



HEARING

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

In the matter of: Miss Yi Zhang

Heard on: Tuesday, 31 October 2023

Location: Remotely via Microsoft Teams

Committee: HH Graham White (Chair)
Mr Trevor Faulkner (Accountant)
Ms Sue Heads (Lay)

Legal Adviser: Miss Juliet Gibbon

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

Outcome: Allegations 1a, 1b, 2a, 2b, 4a, 4b, 4c and 5a found
proved
Exclusion from membership of ACCA

Costs: £5,300

PRELIMINARY

1. The Disciplinary Committee (“the Committee”) convened to hear a number of allegations of misconduct against Miss Yi Zhang. The hearing was conducted remotely through Microsoft Teams. The Committee had a Bundle of papers numbered pages 1-255, a Supplementary Bundle, numbered pages 1-93, two

Additional Bundles, numbered pages 1-9 and 10-31 and a Tabled Additional Bundle, numbered pages 1-12. It also had a Service Bundle, numbered pages 1 to 20.

2. Mr Jowett represented ACCA. Miss Yi Zhang, who is a resident in China, did not attend the hearing and was not represented.

SERVICE AND PROCEEDING IN ABSENCE

3. The Notice of Hearing, containing all the requisite information about the hearing, was sent by email on 3 October 2023 to the email address notified by Miss Zhang to ACCA. ACCA produced a receipt confirming delivery of the email to that address.
4. There has been no response to the Notice of Hearing from Miss Zhang.
5. The Committee was satisfied that the requirements of Regulations 10(1) and 22(1) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014, as amended ('the Regulations') as to service had been complied with.
6. Having satisfied itself that service had been effected in accordance with the Regulations, the Committee went on to consider whether to proceed in the absence of Miss Zhang. It accepted the advice of the Legal Adviser. The Committee bore in mind that whilst it had a discretion to conduct a hearing in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of *Hayward & Others* [2001] 3 WLR 125 and *R v Jones* [2002] UKHL 5 and to the case of *The General Medical Council v Adeogba and Visvardis* [2016] EWCA Civ 162.
7. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously. It noted that the Hearings Officer had made a

number of attempts to contact Miss Zhang prior to the hearing, but without success. Miss Zhang had not asked for an adjournment and given her non-engagement with the investigation, the Committee was of the view that there was no evidence before it to suggest that an adjournment of today's hearing would result in Miss Zhang's attendance on a future date.

8. The Committee determined that it was in the public interest to proceed in Miss Zhang's absence.

ALLEGATIONS

Yi Zhang ('Miss Zhang'), at all material times an ACCA trainee:

1. Applied for membership to ACCA on or about 1 July 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 26 May 2014 to 29 November 2014 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:
 - 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 6: Record and process transactions and events
- Performance Objective 8: Analyse and interpret financial reports

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

- a. In respect of Allegation 1a, dishonest, in that Miss Zhang 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 Zhang 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, in respect 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 Zhang paid no or insufficient regard of 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 Allegation 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. 25 August 2022
 - b. 9 September 2022
 - c. 26 September 2022

5. By reason of her conduct, Miss Zhang 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 conduct pursuant to bye-law 8(a)(iii)

BACKGROUND

9. Miss Zhang became a student member of ACCA on 9 February 2012 and an affiliate member on 17 July 2017. Miss Zhang completed her application for membership of ACCA on 10 July 2020 and was admitted as a member on 31 August 2020.

10. Once an ACCA student has completed all their ACCA examinations, they become an ACCA affiliate. Regulation 3(a)(ii) of ACCA's Membership Regulations provides that an affiliate cannot become a member of ACCA until they have completed three years of approved work experience, in accordance with ACCA's Practical Experience Requirement ("PER").

11. ACCA's PER is based on the International Federation of Accountants' ("IFAC") International Education Standard 5, PER. ACCA's PER develops the

professional knowledge, values, ethics and behaviours required to become a professionally qualified Accountant.

12. ACCA's PER has three components: First, to achieve five "Essential" Performance Objectives ("POs") and any four "Technical" POs by gaining the experience required to achieve the necessary elements and to complete a statement for each PO, which is signed off by the trainee's Practical Experience Supervisor ("PES"). Secondly, to complete 36 months' work experience in one or more accounting or finance-related roles, which must be verified by the trainee's PES. Thirdly, to regularly record their PER progress in the online "MyExperience" recording tool, which is accessed via ACCA's online portal "myACCA".
13. Once all nine POs have been approved by the trainee's PES and their minimum three years of practical experience has been signed off by the PES, the trainee is eligible to apply for ACCA membership.
14. A PES has the personal responsibility of approving or signing-off the trainee's POs, if the trainee has met the required standard. A qualified Supervisor means a qualified Accountant who has worked closely with the trainee and who knows the trainee's work. A qualified Accountant means a member of an IFAC member body and/or a body recognised by law in the trainee's country. If a trainee's Line Manager is not a qualified accountant, they can sign off or approve the trainee's time in their relevant role, but the trainee must nominate a qualified PES to sign off their POs. If a PES is not a trainee's Line Manager, then the PES should consult with the trainee's Line Manager to validate their experience.
15. Trainees must enter the PES's details into the MyExperience recording tool and send their PES an invitation to register as their PES. Trainees cannot submit anything to their PES until the PES is registered.
16. POs are designed to set the minimum standard of work that a trainee is expected to achieve and the level of competence they will need to demonstrate

to their qualified Supervisor. They set out the kind of work activities a trainee may carry out and highlight the values and attitudes ACCA trainees are expected to possess and to demonstrate as a trainee Accountant.

17. Each PO is comprised of three parts. First, a summary of what the PO relates to. Secondly, five elements outlining the tasks and behaviours that a trainee must demonstrate to be able to achieve the objective. Thirdly, a 200 to 500-word concise personal statement in which the trainee must summarise how they have achieved the PO. Trainees must provide examples of tasks they have been involved with to illustrate their personal statement. Trainees' statements should be unique to their own work experience. ACCA's PER guidance is available online in China. The 2019 published guidance states:

'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'.

18. During 2021 it came to the attention of ACCA that between 16 December 2019 and 29 January 2021, one hundred ACCA trainees had completed their PER training records in which they claimed their POs had been approved by a particular Supervisor, Person A. A person purporting to be Person A registered as each trainee's Supervisor on the basis of being a member of the Chinese Institute of Certified Public Accountants ("the CICPA"), being an IFAC registered body. A review was carried out by ACCA which indicated that the PO statements of a large number of the one hundred trainees, who claimed to have been supervised by Person A, had been copied.
19. Person A was contacted by ACCA and has provided a written statement. They have been a member of the CICPA since 3 April 2019. They confirmed that they had never supervised Miss Zhang or any of the other trainees or signed off any of their POs, save for one trainee who was not subject to ACCA's

investigation. The email address provided to ACCA by Miss Zhang for Person A was not their actual email address.

20. Miss Zhang's PER record shows that she claimed 18 months of relevant practical experience at Firm A where she was employed as an Auditor from 1 July 2010 to 9 January 2012. No Supervisor was connected with Miss Zhang's employment with this firm. Miss Zhang then claimed 12 months of relevant practical experience at Firm B where she was employed as an Internal Audit Assistant from 23 January 2012 to 28 January 2013. Again, no Supervisor was connected with Miss Zhang's employment with this firm. Miss Zhang also claimed 6 months of relevant practical experience at Firm C, where she was employed as an Accounting Clerk from 22 January 2013 to 26 May 2014. Once again, no Supervisor was connected with Miss Zhang's employment with this firm. Miss Zhang then claimed a further 6 months of relevant practical experience at Firm C from 26 May 2014 to 29 November 2014. In this role the training record refers to a single Supervisor, Person A. The PES details provided by Miss Zhang record that Person A was an external PES, hence why Person A only approved her POs and not the period of work experience in Firm C.
21. Miss Zhang's PER record shows that she submitted nine POs for approval to Person A on 9 and 10 June 2020 and these were all 'approved' by Person A on 10 July 2020.
22. ACCA carried out an analysis comparing the POs of each trainee who claimed to have been supervised by Person A. In relation to Miss Zhang, the analysis revealed that:
 - a. Two of her nine PO statements were first in time, and
 - b. Seven of her nine PO statements, however, were not the first in time and were either identical or significantly similar to the POs contained in the PERs of many of the other ACCA trainees who also claimed to have been supervised by Person A.

23. In particular, Miss Zhang's PO1 statement was identical or strikingly similar to those of five other Trainees; her PO2 statement was identical or strikingly similar to those of five other trainees; her PO3 statement was identical or strikingly similar to that of one other trainee; her PO4 statement was identical or strikingly similar to those of three other trainees; her PO5 statement was identical or strikingly similar to those of five other trainees; her PO6 statement was identical or strikingly similar to those of three other trainees and her PO8 statement was identical or strikingly similar to those of four other trainees.

SUBMISSIONS

24. Mr Jowett took the Committee through the PER requirements and ACCA's membership application process.
25. Mr Jowett submitted that Miss Zhang would have known that Person A had not supervised six months of her practical training at Firm C or approved her POs. He referred the Committee to the fact that seven of the PO statements were identical or strikingly similar to those submitted by other trainees and submitted that Miss Zhang must have known that the PO statements had been copied from other trainees and were not statements relating to her own experience when she submitted them to ACCA.
26. Mr Jowett suggested that the Committee should take the following into consideration:
 - a. The PER Guidance booklet makes it clear that the PER is to keep track of training as it progresses. It is meant to be a contemporaneous record of training undertaken and completed and should not be completed at the end of the training. The fact that Miss Zhang's training was completed in 2014 but her POs and supporting statements were not submitted until July

2020 suggested that the training record may have been completed after the training had finished;

- b. ACCA's case is that the supporting statements for POs 1, 2, 3, 4, 5, 6 and 8 had been copied. The PER guidance to trainees' states that *'your experience must be unique, and your statement should be unique too'* and that *'we do not expect to see duplicated wording whether from statement to statement or from other trainees'*;
 - c. The copied PO statements suggested that Miss Zhang had not obtained the training required to achieve the POs submitted to ACCA.
 - d. Person A had never used the email address provided to ACCA by Miss Zhang and the other trainees.
 - e. Person A states that they had not supervised Miss Zhang or signed off her POs.
27. Mr Jowett referred to the fact that seven of Miss Zhang's PO statements were the same or strikingly similar to the PO statements of other trainees who claimed to have been supervised by Person A. He submitted that Miss Zhang must have known that the seven PO statements were false when she submitted them to ACCA.
28. Mr Jowett asked the Committee to consider ACCA's PER Guidance booklet and the written statements made by a Manager from ACCA's Professional Development Team; a Senior Administrator in ACCA's Member Support Team and Person A.
29. Mr Jowett invited the Committee to find Allegations 1a and 1b proved.
30. In respect of Allegations 2a and 2b, Mr Jowett submitted that Miss Zhang's conduct was dishonest as she would have known that Person A had not

supervised her work or acted as her PES at the material time and to say that Person A had done so was a lie. Mr Jowett also submitted that Miss Zhang would also have known that she had not achieved the POs that she claimed, as described in her PO statements, because she must have copied the PO statements from someone else's text. Mr Jowett submitted that such conduct would clearly be regarded as dishonest by the standards of ordinary decent people.

31. In respect of Allegations 4a-c, Mr Jowett referred the Committee to the relevant correspondence sent by email to Miss Zhang by ACCA and to the confirmation of delivery for each email. Miss Zhang had not responded to any of ACCA's correspondence. Mr Jowett submitted that, in failing to respond to the correspondence sent to her by ACCA, Miss Zhang had breached Regulation 3(1) of the Regulations, that provides:
 - a. 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.
 - b. The duty to co-operate includes providing promptly such information, books, papers or records as the investigating officer or assessor may from time to time require.
 - c. A failure or partial failure to co-operate fully with the consideration or investigation of a complaint shall constitute a breach of these regulations and may render the relevant person liable to disciplinary action.
32. Mr Jowett further submitted that the failure of a member to co-operate with her professional body was a very serious matter, demonstrating a lack of professional responsibility and a complete disregard for ACCA's regulatory process. He also submitted that Miss Zhang had an obligation to co-operate with her professional body and to engage with it when a complaint was raised. Such co-operation is fundamental to ACCA, as her regulator, being able to

discharge its obligations of ensuring protection and upholding the reputation of the profession.

33. In respect of Allegation 5, Mr Jowett submitted that Miss Zhang's deliberate dishonest conduct in submitting false PO statements in order to gain membership of ACCA fell far short of the standards expected of an ACCA member and undermined public confidence in ACCA's membership qualification process. He submitted that the public would clearly be put at risk by an individual who was able to become a member of ACCA without having the required skills and qualifications. Mr Jowett submitted that misconduct, as defined by bye-law 8(c), was clearly made out in respect of Miss Zhang's conduct.

DECISION ON FACTS

34. The Committee considered all of the documentary evidence presented to it, including the witness statements of a Professional Development Team Manager at ACCA; a Senior Administrator in ACCA's Member Support Team and Person A. It also considered the submissions made by Mr Jowett. The Committee accepted the advice of the Legal Adviser and bore in mind that it was for ACCA to prove each of the allegations made against Miss Zhang and that the standard of proof to be applied was the balance of probabilities.

Allegation 1a - proved

35. The Committee was provided with a copy of Miss Zhang's PER training record. It showed that all her POs were purportedly approved by Person A on 10 July 2020.
36. The Committee was satisfied that at all material times Miss Zhang was an affiliate of ACCA and that she had informed ACCA that Person A was acting as her PES. The Committee was also satisfied that Person A had not acted as Miss Zhang's PES and had not supervised her PER in accordance with ACCA's

requirements. Further, the POs submitted to ACCA by Miss Zhang had not been approved by Person A. Accordingly, the Committee found Allegation 1a proved.

Allegation 1b - proved

37. The Committee was satisfied that Miss Zhang has submitted a PER training record that purported to confirm that she had achieved the seven POs set out in Allegation 1b. The Committee noted that the supporting statements for each of the POs were either identical or strikingly similar to the POs submitted by other trainees who had also falsely named Person A as being their PES. The Committee was, therefore, satisfied that Miss Zhang had not achieved the seven POs, as claimed by her, and, accordingly, it found Allegation 1b proved.

Allegation 2a - proved

38. The Committee considered whether the conduct found proved in Allegation 1a) and 1b) was dishonest, applying the test set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*. The Committee was satisfied, on the balance of probabilities, that Miss Zhang had sought to confirm to ACCA that Person A had supervised her PER training in accordance with ACCA's requirements when she knew that to be untrue. It also found that such conduct would be considered dishonest by the standards of ordinary, decent people. The Committee therefore found Allegation 2a proved.

Allegation 2b - proved

39. The Committee next considered whether the conduct found proved in Allegation 1b) was dishonest, applying the test set out in *Ivey*. It was satisfied, on the balance of probabilities, that Miss Zhang would have known that she had not completed the PO statements and that she had not, therefore, achieved POs 1, 2, 3, 4, 5, 6 and 8. The Committee was also satisfied that an ordinary decent member of the public, in full possession of the facts, would consider that Miss

Zhang's conduct was dishonest. The Committee therefore found Allegation 2b proved.

40. Having found Allegations 2a and 2b proved, the Committee did not go on to consider Allegation 2c or Allegation 3a, 3b or 3c, which were pleaded in the alternative.

Allegation 4a, 4b and 4c - proved

41. On the evidence before it the Committee was satisfied that ACCA had sent emails to Miss Zhang's registered email address on 25 August 2022; 9 September 2022 and 26 September 2022 and that each of the emails had been delivered successfully.
42. The Committee was also satisfied that Miss Zhang had failed to respond to the three emails set out in the Allegation. The Committee determined that Miss Zhang's failure to respond represented a failure on her part to co-operate with the ACCA Investigating Officer. Indeed, she had been warned by ACCA in the correspondence that she had a duty to co-operate with the investigation and there had been a requirement for her to respond. Accordingly, the Committee found Allegations 4a, 4b and 4c proved.

Allegation 5a – misconduct found

43. Having found Allegations 1a, 1b, 2a, 2b, 4a, 4b and 4c proved, the Committee then considered whether the facts found proved amounted to misconduct.
44. In the Committee's view, Miss Zhang's dishonest conduct demonstrated a clear disregard for ACCA's membership process. The Committee considered that such dishonest conduct had the potential to undermine the integrity of the membership process and the good standing of ACCA. It also meant that Miss Zhang had become a member of ACCA when she was not properly qualified so

to do and there was, therefore, a risk of harm to the public because she was not a properly qualified Accountant.

45. The Committee determined that Miss Zhang's conduct had brought discredit to her, the accountancy profession and ACCA. The Committee determined that Miss Zhang's dishonest conduct was very serious and clearly amounted to misconduct.
46. The Committee also determined that Miss Zhang's conduct, in failing to co-operate with the investigation against her, fell far below the standards expected of an ACCA member. In the Committee's determination, Miss Zhang's conduct undermined the integrity of ACCA's investigatory process and had brought discredit to her, the Association and the accountancy profession.
47. Accordingly, the Committee found that Miss Zhang's failure to cooperate with ACCA's Investigating Officer, as set out in Allegations 4a, 4b and 4c, also fell far below the standards expected of a member of ACCA and clearly amounted to misconduct.
48. The Committee, having found Allegation 5a proved in relation to Allegation 4, did not go on to consider Allegation 5b, which was pleaded in the alternative.

SUBMISSIONS ON SANCTION AND COSTS

49. Mr Jowett informed the Committee that Miss Zhang had become an affiliate of ACCA on 17 July 2017 and, by reason solely of her dishonest conduct, she had become a member of ACCA on 31 August 2020. Mr Jowett informed the Committee that Miss Zhang had no previous findings recorded against her, for which she should receive credit. Mr Jowett submitted, however, that dishonesty lies at the top of the spectrum of misconduct. He further submitted that Miss Zhang's dishonesty involved an element of premeditation and planning and that the dishonest conduct was solely for her own benefit. He also submitted that Miss Zhang had the opportunity to co-operate with the ACCA investigation, but

she had not done so which meant that ACCA was unable to properly investigate what had happened.

50. Mr Jowett referred the Committee to ACCA's 'Guidance for Disciplinary Sanctions' and, in particular, section E2 which provides guidance on dishonesty cases.

51. In respect of costs, Mr Jowett referred the Committee to the two costs schedules. He submitted that the £5,851.25 costs claimed by ACCA had been reasonably incurred but that there should be some adjustment as the hearing had taken less than the time allowed for in the schedules. Mr Jowett informed the Committee that ACCA had sent Miss Zhang a statement of financial means to complete and return to ACCA, but she had not done so. There was, therefore, no information before the Committee as to Miss Zhang's current financial circumstance.

SANCTION AND REASONS

52. In reaching its decision on sanction, the Committee took into account the submissions made by Mr Jowett. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind the fact that the purpose of a sanction was not to punish Miss Zhang, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.

53. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features of the case.

54. The Committee considered that the only mitigating feature was that Miss Zhang had no previous disciplinary findings recorded against her.

55. The Committee considered that the misconduct involved the following aggravating features: this was premeditated dishonest conduct over a period of time that involved a degree of planning; Miss Zhang's dishonest conduct had the potential to undermine the integrity of, and public confidence in, ACCA's membership and investigatory processes and her dishonest conduct had the potential to place members of the public at risk of harm as she had gained membership of ACCA when she was not properly qualified to act as a professional accountant.
56. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not think it appropriate, or in the public interest, to take no further action or to order an admonishment in a case where a member had disregarded the membership and investigation requirements and had acted dishonestly when submitting her PER, which had led to her wrongly being admitted as a member of ACCA.
57. The Committee then considered whether to reprimand Miss Zhang. 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 misconduct found proved. The Committee did not consider that Miss Zhang's misconduct was of a minor nature and there was no evidence of any insight into her dishonest behaviour or the impact thereof on the reputation of the profession and ACCA, as the regulator. The Committee noted that when addressing factors relevant to seriousness in specific case types, ACCA's Guidance indicates that misleading ACCA and failing to cooperate in an ACCA investigation are both considered to be very serious. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the conduct in this case.
58. 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 guidance suggests that this sanction may be appropriate where most of the following factors are present:

- a. The misconduct was not intentional and no longer continuing;
- b. Evidence that the conduct would not have caused direct or indirect harm;
- c. Insight into failings;
- d. Genuine expression of regret/apologies;
- e. Previous good record;
- f. No repetition of failure/conduct since the matters alleged;
- g. Rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur;
- h. Relevant and appropriate references;
- i. Co-operation during the investigation stage.

59. The Committee considered that apart from Miss Zhang's previous good record, none of the other factors were present, save there has been no repetition of the conduct, but there had also not been any opportunity for repetition. Accordingly, the Committee considered that a severe reprimand would not adequately reflect the seriousness of Miss Zhang's misconduct. The misconduct was dishonest and in breach of ACCA's Regulations.

60. The Committee noted that ACCA provides specific guidance on the approach to be taken in cases of dishonesty, which is regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, 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 exclusion. 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 professional accountant to do the right thing in difficult circumstances. It is *'a cornerstone of the public value which an accountant brings'*.

61. The Committee bore in mind these factors when considering whether there was anything remarkable or exceptional in Miss Zhang's case that warranted anything other than exclusion from membership of ACCA. 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 to exclude Miss Zhang from membership of ACCA.
62. Miss Zhang had provided ACCA with the name of a PES who had not, in fact, supervised her or approved her POs and she had provided ACCA with POs that had been copied from other trainees' PO statements. This had led to her being admitted as a member of ACCA on a false premise when she was not properly qualified to be a member. Miss Zhang had also failed to co-operate in the ACCA investigation into her conduct. In the Committee's determination, Miss Zhang's conduct was fundamentally incompatible with her being a member of ACCA. The PER and the investigation processes are an important part of ACCA's membership requirements, and the requirements must be strictly adhered to by those aspiring to become members of ACCA.
63. The Committee was mindful that the sanction of exclusion from membership was the most serious sanction that could be imposed. The Committee took into account the guidance that this sanction was likely to be appropriate when the behaviour of the member was fundamentally incompatible with being a member of ACCA. The Committee was satisfied that Miss Zhang's dishonest conduct and her failure to cooperate with the ACCA investigation against her had reached that high threshold.
64. The Committee also considered that a failure to exclude a member 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 that it can rely on the integrity, ability and professionalism of those who are members of ACCA.

65. The Committee therefore ordered that Miss Zhang be excluded from membership of ACCA.
66. The Committee did not deem it necessary to impose a specified period before which Miss Zhang can make an application for readmission as a member of ACCA.

DECISION ON COSTS AND REASONS

67. The Committee was provided with two schedules of costs. ACCA applied for costs in the sum of £5,851.25 in respect of the investigation against Miss Zhang and the hearing.
68. The Committee was satisfied that the costs sought by ACCA were appropriate and had been reasonably incurred. It determined that the costs claimed should be reduced, however, to reflect the fact that the hearing had taken less time than accounted for in the schedules of costs.
69. The Committee noted that ACCA had sent Miss Zhang a schedule of financial means to complete and return but she had not done so. The Committee, therefore, had no information about Miss Zhang's current financial circumstances.
70. The Committee determined that, in all the circumstances, it would be fair and proportionate to order Miss Zhang to pay ACCA's costs in the sum of £5,300.00.

ORDER

- i. Miss Yi Zhang shall be excluded from membership of ACCA.

- ii. Miss Yi Zhang shall pay ACCA's costs in the sum of £5,300.00.

EFFECTIVE DATE OF ORDER

- 71. The Committee directed that it was in the interests of the public for the order for Miss Zhang to be excluded from membership of ACCA to have immediate effect, subject to the order being varied or rescinded on appeal as described in the Appeal Regulations.

HH Graham White
Chair
31 October 2023