

CONSENT ORDERS CONSIDERATION

CONSENT ORDERS CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Miss Yap Wee Yee
Considered on:	Thursday, 09 February 2023
Location:	Remotely via Microsoft Teams
Chair:	Mrs Helen Carter-Shaw
Legal Adviser:	Mr Robin Havard
Summary	Reprimand Costs payable to ACCA - £675

1. A Consent Order is made on the order of the Chair under the relevant regulations.

INTRODUCTION

2. The Chair had considered a draft Consent Order, signed by Miss Yap Wee Yee and a signatory on behalf of ACCA on 20 and 10 January 2023 respectively, together with supporting documents in a bundle numbering pages 1 to 89.
3. When reaching their decision, the Chair had been referred by the Legal Adviser to the requirements of Regulation 8 of the Complaints and Disciplinary Regulations 2014 (as amended) ("CDR8") and had accepted his advice. The Chair had also taken account of the content of ACCA's documents entitled "Consent Orders Guidance" and "Consent Orders Guidance FAQs".

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4. The Chair understood that Miss Yap Wee Yee was aware of the terms of the draft Consent Order and that it was being considered today.
5. The Chair also understood that Miss Yap Wee Yee was aware that she could withdraw her agreement to the signed draft Consent Order by confirming the withdrawal in writing. No such withdrawal had been received.

ALLEGATIONS

Allegation 1

Pursuant to bye-law 8(a)(vi), Miss Yap Wee Yee is liable to disciplinary action by virtue of the disciplinary finding made against her on 08 February 2021 by the Malaysian Institute of Accountants (MIA).

Allegation 2

Pursuant to bye-law 10(b), Miss Yap Wee Yee is liable to disciplinary action as she failed to promptly notify ACCA that she was disciplined by the MIA on 08 February 2021.

DECISION ON FACTS

6. The Chair noted that the following summary of the facts were agreed and therefore adopted them as their findings of fact.
7. Miss Yap Wee Yee has been a member of ACCA since 16 November 2018.
8. Miss Yap Wee Yee was punished, fined and ordered to pay costs by and to the Malaysian Institute of Accountants (MIA) on 08 February 2021 for holding out as a Member in public practice without an MIA practising certificate between 21 March 2019 to 05 September 2019 and for advertising on the Wanconnect Advisory PLT website on 29 August 2019 that she was in the business of providing accountancy, assurance and taxation services without a valid practising certificate, audit and or tax licence.

DECISION ON ALLEGATIONS AND REASONS

9. In accordance with CDR8, the Chair has the power to approve or reject the draft Consent Order or to recommend amendments. The Chair can only reject a signed draft Consent Order if they are of the view that the admitted breaches would more likely than not result in exclusion from membership.
10. The Chair was satisfied that there was a case to answer and that it was appropriate to deal with the complaint by way of a Consent Order. The Chair considered that the Investigating Officer had followed the correct procedure.
11. The Chair considered the bundle of evidence and, on the basis of the admissions of the allegations by Miss Yap Wee Yee, found the facts of the allegations proved. They therefore justified disciplinary action.

SANCTION AND REASONS

12. In deciding whether to approve the proposed sanction of a reprimand, and for Miss Yap Wee Yee to pay ACCA's costs in the sum of £675, the Chair had considered the Guidance to Disciplinary Sanctions ("the Guidance"), including the key principles relating to the public interest, namely: the protection of members of the public; the maintenance of public confidence in the profession and in ACCA, and the need to uphold proper standards of conduct and performance. The Chair also considered whether the proposed sanction was appropriate, proportionate and sufficient.
13. In reaching their decision, the Chair had noted the following aggravating feature, as identified by ACCA:
 - The conduct which led to Miss Yap Wee Yee being the subject of action by the MIA fell below the standards expected of a qualified ACCA member. As such her conduct has brought discredit upon herself, ACCA and the accountancy profession.

14. However, the Chair did not consider this amounted to an aggravating feature as this related to the definition of misconduct which had not been alleged.
15. The Chair identified and took account of the following aggravating feature:
 - Miss Yap Wee Yee had been disciplined by the MIA for breaches of the MIA's laws and by-laws relating to the Fundamental Principles and Professional Behaviour.
16. In deciding that a reprimand was the most suitable sanction, paragraphs C4.1 to C4.5 of ACCA's Guidance have been considered and the following mitigating factors had been identified by ACCA:
 - Miss Yap Wee Yee has fully co-operated with the investigation and regulatory process.
 - Miss Yap Wee Yee has settled all fines and costs imposed by the MIA.
 - Miss Yap Wee Yee regularised her position by obtaining an MIA practising certificate on 28 November 2019 and removing all content on the Wanconnect Advisory PLT website's indicating that she was in the business of providing accountancy, assurance and taxation services, until she had been issued her practising certificate.
 - The period over which Miss Yap Wee Yee's misconduct took place was short and stopped soon after she was notified of it by the MIA.
 - The disciplinary action taken by the MIA relates to a single incident and the consequences of Miss Yap Wee Yee's conduct have not caused material distress, inconvenience or loss.
 - There does not appear to be any continuing risk to the public.
 - Ms Yap Wee Yee has shown insight by making unequivocal admissions to the charges that were proffered against her by the MIA's Investigation

Committee.

- The investigation has not found evidence suggesting Miss Yap Wee Yee's conduct was a deliberate disregard of her professional obligations as she was not aware she required a practising certificate to engage in public practice until 2018 when it was advertised in the Malaysian media.
- Miss Yap Wee Yee has acknowledged her failings and has apologised for failing to notify ACCA that she had been disciplined by another body. She was unaware of her duty to do so and has ensured ACCA that she will notify in the future should the need arise.

Miss Yap Wee Yee has been a member of ACCA since 16 November 2018 and has a previous good record with no previous complaint or disciplinary history.

17. The Chair also identified and took account of the following mitigating factors:

- Miss Yap Wee Yee had also been on ACCA's register of practitioners from 2018, as ACCA had noted. In the Chair's view, this showed a willingness on Miss Yap Wee Yee's behalf to abide by her professional obligations

18. The Chair considered that both the identified aggravating and mitigating features were supported by documentary evidence and were relevant.

19. In the Chair's judgement, the conduct was such that the public interest would not be served by making no order, nor would an admonishment adequately reflect the seriousness of Miss Yap Wee Yee's conduct. When considering the criteria set out in the Guidance, the Chair noted that, once detected, the failure was rectified immediately.

20. Therefore, the Chair concluded that it would be proportionate and sufficient to impose a reprimand to reflect the seriousness of the findings against Miss Yap Wee Yee.

21. In all the circumstances, the Chair was satisfied that the sanction of a reprimand was appropriate, proportionate, and sufficient, and that a severe reprimand would be a disproportionate outcome.

COSTS AND REASONS

22. ACCA was entitled to its costs in bringing these proceedings. The claim for costs in the sum of £675, which had been agreed by Miss Yap Wee Yee, appeared appropriate.

ORDER

23. Accordingly, the Chair approved the terms of the attached Consent Order. In summary:
- a. Miss Yap Wee Yee shall be reprimanded; and
 - b. Miss Yap Wee Yee shall pay costs of £675 to ACCA.

Mrs Helen Carter- Shaw
Chair
09 February 2023