

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

REASONS FOR DECISION

In the matter of: Miss Li Na

Heard on: Wednesday 22 November 2023

Location: Hearing held remotely

Committee: Mr Neil Dalton (Chair),
Mr George Wood (Accountant),
Ms Victoria Smith (Lay Member)

Legal Adviser: Mr Richard Ferry-Swainson

**Persons present
and capacity:** Mr Adam Slack (ACCA Case Presenter)
Miss Geraldine Murray (Hearings Officer)

Summary: Allegations 1(a), 1(b), 2(a), 2(b), 4 and 5(a) found proved.
Member excluded from Register with immediate effect

Costs: £5250

INTRODUCTION/SERVICE OF PAPERS

1. The Disciplinary Committee (“the Committee”) convened to consider a number of Allegations against Miss Na, who did not attend, nor was she represented.
2. The papers before the Committee were in a main bundle numbered 1 to 244, an additional bundle of 31 pages and a supplementary bundle of 53 pages.

The Committee was also provided with a service bundle and a costs schedule.

3. Mr Slack made an application to proceed in Miss Na's absence.
4. The Committee first considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations ("the Regulations"). The Committee took into account the submissions made by Mr Slack on behalf of ACCA and also took into account the advice of the Legal Adviser.
5. Included within the service bundle was the Notice of Hearing, dated 25 October 2023, thereby satisfying the 28 day notice requirement, which had been sent to Miss Na's email address as it appears in the ACCA register. The Notice included details about the time, date and remote venue for the hearing and also Miss Na's right to attend the hearing, by telephone or video link, and to be represented, if she so wished. In addition, the Notice provided details about applying for an adjournment and the Committee's power to proceed in Miss Na's absence, if considered appropriate. There was a receipt confirming the email had been delivered to Miss Na's registered email address.

PROCEEDING IN ABSENCE

6. The Committee received and accepted legal advice on the principles to apply in deciding whether to proceed with the hearing in Miss Na's absence. The Committee was satisfied that the Notice had been served in accordance with the Regulations, which require ACCA to prove that the documents were sent, not that they were received. Having so determined, the Committee then considered whether to proceed in Miss Na's absence. The Committee bore in mind that although it had a discretion to proceed in the absence of Miss Na it should exercise that discretion with the utmost care and caution.
7. Miss Na did not respond to the Notice of hearing sent on 25 October 2023.
8. On 14 November 2023, the Hearings Team Lead, Miss Murray, called Miss Na on the telephone number held by ACCA. The call was answered, and Miss Murray identified herself and explained the purpose of her call. The female who answered the call replied in Mandarin. Miss Murray again identified

herself and asked to speak with Miss Li (Na). The female again answered in Mandarin, so Miss Murray advised that she would email Miss Na to reflect her attempt to speak with her.

9. Further to the above phone call, on 14 November 2023, Miss Murray sent an email to Miss Na confirming her attempt to speak with her on the phone and advising Miss Na that her hearing was due to take place on 22 November 2023. Miss Na was asked to indicate whether she would be attending the hearing. No response was received.
10. On 21 November 2023, Miss Murray again attempted to speak with Miss Na on the phone. The call was not answered and rang for approximately 1 minute before being disconnected. There was no opportunity to leave a voice message. The same day Miss Murray sent a further email to Miss Na, referring to her attempt to call her on the telephone and again asking her whether she would be attending the hearing. No response was received.
11. Notwithstanding her lack of engagement, Miss Murray nonetheless sent Miss Na the link for today's hearing so that she could join if she so wished.
12. On the morning of the hearing Miss Murray again called Miss Na on the phone number she had provided to ACCA, but it was not answered and there was no opportunity to leave a voice message.
13. The Committee noted that Miss Na faced serious allegations, including an allegation of dishonesty, and that there was a clear public interest in the matter being dealt with expeditiously. Miss Na had been repeatedly asked if she would be attending and had not responded. She had also been given the option to apply for an adjournment and had not done so. There was nothing before the Committee to suggest that adjourning the matter to another date would secure Miss Na's attendance. In light of her complete lack of engagement with ACCA, the Committee concluded that Miss Na had voluntarily absented herself from the hearing and thereby waived her right to be present and to be represented at this hearing.
14. In all the circumstances, the Committee decided that it was in the interests of justice and in the public interest that the matter should proceed, notwithstanding the absence of Miss Na. No adverse inference would be drawn from her non-attendance.

ALLEGATIONS/BRIEF BACKGROUND

15. It is alleged that Miss Na is liable to disciplinary action on the basis of the following Allegations:

Miss Li Na ("Miss Na"), at all material times an ACCA trainee,

1. Applied for membership to ACCA on or about 17 November 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 01 September 2017 to 17 November 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 2: Stakeholder relationship management
- Performance Objective 3: Strategy and innovation
- Performance Objective 4: Governance, risk and control
- Performance Objective 5: Leadership and management
- Performance Objective 7: Prepare external financial reports
- Performance Objective 8: Analyse and interpret financial reports
- Performance Objective 9: Evaluate investment and financing decisions
- Performance Objective 11: Identify and manage financial risk

2. Miss Na's conduct in respect of the matters described in Allegation 1 above was: -

- a) In respect of Allegation 1a), dishonest, in that Miss Na sought to confirm her Practical Experience Supervisor did supervise her 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 Na 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 Na 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 Na is
- (a) Guilty of misconduct pursuant to ACCA byelaw 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 byelaw 8(a)(iii).

16. Miss Na became a student of ACCA on 28 June 2012 and was admitted as an Affiliate on 25 July 2015. She was then admitted as a Member on 26 November 2020.
17. 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.
18. A person undertaking practical experience is often referred to as an ACCA trainee. 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.
19. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant. 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 (International Federations of Accountants) 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. Through the online tool, the trainee then requests that their practical experience supervisor approves that PO.
20. 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.

21. 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.
22. 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.
23. 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 PO's had apparently been approved by a particular supervisor, namely Person A (referred to as Person A in the Allegations).
24. A person purporting to be Person A registered as each trainee's supervisor on the basis of her being a member of the Chinese Institute of Certified Public Accountants (CICPA) - an IFAC registered body.
25. Person B, Manager of ACCA's Professional Development Team, provided a statement for the purposes of these cases. They stated 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. A person claiming to be Person A had apparently supervised a very significant number of ACCA trainees at, or about, the same time.
26. A review was also carried out by the Professional Development Team which indicated the PO statements had been copied amongst a large number of these 100 trainees, who had all claimed to have been supervised by the same supervisor, namely a Person A.
27. In light of the above, ACCA contacted Person A via CICPA. Person A denied having supervised any ACCA trainees. During this contact Person A provided ACCA with their email address.

28. 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.
29. During ACCA's investigation of these cases, Person A was contacted, and they agreed to provide a statement. In their statement (provided to the Committee) they stated that although initially they advised ACCA they had never supervised any ACCA trainees, they did then recall having supervised a single ACCA trainee. Person A provided ACCA with the name of the trainee, which was not Miss Na.
30. ACCA's records confirm Person A did act as a supervisor for this one trainee, who 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 POs, which they confirmed in their statement.
31. 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 her details were different to the 'Person A' who had apparently supervised these 100 other trainees. This included their email address. The email address that was registered by 'Person A' in connection with these 100 trainees was [Private]. This was different to the email address provided by Person A to ACCA. In her statement to ACCA Person A stated they had never had an email address containing '[Private]'.
32. The Person A who was registered as supervisor for the 100 trainees under investigation provided a copy of a CICPA registration card. The Person A ACCA has contacted has confirmed in their statement this is their registration card, but they did not provide this to ACCA.
33. Person C, Senior Administrator in ACCA's Member Support Team, provided a statement explaining ACCA's membership application process. They stated that once an application is received, this is recorded in ACCA's Prod database by an automated process. Person C exhibited to their statement a sample record. The corresponding record for Miss Na was provided to the Committee and records her application being received on 17 November 2020.
34. Person B confirmed in their statement the following:

- 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 '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 (which Person B

exhibited to their statement). 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.'

- 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 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 (as exhibited to Person B's statement) 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. 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.

- 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. A Person A apparently provided evidence to ACCA in the form of a registration card from CICPA. As such they were, from ACCA's point of view, a 'qualified accountant'. (A copy of this registration card is exhibited to Person B's statement)

35. Information has been obtained from one of ACCA's China offices in China about the support given to ACCA trainees in China, as follows:

- 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.
- The Committee was provided with 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 were provided to the Committee. 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 of 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. Provided with the papers for the Committee was a list of those articles (translated using Google translate). This included 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 was also provided. 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;....*

36. Miss Na's PER training record indicates that she was employed by one firm, namely Company D. In particular it records the following:

- Miss Na was employed by the above firm from 01 September 2017 in the role of accountant. There is no end date for this employment. This suggests she remained employed at least up to the date her time / experience was approved on 17 November 2020.

- At page 4/27 of the PER training record it is confirmed that 38 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 47 months referred to on page 37 corresponds with the period of the training commenced, ie 01 September 2017, to the date the record was downloaded by staff, ie 09 August 2021.
 - In this role, the training record refers to two supervisors, Person A, who was authorised to approve her POs only and a Person E, who was authorised to approve her experience / time claim only.
 - In relation to the POs, the PER records that Miss Na requested Person A to approve all nine POs on 17 November 2020 and Person A apparently approved all nine POs on the same day.
 - The Supervisor details for Miss Na records that Person A was an external practical experience supervisor, hence why Person A only approved Miss Na's achievement of her POs and not the period of employment in the firm referred to.
 - Person E approved Miss Na's period of employment at the firm on 17 November 2020.
 - The Supervisor details for Miss Na record that Person E was a 'non IFAC qualified line manager' and hence why Person E only approved Miss Na's time / experience claim.
37. As referred to by Person B, all 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.
38. As part of ACCA's investigation a careful analysis was carried out comparing the POs of each trainee who claimed to have been supervised by Person A. 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 any other trainee who claimed to have been supervised by Person A.

39. Where PO statements were the same or significantly similar to the POs of any other trainees, this would suggest at the very least, the trainee had not met the objective in the way claimed or possibly at all. That further, the practical experience claimed, had not been supervised by a practical experience supervisor, who would or should have knowledge of the trainee's work.
40. This analysis was made possible in part by the company which provides ACCA with the online PER tool providing an Excel spreadsheet with all the POs downloaded from these 100 trainees. ACCA's investigating officers were then able to analyse these POs from that spreadsheet. In carrying out this analysis, ACCA has 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.
41. 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.
42. In relation to Miss Na the analysis revealed:
- None of her PO statements were first in time; and
 - All nine of her PO statements were identical or significantly similar to the POs contained in the PERs of many other ACCA trainees who claimed to have been supervised by Person A.
43. Following referral of this matter to ACCA's Investigations Team, a member of that team sent an email on 12 August 2022 to Miss Na's email address, as recorded on ACCA's system. Attached to the email was a letter which set out the complaint and requested that Miss Na respond to a number of questions by 26 August 2022. The letter also referred to Complaints and Disciplinary Regulation 3(1) requiring Miss Na to cooperate with the investigation by responding to the questions by the deadline. No response was received.
44. Given Miss Na did not respond by the above deadline, a further email was sent on 30 August 2022 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.

45. No response was received to this first reminder and therefore a second and final email was sent to Miss Na on 14 September 2022 with a copy of the letter attached to the initial email. In the covering email Miss Na 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. No response was received.
46. ACCA has attempted to call many of the trainees who are being investigated but the telephone numbers have not been recognised. However, 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 Na include a telephone number, namely [Private]. 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.

47. ACCA's China Office confirmed that the message was sent on 12 August 2022 and was successfully delivered to Miss Na's mobile number that day. No response was received from Miss Na.
48. Miss Na did not attend the hearing, nor did she provide any written representations for the Committee to consider.

DECISION ON FACTS/ALLEGATION AND REASONS

49. The Committee considered with care all the evidence presented and the submissions made by Mr Slack. The Committee accepted the advice of the

Legal Adviser and bore in mind that it was for ACCA to prove its case and to do so on the balance of probabilities.

Allegation 1(a) - proved

50. The Committee considered there was ample evidence in the papers to prove that Miss Na had applied to ACCA on or about 17 November 2020. In doing so she purported to confirm, in relation to her PER, that her Practical Experience Supervisor in respect of her practical experience training in the period from 01 September 2017 to 17 November 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.
51. The Committee noted the content of Person B's statement that describes ACCA's Practical Experience Requirements. The Committee was satisfied that Miss Na must have known the requirements of a practical experience supervisor from all the clear information provided by ACCA.
52. The Committee was provided with Miss Na's PER training record which was completed on or about 17 November 2020 and which permitted Miss Na to apply for membership. ACCA records show that Miss Na became registered as an ACCA member on 26 November 2020. Miss Na's Supervisor record shows Person A was her 'IFAC qualified external supervisor', and therefore her practical experience supervisor.
53. Miss Na's PER training record purports to show Person A approved all of her POs, as set out in Allegation 1b). However, contrary to this assertion, the two statements from Person A, obtained by ACCA, make it clear that they deny acting as supervisor for any of the ACCA trainees, the subject of ACCA's investigation. Significantly, all nine of Miss Na's PO statements were the same as or significantly similar to other trainees, suggesting at the very least, that she had not achieved the objectives in the way she claimed or possibly at all.
54. Furthermore, the Committee considered it inherently unlikely that Person A could have supervised 100 trainees during a similar period.

55. Accordingly, for all these reasons the Committee found Allegation 1(a) proved on the balance of probabilities.

Allegation 1(b) - proved

56. Miss Na's training record confirmed that she had achieved the POs stated when, at the very least, she cannot have achieved them in the way recorded since they were apparently fictitious accounts and not her own. There was no evidence provided by Miss Na to show that she had legitimately achieved the nine identified POs claimed in her training record. The Committee noted that:
- a) Miss Na's PO1 statement was identical or significantly similar to five other trainees whose PO1 statements were purportedly approved by Person A;
 - b) Miss Na's PO2 statement was identical or significantly similar to another trainee whose PO2 statement was purportedly approved by Person A;
 - c) Miss Na's PO3 statement was identical or significantly similar to another trainee whose PO3 statement was purportedly approved by Person A;
 - d) Miss Na's PO4 statement was identical or significantly similar to two other trainees whose PO4 statements were purportedly approved by Person A;
 - e) Miss Na's PO5 statement was identical or significantly similar to another trainee whose PO5 statement was purportedly approved by Person A;
 - f) Miss Na's PO7 statement was identical or significantly similar to two other trainees whose PO7 statements were purportedly approved by Person A;
 - g) Miss Na's PO8 statement was identical or significantly similar to three other trainees whose PO8 statements were purportedly approved by Person A;
 - h) Miss Na's PO9 statement was identical or significantly similar to another trainee whose PO9 statement was purportedly approved by Person A;
 - i) Miss Na's PO11 statement was identical or significantly similar to another trainee whose PO11 statement was purportedly approved by Person A.

57. Each student's practical experience should be unique to them and the possibility of recording exactly or nearly exactly the same as another student is simply not plausible. Furthermore, the Committee took into account Person A's statement that they had not acted as supervisor to Miss Na.
58. Given the near identical nature of the nine PO statements to other trainees purportedly approved by Person A, Miss Na's lack of explanation for how this might have occurred and the evidence from Person A, the Committee found Allegation 1(b) proved.

Allegation 2(a) & 2(b) - proved

59. The Committee then considered whether the behaviour found proved in Allegations 1(a) and 1(b) was dishonest. Whilst it considered each separately, the Committee recognised that they were clearly linked. The Committee considered what it was that Miss Na had done, what her intentions were and whether the ordinary decent person would find that conduct dishonest.
60. The Committee noted that all nine of Miss Na's POs were identical or significantly similar to other trainees' POs purportedly approved by Person A. The Committee was satisfied on the evidence that Miss Na must have either copied or adopted them. The only realistic explanation was that someone had provided Miss Na with stock responses, which had been used for many other students, and Miss Na copied or adopted them and pretended they were her own. The only reason for doing so was to deceive ACCA into believing she had the relevant experience shown in those POs and thereby to allow her to become a member of ACCA, which is what in fact happened.
61. On the evidence, therefore, the Committee was satisfied, on the balance of probabilities, that Miss Na knew the PER supervisor requirements and that Person A was not supervising her and that she could not, therefore, legitimately rely on Person A to sign off her POs. Furthermore, the Committee was satisfied on the balance of probabilities, that the aforementioned POs Miss Na submitted were not genuine and did not reflect the work experience she had completed, but rather were stock answers provided by whoever was co-ordinating all these stock responses.

62. In addition, the Committee took into account the evidence of Person A that they had not acted as Miss Na's supervisor and had not signed off any of her POs.
63. The Committee could not know the precise mechanics of how the PO statements were completed. However, whatever process was followed the only reasonable inference to be drawn was that Miss Na was complicit in, and entirely aware of, the provision of false POs so that she, Miss Na, could add those to her PER and subsequently illegitimately qualify as an ACCA member.
64. Miss Na must have known that Person A had not supervised her work and/or acted as her supervisor, in accordance with the necessary requirements. In addition, Miss Na provided no evidence to demonstrate that she had achieved the nine performance objectives she claimed, in the manner she claimed or at all, but rather relied on stock answers provided by a third party. The Committee was in no doubt that an ordinary decent member of the public, in full possession of the facts of the case, would find the entirety of this conduct to be dishonest. The Committee therefore found Allegations 2(a) and 2(b), on the balance of probabilities, proved.
65. Having found Allegations 2(a) and 2(b) proved it was not necessary for the Committee to consider Allegations 2(c) or 3(a) (b) and (c), which were alleged in the alternative.

Allegation 4 - proved

66. There was no evidence that Miss Na had responded at all to the emails sent to her on the three dates particularised in Allegation 4.
67. The Committee was advised by the Legal Adviser that the duty to co-operate with an ACCA investigation is absolute, that is to say every relevant person is under a duty to co-operate with any Investigating Officer and any Assessor in relation to the consideration and investigation of any complaint. A failure, or partial failure, to co-operate fully with the consideration or investigation of a complaint shall constitute a breach of the Regulations and may render the relevant person liable to disciplinary action. Miss Na failed to respond to the correspondence sent to her by the Investigating Officer on 12 August 2022,

30 August 2022 and 14 September 2022. In the correspondence sent on each occasion Miss Na was warned that a failure to respond could result in an allegation of failure to cooperate with ACCA. The Committee noted that the correspondence was sent by email to Miss Na's email address provided by Miss Na when registering with ACCA.

68. The Committee was thus satisfied that Miss Na had failed to co-operate as alleged and found Allegations 4(a), (b) and (c) proved.

Allegation 5(a) - proved

69. Having found the facts proved in Allegations 1(a), 1(b), 2(a), 2(b) and 4, the Committee then considered whether they amounted to misconduct. The Committee considered there to be cogent evidence to show that Miss Na sought the assistance of a third party to provide false POs and to act as her PES in order to allow her, Miss Na, to, illegitimately, qualify as a member of ACCA. This pre-meditated and calculated dishonest behaviour demonstrated a complete disregard for ACCA's membership process and allowed Miss Na to become a member of ACCA when not qualified to be so. Such behaviour seriously undermines the integrity of the membership process and the standing of ACCA. It brings discredit upon Miss Na, the profession and ACCA. The Committee considered this behaviour to be very serious; it would be considered deplorable by other members of the profession and the public and the Committee was in no doubt it amounted to misconduct.
70. The Committee was also of the view that failing to co-operate fully with an investigation being carried out by her Regulator into her alleged misconduct is a serious matter. A member should not be able to frustrate, delay, or derail completely an investigation into their conduct. Being a member of ACCA brings with it a duty to co-operate, both in relation to compliance with the Regulations and into the investigation of a complaint. The Committee was satisfied that such behaviour represented a serious falling short of professional standards and brought discredit upon Miss Na and also upon the profession and ACCA as Regulator. It therefore decided that Miss Na's behaviour in failing to co-operate amounted to misconduct.

71. The Committee therefore found Allegation 5(a) proved in relation to the matters set out in 1(a), 1(b), 2(a), 2(b) and 4 inclusive.
72. Having found Allegation 5(a) proved in relation to Allegation 4, it was not necessary for the Committee to consider Allegation 5(b), which was alleged in the alternative.

SANCTION AND REASONS

73. In reaching its decision on sanction, the Committee took into account the submissions made by Mr Slack. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind the fact that the purpose of sanctions was not to punish Miss Na, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate. The Committee accepted the advice of the Legal Adviser.
74. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features in this case.
75. The Committee considered the misconduct involved the following aggravating features:
 - A deliberate, repeated, dishonest act for personal benefit at the expense of the public and the profession;
 - Collusion with a third party;
 - Undermining the integrity, and thereby undermining public confidence, in ACCA's membership process;
 - The significant period during which Miss Na continued to hold herself out as a Member of ACCA when aware that she had relied on false POs prepared by a third party in order to do so;
 - A repeated failure to cooperate;
 - A lack of insight into her behaviour;

- No evidence of remediation, regret or remorse.

76. The Committee considered there to be one mitigating factor, namely the absence of any previous disciplinary history with ACCA.

77. The Committee did not think it appropriate, or in the public interest, to take no further action or order an admonishment in a case where a member had disregarded the membership requirements and acted dishonestly when submitting information in connection with her PER and also failed to cooperate with the Regulator.

78. The Committee then considered whether to reprimand Miss Na. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature, there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding, together with genuine insight into the conduct found proved. The Committee did not consider Miss Na's misconduct to be of a minor nature and she had shown no insight into her dishonest behaviour or failure to cooperate. The Committee noted that when addressing factors relevant to seriousness in specific case types, ACCA's Guidance indicates that non-cooperation is considered to be very serious. Dishonest behaviour is also very serious. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the misconduct in this case.

79. The Committee then considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case or mitigation advanced which satisfy the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The Committee considered none of these criteria to be met. The guidance adds that this sanction may be appropriate where most of the following factors are present:

- The misconduct was not intentional and no longer continuing;
- Evidence that the conduct would not have caused direct or indirect harm;

- Insight into failings;
- Genuine expression of regret/apologies;
- Previous good record;
- No repetition of failure/conduct since the matters alleged;
- Rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur;
- Relevant and appropriate references
- Co-operation during the investigation stage.

80. The Committee considered that virtually none of these factors applied in this case and that accordingly a severe reprimand would not adequately reflect the seriousness of Miss Na's behaviour. Her misconduct was intentional and she has not demonstrated any insight into her dishonest behaviour and lack of cooperation. She has offered no expression of regret or apology. She does have a previous good record, but there has been no evidence of rehabilitative steps. She has provided no references and she failed to co-operate during the investigation stage. Furthermore, to allow someone to remain as a Member of ACCA who has gained membership under false pretences and thus when not qualified to be so, would be contrary to the whole process of qualifying as a Member of ACCA.

81. The Committee noted that the Association provides specific guidance on the approach to be taken in cases of dishonesty, which is said to be regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, or is related to matters outside the professional sphere, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions where there has been a lack of probity and honesty and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than striking off. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in difficult circumstances. *"It is a cornerstone of the public value which an accountant brings."*

82. The Committee bore in mind these factors when considering whether there was anything remarkable or exceptional in Miss Na's case that warranted anything other than exclusion from membership. The Committee was of the view that there were no exceptional circumstances that would allow it to consider a lesser sanction and concluded that the only appropriate and proportionate sanction was exclusion. The Committee was cognisant of the severity of this conclusion. However, providing false information about one's practical experience supervisor in order to satisfy one's PER represents behaviour fundamentally incompatible with being a member of ACCA and undermines the integrity of ACCA's membership process. The PER procedure is an important part of ACCA's membership process, and the requirements must be strictly adhered to by those aspiring to become members.
83. In the Committee's view, Miss Na's dishonest conduct was such a serious breach of byelaw 8 that no other sanction would adequately reflect the gravity of her offending behaviour. In addition, it was not known if Miss Na had the relevant practical experience to have ever become a member in light of the way she went about securing her membership. An additional concern is that, as a Member of ACCA, Miss Na could decide to become a Practical Training Supervisor herself and could then be supervising trainees when not herself qualified to be a Member, further undermining ACCA's membership process. Miss Na's behaviour was further exacerbated by her failure to respond to questions put to her by the Investigations Officer.
84. The Committee also considered that a failure to exclude a member from the register who had behaved in this way would seriously undermine public confidence in the profession and in ACCA as its Regulator. The public needs to know it can rely on the integrity, ability and professionalism of those who are members of ACCA. In order to maintain public confidence and uphold proper standards in the profession it was necessary to send out a clear message that this sort of behaviour is unacceptable.
85. The Committee therefore ordered that Miss Na be excluded from membership.

COSTS AND REASONS

86. ACCA applied for costs in the sum of £6,008.75 to cover the costs of bringing this case. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable. The costs of the Hearings Officer and Case Presenter were included in the sum quoted and based upon a full day when in fact the hearing took less than a whole day. Accordingly, the figure would be reduced to reflect this.
87. Despite being given the opportunity to do so, Miss Na did not provide any details of her means or provide any representations about the costs requested by ACCA. There was, therefore, no evidential basis upon which the Committee could make any reduction on this ground.
88. The Committee had in mind the principle that members against whom an allegation has been found proved should pay the reasonable and proportionate cost of ACCA in bringing the case. This was because the majority of members should not be required to subsidise the minority who, through their own failings, have found themselves subject to disciplinary proceedings.
89. In deciding the appropriate and proportionate Order for costs the Committee took into account the above factors and decided to make an Order for costs in the sum of £5,250.00.

EFFECTIVE DATE OF ORDER

90. In light of its decision and reasons to exclude Miss Na from ACCA, the seriousness of her misconduct and the fact that she should not have been on the Register, the Committee decided it was in the interests of the public to order that the sanction have immediate effect.

Mr Neil Dalton
Chair
22 November 2023