person A familiar with Mr Zaidi's work. Indeed, Person A only became an ACCA member in September 2016, and accordingly could not have been Mr Zaidi's PER Supervisor for the majority of his practical training. Therefore, ACCA alleged that Person A could not have acted as Mr Zaidi's Supervisor and, furthermore, Mr Zaidi must have been aware of this. ACCA's case was that Person A had improperly claimed to be PER Supervisor for a number of trainees, and that they had falsely approved PO statements for these trainees to enable them to gain ACCA membership.
11. On 28 January 2020, ACCA wrote to Mr Zaidi asking for his comments and observations in relation to Person A acting as his PER Supervisor. Mr Zaidi provided his response to ACCA on 17 February 2020. He said that Person B had been his line manager at Company B. However, Person B was not sufficiently knowledgeable about IT so they suggested that Mr Zaidi should ask Person A to be a co-supervisor. Mr Zaidi said he had previously met Person A at a seminar. He said he had requested Person A to review his work along with Person B.
12. In respect of the PO statements included in his training record Mr Zaidi said:
- 'I wrote all objectives by myself as I was Qualified, experienced and MBA Finance. MA Economics, LL.B and ACCA. I discussed those objectives with [Person B], my line manager & Supervisor so [Person B] Supervised me in all*

circumstances principally, [They] gave [their] consent and then [they] referred me to [Person A] then [Person A] reviewed my work and assignments by visiting my office and [Person B] briefed [them] about my work then being ACCA Member & IT Literate. [They] signed off my performance objective with the approval of [Person B]. [Person B], FCMA is even now ready to validate my work & Performance objective.'

13. On 19 March 2021, ACCA wrote to Mr Zaidi providing copies of PO statements submitted by other trainees which were identical or nearly identical to a number of Mr Zaidi's PO statements. ACCA requested proof from Mr Zaidi that he had obtained the work experience that he claimed.

14. On 30 April 2021, Mr Zaidi provided the following response:

'As far as my performance objective are concerned identical with other students, the other students may have used my performance objective. [They] may send my performance objective without my willingness and this is [Person A's] fault. You are requested that please verify this fact as well.' (sic)

15. In response, on 07 June 2021, the Investigations Officer sent an email to Mr Zaidi stating as follows:

'I refer to your email of 30 April 2021. You suggested in that email that [Person A] could have been responsible for allowing other trainees to copy your Performance Objective statements.

I attach a copy of [Person A's] ie your former supervisor's P06 statement, which was submitted in September 2016 and therefore long before you submitted your P06 statement.

Trainee 1's P03 statement was also approved on the same date as your P03 statement (21 March 2017). That statement is included in the papers sent to you at page 323. Clearly it is possible that that statement was approved before yours, as it is not clear from the record the time of day the PO statement was sent.

Given there can be no doubt that at least [Person A's] P06 statement was submitted long before yours, can you explain how this could be the case, if you did not copy [their] P06 statement when completing your training record?

Please provide your response on or before 21 June 2021.'

16. ACCA's case was that there had been no substantive response to this enquiry.
17. Person A appeared before an ACCA Disciplinary Committee in January 2021 to answer allegations of misconduct in respect supervision of PER trainees. The Committee found that Person A had:
 - a) Approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Zaidi, when Person A 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 Zaidi, in accordance with ACCA's PER.
 - c) Improperly assisted 52 ACCA trainees, including Mr Zaidi, 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.
18. ACCA's case was that Mr Zaidi had secured ACCA membership without having properly met the PER requirements in two respects.
19. The first was in relation to Person A acting as his PER Supervisor. Mr Zaidi stated in his PER training record that he was at Company A between 01 January 2010 to 25 April 2014, and Company B between 21 March 2014 to 24 March 2017. ACCA did not dispute this. However, it disputed that Person A was or could have been his supervisor during this period. Person A did not become an ACCA member until 23 September 2016. Further, Person A informed ACCA that they had returned to full-time education at the beginning of 2017. Therefore, Person A would not have been able to supervise Mr Zaidi during most if not all of the relevant period.
20. The second was in relation to the performance objectives claimed by Mr Zaidi. He told ACCA at an early stage in the investigation that he had written the PO statements himself. However, ACCA had subsequently found that nine of his

PO statements were identical or nearly identical to a number of other trainees that claimed they had been supervised by Person A. Furthermore, they were identical or nearly identical to the ones Person A had submitted in September 2016 to gain ACCA membership. Given that Mr Zaidi did not submit his application until several months later, in March 2017, ACCA contended that it was clear that he had copied them from Person A.

MR ZAIDI'S CASE

21. At the outset of the hearing, Mr Zaidi denied all the allegations.
22. Mr Zaidi gave evidence. He told the Committee that Person B, who is chief executive of Company B, was his supervisor for the purposes of his membership submission. Person B also did consultancy work for Company A, and also acted as his supervisor in relation to their work at that firm. He told the Committee that he had achieved ACCA's performance objectives at both firms and that this could be verified by Person B.
23. However, Person B was not computer literate, so they had co-opted Person A to also act as their supervisor. [PRIVATE]. He said that due to this there may have been what he described as clerical errors or mistakes in his application form.
24. Mr Zaidi accepted in cross examination that some of his PO statements were identical to those Person A had used in their application. He said that he had written his statements himself and submitted to Person B. He said that Person A may have changed them, but he was not in a condition to know if they had done so. Mr Zaidi was asked by the Committee when he became aware that Person A had changed the statements. He told the Committee that he was unable to say with certainty, although he has now come to know that there were very significant changes. He said that during the ACCA investigation, when he was told about the similarities with other PO statements, he was to some extent aware of the changes Person A had made. It was put to him that he had previously maintained that his PO statements were his own work and were genuine and only now, at the hearing, he was alleging that Person A had altered them. He said that he believed he may have mentioned this before at a hearing, but he apologised if he had not given this explanation before and said it was not deliberate.
25. Mr Zaidi called Person B to give evidence. Person B told the Committee that they were general manager of Company B before they retired in 2017. They

held fellow membership in an IFAC body. They said they first agreed to act as Mr Zaidi's supervisor in 2014, which is when Mr Zaidi started working for Company B. They said they had reviewed Mr Zaidi's performance objectives but, given the passage of time, they could not remember what statements Mr Zaidi had submitted. However, all the things Mr Zaidi submitted were true to the best of their knowledge.

26. Person B said they had also been a consultant to Company A, and they had interacted with Mr Zaidi whilst he was working there.
27. Person B told the Committee that they had first met Person A when Mr Zaidi needed help with his application. One of their friends had introduced him to Person A. They said that they had met Person A purely in relation to the supervision of Mr Zaidi.
28. Mr Zaidi also called Person C to give evidence. Person C is managing director and CEO of Company A. They had interviewed Mr Zaidi and employed him as Assistant Manager of Accounts. They told the Committee that Mr Zaidi's responsibilities in this role had included audit, accounts and making monthly disbursements.
29. In his closing submissions to the Committee, Mr Zaidi emphasised that his practical experience was genuine and capable of being verified. He accepted there may have been some problems with his application form but said this was [PRIVATE]. He denied that he had been dishonest.

DECISION AND REASONS

30. The Committee considered the documents before it, the oral evidence of Mr Zaidi and his witnesses Person B and Person C, the submissions of Mr Jowett on behalf of ACCA and Mr Zaidi on his own behalf, and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities.

Allegation 1

31. The papers before the Committee included a copy of the PER training record submitted in support of Mr Zaidi's application for membership of ACCA. The Committee was satisfied that this could not have been submitted without Mr Zaidi's knowledge or consent. Therefore, the Committee found, as alleged in

the stem of Allegation 1, that Mr Zaidi had either himself submitted this PER training record to ACCA, or that he had caused it to be submitted.

32. Allegation 1(a) alleged that Person A could not have or did not supervise Mr Zaidi's practical experience training in accordance with ACCA's requirements during the period 01 January 2010 to 24 March 2017.
33. A PER Supervisor must be a member of an IFAC body. The Committee was taken to evidence showing that Person A did not become a member of ACCA until September 2016. Therefore, they could not have supervised Mr Zaidi for the vast majority of his training. Indeed, Mr Zaidi accepted he had not met Person A until shortly before he submitted his application in March 2017. It was not suggested by Mr Zaidi that Person A had any connection with either Company A or Company B, or that they had ever supervised Mr Zaidi in the workplace.
34. Therefore, the Committee was satisfied that Person A both did not and could not have supervised Mr Zaidi in accordance with ACCA's training requirements. It found Allegation 1(a) proved.
35. Allegation 1(b) was a simple factual allegation. It alleged that Mr Zaidi had submitted to ACCA, or caused to be submitted, a PER record purporting to confirm that he had achieved POs 2, 3, 4, 6, 7, 15, 16, 17, 18, 19 and 20. It was not in dispute that the record claimed he had achieved these POs. Having found that Mr Zaidi had either himself submitted the record or that he had caused it to be submitted, it followed that Allegation 1(b) was proved.

Allegation 2

36. The Committee had found, in respect of Allegation 1(a), that Person A could not have acted as Mr Zaidi's PER Supervisor to supervise his practical experience training. The Committee was satisfied that Mr Zaidi knew this to be the case.
37. Mr Zaidi's own evidence was that he had checked Person A's ACCA membership certificate. Therefore, he would have known that Person A only became an ACCA member in late 2016, towards the end of his own period of training. Further, Mr Zaidi admitted that he had only met Person A shortly before he made his membership application. He did not at any stage assert he had worked with or under Person A.

38. The Committee was satisfied that Mr Zaidi was sufficiently familiar with ACCA training requirements to know that a person he had only just met, who he had never worked with, and who himself had only just become an ACCA member, was not a suitable person to act as his PER Supervisor.
39. The Committee was in no doubt that Mr Zaidi had entered into an arrangement with Person A to enable him to gain ACCA membership in wilful disregard of ACCA's membership requirements. Mr Zaidi had named Person A on his training record knowing full well that Person A had not and could not have acted as his PER Supervisor.
40. The Committee was satisfied that, by representing that Person A had supervised his practical training when he knew this to be untrue, Mr Zaidi's actions were dishonest by the standards of ordinary and decent people. It therefore found Allegation 2(a) proved.
41. In respect of Allegation 2(b), the Committee took note in particular of the fact that 11 PO statements submitted by Mr Zaidi were identical or nearly identical to those submitted by other trainees who were allegedly supervised by Person A. Moreover, they were identical, save in some cases for a word or two, to those Person A had submitted six or so months before Mr Zaidi made his application.
42. In the circumstances, it was entirely implausible for Mr Zaidi to suggest that he had written them himself and that they reflected his individual experience. However, that is what Mr Zaidi had said when ACCA first challenged him about his training record.
43. The Committee noted that Mr Zaidi's account had developed over time. Initially, in his response to ACCA on 17 February 2020, Mr Zaidi said that he had written all the objectives himself. Then, when confronted in March 2020 with identical statements written by other trainees, he had claimed he had copied them.
44. He had subsequently been confronted with the fact that Person A's statements were identical and had been submitted before his. This, in the Committee's view, was incontrovertible evidence that Mr Zaidi had copied the 11 POs in question. Faced with this, Mr Zaidi had backtracked in the evidence he gave to the Committee. He had alleged, for the first time, that Person A must have changed his PO statements. However, whilst he told the panel that mistakes had been made, he characterised the issue as a failure of due diligence.

45. The Committee did not accept the account Mr Zaidi gave was credible. The Committee was in no doubt that Mr Zaidi and Person A had colluded to submit fabricated PO statements to ACCA for the purpose of Mr Zaidi's membership application. The reason Mr Zaidi had had to change his story was because this deception had been uncovered when Person A's PO statements were compared to his own. The inevitable inference was that Mr Zaidi had copied Person A's PO statements in order to support his membership application, knowing full well that they were not his own work and did not reflect his own training experiences.
46. The Committee was therefore satisfied that, as alleged in Allegation 2(b), Mr Zaidi knew he had not achieved the performance objectives in the manner described in the 11 PO statements he submitted. It was not necessary for the Committee to additionally consider whether Mr Zaidi had, during his training experience, met the essential performance objectives. It was satisfied that Mr Zaidi had submitted false PO statement in respect of the 11 performance objectives listed in the allegations.
47. The Committee was further satisfied that this conduct would be regarded as dishonest by ordinary and honest members of the public. Therefore, it found Allegation 2(b) proved.
48. Having found Allegations 2(a) and 2(b) proved, there was no need for the Committee to consider the alternative Allegation 2(c).

Allegation 3

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

Allegation 4

50. The Committee bore in mind that it should only find that conduct amounted to misconduct if it was a serious departure from the standards to be expected of a member of the profession. Making a dishonest application for membership of ACCA falls so far short of acceptable standards that it clearly amounts to misconduct. It brings discredit to the member, the Association and the profession and would be regarded as deplorable by fellow accountants.
51. The Committee was therefore satisfied that Allegation 4 was proved.

SANCTION AND REASONS

52. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of the parties and the advice of the Legal Adviser.
53. In mitigation the Committee took into account that no previous disciplinary findings had been made against Mr Zaidi. It also took into account that Mr Zaidi had engaged with the investigation and disciplinary process, albeit he had maintained throughout his denial of his misconduct. Further, it took into account the mitigation Mr Zaidi had provided about his family and personal circumstances.
54. The Committee considered that the following were aggravating factors. This was serious and sustained dishonesty and, given that the purpose was to gain membership of ACCA by deception, it undermined the integrity of the membership process. The Committee found that he had shown no insight into his misconduct and had demonstrated no remorse.
55. Having found that Mr Zaidi's actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.
56. The Committee considered that none of the factors identified in the GDS which suggest that admonishment might be justified were present in this case. Therefore, admonishment was not an appropriate sanction
57. The GDS suggests that a reprimand may be appropriate if the misconduct is of a minor nature and there is no continuing risk to the public. This was, in the Committee's view, serious misconduct. Furthermore, it was deliberate, there was no early and genuine acceptance by Mr Zaidi that he had committed misconduct and he had made no admissions. In light of these factors, the Committee considered that a reprimand was not an appropriate and proportionate sanction.
58. Further, the Committee considered that the misconduct was so serious that a severe reprimand would not be appropriate. This was intentional dishonesty and the Committee considered that harm is caused to the public when a student

improperly gains admission to membership of the profession. The Committee considered there was a risk, having behaved dishonestly in the past, that Mr Zaidi might do so in the future.

59. The Committee considered that exclusion from membership was the only appropriate and proportionate sanction. Fraudulently obtaining membership of ACCA undermines the integrity of the professional qualification and damages the reputation of the profession in the eyes of the public. Moreover, Mr Zaidi had not only acted dishonestly but had maintained his denial and had failed to demonstrate any insight into his behaviour. This conduct was not only a serious departure from relevant professional standards but was, in the Committee's view, fundamentally incompatible with continued membership of a professional body.
60. Therefore, pursuant to CDR 13.1(c), Mr Zaidi is excluded from membership of ACCA.
61. The Committee did not consider it necessary to stipulate an extended period in which Mr Zaidi would be prohibited from re-applying for membership. It noted that any such application would in any event have to be considered by the Admissions & Licensing Committee.

COSTS AND REASONS

62. ACCA applied for costs in the sum of £9,302. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the investigation and hearing.
63. The Committee considered that, in principle, a costs order should be made in favour of ACCA. Mr Jowett accepted some reduction may be appropriate on the basis that the hearing would conclude within the time that had been estimated at the time the schedule was prepared. Subject to this, the Committee considered that the sums sought were appropriate and had been reasonably incurred.
64. Mr Zaidi addressed the Committee as to his financial circumstances. He told the Committee that he is currently unemployed, although he has some income from consultancy work. He supports other members of his family and has a sizeable loan. This evidence was not challenged, and the Committee accepted it. Mr Zaidi's means are very limited, and the Committee considered that it would, therefore, be appropriate to reduce the costs to reflect this. Having

regard to ACCA's Guidance on Costs, it considered that it should not impose an order for an amount which the member was unable to reasonably afford. It would be inappropriate, in the Committee's view, to make an order which would cause Mr Zaidi severe financial hardship.

65. In light of this, the Committee determined that the appropriate order was that Mr Zaidi pay ACCA's costs in the sum of £200.

EFFECTIVE DATE OF ORDER

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

Mr Martin Winter
Chair
21 and 22 June 2022