

HEARING

ADMISSIONS AND LICENSING COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Kushal Tauckoor

Heard on: Wednesday, 27 September 2023

Location: Held remotely by Microsoft Teams

Committee: Ms Wendy Yeadon (Chair)
Dr David Horne (Accountant member)
Dr Jackie Alexander (Lay member)

Legal Adviser: Ms Valerie Charbit (Legal Adviser)

Persons present

and capacity: Mr Benjamin Jowett (ACCA Case Presenter)
Ms Nicole Boateng (Hearings Officer)
Mr Kushal Tauckoor (Applicant)

Summary Application for readmission to the Student Register refused.

1. The Committee convened to consider whether Mr Tauckoor should be readmitted to ACCA's Student Register following a Disciplinary Hearing on 17 May 2018 when he was removed from the student register.

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2. The Committee had before it the following documents: a Service Bundle (1-14 pages), ACCA's Bundle (1- 57 pages) and a Tabled Additional Bundles dated 27 September 2023 (1-3 pages) and a second Tabled Additional Bundles dated 27 September 2023 (1-2 pages).
3. Mr Tauckoor attended the hearing but was not represented.

BACKGROUND

4. Mr Tauckoor was removed from the student register after the following Allegation was found proved:
 1. Pursuant to byelaw 8(a)(i) Mr Kushal Tauckoor, a registered student, is guilty of misconduct in that he:
 - (a) Provided ACCA with any or all of the false medical certificates set out in Schedule 1 in order to gain an extension of time from ACCA Examinations to sit his professional papers.
 - (b) Falsely stated to ACCA in any or all of the emails set out in Schedule 2 that his sister completed the ETH1 ethic module on his behalf in February 2016 when, in fact, she did not.
 - (c) His conduct as set out at 1(a) and/or 1(b) was:
 - (i) Dishonest
 - (ii) Contrary to the Fundamental Principle of Integrity.
5. Mr Tauckoor first joined ACCA's student register on 12 June 2007. On 11 June 2018, Mr Tauckoor's registration was administratively ceased following the Disciplinary Committee hearing on 17 May 2018.
6. The facts relating to the allegation found proved were that on 30 April 2017, Mr Tauckoor emailed ACCA requesting an extension to the time permitted to take his professional papers on the basis that he was unfit to take part in ACCA

examinations from July 2011 until April 2017. Following ACCA's request for medical evidence from Mr Tauckoor, on 15 May 2018, Mr Tauckoor provided ACCA with medical certificates stating that he was in a coma from June 2010 to February 2017. On the same date, ACCA wrote to Mr Tauckoor acknowledging receipt of his medical evidence and informed him that his extension request had been denied because his ACCA account showed that he had sat examinations in December 2010, August 2010, and February 2016, contradicting his claim that he had been in a coma for 7 years.

7. On 16 May 2017, Mr Tauckoor emailed ACCA claiming that he didn't take part in the December 2010 examinations, rather his sister (who was also an ACCA student at the relevant time) sat the exam for him.
8. ACCA commenced an investigation and on 13 July 2017, in response to communications from ACCA, Mr Tauckoor maintained that his sister had sat the Ethics module for him. ACCA then requested a medical consent form and details of relevant medical practitioners that had treated him. In subsequent correspondence, Mr Tauckoor provided a medical consent form but stated that his medical practitioners did not wish to assist the investigation. ACCA then made separate contact with the relevant practitioners from the names on the medical certificates.
9. Those practitioners confirmed that they had not provided certificates and had no knowledge of Mr Tauckoor. The General Practitioner Dr A confirmed the medical certificate was a forgery. He advised that he did not know Mr Tauckoor and had not provided him with a certificate. On 14 August 2017, Ms B, a senior records officer at the hospital identified by the Member, confirmed that Mr Tauckoor had never been admitted to the hospital and the hospital had no record of him as a patient.
10. [Private]
11. At the Disciplinary Committee hearing on 17 May 2018, the Committee found the allegations particularly serious. Notwithstanding Mr Tauckoor's full admissions to fabricating medical evidence, the Committee considered that his

- conduct was premeditated, was committed over an extended period of time (5 months), and that he had caused another, his sister, to be involved in his dishonesty to further conceal behaviour that was intended to mislead ACCA.
12. The Disciplinary Committee's decision viewed Mr Tauckoor's behaviour as discrediting to both him and the reputation of ACCA. It determined that his actions were fundamentally incompatible with remaining on the student register.
 13. [Private]
 14. Mr Tauckoor was removed from the student register and ordered to pay £2,500 costs to ACCA in respect of the allegations previously referred to. Mr Tauckoor was unable to make any application for readmission for a minimum period of 12 months in accordance with Regulation 14(2) of ACCA's Membership Regulations.
 15. By a written application dated 24 May 2018, Mr Tauckoor sought to appeal the findings of the Disciplinary Committee. On 6 June 2018, the Chair decided that the application for permission to appeal costs and all other grounds relating to rescinding his exclusion from ACCA's student register were refused.

APPLICATION FOR READMISSION TO THE STUDENT REGISTER

16. Mr Tauckoor's readmission application to the Student Register consisted of an application form, a personal character reference and various correspondence with ACCA in which he set out why he wished to be readmitted and how he demonstrated his insight.
17. Mr Tauckoor explained that he could not submit a professional reference because he had been unwell and unable to work recently due to a road traffic accident which caused him to be in hospital for six weeks. He provided a document from the Ministry of Health regarding an appointment for his eligibility for a social aid pension which he had applied for. He also provided video footage which he said showed the road accident on 17 July 2023.

18. In his application, Mr Tauckoor explains the circumstances which led to his removal from the student register. He states *'I have been excluded from ACCA student register as I had submitted a false medical certificate and was charged a fine by the ACCA disciplinary committee which I has [sic] settled on 30 June 2023... I will be much obliged if I could be re-integrated as ACCA student and be able to complete the last two optional papers so that I could get a permanent job...'*
19. When asked why he believes that in similar circumstances in the future the conduct wouldn't be repeated and/or he will not commit a similar breach of ACCA rules, Mr Tauckoor states: *'I have lost my job as accountant due to the breach of ACCA rules. It has served me a good lesson that I have to maintain professional integrity towards myself at first so that can be a good human being both a personal and professional life [sic]. I have not been able to get a permanent job for more than 5 years. I deeply regret for my actions [sic]'*
20. When asked why he should be readmitted as a student, Mr Tauckoor states: *'I sincerely believe that I could be given a second chance to complete ACCA exams and be an ACCA member. I apologise sincerely for my actions'*.
21. Mr Tauckoor expresses his attitude towards the removal, stating, *'I have a lot of regret for the act done previously which led to my exclusion. Consequently, I have suffered a lot for more than 5 years. I have a humble request if I could be re-integrated as ACCA student...'* He also submitted *'I have been excluded from ACCA student register as I had submitted a false medical certificate and was charged a fine by the ACCA disciplinary committee which I has settled on 30 June 2023 over more than 4 years agreement for monthly settlement of 50 pound sterling as I did not have a permanent job and source of income was not fixed each month. I will be much obliged if I could be re-integrated as ACCA student and be able to complete the last two optional papers so that I could get a permanent job to be able to sustain in the highly cost living environment.'*
22. In an email dated 6 September 2023 to ACCA Mr Tauckoor stated *"I have not been able to obtain a professional reference letter with Company B as I was*

working on a part time basis and was paid only for the number of days worked. I was not employed and this is the reason that I had to apply for social aid invalid pension. Additionally, I had worked at Company C previously and they are aware of my dismissal from student register. Consequently, my employment contract had been terminated. I have applied for various jobs in the finance sector but upon voluntary disclosure of ACCA removal, I have not been selected for any job. I am hereby apologising for my serious act which led to my removal from ACCA student register. I have learnt a big lesson that we have to be honest in both personal and professional life. The society rely on the work of accountants as there is a major role of integrity and honesty. I do not have a permanent job since my removal from student register. I request the panel to approve my reintegration in ACCA and give me a second chance to continue my career in the finance sector.

23. In an email dated 26 September 2023, Mr Tauckoor also stated *“I hereby also want to make the hearing committee aware that I could have got a job by hiding my removal as ACCA student for presentation of false medical certificate. I have applied for jobs several times and during the interview, I have disclosed on my act and the consequence is published on google upon typing my name. I have tried to get a job by being honest but I need to have ACCA to work in the finance sector. Consequently, I have been doing freelance jobs such as waiter, security officer and painter so that I could get reasonable earnings to pay ACCA 50 pounds sterling each month and home loan. I hereby confirm that I have not been employed since my removal from ACCA student register and this is the reason, I could not provide a professional etiquette letter. I make a humble appeal to members of the panel to consider my request for reintegration as ACCA student and consider myself to follow the code of conduct of ACCA in personal and professional life.”*

24. Mr Tauckoor gave evidence before the Committee. He answered questions about how he had been able to demonstrate his honesty and truthfulness since 2018. He said that he had told his current employers about his past history with ACCA. He answered questions asked of him about his insight and understanding about the importance of honesty and integrity in the

accountancy profession. He explained that he had found it difficult to find employment during that period and he was sorry for his actions.

25. Mr Tauckoor maintained that he had been unwell previously although he did not provide any medical evidence to support this. He stated he had been dishonest because he was under pressure due to long term ill-health which would have resulted in the professional papers he had completed expiring unless he obtained an extension.
26. Mr Tauckoor stated that he had a changed mindset and way of looking at things and he asked the Committee for another chance.
27. Mr Tauckoor was recently employed, on a part time basis, by Company B. Further in his application, Mr Tauckoor states that he also works as a '*causal waiter at entertainment event [sic]*'.
28. On 22 August 2023, Mr Tauckoor provided ACCA with a personal reference from a family relative who is a Police Officer. In their reference, they confirm having knowledge of Mr Tauckoor's removal from ACCA's student register and state that '*Kushal deeply regrets his actions and wants [sic] to get his readmission as ACCA student so that he can complete his ACCA and get a permanent job*'.

ACCA's RESPONSE TO THE APPLICATION

29. ACCA opposed the application, Mr Jowett on behalf of ACCA submitted that insufficient time had elapsed for Mr Tauckoor to be rehabilitated for such a serious case of dishonesty. He submitted that Mr Tauckoor has not demonstrated that he has been sufficiently rehabilitated to no longer be considered a risk to the public and uphold the integrity of the accounting profession if he once again becomes an ACCA student.
30. In written submissions ACCA submitted that Mr Tauckoor fabricated medical evidence in an attempt to mislead ACCA and gain an advantage. The allegations, as proven, against Mr Tauckoor were particularly serious, involving

behaviour that was dishonest, demonstrated a disregard for ACCA's examination process and raises public interest concerns. ACCA submitted that Mr Tauckoor was found to have acted dishonestly. His conduct was intentional and had the potential to cause direct or indirect harm if he had qualified as a student on a false basis. Therefore, a finding of dishonesty, that is directly related to the student's registration, is behaviour that is fundamentally incompatible with being an ACCA member and is capable of undermining the trust the public have in the profession.

31. ACCA drew the Committee's attention to the following authority regarding cases where dishonesty is found proved: *Bolton v Law Society* [1994] 1 WLR 512, 519, where the then Master of the Rolls Sir Thomas Bingham said, "*the reputation of the profession is more important than the fortunes of the member. Membership of a profession brings many benefits, but that is a part of the price*".
32. Further, ACCA relied on the above authority to support its submission that a professional's personal mitigation will count for significantly less in these cases, in contrast to other contexts, because of the imperative need to uphold and maintain public confidence in the profession: "*...On applying for restoration after striking off, all these points may be made, and the former solicitor may also be able to point to real efforts made to re-establish himself and redeem his reputation. All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness. Thus it can never be an objection to an order of suspension in an appropriate case that the solicitor may be unable to re-establish his practice when the period of suspension is past. If that proves, or appears likely to be, so the consequence for the individual and his family may be deeply unfortunate and unintended. But it does not make suspension the wrong order if it is otherwise right. The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is a part of the price.*"

33. ACCA submitted that there is considerable importance in the public knowing that, save for in the most exceptional circumstances, they are dealing with members and potential members of a profession who have never been guilty of any dishonesty at all. Therefore, in cases of behavioural misconduct such as dishonesty, public confidence will be a stronger factor in weighing any decision with regard to readmission. If allowing an individual to return to the register can undermine the public's trust in the profession, readmission is unlikely to meet the overarching objective.
34. ACCA therefore submitted that readmission in these circumstances is not compatible with ACCA's overarching objectives, upholding the reputation and confidence in the profession, and protecting the public.
35. Furthermore, ACCA submitted that in cases where dishonesty is concerned less weight should be given to insight and references. Although Mr Tauckoor had been sanctioned for his misconduct and had demonstrated some insight into the seriousness of this conduct in his reflection on his actions, Mr Tauckoor had demonstrated little evidence of having taken any rehabilitative steps since the disciplinary proceedings and has not provided adequate references in support of his application. In the absence of this information, ACCA submitted that it was unable to make a determination on Mr Tauckoor's suitability or character.
36. Mr Jowett confirmed that Mr Tauckoor did not have any other disciplinary convictions. He also confirmed that Mr Tauckoor had paid all outstanding costs to ACCA.

DECISION ON APPLICATION AND REASONS

37. The key regulations relating to this application are Regulations 9 and 14 of the The Chartered Certified Accountants Membership Regulations 2014 (amended 1 January 2023). Further, Membership Regulation 7 sets of the eligibility requirements for Membership, requiring the applicant to satisfy a Committee as to their general character and suitability. Regulation 9 provides that the

applicant must satisfy the Committee that [he] is eligible in accordance with these regulations to become a registered student.

38. The burden is on Mr Tauckoor to establish that he meets the eligibility requirements for membership which requires an individual to “[satisfy]...the Admissions and Licensing Committee as to his general character and suitability’.
39. The Committee also referred to the Guidance for Admissions and Licensing Committee hearings (published 1 January 2021) and the Guidance for Regulatory Orders (updated February 2013) which advises the Committee to consider the underlying facts and surrounding circumstances of the disciplinary matter found proved which led to his exclusion, changes that have taken place since the misconduct was committed and evidence of Mr Tauckoor’s understanding and appreciation of past failings and any genuine expression of regret. It also guided the Committee to take into account various factors when considering the application and to consider references including professional references.
40. Although, Mr Tauckoor said he had recently been involved in a road accident, in the Committee’s view this was irrelevant to his current application. The Committee noted that Mr Tauckoor had been removed from the student register over five years ago and therefore there had been ample time for him to seek work and provide professional references regarding his honesty and integrity.
41. The Committee noted that Mr Tauckoor had paid all costs that had been due to ACCA as required by the Regulations before making an application for readmission.
42. The Committee took into account all Mr Tauckoor’s oral evidence and his submissions, but it noted that he had only provided one reference from a relative regarding his honesty and character. He had not been able to provide any professional reference from any employer that he had worked for in the last 5 years. It accepted that Mr Tauckoor had found it difficult to gain employment

but the absence of references, or any objective evidence meant that it was harder for him to satisfy the Committee as to his suitability and rehabilitation.

43. The Committee also noted that Mr Tauckoor had last studied the Ethics module in 2016 prior to committing the misconduct. Mr Tauckoor confirmed in evidence that he had not completed any further continuing professional development which could have demonstrated an understanding of the importance of ethics and integrity in the accountancy profession.
44. The Committee questioned Mr Tauckoor regarding his insight and understanding regarding the importance of honesty and integrity for the accountancy profession. It concluded from his evidence that his insight was superficial and that he needed to better understand the effect of his misconduct on the public, public confidence in the profession and in ACCA as a regulator. The Committee was not persuaded that Mr Tauckoor truly appreciated the fact that he had brought the accountancy profession into disrepute by his actions. Furthermore, although he stated that he regretted the effect on his family he did not appear to show genuine remorse and insight into the effect his conduct had had on his sister which had been significant. He simply told the Committee that she also intended to apply for readmission.
45. The Committee decided from Mr Tauckoor's evidence that he had only a basic understanding of the importance of ACCA in protecting the public and upholding standards in the accountancy profession. The Committee was not persuaded that Mr Tauckoor had demonstrated since the misconduct that he would not act similarly again in the future if he was under pressure. Mr Tauckoor explained in his evidence to the Committee, that he had committed the misconduct because he had been very unwell and he was concerned that he would run out of time to complete his ACCA examinations. However, the Committee noted that Mr Tauckoor had still had not provided any medical evidence since the Disciplinary Committee hearing to support the fact that he had been suffering from ill-health prior to the misconduct.
46. The Committee accepted Mr Tauckoor's expression of regret. However, it considered that his regret had focussed on the effect of removal from the

student register on himself and his family and not the wider public or the effect such misconduct would have on public confidence in the accountancy profession or ACCA as a regulator.

47. Overall, having considered all of the above matters, the Committee decided that Mr Tauckoor had not demonstrated that he had rehabilitated himself sufficiently over the past five years regarding his suitability and character for readmission as a student member. The application was therefore refused.

Ms Wendy Yeadon
Chair
27 September 2023