

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Bolaji Hammed

Heard on: Tuesday 23 May 2023

Location: Remotely via Microsoft Teams

Committee: HH Suzan Matthews KC (Chair)
Mr David Horne (Accountant)
Ms Cath Brown (Lay)

Legal Adviser: Mr Robin Havard

Persons present

and capacity: Ms Michelle Terry (ACCA Case Presenter)
Miss Geraldine Murray (Hearings Officer)

Summary Removal from student register with no application for readmission until the expiry of a period of five years from the effective date of the order.

Costs: £6,500

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



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

1. The Committee had considered the following documents: a hearing bundle (pages 1 to 108); a service bundle (1) dated 15 February 2023 (pages 1 to 19); an adjournment bundle (pages 1 to 13); the adjournment decision dated 15 February 2023 (pages 1 to 4); a letter from ACCA to Mr Hammed dated 15 February 2023 enclosing the adjournment decision, and a service bundle dated 23 May 2023 (pages 1 to 11). The Committee had also considered legal advice which it had accepted.
2. The Committee had read the letter dated 25 April 2023 containing the Notice of Proceedings, sent on the same day by ACCA by email to Mr Hammed. It had noted the subsequent emails sent to Mr Hammed with the necessary link and password to enable Mr Hammed to gain access to the letter and the documents relating to this hearing.
3. The Committee noted that proceedings had been properly served in advance of the hearing on 15 February 2023 which was subsequently adjourned. Consequently, and taking account of the requirements of Regulation 10(8)(d) of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"), the Committee was satisfied that there had been proper service and that the letter of 25 April 2023 contained the necessary information regarding today's hearing. It was also satisfied that the letter was an attachment to an email of the same date that had been sent to his registered email address in accordance with CDR22. The Committee had noted that the emails had been delivered successfully and replies received.
4. Consequently, the Committee decided that there had been effective service of proceedings on Mr Hammed in accordance with the CDR.

PROCEEDING IN ABSENCE

5. As stated, this case was originally listed to be heard on 15 February 2023 and, in advance of that hearing, Mr Hammed was properly served with Notice of Proceedings dated 18 January 2023.

6. In a Case Management Form submitted by Mr Hammed, he stated he did not wish to attend the hearing and that he consented to it proceeding in his absence.
7. On 08 February 2023, Mr Hammed sent an email to ACCA confirming receipt of an earlier email from ACCA. He indicated that he, *"will not be available to participate or be there during the Hearing"*.
8. However, on 14 February 2023, Mr Hammed sent an email indicating that he would not be available to attend the hearing as he was currently in Nigeria [Private]. He applied for an adjournment which was opposed by ACCA.
9. For the reasons outlined in a decision dated 15 February 2023, the Disciplinary Committee granted Mr Hammed's application. The Disciplinary Committee had taken account of the *"Factors to be considered"* set out in ACCA's "Guidance on requests for adjournments of ACCA's Regulatory and Disciplinary Committees (01 January 2021)" ("the Guidance"). Its findings at paragraph 9 of its decision were such that it found that most of the factors in favour of an adjournment were present.
10. The hearing was adjourned until today. For the reasons set out above, the Committee was satisfied that there had been effective service.
11. On 18 May 2023, ACCA spoke with Mr Hammed on the phone. He confirmed to ACCA that he was content for the hearing to proceed in his absence. He gave no reason for his non-attendance. He simply asked for an indication of when the Committee's decision would be sent to him. On the same day, ACCA sent an email to Mr Hammed confirming the conversation and what had been discussed.
12. In an email dated 18 May 2023, Mr Hammed stated:

"I can acknowledge the receipt of your email. Yes, the institute can go ahead. I will not be attending the proceedings.

Thanks

Regards

Bolaji Hammed"

13. ACCA attempted to contact Mr Hammed on the morning of the hearing by phone but there was no answer.
14. The Committee had considered carefully the procedural history of this matter. It was satisfied that ACCA had done all that it could reasonably be expected to do to engage Mr Hammed in the hearing. However, taking account of his response on 18 May 2023, the Committee concluded that Mr Hammed was aware of the hearing date but that he had no intention of participating in the hearing, nor had he, on this occasion, requested an adjournment.
15. The Committee concluded that, based on the responses received from him, Mr Hammed had voluntarily absented himself from the hearing, which he could have joined by telephone or video link. He had therefore waived his right to attend or to be represented.
16. 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, again, no such application had been made.
17. Finally, the Committee considered that it was in a position to reach proper findings of fact on the evidence presented to it by ACCA, together with the responses provided by Mr Hammed in the course of ACCA's investigation.
18. The Committee ordered that the hearing should proceed in the absence of Mr Hammed.

APPLICATION BY MR HAMMED FOR THE HEARING TO BE HELD IN PRIVATE

19. In a response sent to ACCA as an attachment to an email of 25 April 2022, Mr Hammed made an application for the entirety of the hearing to take place in private. The grounds on which he made the application were as follows:

"I will prefer Private Hearing as previously claimed this is climax of a witch hunt and other derogatory attitude I received during my stay in Firm A to tarnish my image. While I agree, this is a matter I will take up at the appropriate time at my own discretion, it is worth mentioning at this stage for proper understanding of the drivers of this malicious claim".

20. Mr Hammed did not present any other circumstances such as health reasons to support his application.
21. Ms Terry resisted the application, indicating that the ground on which Mr Hammed made the application was not a valid ground on which to base such an application.
22. There was a presumption that proceedings of this sort should be in public and this was consistent with the principle of open justice.
23. In the circumstances, the Committee concluded that nothing had been said which suggested that there were particular personal circumstances which should not be made public and which meant that the hearing should be in private.
24. If, in the course of the hearing, an issue was raised or something was said, for example with regard to Mr Hammed's or someone else's health, which suggested that the hearing, or that part of it, should be held in private, the Committee will review the position at that time.
25. Mr Hammed's application for the hearing to take place in private was, therefore, refused.

APPLICATION TO AMEND

26. Ms Terry applied to amend allegation 1 by adding the specific date in April 2019 on which Mr Hammed submitted a copy of his CV as part of his application for a job at Firm A. Ms Terry referred the Committee to information at page 39 which showed that the application was lodged on 09 April 2019. She maintained that such an amendment would not cause any prejudice to Mr Hammed.

27. The Committee had not been shown any evidence to indicate that Mr Hammed had been informed of Ms Terry's intention to apply for such an amendment. It concluded that there was, in fact, no need for such an amendment without the knowledge of Mr Hammed. If, in the course of her outline of the case, Ms Terry wished to specify the date on which the application was made, she was perfectly entitled to do so.
28. The application was therefore refused.

ALLEGATIONS

Mr Bolaji Hammed, an ACCA Student,

- 1) On or about April 2019, as part of the application process for employment with Firm A for the role of 'Financial Accountant', supplied Firm A with a copy of his CV which stated '2010 The Association of Certified Chartered Accountant (ACCA) – Qualified', which was not true.
- 2) The conduct described at Allegation 1,
 - i) Was dishonest in that he knew he was an ACCA student and therefore not ACCA qualified, or, in the alternative,
 - ii) Demonstrated a failure to act with integrity, or, in the further alternative,
 - iii) Was reckless in that he should have ensured his CV made it clear he was an ACCA student and not yet ACCA qualified.
- 3) Mr Hammed is guilty of misconduct pursuant to byelaw 8(a)(i) in respect of any or all of the above.

DECISION ON FACTS, ALLEGATIONS AND REASONS

Allegation 1

29. Whilst Mr Hammed had made certain concessions in his written responses, in the Case Management Form, he had denied all allegations. The Committee therefore approached this matter as if all allegations were denied.
30. On 27 August 2007, ACCA registered Mr Hammed as a student. As such, the Committee found that, throughout the material time, he was bound by ACCA's Byelaws and Regulations.
31. From May 2019 to September 2020, Mr Hammed was employed by Firm A as a Financial Accountant.
32. On 17 September 2020, ACCA received an email from Person A, the Senior Director, Finance and Operations Europe at Firm A, stating that he had been told by ACCA's helpline, *'that the only way to enquire about the status of an ACCA member was through the formal complaints process. We are not raising a complaint per se but are very keen to find out if the employee has knowingly misrepresented his qualification to us...'*
33. Attached to Person A's email was a completed complaint form. When invited to set out the nature of the complaint, Person A stated as follows:

'Bolaji has not been able to provide evidence of his accounting qualification, in his CV and during his interview he represented that he was a fully qualified accountant. I have attached his CV as evidence of this.'

We perform background checks on employees and have identified subsequently that the background screening form that was provided by the agency did not include his accounting qualification. Hence as part of internal procedures we have reached out to Bolaji to confirm his accounting qualification. Following receipt of the attached screenshot we tried to find him on the members register and can not find any record of him.'

I have reached back out to the employee for clarity on this, who has subsequently been signed off sick...'

34. Mr Hammed's CV attached to Person A's complaint form stated under the heading 'Education':

'2010 The Association Certified Chartered Accountants (ACCA) – Qualified'

35. The screenshot attached to the complaint form comprised an email from Firm A's HR Director on 04 September 2020 requesting details of Mr Hammed's accountancy qualification.

36. Mr Hammed responded on 07 September 2020, stating, '*... See below screen shot for your information.*' The screen shot read as follows,

'ACCOUNT DETAILS

Your key account information.

... ..

ACCA ID 1472898

Title Mr

Name Bolaji Hammed

Date of birth 13 March 1977

Qualification ACCA_QUAL

Nationality Nigerian

Registration date 27 August 2007'

37. On receipt of this information from Person A, ACCA's Complaint Assessment Department responded to Person A by email, advising, '*...I can confirm that Bolaji Hammed is an ACCA Student, not an ACCA Member...*'

38. The matter was subsequently opened by ACCA as a complaint against Mr Hammed and allocated to an Investigating Officer. ACCA's Investigating Officer requested further information from Person A in an email of 09 November 2020.

39. In the absence of any response to the email of 09 November 2020, the request was re-sent in an email dated 13 April 2021. Person A responded in an email that day providing the following further information, *'...I have attached screening notes, the job requisition which includes the job description and the source of his application which was via LinkedIn...'*.
40. Under the heading *'Job Requirements and Experience'* there were a number of bullet points, the first being,
- 'Qualified accountant with 2+ years experience required'*.
41. What Person A described as the 'source of his application' referred to Mr Hammed applying for the 'Financial Accountant' role. This document referred to the 'Source' being 'JobBoard LinkedIn'.
42. Person A provided 'Screening notes' consisting of a number of bullet points including matters referred to in Mr Hammed's CV, in particular:
- *Worked in Bord gais for 11 years as an IT Financial Analyst...*
 - *Current position as a Financial accountant in Azex ... was a contract role which finished in March....*
 - *Qualified accountant since 2010...*
43. On the basis of this evidence, the Committee found that Mr Hammed had represented to Firm A that he was a fully qualified accountant during his application and subsequent interview.
44. During a telephone conversation with ACCA's Investigating Officer on 05 November 2020, Person A advised that, following his being notified by ACCA that Mr Hammed was an ACCA Student, Firm A had dismissed Mr Hammed.
45. The Committee had considered a statement from ACCA Customer Operations Teams Manager Person B regarding Mr Hammed's status as an ACCA student and Mr Hammed's exam record. The content of the statement and its

attachments had not been challenged and, therefore, on the basis of this evidence, the Committee made the following findings.

46. The Committee found that, in respect of Mr Hammed's ACCA exam record, he had exemptions for nine exams and it remained the position that he is required to pass more exams before he will have completed all his ACCA exams.
47. Furthermore, based on a document dated 08 November 2020 and headed, "*Examination History Details*" relating to Mr Hammed, the Committee found that, between June 2008 and June 2017, Mr Hammed had recorded nineteen exam failures. Also, whilst there was reference to Mr Hammed having passed three exams in 2008 and 2009, all three exams were recorded as having since expired. The Examination History Details of Mr Hammed were produced again on 11 January 2022, and they showed that the position remained unchanged.
48. When commenting on the email from Mr Hammed of 07 September 2020 and the screen shot of his ACCA account details as set out at paragraph 36 above, Person B stated that he was not familiar with the page from which this screen shot had been taken. However, he confirmed, and the Committee found, that the information represented that held by ACCA for Mr Hammed, save for reference to 'Qualification ACCA_QUAL' and that this was, in fact, only a partial reference. The full reference read, 'ACCA_QUALIFICATION_STUDENT'.
49. Whilst not reproduced in its entirety, taking account of Mr Hammed's non-attendance at the hearing, the Committee considered it was appropriate to set out his substantive response in some detail.
50. When asked for an explanation for holding himself out as a fully qualified member of ACCA, Mr Hammed responded in an email dated 25 November 2020, stating, in particular:

"... Frankly speaking and in all honesty, I agree that, on the CV submitted to my former employer under the heading Education that it read Qualified but I can state to you with every emphasis that it was a typo error and honest mistake. Let me elucidate on this; usually I normally modify my standard CV to meet the need of any new applications that I made, it was while I was trying to

modify and adjust the CV that I must have mistakenly removed "Part" and thus made it read "Qualified" instead of Part Qualified that was on my normal resume.

That I am a part qualified accountant is a banal that needs no avowal. However, I was not, and I am not a Qualified Accountant yet and I can tell you frankly that I had no deliberate intention to mislead anyone and make false representation. It is apposite and imperative to emphasize that because I left my former employer in not a pleasant way hence, they already had recriminations towards me and will look for anything to impugn my reputation and besmirch my personality.

All these their theories that I deliberately made them believe that I was a qualified accountant and it was on that basis that I was employed can best be described as a theoretical hullabaloo propounded out of egoistic tendencies and highly fallacious. If they were actually looking for a qualified accountant will it not make more sense to ask for my qualification certificate or better still to ask for my membership number to verify from ACCA before I was employed instead of leaving it until after a year and is that how their recruitment procedure work to employ someone before verification? After working for one year and 4 months, why asking for my ACCA certification without my BSc or master's certificate when they claim it was a prerequisite to my employment. It is obvious that this is witch hunting and after thought approach.

Furthermore, this is simply witch hunting because I left the company due to unfair treatment from management to employees."

"More also, in order to prove my innocence I challenge anyone to show any evidence that I claimed to be qualified accountant in any order documents or social medial like LinkedIn or Facebook or any other platform apart from the CV submitted to Firm A. I was aware that they went into my LinkedIn account to spy my profile and nothing like Qualified was found on any of it and others that simply epitomized that is was genuine mistake and typo error which anyone

can simply make under pressure and while it is highly regrettable but no one should criminalise me for this.

Finally from all the above explanations that I have made, it is self explanatory that I made honest and genuine mistake to leaving out "Part" to the word Qualified and it is highly regrettable but I abhor and disagree totally with any insinuations that I deliberately mislead (sic) anyone or impersonate to be a qualified accountant while I am not, that is not true and it is mendacious and fallacious to form such evil opinion. I make bold to say that this is the first time my attention is being called to this error and that is why I am giving explanations on what happened.

About the email you referred to, I was only asked to give my ACCA membership number or certification without even giving me any reason for asking but I honestly gave my student number to them. The question anyone with modicum of intellect will ask is if I truly want to mislead anyone, why will I give my student number knowing fully well that it is not a full membership number or are they in anyway suggesting that I was daft and don't know the difference between student number and full membership number? That simply shows that I did not mean to type Qualified, instead of Part Qualified on my resume and that it was honest mistake which anyone can make and if Firm A was sincere why did they not challenge me on it and while waiting that long after I had issues with the company before bringing it up, that is food for thought for ACCA.

The fundamental ACCA principle of Integrity is one that I cherish and has been part of my lifedealings. I hope wisdom and common sense will prevail on this matter and it is also my hope that ACCA will not make themselves a willing tool to settle personal scores that has nothing to do with them because I expect ACCA to be impartial and highly objective and not subjective on this matter."

51. On the basis of its findings, and also relying on the acceptance of Mr Hammed of its inclusion, albeit he maintained that it was in error, the Committee was satisfied that, on or about April 2019, as part of the application process for employment with Firm A for the role of Financial Accountant, Mr Hammed

supplied to Firm A a copy of his CV which stated, "2010 The Association of Certified Chartered Accountant (ACCA) – Qualified'. The Committee was also satisfied, based on its findings of fact above, that this statement was not true.

52. Consequently, the Committee found allegation 1 proved.

Allegation 2(i)

53. The Committee relied on its findings of fact under allegation 1 above.

54. The Committee reminded itself of the test for dishonesty as set out in the case of *Ivey v Genting Casinos* [2017] UKSC 67.

55. The Committee had considered carefully the explanation provided in his email to ACCA dated 25 November 2020. The Committee had noted the basis on which Mr Hammed had suggested that the fact that he had held himself out in his CV as a qualified accountant and member of ACCA was "*a typo error and honest mistake*".

56. The Committee had not found such an explanation to be plausible. This was particularly so for the following reasons:

- (i) The job description for the role of Financial Accountant uploaded by Firm A to LinkedIn to which Mr Hammed responded, required an applicant to be a Qualified Accountant with two years' experience. He knew that he was not a qualified accountant;
- (ii) He endeavoured to pass himself off in his CV as a qualified accountant from 2010 even though the Examination History Details showed that he continued to sit, and largely fail, examinations until 2017;
- (iii) He had informed the recruiter that he had been a qualified accountant since 2010 when he knew this was not true;
- (iv) He had attended an interview with Firm A and had not informed them of his true status i.e. an ACCA student member. Had he informed them of

his true status, the Committee was satisfied that he must have known that he would not have been offered the job;

- (v) In a screen shot which Mr Hammed himself supplied to Firm A on 07 September 2020, he had again held himself out to be a qualified accountant, by stating, "*Qualification ACCA_QUAL*". The Committee accepted the evidence of Person B and found, on the balance of probabilities, that, in doing so, Mr Hammed had deliberately shortened what should have read, "ACCA_QUALIFICATION_STUDENT".
57. The Committee found that Mr Hammed had deliberately attempted to mislead Firm A into believing that he was a qualified accountant in order to secure a position of employment at Firm A.
58. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.
59. Consequently, the Committee found allegation 2(i) proved.

Allegation 2(ii)

60. On the basis that this allegation was pleaded in the alternative to allegation 2(i), the Committee made no finding in respect of it.

Allegation 2(iii)

61. On the basis that this allegation was pleaded in the alternative to allegation 2(i), the Committee made no finding in respect of it.

Allegation 3

62. Taking account of its findings that Mr Hammed had sought to deliberately mislead Firm A with regard to his level of qualification in order to secure employment and had thereby acted dishonestly, the Committee was satisfied that he was guilty of misconduct in that such conduct could properly be

described as deplorable. Based on this deception, Mr Hammed had worked at Firm A for approximately 16 months when he was not qualified to do so. In the Committee's judgement, it brought discredit to Mr Hammed, the Association and the accountancy profession.

63. On this basis, the Committee found allegation 3 proved.

SANCTION AND REASONS

64. 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 the submissions of Ms Terry. It had also heard legal advice from the Legal Adviser which it accepted.
65. 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.
66. 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.
67. The Committee considered whether any mitigating or aggravating factors featured in this case.
68. The Committee accepted that there were no previous findings against Mr Hammed and also that he had engaged with the investigation by providing written responses to ACCA correspondence. Whilst it would have been helpful for the Committee to have heard from Mr Hammed, it did not draw any adverse or negative inferences from his non-attendance and reminded itself that it was for ACCA to prove its case on the balance of probabilities.
69. The Committee had not been provided with any testimonials or references as to Mr Hammed's character.

70. As for aggravating factors, Mr Hammed had shown no evidence of either insight or contrition. Indeed, other than accepting that the CV was incorrect, he had endeavoured to deflect responsibility for his departure from Firm A, blaming the firm for its conduct towards him.
71. Whilst there was no evidence of actual harm or adverse impact caused by his conduct, the Committee was satisfied that there was a substantial risk, both to the public and to Firm A, caused by Mr Hammed fulfilling a role which he was not qualified to undertake. Furthermore, he had sustained, and benefited in terms of an income, from that deception for approximately 16 months.
72. Such conduct also presented a substantial risk to the reputation of, and the trust of the public in, ACCA and the accountancy profession.
73. On the basis of its findings, the Committee concluded that neither an admonishment nor a reprimand would represent a sufficient and proportionate outcome. Neither sanction would adequately reflect the seriousness of the Committee's findings.
74. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, and reflecting on the criteria suggested in the Guidance, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
75. Mr Hammed had been found to have acted dishonestly in a premeditated and deliberate manner. The Committee was also concerned that, based on its findings, the objective of his dishonest conduct was to obtain a job, and an income that came with that job, for which he was not qualified. It ran the risk that, in this way, Mr Hammed may have undertaken accountancy work which he was not competent to do. This was conduct which was fundamentally incompatible with being a student member of ACCA.
76. Mr Hammed's dishonest conduct, and his complete lack of any insight or contrition, led the Committee to conclude that, currently, there was no guarantee that Mr Hammed would behave in a manner expected of a member of ACCA.

77. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to remove Mr Hammed from the student register but could find none.
78. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Hammed shall be removed from the student register.
79. Furthermore, taking account of:
- (i) the seriousness of its findings;
 - (ii) the preparedness of Mr Hammed to falsify documents in order to mislead;
 - (iii) the benefit he gained from that deception by earning an income to which he was not entitled;
 - (iv) his continuing denial of any wrongdoing, and
 - (v) the risk that he presented and continues to present,

the Committee concluded that it would be proportionate to order that Mr Hammed is not entitled to make an application for readmission until the expiry of a period of five years after the effective date of this order.

COSTS AND REASONS

80. The Committee had been provided with a detailed costs schedule (pages 1 and 2) relating to ACCA's claim for costs.
81. The Committee concluded that ACCA was entitled to be awarded costs against Mr Hammed, all allegations having been found proved. The amount of costs for which ACCA applied was £7,114. The Committee did not consider that the claim was unreasonable although there would have to be a deduction to reflect the fact that the hearing had not taken as long as the estimated time taken by the Case Presenter and the Committee Officer as set out in the Schedule. The Committee also noted that there was no claim for costs in respect of the adjournment in February 2023.

82. Mr Hammed had failed to provide ACCA with a schedule of means even though he had been advised to provide such information. The Committee therefore approached its assessment on the basis that he was able to pay any amount awarded against him.
83. In all the circumstances, and exercising its discretion based on the information before it, the Committee considered that it was reasonable and proportionate to award costs to ACCA in the sum of £6,500.00.

EFFECTIVE DATE OF ORDER

84. The Committee had considered whether the order should have immediate effect. However, ACCA had not sought such an order and the Committee, therefore, concluded it was not in the interests of the public to make an order which takes effect immediately.
85. The Committee decided that this order shall take effect at the expiry of the period allowed for an appeal in accordance with the Appeal Regulations.

HH Suzan Matthews KC
Chair
23 May 2023