

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

**REASONS FOR DECISION**

**In the matter of:** Ms Yi Qing Shen

**Heard on:** Wednesday, 13 December 2023

**Location:** Held remotely by Microsoft Teams

**Committee:** Mr Andrew Popat CBE (Chair)  
Mr Ryan Moore (Accountant member)  
Mr Colin Childs (Lay member)

**Legal Adviser:** Ms Valerie Charbit (Legal Adviser)

**Persons present  
and capacity:** Mr Ben Jowett (ACCA Case Presenter)  
Ms Lauren Clayton (Hearings Officer)

**Summary:** Exclusion from membership with immediate effect and costs awarded to ACCA of £2000.

1. The Committee convened to consider four allegations in relation to the ACCA member Miss Shen:

**Yi Qing Shen ('Miss Shen'), at all material times an ACCA trainee,**

1. **Applied for membership to ACCA on or about 13 March 2020 and in doing so purported to confirm in relation to her ACCA Practical Experience training record**

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her Practical Experience Supervisor in respect of her practical experience training in the period from 1 January 2019 to 12 March 2020 was Person 'A' when Person 'A' did not supervise that practical experience training in accordance with ACCA's requirements as published from time to time by ACCA or at all.

2. **Miss Shen's conduct in respect of the matters described in Allegation 1 above:-**
    - a) **Was dishonest, in that Miss Shen sought to confirm her Practical Experience Supervisor did supervise her practical experience training in accordance with ACCA's requirements or otherwise and/or her Supervisor had personally verified the achievement of the performance objectives claimed and/or that they had been achieved in the manner claimed either or both of which she knew to be untrue.**
    - b) **Demonstrates a failure to act with Integrity.**
  3. **In the further alternative to Allegations 2a) and 2b) above, such conduct was reckless in that Miss Shen paid no or insufficient regard to ACCA's requirements to ensure:**
    - a) **Her practical experience was supervised;**
    - b) **Her Practical Experience Supervisor was able to personally verify the achievement of the performance objectives she claimed and/or verify they had been achieved in the manner claimed;**
  4. **By reason of her conduct, Miss Shen 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.**
2. The Committee had before it the following documents: a service bundle numbering 1-22 pages, and a DC Report and bundle numbering 1-246 pages and a Tabled Additional bundle numbering 1-30 pages.
  3. Miss Shen did not attend the hearing and she was not represented. She stated in emails dated 21 April 2023 and 7 December 2023 to ACCA's hearings officer that she would not be participating or attending the hearing.

## **SERVICE OF PAPERS AND PROCEEDING IN ABSENCE**

4. The Committee first considered whether the appropriate documents had been served in accordance with ACCA's Complaints and Disciplinary Regulations 2014 amended 1 January 2023 (CDR). The Committee took into account the submissions made by Mr Jowett on ACCA's behalf.
5. ACCA applied to proceed in the absence of Miss Shen.
6. The Committee was satisfied that ACCA had provided 28 days' notice to Miss Shen on the 15 November 2023. The notice included the correct documentation and information regarding when and how the hearing was to take place. Additionally, the Notice provided details about applying for an adjournment and the Disciplinary Committee's power to proceed in Miss Shen's absence if she did not attend and if it was considered appropriate to do so.
7. The Committee noted Miss Shen's reply and confirmation that she was not planning to attend the hearing. The Committee having considered the documents was satisfied that Miss Shen had been served with the correct Notice and had been served with the correct documents in accordance with the Regulations.
8. Having concluded that proper notice had been served in accordance with the rules, the Committee went on to consider whether to exercise its discretion to proceed in the absence of Miss Shen.
9. Having considered the email sent by Miss Shen and that she had not responded to any further efforts by ACCA to contact her, the Committee was of the view that Miss Shen's attendance was unlikely to be secured through an adjournment. It considered she had made it clear she would not be attending the hearing and appeared to have voluntarily absented herself.
10. Balancing the interests of Miss Shen against the interests of ACCA and the public interest in proceeding with hearings where a member has not attended, the Committee concluded that in all the circumstances it was in the interests of justice that the matter proceed expeditiously.

## **BACKGROUND**

11. Miss Shen became a member of ACCA on 19 March 2020. Upon an ACCA student completing all their ACCA exams, they become an ACCA affiliate. However, in order to apply for membership, they are required to obtain at least 36 months' practical experience in a relevant role ('practical experience'). It is permissible for some or all of that practical experience to be obtained before completion of ACCA's written exams.
12. A person undertaking practical experience is often referred to as an ACCA trainee being the term used in this report and supporting evidence bundle. An ACCA trainee's practical experience is recorded in that trainee's Practical Experience Requirement logbook (PER), which is completed using an online tool called 'MyExperience' which is accessed via the student's MyACCA portal.
13. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant. Once a trainee believes they have completed a PO, they are required to provide a statement in their PER training record describing the experience they have gained in order to meet the objective. Given this is a description of their own experience, the statement should be unique to them. Through the online tool, the trainee then requests that their practical experience supervisor approves that PO. In addition to approval of their POs, the trainee must ensure their employment where they have gained relevant practical experience has been confirmed by the trainee's line manager who is usually also the trainee's qualified supervisor. This means the same person can and often does approve both the trainee's time and achievement of POs.
14. If the trainee's line manager is not qualified, the trainee can nominate a supervisor who is external to the firm to supervise their work and approve their POs. This external supervisor must have some connection with the trainee's firm, for example as an external accountant or auditor.
15. Once all nine POs have been approved by the trainee's practical experience supervisor (whether internal or external) and their minimum 36 months of practical experience has been signed off, the trainee is eligible to apply for membership.
16. During 2021 it came to the attention of ACCA's Professional Development team that between 16 December 2019 and 29 January 2021, 100 ACCA trainees had completed their PER training record in which they claimed their POs had been approved by a particular supervisor, namely Person A.

17. A person purporting to be Person A registered as each trainee's supervisor on the basis of them being a member of the Chinese Institute of Certified Public Accountants (CICPA), being an IFAC registered body.
18. Person B, Manager of ACCA's Professional Development Team, states they would not expect a supervisor to have more than 2-3 trainees at any one time. It is accepted all these trainees had different periods of training and some periods overlapped, ACCA is unable to produce precise figures as to how many trainees Person A allegedly supervised at any one time.
19. In light of the above, ACCA contacted Person A via CICPA who denied having supervised any ACCA trainees. During this contact Person A provided ACCA with their email address. As a result of the above, all 100 trainees were referred to ACCA's Investigations Team. By this date many of these trainees had obtained ACCA membership.
20. During ACCA's investigation of these cases, Person A was contacted, and they agreed to provide a statement. Initially they advised ACCA, they had never supervised any ACCA trainees, however, they now recalled having supervised a single ACCA trainee. Person A provided ACCA with the name of the trainee. ACCA's records confirm they did act as a supervisor for this one trainee who is not one of these 100 cases under investigation. In addition, they acted as supervisor for this trainee only to the limited extent of approving one of their nine performance objectives which they confirmed in their statement.
21. The reason this ACCA trainee was not included in these 100 cases under investigation is because Person A had been issued with a different supervisor registration number by ACCA and their details were different to those supervisor details given by the 100 other trainees. This included their email address. The email address supplied in connection with the 100 trainees was [Private], being totally different to the email address provided by Person A to ACCA. In their statement to ACCA Person A has stated they have never had an email address containing [Private].
22. The person who was registered as supervisor for the 100 trainees under investigation provided a copy of a CICPA registration card. Person A was contacted by ACCA and they confirmed in their statement this is their registration card but said they did not provide it to ACCA.

23. Person C, Senior Administrator in ACCA's Member Support Team, explaining ACCA's membership application process, states that once an application is received, this is recorded in ACCA's Prod database by an automated process. The corresponding record for Miss Shen records her application was received on 13 March 2020. Person B confirms in their statement :

- POs and ACCA's exams are closely linked so that the knowledge and techniques the trainee develops through their studies, are relevant in their workplace. The tasks and activities a trainee will be asked to demonstrate in the POs are also closely related to the type of work they will undertake on a regular basis in an accounting or finance role.
- Each PO comprises 3 parts; (i) a summary of what the PO relates to, (ii) 5 elements outlining the tasks and behaviours a trainee must demonstrate to be able to achieve the PO and (iii) a 200 to 500-word concise personal statement in which a trainee must summarise how they achieved the PO.
- In total a trainee is required to complete nine POs. The POs numbered 1 to 5 are compulsory. There are then a number of option 'Technical' POs from which the trainee needs to choose 4. ACCA recommends to trainees that they choose the technical POs that best align to their role so that it is easier to achieve the PO. In that regard the ACCA's requirements as published in the 2019 guide, and subsequently, explain the following: "*The performance objectives you choose should be agreed with your practical experience supervisor. You should consider the following points when selecting which performance objectives to target...*

*...Match any business objectives you have been set at work with the performance objectives. This will allow you to work towards your business objectives and your PER at the same time."*

- In their personal statement for each PO, a trainee needs to provide a summary of the practical experience they gained. They must explain what they did, giving an example of a task. They must describe the skills they gained which helped them achieve the PO and they must reflect on what they have learned including what went well or what they would have done differently.

- A trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. This has been consistently referred to in ACCA's published guides. Trainees must not therefore use a precedent or template or another trainee's personal statement, which would undermine the PER training record element of the ACCA qualification. The 2019 published guide concludes "*Your situation and experience are unique to you, so we do not expect to see duplicated wording, whether from statement to statement, or from other trainees. If such duplication occurs, then it may be referred to ACCA's Disciplinary Committee.*"
- ACCA's PER guides are available online in China. Although the Guides are printed in English, all Chinese trainees will have taken their exams in English and therefore it would follow that they have a reasonable command of the English language.
- A practical experience supervisor means a qualified accountant who has worked closely with the trainee and who knows the trainee's work. "Qualified accountant" means a member of an IFAC (International Federation of Accountants) member body and or a body recognised by law in the trainee's country.
- A practical experience supervisor is usually the trainee's line manager. However, where the trainee's manager is not IFAC qualified, the trainee can appoint an external supervisor who is. In all but one of the 100 cases, including this case, Person A was recorded as an external supervisor. ACCA's PER guide states "*If your organisation does not employ a professionally qualified accountant who can sign-off your performance objectives then you could ask an external accountant or auditor who knows your work, to be your practical experience supervisor and work with your line manager to sign off your objectives.*"
- Trainees must enter their practical experience supervisor's details using the MyExperience online recording tool which generates an invitation to their nominated supervisor to act as their supervisor. If the supervisor accepts that invitation, the supervisor is required to record their details using the same recording tool.

24. On the dates Person A was allegedly appointed supervisor for these 100 trainees, there was no requirement for the supervisor to provide the name of their employer. Instead, they were only required to register their job title and provide their email address. However, all practical experience supervisors have to be registered with ACCA and as part of that registration process, they have to provide evidence that they are a qualified accountant. A Person A apparently provided evidence to ACCA in the form of a registration card from the Chinese Institute of Certified Public Accountants (CICPA). As such they were from ACCA's point of view a 'qualified accountant'. A copy of this registration card was exhibited to Person B's statement.
25. Information has been obtained from one of ACCA's China offices in China about the support given to ACCA trainees in China:
- ACCA's Customer Services Team in China email all ACCA affiliates in China inviting them to regular webinars provided by ACCA staff who can advise on the PER process
  - a list of webinars (translated using Google translate) relating to ACCA's membership application process dated from 14 December 2016 to 27 August 2022. There are a number dated in 2019 including one dated 30 May 2019, further details of which are on page 226- 228 (translated using Google translate). The details include reference to, '*...Record 36 months of accounting-related work experience in myACCA, and complete 9 Performance Objectives, which will be confirmed online by your Supervisor...*'
  - These are live webinars and therefore trainees can ask ACCA China staff questions.
  - The webinar details refer to encouraging affiliates to join the ACCA WeChat group of their regional service group and provides details how to join. All the webinars listed include the same details about these WeChat groups. ('WeChat' is a social media app available globally but used extensively in China). In these WeChat groups, ACCA trainees can ask ACCA China staff questions including about the PER process.



- In addition to the WeChat groups, ACCA China uploads to its WeChat platform articles relevant to the ACCA membership process. A list of those articles (translated using Google translate) was produced for the Committee. This *includes an article 'How to become an ACCA Member Series 1/ Practical Experience Requirement (PER) Quick Guide', dated 15 January 2020. A copy of the article is on page 231-234 (translated using Google translate).* The article refers to a mentor, which is the same as a supervisor. Under the heading *'Find a mentor'* the article states in particular, *'Your experience must be under the supervision of a mentor to count towards PER. You must find a mentor with real work experience to monitor and confirm your work hours and performance goals...'*
- *Under the heading 'Determine performance goals' the article states in particular, 'You have to choose which performance goals to accomplish, here are some points to keep in mind: You need to complete 9 performance goals, including all 5 core goals and any 4 technical goals, Work with your practical experience mentor to develop a plan to achieve performance goals; Choose technical goals that are relevant to your day-to-day work, as they are easier to achieve....'*

26. The Practical Experience Requirement (PER) training record for Yi Qing Shen records that she was employed by four firms consecutively. In particular, it records the following:

- Firm 1 where Miss Shen says she was employed from 1 December 2016 to 3 March 2017 in the role of accounting associate
- The PER training record records this as '3 months claimed' of relevant practical experience which relates to the period of employment referred to in the paragraph immediately above
- In this role, the PER training record refers to a single supervisor, who is recorded as authorised to approve Miss Shen's experience / time claim only which she did on 17 March 2020
- The Supervisor details for Miss Shen record that the supervisor recorded was a 'non IFAC qualified line manager' and hence why that person did not approve Miss Shen's POs in her PER.

- No IFAC qualified accountant is connected with Miss Shen's employment with this firm
- Firm 2 where Miss Shen was employed from 6 March 2017 to 31 May 2018 in the role of accounting associate.
- The PER training record records this as '14 months claimed' of relevant practical experience which relates to the period of employment referred to in the paragraph immediately above.
- In this role, the PER training record refers to a single supervisor, who is recorded as authorised to approve Miss Shen's experience / time claim only which she did on 13 March 2020. The Supervisor details for Miss Shen record that supervisor was a 'non IFAC qualified line manager' (page 63) and hence why that supervisor did not approve Miss Shen's POs in her PER. Once again, no IFAC qualified accountant in connected with the employment with this firm.
- Firm 3 where Miss Shen was employed from 1 June 2018 to 28 December 2018 in the role of internal control.
- The PER training record records this as '6 months claimed' of relevant practical experience which relates to the period of employment referred to in the paragraph immediately above.
- In this role, the PER training record refers to a single supervisor, who is recorded as authorised to approve Miss Shen's experience / time claim only which she did on 13 March 2020
- The Supervisor details for Miss Shen record that supervisor was a 'non IFAC qualified line manager' (page 65) and hence why that supervisor did not approve Miss Shen's POs in her PER. Miss Shen has not included an IFAC qualified accountant relating to this employment.
- Firm 4 where Miss Shen was employed from 1 January 2019 in the role of accounting. No end date has been recorded. This suggests she remained employed at least up to the date her time/ experience was approved on 13 March 2020.

- It is confirmed that 14 months of relevant practical experience has been claimed, which relates to the period of employment referred to in the paragraph immediately above. The period of 56 months referred to on page 33 corresponds with the period the training commenced i.e. 1 December 2016 to the date the record was downloaded by staff i.e. 9 August 2021. In this role, the training record refers to two supervisors, Person A, who was authorised to approve her POs only, and another supervisor, who was authorised to approve her experience / time claim only.
27. In relation to the POs, the PER training record records that Miss Shen requested Person A to approve all nine POs on 12 March 2020 and Person A apparently approved all nine POs on 12 March 2020. Miss Shen has therefore claimed all her POs were achieved at this one firm (which Miss Shen said Person A was able to verify) in the space of 14 months.
28. The Supervisor details for Miss Shen records that they were an external practical experience supervisor hence why that person only approved Miss Shen's achievement of her POs and not the period of her employment in the firm referred to.
29. The Supervisor details for Miss Shen record that a 'non IFAC qualified line manager' approved Miss Shen's time / experience claim. As such that supervisor could not approve Miss Shen's PER.

Analysis of Miss Shen's POs as contained in her PER training record with other ACCA trainees who claimed to have been supervised by Person A

30. The PO statements within Miss Shen's PER training record have been carefully analysed and compared with the PO statements of all the other trainees who claim to have been supervised by Person A. Following that analysis, it is accepted that although three of Miss Shen's nine PO statements are the same as other trainees within this cohort of 100 cases (as referred to in correspondence from ACCA's investigating officer to Miss Shen, such statements of Miss Shen's are the first in time. It is therefore accepted by ACCA that in the absence of any other evidence, the PO statements were written by Miss Shen and based on her experience.
31. However, as it is disputed that Person A supervised Miss Shen's practical experience, the achievement of the Performance Objectives and the manner they have apparently

been achieved, in accordance with the accompanying statements, has not been independently verified.

### **Member's Response**

32. Miss Shen was asked for a response to a number of questions in an email from ACCA. There were also other documents attached to the email including (i) Miss Shen's Practical Experience Requirement (PER) training record, and (ii) details of her supervisors.
33. Miss Shen responded on 2 September 2022. In particular, she stated the following: *"My four working experiences are really true. Attached 1 is the contract with Firm 4, I was a trainee from January 1st to Jun 30th and became a regular employee from July 1st. I am sorry that I couldn't find the contract with Firm 3, but I find something relevant. Attached 2 is one of my wages from Firm 3. Attached 3 and 4 are working emails in Firm 3. It was for some years, I am very sorry that I couldn't find the contract and any other evidences to prove my experience in Firm 1 and Firm 2y. I have resigned from Firm 1 and Firm 2 ,so I have no cantact with my supervisors. Because of my supervisor's and my no experience in online applyment for ACCA membership, I found an experienced teacher for help to teach with my three supervisor's approvment on three occasions. The teacher also taught me how to write PO. When I received your letter, I contacted the teacher but found she deleted my Wechat. I was very scared. How can I remedy this matter? If I can provide recent three years' working experience and reapply the membership ?Please give me a chance, I am so sorry and at a loss what to do, thanks.[sic]"*
34. ACCA requested that Miss Shen answer the questions originally posed and further respond to some additional questions, Miss Shen failed to do so. ACCA sent Miss Shen a further email on 15 September 2022. Miss Shen responded on the same day (page 81). In particular, she stated:

*"Question 1 : I am still work in Firm 4 now, so I kept my contract (attached is the first page of my contract. I was a trainee from January 1st to Jun 30th and became a regular employee from July 1st to nowmore than three years. I have resigned from Firm 1, Firm 2 and Firm 3 and I have no cantact with my supervisors, so I am sorry that I couldn't provide something relevant to improve these three working experiences [sic]."*

*Question 2 : I don't know how to apply a member , so I was introduced an ACCA teacher online and I was told that the teacher is a senior ACCA member and she has helped many her students to apply the member and she could help me apply the member [sic].*

*Question 3 : The teacher was introduced in ACCA Wechat communication group and I don't know her name.*

*Question 4 : My PER records were taught by the teacher.*

*Question 5,6,7 : I don't know how to handle the application, and the teacher said she could help me in application, so I gave my experiences and my thoughts in PER to her according to her requirements, all the other procedures are down by the teacher [sic].*

*Question 8: When I received your letter, I found the teacher to help me to improve. But I found they deleted my Wechat and I couldn't find them.*

*Question 9: My PER records were amended by the teacher, I really don't know they are similar to other students [sic].*

*Question 10: I accept I am not directly supervised by Person A, but I really don't know how to apply and I don't find the teacher cheated me at that time until I received your letter and I couldn't find that teacher.[sic]"*

35. ACCA sent Miss Shen two follow up questions on 22 September 2022. Miss Shen responded on the same day. In particular, she stated:

*"Question 1: I don't know if the teacher is Person A. The teacher was introduced to me by the stranger in ACCA communication group on Wechat. I don't know their true name. They used the name Person A, I believed them at that time.[sic]*

*Question 2: I gave my experiences and words about PO to this teacher. My words are not very suitable and fluent in some sentences, so the teacher changed some sentences to make the content better.[sic]"*

#### **ACCA Submissions**

36. In respect of Allegation 1 ACCA submitted that Allegation 1a) is capable of proof by reference to
- Person B's statement which describes ACCA's Practical Experience Requirements and Miss Shen's completed PER training record which was completed on or about 12 March 2020 which then permitted Miss Shen to apply for membership. Miss Shen became registered as an ACCA member on 19 March 2020.
  - Miss Shen's Supervisor details which record Person A was her 'IFAC qualified external supervisor', and therefore her practical experience supervisor.
  - Miss Shen's PER training record which records Person A approved all Miss Shen's POs
  - The statement from Person A obtained by ACCA in which she denies acting as supervisor for any ACCA trainee, being the subject of ACCA's investigation.
37. In addition to the above, it is apparent from Miss Shen's responses that she was not supervised by Person A and or it seems, at all.
38. ACCA Submissions in relation to Allegation 2(a) referred to the test for dishonesty as set out in In Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 at para 74 since approved in R v Barton and another [2020] EWCA Crim 575. Miss Shen has admitted that Person A did not supervise her work, so that she could confirm she had achieved her performance objectives as claimed or at all.
39. ACCA also relied on the fact that there is extensive advice online in English and in Mandarin on how an ACCA trainee must complete their PER training record. This makes it clear trainees must be supervised during their period of practical experience. ACCA therefore did not accept that Miss Shen was unaware her practical experience had to be supervised.
40. Since, Miss Shen, to achieve membership, claimed to have been supervised by Person A in her PER training record, ACCA submitted that she must have known that was

untrue. Further, Miss Shen was also confirming that her named Supervisor had verified the achievement of her performance objectives or at least, how they had been achieved.

41. ACCA therefore submitted that this conduct would be regarded as dishonest by the standards of ordinary decent people, as per Allegation 2(a).
42. In relation to Integrity set out at Allegation 2(c), as an alternative to dishonesty, ACCA relied on *Wingate and Evans v The Solicitors Regulation Authority* [2018] EWCA Civ 36640. ACCA submitted that if the conduct of Miss Shen is not found to be dishonest, it will be submitted, that the same conduct in the alternative fails to demonstrate Integrity.
43. In the alternative, ACCA submitted Miss Shen's conduct was reckless in the ordinary sense of the word in that she paid no or insufficient regard to the fact that she was required to ensure her practical experience should be supervised, and the achievement of her POs and in the manner claimed should be verified by that supervisor.
44. ACCA accepted that Misconduct is a matter of judgment for a professional panel. It submitted that misconduct is clearly made out in the event any or all the matters set out at Allegations 1 to 3 are found proved. Miss Shen's conduct described above is an attempt to subvert ACCA's Practical Experience Requirement process and undermines public confidence in ACCA's membership qualification process. The above conduct also brings the Association and accountancy profession into disrepute. ACCA submitted that if dishonesty, a lack of integrity or recklessness is found against Miss Shen, this will amount to misconduct.

## **DECISION ON ALLEGATIONS AND REASONS**

45. The Committee noted for the Association to prove all findings of fact on the balance of probabilities. It took into account all of the written submissions made by Miss Shen.
46. The Committee heard that there had been no previous findings against Miss Shen and it accepted that it was relevant to put her good character into the balance in her favour.

### **Allegation 1**

47. The Committee noted that Miss Shen accepted that she was not actually supervised by Person A who had provided a statement to ACCA. It also noted that Person A said they had not supervised Miss Shen in their statement. The Committee also noted that Person

A said they had a different email address to the email address which Miss Shen supplied for Person A.

48. It appeared to the Committee clear that the person that Miss Shen said she was supervised by in her application for ACCA membership, had used Person A's ACCA registration card and had purported to be Person A. Since Miss Shen accepted that she had found Person A online for the purposes of helping her to fill out her PER, the Committee concluded that Miss Shen knew that she had not been supervised by Person A at any stage of her training. The Committee therefore concluded that when Miss Shen submitted her PER she must have known that it was not a true representation of her experience or who she had been supervised by.
49. Further the Committee noted that Miss Shen said that the person she knew as Person A, had rewritten the performance objectives that Miss Shen said she had written. Miss Shen therefore accepted that the PER she had submitted related to experience that she had not gained and that she had not been supervised by Person A or anyone else as required by ACCA's membership regulations.
50. The Committee went on to consider whether Miss Shen had made an honest mistake in submitting her PER as she had. It concluded that Miss Shen must have known that the information contained in it was false because she had not been supervised by Person A at four firms and because she said she had found them online to help her with the submission of the PER. Furthermore, Miss Shen said that the Performance Objectives had been re-written by the person she had contacted online and Miss Shen said that that person was no longer able to be contacted.
51. The Committee therefore decided that Miss Shen had applied for membership with ACCA when she had not completed her PER training supervised by Person A. Further she had recorded in her membership application that Person A had supervised her POs and experience when she had not. Supervision for a PER record requires a close relationship between the ACCA trainee and the supervisor; it would also be unusual to have the same supervisor working in all four firms at the same time that Miss Shen worked in them.
52. The Committee therefore concluded that Miss Shen had not been supervised by Person A at any time during her PER and that she must have known that she had not been supervised by her. Further she had allowed someone to re-write her POs which would



not have accorded with the experience which Miss Shen had. The Committee therefore found Allegation 1 proved.

### **Allegation 2(a)**

53. The Committee was satisfied that ACCA provided sufficient guidance, support and resources to assist ACCA trainees in China to be able to submit PERs that were honest and represented a true record of their practical experience and supervision as trainee accountants.
54. The Committee accepted that ACCA's guidance as to the requirements was also widely available in English and that since Miss Shen would have completed exams in English she would have been able to access and use such guidance and support.
55. Furthermore, the Committee noted that Miss Shen did not provide any details about the checks or enquiries she had made as to the suitability of Person A being a supervisor. Miss Shen had also accepted that she had not been supervised by the person she named on her application for membership, and she must have known that she had not been supervised by Person A in the four firms in which she said she had relevant experience.
56. Miss Shen had since been unable to identify the person who she said she had contacted and who she said had supervised her. She therefore had in the Committee's view taken a 'short cut' to registration with ACCA by providing false details and a false PER.
57. The Committee went on to consider whether Miss Shen had acted dishonestly applying the test for dishonesty as set out in the case of Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 at para 74 since approved in R v Barton and another [2020] EWCA Crim 575.
58. Although the Committee accepted that Miss Shen had found someone online to assist her with the submission of her PER, the Committee decided that when she allowed the POs to be altered and she referred to Person A as having supervised her experience when she knew they had not, she was acting dishonestly.
59. The Committee further decided that honest persons would objectively consider Miss Shen's conduct to be dishonest and it did not matter that Miss Shen did not consider she had acted dishonestly. The Committee was not persuaded that Miss Shen had made

an honest mistake because she must have known that by stating Person A had been her supervisor in her application for membership to ACCA and that saying she had been supervised by Person A was a false representation.

60. It therefore found that Miss Shen had obtained membership with ACCA dishonestly by the submission of her PER stating Person A was her supervisor. The Committee therefore found Allegation 2(a) proved.
61. The Committee did not consider Allegation 2(b), 3(a) or 3(b) since these were pleaded in the alternative to Allegation 2(a).

#### **Allegation 4.**

62. The Committee went on to consider whether the matters it had found proved at Allegation 1 and Allegation 2(a) amounted to misconduct. The Committee concluded that to dishonestly gain membership with ACCA was in the Committee's judgement deplorable conduct and conduct which put the general public at risk because it allowed persons to purport to be members of ACCA without having gained the requisite experience.
63. The Committee was further satisfied that Miss Shen's actions brought discredit on herself, the Association and the accountancy profession. It also undermined a fundamental tenet of the accountancy profession – to be honest and straightforward in all professional dealings. Miss Shen's conduct had allowed her to obtain membership with ACCA without demonstrating that she had the requisite experience or that she had been supervised by a qualified accountant. In the Committee's view the fact that she had been an ACCA member for over 3 years had put the public at risk of harm. This conduct undermined the reputation of ACCA and the accountancy profession. The Committee therefore decided for all these reasons the conduct amounted to misconduct since it fell far short of the conduct to be expected of ACCA members.

#### **SANCTION AND REASONS**

64. The Committee referred to the Guidance on Disciplinary Sanctions produced by ACCA. It took into account that any sanction it imposed was required to be proportionate.
65. The Committee noted the following aggravating factors:

- The Committee considered that the submission of the PER record relating to employment in 4 firms must have involved some pre-planning by Miss Shen
- The dishonest application for membership with ACCA by Miss Shen could have resulted in harm to the public, since the public's contact with Miss Shen would have been on a false basis because she was not a properly qualified ACCA member.
- Miss Shen's membership of ACCA when she was not entitled to be a member for over three years was likely to have conferred on her benefits by being an ACCA member.
- Miss Shen had shown little insight into the seriousness of her conduct.

66. The Committee noted the following mitigating factors:

- Miss Shen had no previous disciplinary findings against her.
- Miss Shen had cooperated with ACCA in responding to the allegations.

67. Although Miss Shen had apologised the Committee decided that this was not a genuine expression of remorse and it failed to demonstrate insight into the seriousness of her misconduct.

68. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. The dishonest behaviour was serious. Trust and honesty are fundamental requirements of any professional. Dishonesty by a member of the accountancy profession undermines its reputation and public confidence in it.

69. The Committee reminded itself that it was dealing with a case of dishonesty. It had specific regard to Section E2 of the Guidance in relation to dishonesty and was mindful of the case law to the effect that dishonesty lies at the top of the spectrum of misconduct. It also referred to Section E3 of the Guidance and it noted that these were serious allegations relating to admission as a member to ACCA on a false basis.

70. Given the Committee's view of the seriousness of the misconduct, it was satisfied that the sanctions of No Further Action, Admonishment and Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct.
71. The Committee noted that the Guidance stated for a 'Severe Reprimand' to be applied as a sanction the member should no longer pose a risk to the public. The Committee was satisfied that Miss Shen continued to pose a risk to the public because she had falsely been admitted to membership of ACCA and that whilst she remained a member of ACCA she had the potential to continue to pose a risk of harm to members of the public. Miss Shen was not, in fact qualified as an ACCA member as she had gained membership dishonestly, and any sanction which would allow her to continue to practise would therefore fail to protect the public.
72. The Committee also noted in the Guidance that a sanction of 'Severe Reprimand' applied if a member had shown insight. Miss Shen had not shown any insight into the seriousness of her misconduct. The Committee therefore decided that this sanction was not appropriate.
73. The Committee therefore decided that Miss Shen's dishonest behaviour was fundamentally incompatible with remaining on the register of ACCA and it considered that the only appropriate and proportionate sanction was that she be excluded from membership.

## **COSTS**

74. ACCA applied for costs in the sum of £5476.25 with a proportionate reduction for the reduced hours for the Case Presenter and Hearings Officer who had only been engaged for half a day.
75. ACCA did not dispute the statement of means submitted by Miss Shen and asked the Committee to take this into account. This showed that Miss Shen had a disposable monthly income of £150.
76. The Committee decided that it was appropriate to award costs to ACCA in this case and considered that the sum claimed by them was a reasonable one in relation to the work undertaken but it made some reduction for a half day hearing and for Miss Shen's reduced means.

77. Accordingly, the Committee concluded that the sum of £2000 costs was an appropriate and proportionate sum to award ACCA. It therefore ordered that Miss Shen pay ACCA's costs in the amount of £2000.

**EFFECTIVE DATE OF ORDER**

78. The Committee was satisfied that, given the seriousness of the conduct and the potential risk to the public, an immediate order was necessary in the circumstances of this case.

**Mr Andrew Popat CBE**  
**Chair**  
**13 December 2023**