

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Fan Yu

Heard on: Thursday, 29 June 2023

Location: Remotely via Microsoft Teams

Committee: Mr Martin Winter (Chair)
Mr Ryan Moore (Accountant)
Mr Geoffrey Baines (Lay)

Legal Adviser: Mr Robin Havard

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

Summary Allegations 1(a) & (b), 2(a) & (b), 4(a), (b) & (c), & 5(a) were
found proved.
Sanction - Exclusion from membership with immediate
effect

Costs: £4,081.25

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

1. The Committee had considered the following documents: a Hearing Bundle (pages 1 to 250); an Additional Bundles (pages 1 to 7); a bundle of Performance Objectives relating to the complaint against Miss Yu (pages 1 to 32), and a Service Bundle (pages 1 to 19). The Committee had listened carefully to the submissions made by Mr Jowett and also considered legal advice, which it had accepted.
2. The Committee had read the letter dated 1 June 2023 sent from ACCA by email to Miss Yu. It had noted the subsequent emails sent to her with the necessary link and password to enable her to gain access to the letter and the documents relating to this hearing.
3. The Committee was satisfied that such emails had been sent to Miss Yu's registered email address in accordance with regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee had noted that the emails had been delivered successfully.
4. The emails and the documents to which Miss Yu had access also contained the necessary information in accordance with CDR10. Consequently, the Committee decided that Miss Yu had been properly served with the proceedings.

PROCEEDING IN ABSENCE

5. Miss Yu failed to respond to the email of 1 June 2023.
6. On 14 June 2023, ACCA tried to call Miss Yu on the mobile number registered with ACCA but there was no response nor was there the facility to leave a message on voicemail.
7. On 14 June 2023, ACCA sent an email to Miss Yu, reminding her of the date of hearing and asking her once again whether she intended to attend. Miss Yu

was reminded that she would be able to attend by telephone or video link. There was no response.

8. On 27 June 2023, ACCA tried to call Miss Yu again on the mobile number registered with ACCA but there was no response nor was there the facility to leave a message on voicemail.
9. On 27 June 2023, ACCA sent a further email reminding her of today's hearing and asking her to make contact to indicate if it was her intention to attend. Once again, Miss Yu was advised that, at ACCA's expense, she could attend via telephone or video link. There had been no response from Miss Yu.
10. On the same day, ACCA sent a further email to Miss Yu incorporating the link to enable her to join remotely via video link. Again, there has been no response.
11. Finally, on the morning of the hearing, ACCA tried to contact Miss Yu by telephone but there had been no response.
12. The Committee considered that ACCA had done everything possible to enable Miss Yu to attend the hearing. The Committee was satisfied that the emails had been sent to the address on ACCA's register and there was a record of the emails having been delivered successfully.
13. The Committee noted that Miss Yu had not engaged with ACCA at any stage in the investigation.
14. The Committee concluded that Miss Yu had voluntarily absented herself from the hearing, which she could have joined by telephone or video link.
15. The Committee was also satisfied that, taking account of the seriousness of the allegations, it was in the public interest to proceed. The Committee did not consider that any benefit would be derived in adjourning the hearing and no such application had been made.
16. Finally, the Committee considered that it was in a position to reach proper findings of fact on the written evidence presented to it by ACCA.

17. The Committee ordered that the hearing should proceed in the absence of Miss Yu.

ALLEGATIONS

Miss Fan YU ('Miss Yu'), at all material times an ACCA trainee,

1. Applied for membership to ACCA on or about 19 September 2020 and in doing so purported to confirm in relation to her ACCA Practical Experience training record:
 - a) Her Practical Experience Supervisor in respect of her practical experience training in the period from 1 July 2016 to 19 September 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
 - b) She had achieved the following Performance Objectives which was not true:
 - Performance Objective 1: Ethics and professionalism
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 4: Governance, risk and control
 - Performance Objective 11: Identify and manage financial risk
2. Miss Yu's conduct in respect of the matters described in Allegation 1 above was: -
 - a) In respect of Allegation 1a), dishonest, in that Miss Yu sought to confirm her Practical Experience Supervisor did supervise their practical experience training in accordance with ACCA's requirements or otherwise which she knew to be untrue.
 - b) In respect of allegation 1b) dishonest, in that Miss Yu knew she had not achieved all or any of the performance objectives referred to in paragraph 1b) above as described in the corresponding performance objective statements or at all.

- c) In the alternative, any or all of the conduct referred to in Allegation 1 above demonstrates a failure to act with Integrity.
- 3. In the further alternative to Allegations 2a), 2b) and or 2c) above, such conduct was reckless in that Miss Yu 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;
 - c) That the performance objective statements referred to in paragraph 1b) accurately set out how the corresponding objective had been met.
- 4. Failed to co-operate with ACCA's Investigating Officer in breach of Complaints and Disciplinary Regulation 3(1) in that she failed to respond fully or at all to any or all of ACCA's correspondence dated:
 - (a) 12 August 2022;
 - (b) 30 August 2022;
 - (c) 14 September 2022.
- 5. By reason of her conduct, Miss Yu is
 - a) Guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 4 above; in the alternative in respect of allegation 4 only
 - b) Liable to disciplinary action pursuant to bye-law 8(a)(iii)

DECISION ON FACTS, ALLEGATIONS AND REASONS

- 18. As stated above, and in reaching its decisions with regard to the allegations, the Committee had considered the following documents: a Hearing Bundle (pages 1 to 250); an Additional Bundle (pages 1 to 7); a bundle of Performance Objectives relating to the complaint against Miss Yu (pages 1 to 32), and a Service Bundle (pages 1 to 19). The Committee had listened carefully to the

submissions made by Mr Jowett and also considered legal advice, which it had accepted.

Allegations 1(a) & (b)

19. On 28 July 2013, Miss Yu became a student member of ACCA.
20. On 18 July 2016, Miss Yu became an Affiliate Member of ACCA.
21. On 25 September 2020, Miss Yu became a member of ACCA.
22. Allegation 1 concerns the improper conduct on the part of Miss Yu in relation to the completion of her practical experience training which is a prerequisite to applying for full membership of ACCA. It is alleged that Miss Yu attempted to mislead ACCA in respect of the identity of her Practical Experience Supervisor and also the content of her Performance Objectives.
23. In reaching its findings of fact in respect of allegations 1(a) and (b), the Committee had considered carefully, and accepted, the evidence of the following witnesses:
 - (i) Person A as contained in a statement dated 18 October 2022;
 - (ii) Person B, a Senior Administrator in ACCA's Member Support Team as contained in a statement dated 20 October 2022, and
 - (iii) Person C, Manager of ACCA's Professional Development Team, as contained in a statement dated 13 October 2022.
24. Indeed, none of the above evidence had been challenged by Miss Yu.
25. The Committee had also considered the content of the documents provided by ACCA in support of its case, all of which were consistent with the written evidence of the witnesses.

THE PROCESS TO ACQUIRE RELEVANT PRACTICAL EXPERIENCE

26. The following process sets out the process Miss Yu would have been required to follow.
27. The following abbreviations have been used:

PER – Practical Experience Requirement;

PES – Practical Experience Supervisor;

PO – Performance Objective.

28. 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.
29. A person undertaking practical experience is often referred to as an ACCA trainee.
30. An ACCA trainee's practical experience is recorded in that trainee's Practical Experience Requirement (PER) training record, which is completed using an online tool called 'MyExperience' which is accessed via the student's MyACCA portal.
31. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant.
32. An accountant is recognised by ACCA as a qualified accountant if they are a qualified accountant recognised by law in the trainee's country and/or a member of an IFAC body. 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.
33. Through the online tool, the trainee then requests that their PES approves that PO.
34. 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. The PES must have worked closely with the trainee and must know the trainee's work.

35. 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.
36. 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.'

37. Once all nine POs have been approved by the trainee's PES (whether internal or external) and their minimum 36 months of practical experience has been signed off, the trainee is eligible to apply for membership.
38. 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.
39. 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.
40. The POs numbered 1 to 5 are compulsory. There are then a number of optional '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.'

41. 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.

42. A trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. Trainees must not therefore use a precedent or template or another trainee's personal statement, which would undermine the PER 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."

43. Within each trainee's MyACCA online tool, further advice is provided. This included the following:

"Your statement should:

- Be in your own words*
- Be clear and concise*
- Provide evidence and examples to help illustrate your experience*
- Avoid repetition or reference to other statements*
- Not provide any private or sensitive information*
- Be a true and accurate reflection of your work... "*

44. ACCA's PER guides are, and were at the material time, available online in China. Although the Guides are printed in English, all Chinese trainees will have taken their exams in English.
45. Trainees must enter their PES'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.
46. On the dates Person A was allegedly appointed supervisor for Miss Yu, 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.
47. All practical experience supervisors have to be registered with ACCA and as part of that registration process have to provide evidence that they are a qualified accountant. 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 she was, from ACCA's point of view, a 'qualified accountant'.
48. Information from one of ACCA's China offices about the support given to ACCA trainees in China is as follows.
49. 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.
50. The Committee had noted 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. 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...'

51. These are live webinars and therefore trainees are able to ask ACCA China staff questions.
52. 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.
53. In addition to the WeChat groups, ACCA China uploads to its WeChat platform articles relevant to the ACCA membership process, to include one entitled '*How to become an ACCA Member Series 1/ Practical Experience Requirement (PER) Quick Guide*', dated 15 January 2020. 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...*'
54. 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;...."*

55. The Committee was satisfied, therefore, that there was significant information available to Miss Yu to enable her to understand fully, and comply with, the process relating to ACCA's PER and the training that was involved.

THE INVESTIGATION

56. 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, to include Miss Yu, had completed their PER training record in which they claimed their POs had been approved by a particular supervisor, namely Person A.
57. A person purporting to be Person A had registered as each trainee's supervisor on the basis of her being a member of the Chinese Institute of Certified Public Accountants (CICPA), being an IFAC registered body.
58. Person C states, and the Committee found, that they would not expect a supervisor to have more than 2 to 3 trainees at any one time. All these trainees had different periods of training and some periods overlapped, and ACCA is unable to produce precise figures as to how many trainees Person A allegedly supervised at any one time. However, the Committee was satisfied that a person claiming to be Person A had purported to have supervised a very significant number of ACCA trainees, including Miss Yu, at or about the same time.
59. A review was also carried out by the Professional Development Team which showed that the PO statements had been copied amongst a large number of these 100 trainees, to include Miss Yu, who had all claimed to have been supervised by the same supervisor, namely Person A.
60. ACCA contacted Person A via the Chinese Institute of Certified Public Accountants (CICPA). Person A has been a member of the CICPA since 3 April 2019. Therefore, it is only from that date that Person A would be entitled to supervise an ACCA trainee. In any event, Person A denied having supervised any ACCA trainees. During this contact, Person A provided ACCA with their email address.

61. Although initially Person A advised ACCA they had never supervised any ACCA trainees, they subsequently recalled having supervised a single ACCA trainee.
62. Person A provided ACCA with the name of the trainee. ACCA's records confirm they did act as a supervisor for this one trainee. However, that one trainee is not one of the 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.
63. 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 the 'Person A' who purportedly supervised the 100 other trainees. This included their email address. The email address registered by 'Person A' in connection with these 100 trainees was [Private], which is totally different to the email address provided by Person A to ACCA. Person A states, and the Committee finds, that they have never had an email address containing [Private].
64. The Person A who was purportedly registered as supervisor for the 100 trainees under investigation provided a copy of a CICPA registration card. Person A who ACCA has contacted has confirmed in their statement, and the Committee finds, that this is their registration card, but they had not provided this registration card to ACCA.

CIRCUMSTANCES RELATING TO MISS YU

65. ACCA's records show that Miss Yu's application for membership was received on 19 September 2020.

THE PRACTICAL EXPERIENCE REQUIREMENT (PER) TRAINING RECORD FOR MISS YU

66. A copy of the PER training record for Miss Yu records that she was employed by one firm, at one address, in two consecutive roles. In particular, it records the following information.

67. Miss Yu was employed at Company A from 1 July 2016 to 1 November 2018 in the role of [Private] and from 2 November 2018 to 19 September 2020 in the role of [Private].
68. On the fourth and fifth pages of Miss Yu's PER training record, in the text in red, it is confirmed that 50 months of relevant practical experience has been claimed, which relates to the total period of employment referred to in the paragraph immediately above.
69. In connection with the role of [Private], the training record refers to two supervisors, Person A, who was authorised to approve her PO's only, and a Person D, who was authorised to approve her time claim only. Person D also was authorised to approve her time claim only in connection with Miss Yu's role as [Private].
70. In relation to the PO's, the PER records that Miss Yu requested Person A to approve all nine PO's on 19 September 2020 and Person A apparently approved all nine PO's on the same day i.e. 19 September 2020.
71. The Supervisor details for Miss Yu records that Person A was an external PES, hence why Person A only approved Miss Yu's achievement of her PO's and not the period of her employment in [Private].
72. Person D approved Miss Yu's period of employment at the firm on 19 September 2020, in connection with both roles.
73. The Supervisor details for Miss Yu record that Person D was a 'non IFAC qualified line manager' which accounts for Person D only approving Miss Yu's time claim.
74. In the absence of any explanation from Miss Yu, or any other evidence, the Committee was satisfied, on the balance of probabilities, that Miss Yu knew that it was not Person A herself who had acted as her PES. The Committee found that Miss Yu knew that Person A's details had been used to deceive ACCA into believing that Person A was Miss Yu's PES for the purposes of her PER.

75. In addition, there was no evidence at all of any contact taking place between Miss Yu and Person A throughout Miss Yu's training as would be expected if Person A had been acting as her supervisor as shown on Miss Yu's PER.
76. The Committee found that Person A did not provide the necessary supervision of Miss Yu's work during the entire period of 1 July 2016 to 19 September 2020. As is stated in the PER booklet, one of the three components of PER is to, *"regularly record your PER progress in your online My Experience record, which can be accessed via MyACCA."* As stated, there was no such evidence.
77. To summarise, in reaching its finding, the Committee had taken account of the following:
- (a) There was no documentary evidence at all of any contact between Miss Yu and Person A, such as supervision notes, meeting notes, file reviews, text messages; appointments, or emails concerning work undertaken by Miss Yu when employed at Company A, from 1 July 2016 to 1 November 2018 in the role of [Private] and from 2 November 2018 to 19 September 2020 in the role of [Private];
 - (b) On the basis of Person A's evidence, the Committee had found that Person A had not supervised Miss Yu at any stage;
 - (c) The Committee had found that Miss Yu knew that Person A was a person whose details had been used improperly to falsely claim that Person A had been acting as her PES during the relevant period.
78. On this basis, the Committee found the facts of allegation 1(a) proved.

ANALYSIS OF MISS YU'S POS AS CONTAINED IN HER PER TRAINING RECORD WITH OTHER ACCA TRAINEES WHO CLAIMED TO HAVE BEEN SUPERVISED BY PERSON A

79. The Committee has found that, in order to comply with PER, all of a trainee's PO statements should be unique and must not be copied from other trainees

or from templates as this undermines the PER element of the ACCA qualification.

80. The Committee had considered the careful analysis carried out by ACCA on the basis of information supplied by the company which provides ACCA with the online PER tool, providing an Excel spreadsheet with all the POs downloaded from these 100 trainees. The purpose of this analysis was to determine if the PO statements of any one trainee were identical or significantly similar to the POs of one or more other trainees who claimed to have been supervised by Person A, to include Miss Yu.
81. The Committee was satisfied that, where PO statements of Miss Yu were the same or significantly similar to the POs of any other trainees, it was appropriate to infer that Miss Yu had not met the objective in the way claimed or possibly at all. There is no basis on which, if the PO statements were the same or significantly similar, more than one trainee would, first, have had exactly the same training experience and, secondly, they would then use effectively the exact same terminology to describe that work experience.
82. In carrying out this analysis, the Committee noted that ACCA had been careful to record the PO statement for any one PO which was first in time, on the basis this statement may be original and therefore written by the trainee based on their actual experience, unless there is evidence suggesting otherwise.
83. The 'first in time date' is the date the trainee requested that Person A approve the PO in question within their PER. This is on the basis that as soon as the PO narrative had been uploaded to the PER, the trainee would have then requested approval from Person A.
84. In relation to Miss Yu, the analysis revealed, and the Committee found, that four of her nine PO statements were identical or significantly similar to the PO's contained in the PERs of other ACCA trainees who claimed to have been supervised by Person A.
85. The following statements submitted by Miss Yu were the same, or significantly the same in terms of content, as the trainees identified below:

PO1 – Trainee reference 23, 60 and 92;

PO3 – Trainee reference 35;

PO4 - Trainee reference 23;

PO11 – Trainee reference 35.

86. The Committee noted that, whilst the word count was slightly different in certain cases, the wording and/or phrasing was almost identical, or very similar in content, both in terms of the sort of experience outlined and also typographically and grammatically.
87. The following are two examples of this approach. The examples selected by the Committee were statements submitted by Miss Yu and which were effectively identical or very similar to those of the other trainees listed above.

PO3

88. The Committee had considered the documentary evidence and, as stated, found that the words used by Miss Yu in her "Strategy and Innovation" PO statement ("PO3") were identical, or very similar, to the words used by the trainee listed above for the same PO.

"Strategy and innovation include the innovation of thought, idea, theory, system, mechanism, management system, management organization, management mode and method, management talent training organization and so on. It can at least include the following five aspects: one is to propose a new business idea and implement it effectively. If the business idea is feasible, it is a kind of management innovation; Second, design a new organizational structure and make it work effectively; The third is to propose a new management method, which can improve production efficiency, coordinate interpersonal relationship or motivate employees better; Fourth, design a new management mode; Fifth, carry out a system innovation. And scholars believe that management innovation is the basic work in establishing and perfecting the solid management, to strengthen the management of physical resources and physical assets at the same time, is constantly adapt to the market demand of new management mode and management methods, people-oriented,

focused on strengthening the knowledge asset management, opportunity management and enterprise strategy management, effective use of enterprise resources, the management of innovation and technology innovation and institution innovation, on the basis of the organic combination of forming perfect incentive mechanism, incentive mechanism and restriction mechanism. Enterprise management innovation includes innovation of thought and concept, management strategy, organizational structure, management system, management mechanism and mode, operation process, technology and method, market and product, etc. Management innovation is decision-level innovation."

PO11

89. The Committee had considered the documentary evidence and, as stated, found that the words used by Miss Yu in her "Identify and manage financial risk" PO statement ("PO11") were identical, or contained significant similarities, to the words used by those trainee listed above for the same PO.

"With the development of financial integration and economic globalization, financial risks become more and more complicated and diversified, and the importance of financial risk management becomes more and more prominent. Financial risk management includes the identification, measurement and control of financial risks. With the modern economy more and more dependent on the financial industry, financial risk management has become one of the core competitiveness of industrial and commercial enterprises and financial institutions. It is very important for real estate enterprises to identify financial risks to help us solve the problem in advance. How to manage financial risk is also an important task in our work. For real estate enterprises, financial risk management is to control possible financial risks and prepare disposal plans, so as to prevent and reduce losses and ensure the steady progress of monetary fund raising and business activities. Due to the characteristics of real estate enterprises, once we fail to control the financial risks, we will cause cash flow risks to the enterprise, and the company will get into trouble. With the electronization and Internet of financial transactions, the real-time identification and evaluation of financial risks using event driven (CEP) is becoming more and more important. This is a kind of analysis technology based on the event

flow in the dynamic environment. By analyzing the relationship between events, more complex composite events can be obtained in the end. CEP provides a set of processes to deal with composite events. Second, THE characteristic and core capability of CEP is that it can handle composite events easily. For example, in our real estate enterprise, we will combine financial data and non-financial data to analyze the internal relationship, such as our asset-liability ratio, cash flow and sales, which can be combined with our management. If we have good management, it means we have good cost control, which can reduce our debt to asset ratio and improve our cash flow."

90. The Committee found that the similarities in the description of the work experience described by Miss Yu and the other trainees meant that it was not remotely credible that all trainees would have undergone exactly the same work experience and then expressed it in effectively the same terms. The Committee was satisfied that the wording was taken from some sort of template and that it represented a pattern of behaviour.
91. The Committee also noted that the experience described was generic. There was very little detail or examples of work which had been undertaken, the problems that had been encountered, and how those problems were overcome.
92. The Committee was satisfied that this was a clear abuse of the process of validation and no weight could be placed on the description of the experience gained as described in the statements.
93. It had been found that Miss Yu had deliberately submitted PO statements which were identical, or very similar, to the PO statements of other trainees who had purported to be supervised by Person A, when Miss Yu knew it did not accurately reflect the work that she had undertaken.
94. No evidence had been provided to support the description of the work allegedly carried out by Miss Yu to satisfy POs 1, 3, 4 and 11 when working at Company A. The Committee found, on the balance of probabilities, that it was not true that she had achieved the POs in the manner, or based on the description of the work, alleged.

95. On this basis, the Committee found the facts of allegation 1(b) proved.

Allegations 2(a) and (b)

96. The Committee relied upon its findings of fact under allegations 1(a) and 1(b) above.

97. The Committee had found that Miss Yu knew that, in the period from 1 July 2016 to 19 September 2020, Person A had not supervised her practical training to the requisite standard or at all but that she had held out that she had been supervised by Person A during that period.

98. The Committee had also found that Miss Yu had failed to write the statements in support of POs 1, 3, 4, and 11 in her own words. She had simply adopted words used by others and therefore there was no guarantee whatsoever that the description would match in any way her practical experience. She therefore knew that she had not achieved the performance objectives in respect of POs 1, 3, 4, and 11 in the manner described in the statements she had submitted.

99. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.

100. Consequently, the Committee found allegations 2(a) and 2(b) proved.

Allegation 2(c)

101. On the basis that this allegation was pleaded in the alternative to allegation 2(a) and 2(b), the Committee made no finding in respect of it.

Allegations 3(a), (b) and (c)

102. On the basis that this allegation was pleaded in the alternative to allegation 2(a) and 2(b), the Committee made no finding in respect of it.

Allegation 4

103. On 12 August 2022, following referral of this matter to ACCA's Investigations Team, a member of that team sent an email to Miss Yu attached to which was

a letter which set out clearly the complaint and requested that Miss Yu respond to a number of questions by 26 August 2022.

104. The letter also referred to Complaints and Disciplinary Regulation 3(1) requiring Miss Yu to cooperate with the investigation by responding to the questions by the deadline.
105. This email was sent encrypted with a password.
106. Shortly after this encrypted email was sent, a non-encrypted email was sent to Miss Yu on the same day asking her to check if she had received the encrypted email and, if not, to let ACCA know.
107. The Committee was satisfied that an extract taken from ACCA's records on the day the above emails were sent records that the email address for Miss Yu used for these emails was the email address on ACCA's system on that day.
108. Miss Yu failed to respond.
109. On 30 August 2022, a further encrypted email was sent by ACCA to Miss Yu with a copy of the letter attached to the previous email. In the covering email she was reminded of her obligation to cooperate by responding to the questions in the letter and to do so by 13 September 2022.
110. In relation to this first reminder, once again, an extract taken from ACCA's records on the day the above emails were sent confirms that the email address used for these emails was the email address on ACCA's system on that day.
111. Miss Yu failed to respond.
112. On 14 September 2022, a second and final email was sent to Miss Yu with a copy of the letter attached to the initial email. In the covering email Miss Yu was again reminded of her obligation to cooperate by responding to the questions by 28 September 2022 and that if she failed to do so ACCA would raise an allegation of failure to cooperate against her.

113. In relation to this second and final reminder, an extract taken from ACCA's records on the day the above emails were sent records that the email address used for these emails was the email address on ACCA's system on that day.
114. Miss Yu failed to respond.
115. Shortly after the initial email was sent to all trainees, ACCA's China office sent a mobile message to each trainee who had a recognisable mobile number recorded in ACCA's records. The extracts from ACCA's database for Miss Yu included a telephone number. The message sent by ACCA's China office using this mobile number read as follows:
- "Please note ACCA has sent you a password protected email on 12 August 2022 to your ACCA registered email address. Attached to the email is a letter. It is important you read this letter as soon as possible and respond by the deadline of 26 August 2022. If you have not received this password protected email or you have but cannot open the letter, please immediately notify ACCA at complaintassessment@accaglobal.com providing your full name, ACCA ID and date of birth."*
116. ACCA's China office has confirmed, and the Committee found, that the message was sent on 18 August 2022 and was successfully delivered to Miss Yu's mobile number that day.
117. The Committee was satisfied that the correspondence from ACCA to Miss Yu was sent to her correct email address. The Committee was also satisfied that, based on data obtained by ACCA which showed the inclusion of a handshake icon, Ms Yu had opened the second email of 12 August 2022, and the emails of 30 August 2022 and 14 September 2022.
118. Despite having received them, Miss Yu failed to respond at all to the emails of 12 August 2022, 30 August 2022 and 14 September 2022. She had therefore failed to cooperate with ACCA's Investigating Officer.
119. Consequently, the Committee found allegations 4(a), (b) and (c) proved.

Allegation 5(a)

120. Taking account of its findings that Miss Yu had acted dishonestly, the Committee was satisfied that she was guilty of misconduct. Such conduct fell far below the standards expected of an accountant and member of ACCA, and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Miss Yu, the Association and the accountancy profession.
121. In respect of allegation 4, the Committee had found that, despite ACCA providing a number of reminders of her obligation to cooperate and warnings of potential consequences of her failure to do so, Miss Yu had failed to cooperate with ACCA and to respond to correspondence.
122. The Committee had taken into consideration that the email of 12 August 2022 contained a substantial amount of information and a significant number of detailed questions which Miss Yu was required to answer. The emails of 30 August 2022 and 14 September 2022 were designed to encourage Miss Yu to provide the information requested in the first email to enable ACCA to continue with its investigation.
123. The need for members to engage and cooperate with their regulator was fundamental. A failure by members to do so meant that ACCA's ability to regulate its members in order to ensure proper standards of conduct, protect the public, and maintain its reputation was seriously compromised.
124. The Committee found that the failure of Miss Yu to cooperate with her regulator also amounted to misconduct in that such failure brought discredit to herself, ACCA and the accountancy profession.
125. The Committee found allegation 5(a) proved.

Allegation 5(b)

126. On the basis that this allegation was pleaded in the alternative to allegation 5(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

127. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had listened to submissions from Mr Jowett, and to legal advice from the Legal Adviser, which it accepted.
128. The Committee considered the available sanctions in increasing order of severity having decided that it was not appropriate to conclude the case with no order.
129. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
130. The Committee considered whether any mitigating or aggravating factors featured in this case.
131. The Committee accepted that there were no previous findings against Miss Yu. However, the Committee did not consider any other mitigating factors featured in this case. The Committee had not heard from Miss Yu nor had it received any references or testimonials.
132. As for aggravating features, on the basis of the Committee's findings, it had been established that Miss Yu's behaviour had been dishonest and the steps Miss Yu had taken involved a level of determination, premeditation and probable collusion with others, particularly in relation to the use of Person A's details as PES and the PO statements. In each case, it represented conduct designed to deceive her regulator. The Committee was entirely satisfied that her behaviour would undermine confidence in the profession and put at risk the reputation of ACCA.
133. The Committee also noted that, in failing to engage with the process, Miss Yu had failed to provide any evidence of insight or remorse.
134. The Committee was concerned that, through her deceitful conduct, she had derived a direct benefit, namely membership of ACCA. There was also a risk

that Miss Yu would have gained qualification as an accountant without the necessary competence or experience. In this way, she could have caused harm or had an adverse impact on members of the public.

135. Finally, her conduct, in terms of her training and her gaining of membership of ACCA through dishonest means, had extended over a protracted period of time. Indeed, that deception not only related to the steps taken to gain membership but would have continued throughout the time during which she held herself out as a member.
136. When ACCA then corresponded with her in the course of its investigation, she failed to cooperate with her regulator by failing to respond to correspondence regarding a very serious set of allegations.
137. The Committee concluded that neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings.
138. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
139. Miss Yu had been found to have acted dishonestly in her conduct. The Committee was also concerned that, based on its findings, the objective of her dishonest conduct was to gain an unfair advantage over those who had approached their practical training in an honest way. Due to the absence of legitimate evidence regarding her training, she may have become a member when she was not competent to do so. Therefore, this was conduct on Miss Yu's part which may have led to her achieving a level of success to which she was not entitled and which was not merited. In this way, as stated, she presented a future risk to the accountancy profession and the public.
140. In the Committee's judgement, Miss Yu's overall conduct was fundamentally incompatible with being a member of ACCA and undermined the integrity of ACCA membership. The Committee adopted the Guidance which stated that the reputation of ACCA and the accountancy profession was built upon the

public being able to rely on a member to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings.

141. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to exclude Miss Yu as a member of ACCA but could find none.
142. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Miss Yu shall be excluded from ACCA membership.

COSTS AND REASONS

143. The Committee had been provided with a simple cost schedule (page 1) and a detailed cost schedule (pages 1 to 5).
144. The Committee concluded that ACCA was entitled to be awarded costs against Miss Yu, all allegations, including dishonesty, having been found proved. The amount of costs for which ACCA applied was £4,081.25. Taking account of the complexity of the case, the Committee did not consider that the costs incurred were unreasonable.
145. Miss Yu had failed to provide the Committee with details of her means. Miss Yu had chosen not to engage with the proceedings and had failed to respond either substantively or at all to any previous correspondence. However, the Notice of Proceedings had made it clear that, if ACCA proved any or all of the allegations, it would be applying for costs and that she should provide details of her means if she wished to suggest that she was not in a position to pay all or any of the costs claimed. In the absence of such information, the Committee approached the matter on the basis that Miss Yu was in a position to pay any amount of costs it was prepared to award.
146. The Committee noted that the time incurred by Mr Jowett in terms of preparation for, and attendance at, the hearing had not been included. The same applied to the time of the Hearings Officer. Indeed, there was no claim in respect of costs for time taken since April 2023. Mr Jowett stated that he did

not intend to request such time to be included as this was as a result of an oversight by ACCA.

147. In all the circumstances, the Committee exercised its discretion when determining the amount Miss Yu should be expected to pay. Taking account of what had been said by Mr Jowett, the Committee considered that it was reasonable and proportionate to award ACCA costs in the sum claimed, namely £4,081.25.

EFFECTIVE DATE OF ORDER

148. Taking into account all the circumstances, and on the application of Mr Jowett, the Committee decided that it was necessary, and in the interests of the public, for this order to take immediate effect.
149. In reaching its decision, the Committee took account of the fact that Miss Yu had obtained her ACCA membership by dishonest means. In failing to engage with ACCA and this hearing, the Committee had no way of knowing if Miss Yu is continuing to hold herself out as a member of ACCA and continues to practise.
150. Therefore, as stated, the Committee concluded that it was in the interests of the public for the order to take immediate effect.

Mr Martin Winter
Chair
29 June 2023