

## HEARING

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

#### REASONS FOR DECISION

**In the matter of:** Mr Jamal Haider

**Heard on:** Wednesday, 04 May 2022

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

**Committee:** Mrs Helen Carter-Shaw (Chair)  
Ms Joanne Royden-Turner (Accountant)  
Ms Samantha Lipkowska (Lay)

**Legal Adviser:** Mr Iain Ross (Legal Adviser)

#### Persons present

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

**Summary** Exclusion from membership

Sanctions with immediate effect

Cost to ACCA £5,000.

1. The Committee heard an allegation of misconduct against Mr Jamal Haider. The hearing was conducted remotely through Microsoft Teams. Mr Jowett appeared for ACCA. Mr Jamal Haider was present and was not represented. The Committee had a main bundle of papers numbered pages 1 to 346, a

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memo and agenda consisting of 2 pages, an additional bundle consisting of 19 pages, and a separate service bundle numbered pages 1 to 14.

## **ALLEGATION / BRIEF BACKGROUND**

2. Mr Haider became an ACCA member on 9 June 2017. Mr Haider could not become a member of ACCA until he had completed three years of approved work experience, in accordance with ACCA's Practical Experience Requirement ("PER").
3. ACCA's PER has three components. Trainees must achieve five "Essential" and any four "Technical" Performance Objectives ("POs") by gaining the experience required to achieve the necessary elements for each PO and complete a personal statement for each PO, which are signed off by the trainee's practical experience supervisor (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.
4. The guidance provides that 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.
5. Trainees must complete 36 months experience in one or more accounting or finance-related roles which are 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".
6. Mr Haider's PER record shows he claimed 37 months of workplace experience, that being as an audit intern at Company A from 23/11/2014 - 23/02/2015, an assistant accountant at Company B between 03/10/2012 - 06/12/2013, and an audit trainee at Company C, Chartered Accountants between 15/03/2015 - 17/11/2016.

7. Whilst Mr Haider had claimed 37 months of workplace experience in total, his PER record showed that he only had one PES, Mr A. Mr A approved Mr Haider's performance objectives for the 20 months in which Mr Haider worked at Company C.
8. Mr Haider's PER record confirms he submitted nine PO statements for approval to Mr A on 7 June 2017. These were all approved by Mr A on the same day that they were submitted to him. Mr Haider was asked why several of his PO statements were identical in parts to the same statements of Mr A and/or other students who were also purportedly supervised by Mr A.
9. Mr Haider maintained that he had carried out the work he detailed in his PO statements. He told ACCA that Mr A had provided him with templates and that he (Mr Haider) had, "*matched those samples with the actual objectives of mine and wrote PER performance objectives statements as mandatory by ACCA. Mr. A reviewed my objectives and gave me a go ahead after being satisfied with the content*". He had also shared files with Mr A by using a USB drive.
10. Mr A did not become an ACCA member until 23 September 2016 and therefore could not have acted as Mr Haider's PES for the time when Mr Haider was working at Kaleem & Co prior to that date.
11. As regards Mr A, he appeared before an ACCA Disciplinary Committee on 29 January 2021 when the Committee found Mr A had:
  - a) approved the POs and/or supporting statements of 52 ACCA trainees, including Mr Haider, when Mr A had no reasonable basis for believing they had been achieved and/or were true.
  - b) falsely represented to ACCA that he had supervised the work experience of 52 ACCA trainees, including Mr Haider (referred to as trainee DD), in accordance with ACCA's requirements.

- c) improperly assisted 52 ACCA trainees, including Mr Haider, in completing their supporting statements as evidence of the 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 the 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 Requirement

### **Allegations**

Mr Jamal Haider, at all material times an ACCA trainee

1. Submitted or caused to be submitted to ACCA on or about 7 June 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 15 March 2015 to 17 November 2016 was Mr A when Mr A did not and or could not supervise his practical experience training in respect of those periods of 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 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 6: Record and process transactions and events
    - Performance Objective 7: Prepare external financial reports; and
    - Performance Objective 8: Analyse and interpret financial reports

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

2. Mr Jamal Haider's conduct in respect of the matters described in allegation 1 above was: -

a) In respect of allegation 1a, dishonest, in that Mr Jamal Haider 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 Jamal Haider knew he had not achieved the performance objectives referred to in paragraph 1 b) 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 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 Jamal Haider 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 / ALLEGATION AND REASONS**

12. ACCA did not call any live witnesses and relied on the witness statements and exhibits produced in the main bundle and the additional bundles. Mr Haider gave oral evidence and answered questions asked by Mr Jowett and the Committee.
13. In respect of Allegation 1 a, it was not disputed by Mr Haider that his PER had been submitted on the relevant date and contained the relevant information.
14. The Committee had regard to Mr Haider's own evidence that he had read the ACCA's requirements in respect of who could be a PES in 2017. Mr Haider explained that Mr A had approached him only in 2017 to enquire how he was progressing with getting ACCA membership. Therefore, the Committee was satisfied that Mr A could not have been Mr Haider's PES during the period claimed and had retrospectively approved Mr Haider's POs which is contrary to ACCA's guidance which would have been known by Mr Haider.
15. The Committee was satisfied that Allegation 1(a) was proved. Allegation 1 (b) was admitted by Mr Haider and found proved by admission.
16. The Committee next considered whether dishonesty was proved in respect of Allegations 1(a) and 1(b). In respect of Allegation 1(a), the Committee, having already found that Mr A had not been and could not have been his PES, determined that Mr Haider, having on his own evidence read the PER guidance in 2017, around the time of his submission, must have known that the information in his submitted form regarding his PES was false.
17. In respect of Allegation 1(b), Mr Haider accepted in his evidence that he had copied virtually the whole of eight out of the nine PO statements submitted by him. The Committee did not accept Mr Haider's account that his actions in copying the PO's of other students and from Mr A was acceptable, given that they involved similar experiences to those which Mr Haider had experienced. The Committee found Mr Haider's submissions that the templates provided mirrored his own experiences almost exactly (including in relation to certain very specific details), to be implausible. The Committee also noted Mr Haider's numerous references to the fact that there were, according to Mr A,

“no plagiarism checks by ACCA”. The Committee was satisfied that Mr Haider must have known that he was submitting false information when he submitted PO statements which did not describe his own personal experiences.

18. In the circumstances, the Committee determined that Mr Haider’s conduct in respect of the matters described in Allegations 1(a) and 1(b) was dishonest and found Allegations 2(a) and 2(b) proved.
19. Having found Allegations 2(a) and 2 (b) proved, the Committee did not consider Allegations 2 (c), 3 (a) and 3.
20. Having found that he acted dishonestly, the Committee had no doubt that Mr Haider’s conduct amounted to misconduct. Dishonesty invariably involves conduct which brings discredit to any professional person found to have been dishonest and is deplorable. The Committee, therefore, found Allegation 4 proved.

### **Decision on Sanction and Reasons**

21. The Committee heard submissions from Mr Jowett on behalf of ACCA. The Committee received advice from the Legal Advisor and had regard to the Guidance for Disciplinary Sanctions.
22. The Committee noted that the matters found proved against Mr Haider were very serious. The Committee considered the aggravating factors to be that Mr Haider’s misconduct was premeditated, intended for his own benefit, and undermined the trust that the public rightly has in ACCA. Mr Haider had entered a blatantly dishonest arrangement with Mr A resulting in him obtaining his ACCA membership in circumstances which raises doubts as to whether he was qualified to become a member. Mr Haider did not express any remorse or insight into the potential impact of his misconduct on other students and the reputation of the profession. On the contrary, he sought to blame others, namely Mr A for “scamming him”, and ACCA for not rejecting his membership application.

23. As a mitigating factor, the Committee took into account that Mr Haider has no previous disciplinary record. The Committee noted Mr Haider's submissions regarding the apparent lack of support for ACCA students in Pakistan and the difficulties they have in obtaining relevant experience. However, the Committee did not consider that this mitigated Mr Haider's dishonest behaviour.
24. The Committee considered each available sanction in ascending order of seriousness, having concluded that taking no further action was not appropriate. The Committee also considered that issuing an admonishment or a reprimand would not be sufficient or proportionate given the gravity of the matters proved.
25. The Committee carefully considered whether a Severe Reprimand would be sufficient and proportionate or whether exclusion from membership was required and had careful regard to the factors applicable to each of these sanctions set out in the Sanctions Guidance.
26. The Committee had regard to E 2.2 of the Guidance for Disciplinary Sanctions which states,  
*"The public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in difficult circumstances. It is a cornerstone of the public value which an accountant brings."*
27. The Committee was mindful that the Sanction of exclusion from membership is the most serious sanction which could be imposed. The Committee also considered the guidance that this sanction is likely to be appropriate when the behaviour is fundamentally incompatible with being a member. The Committee was satisfied that Mr Haider's misconduct reached that high threshold.



28. For all of the above reasons, the Committee concluded that the only appropriate and proportionate sanction was exclusion. Any interim order is hereby revoked.
  
29. The Committee also deemed it necessary to make an order that the sanction of exclusion comes into effect immediately. The Committee was mindful that were he allowed to continue to hold himself out as an ACCA member, Mr Haider could cause harm to the public and to the reputation of ACCA for example, by being able to sign documents as an ACCA member or supervise students. Accordingly, the Committee determined that immediate order was necessary to protect the public.

#### **Decision on Costs and Reasons**

30. ACCA applied for costs in the sum of £7,378.50. The Committee was not provided with a statement of means by Mr Haider but heard unchallenged oral evidence from him that he is currently employed in Saudi Arabia and has a monthly disposable income of around £500 after his living costs and other financial commitments have been accounted for. Taking into account his ability to pay, the Committee determined that Mr Haider should pay a contribution to ACCA's costs in the sum of £5,000.

**Helen Carter-Shaw**  
**Chair**  
**4<sup>th</sup> May 2022**