

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Deng Ziqiong

Heard on: Thursday, 11 January 2024

Location: Held remotely by MS Teams

Committee: Mr Andrew Gell (Chair)
Mr Ryan Moore (Accountant)
Ms Samantha Lipkowska (Lay)

Legal Adviser: Ms Helen Gower (Legal Adviser)

**Persons present
and capacity:** Ms Elaine Skittrell (ACCA Case Presenter)
Ms Geraldine Murray (Hearings Officer)

Summary Allegations 1, 2a) proved and those facts amount to
misconduct
Exclusion from membership with immediate effect

Costs: £1,000

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) met to hear allegations against Miss Deng Ziqiong. Miss Ziqiong was not present and was not represented. ACCA was represented by Miss Skittrell. The papers before the Committee

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consisted of a main bundle numbered 1-266, an “additional” bundle numbered 1-63, a service bundle numbered 1-20, and a two-page memorandum and agenda.

PRELIMINARY MATTERS

SERVICE OF PAPERS

2. 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 Ms Skittrell on behalf of ACCA and it also took into account the advice of the Legal Adviser.
3. The service bundle included the Notice of Hearing dated 14 December 2023, thereby satisfying the 28-day notice requirement, which had been sent to Miss Ziqiong’s email address as it appears on the ACCA register. The Notice included correct details about the time, date, and remote venue of the hearing, it also notified Miss Ziqiong of the option to attend the hearing by telephone and to be represented if she wished. Additionally, the Notice provided details about applying for an adjournment and the Committee’s power to proceed in her absence if considered appropriate. A delivery receipt dated 14 December 2023, confirming delivery of the Notice, was also provided.
4. The service bundle also included two telephone attendance notes dated 09 and 10 January 2024 made by ACCA’s Hearing Officer of a call to Miss Ziqiong to discuss her attendance at the hearing. The notes record that the calls appeared to be answered. On each occasion the Hearings Officer identified herself as calling from ACCA, and the line remained silent. There was no response to the Hearings Officer’s request to speak with Miss Ziqiong and no opportunity to leave a message. The Committee also had sight of two email from ACCA’s Hearings Officer to Miss Ziqiong dated 09 and 10 January 2024 referring to the attempted telephone calls and inviting Miss Ziqiong to advise if she would be attending the hearing and whether she would require an interpreter. There was no response from Miss Ziqiong to either e-mail.

5. The Committee, having considered the relevant documents, was satisfied that Notice had been served in compliance with the Regulations.

PROCEEDING IN ABSENCE

6. Having concluded that proper notice had been served in accordance with the Regulations, the Committee went on to consider whether to exercise its discretion to proceed in the absence of Miss Ziqiong. The Committee took into account that Miss Ziqiong had not responded to the Notice of Hearing or to the emails from ACCA's Hearings Officer. It noted Miss Ziqiong's engagement with ACCA and her correspondence in which she consistently stated that she did not intend to attend the hearing.
7. The Committee was of the view that Miss Ziqiong had voluntarily absented herself and that her attendance was unlikely to be secured by an adjournment. The Committee carefully balanced Miss Ziqiong's interests against the wider public interest and concluded that it was in the interests of justice that the matter proceed expeditiously notwithstanding the absence of Miss Ziqiong.

AMENDMENT OF THE ALLEGATION

8. Ms Skittrell made an application to make an amendment to the allegation to clarify that allegation 2(b) was an alternative to allegation 2(a). She submitted that this amendment did not prejudice Miss Ziqiong because it was consistent with ACCA's correspondence, advising Miss Ziqiong of the three alternatives of dishonesty, lack of integrity or recklessness.
9. The Committee took into account the advice of the Legal Adviser who referred to the Committee's power to make amendments to the allegation under Regulation 10(5) of the Regulations. The Committee considered that the omission of the word "or" was a typographical error and was satisfied that the proposed amendment did not prejudice Miss Ziqiong and was appropriate.

ALLEGATIONS (as amended)

Deng Ziqiong ('Miss Ziqiong'), at all material times an ACCA trainee,

1. Applied for membership to ACCA on or about 23 December 2019 and in doing so purported to confirm in relation to her ACCA Practical Experience record her Practical Experience Supervisor in respect of her practical experience training in the period from 15 July 2012 to 17 December 2019 was Person 'A' when Person 'A' did not supervise that practical experience training in accordance with ACCA's requirement as published from time to time by ACCA or at all.
2. Miss Ziqiong's conduct in respect of the matters described in Allegation 1 above:-
 - a) Was dishonest, in that Miss Ziqiong sought to confirm her Practical Experience Supervisor did supervise her practical experience training in accordance with ACCA's requirements or otherwise and/or her Supervisor had personally verified the achievements of the performance objectives claimed and/or that they had been achieved in the manner claimed either or both of which she which she knew to be untrue; or
 - b) Demonstrates a failure to act with integrity.
3. In the further alternative to Allegations 2a) and 2b) above, such conduct was reckless in that Miss Ziqiong 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.

4. By reason of her conduct, Miss Ziqiong is guilty of misconduct pursuant to ACCA byelaw 8(a)(i) in respect of any or all of the matters set out at 1 to 3 above.

BRIEF BACKGROUND

10. Miss Ziqiong was admitted as an affiliate member of ACCA on 15 July 2019. She was admitted as a full member on 27 December 2019 following an application for membership submitted on or about 23 December 2019.
11. Part of the requirement of becoming an ACCA member, in addition to passing the relevant exams, is the completion of practical experience. ACCA's practical experience requirement ('PER') is a key component of the ACCA qualification.
12. ACCA's PER is designed to develop the skills needed to become a professionally qualified accountant. There are two components to the PER:
 - Completion of nine performance objectives ('POs'). Each PO includes a statement of 200 to 500 words, in which the student explains how they have achieved the objective. They should, therefore, be unique to that student. The PO must be signed off by a practical experience supervisor ('PES'), who must be a qualified accountant recognised by law in the relevant country and/or a member of an IFAC body. They must have knowledge of the student's work in order to act as a PES. The PES is typically the student's line manager, though if their line manager is not suitably qualified, they can nominate an external supervisor provided the external supervisor has sufficient connection with the trainee's place of work.
 - Completion of 36 months practical experience in accounting or finance related roles, verified by a PES. The period of practical experience may be verified by a non-IFAC qualified line manager.
13. Those undertaking the PER are known as trainees. The trainee's progress towards the PER is recorded online in their PER Training Record. The Training

Record is completed using an online tool called 'MyExperience' which is accessed via the student's MyACCA portal.

14. In support of her application for membership, Miss Ziqiong submitted a PER Training Record. She claimed she had achieved her practical experience by working for Company B. She stated that she had worked for Company B as an Individual Account Manager from 15 July 2012. No end date is recorded, indicating that she remained employed until the date she submitted her PER Training Record. Miss Ziqiong indicated that she had practical experience of 89 months with Company B. In relation to this role, her PER training record named a single supervisor, Person H, who is recorded as authorised to approve Miss Ziqiong's experience/time claim only. Person H is recorded as a 'non-IFAC qualified line manager'.
15. Miss Ziqiong's training record referred to Person A as her 'IFAC qualified external supervisor'. On 17 December 2019, Person A approved all nine of Miss Ziqiong's POs.
16. During 2021, it came to the attention of ACCA's Professional Development team that between December 2019 and January 2021, around 100 ACCA trainees had submitted PER Training Records in which they claimed their POs had been approved by Person A. ACCA's case, supported by evidence from Person C, Manager of ACCA's Professional Development Team, was that it would not be expected that a PES had more than two to three trainees at any one time.
17. A review was carried out by ACCA's Professional Development Team. It noted that a number of POs submitted by the trainees Person A had allegedly supervised were identical or strikingly similar to each other. In relation to Miss Ziqiong, the review showed her PO statements were first in time. ACCA therefore accepts that in the absence of any other evidence, the PO statements were written by Miss Ziqiong and based on her experience.
18. Person A, who is a member of the Chinese Institute of Certified Public Accountants (CICPA), an IFAC registered body, was contacted by ACCA. They

provided witness evidence stating they had only supervised one ACCA trainee who was not one of the 100 trainees referred to above.

19. The matter was referred to ACCA's Investigations Team. A member of that team sent an email to Miss Ziqiong's registered email address on 25 August 2022. Attached to the email was a letter which set out the complaint and requested that Miss Ziqiong respond to a number of questions.
20. In an email dated 04 September 2022, Miss Ziqiong provided a response which included the following:

"After having passed the APM exams in December 2019, I needed an external supervisor in order to apply for the ACCA membership. I was aware that the supervisor had to be an associated employee with an ACCA or CICPA membership. However, there was no one qualified at the bank I worked. In fact, I was the only one in [Company B] who ever took the APM exams at that time. I consulted the ACCA center in China who suggested that I could expand my search for a supervisor to include members in other cities who may have work relationships with my bank. With their help, I tried to reach ACCA members from the Industrial and Commercial Bank of China in Beijing, Shanghai, and many other cities. The search was futile, as many of them were not qualified or refused to supervise. I used to work in a grassroots branch for many years and my leader didn't even know English.

At that time, I was truly desperate and upset. I shared my struggle on an online forum for ACCA students, where I met [Person A] two years before. We were both preparing for the tests and would sometimes share our study experiences. [Person A] learned about my situation and told me that [they] had been qualified as an ACCA member who could act as an external supervisor. Since I could not find a supervisor even after contacting the Chinese office of ACCA, [Person A] offered to take up the position. [Person A] told me that [they] had consulted other ACCA members who agreed that it would be fine to have [Person A] supervise me remotely. After some discussion, I began to think that this idea was likely and eventually registered [Person A] as my PER supervisor.

I should also mention that there was no financial transaction between us at all. Person A said [they] wanted to help as a friend and as a professional. This generous gesture further convinced me that [Person A]'s motive was rightful and that my choice was reasonable.

Person A claimed that [they were] an accountant employed by companies in Wuhan. [They] had work relationships with employees in the basic network of Chinese commercial banks, including my employer [Company B].

After registering [Person A] as my PER supervisor, we began to prepare for the POs. I took this very seriously and wanted to do well. [Person A] offered that [they] could examine my work quality remotely by conducting interviews. I sent [them] all of my work documents, summarized my work experience into paragraphs, and answered a series of questions [they] prepared for me to showcase my work quality and ability. I was genuinely devoted to this process and believed that we were following the procedures stated by the ACCA guideline.

...

[Person A] addressed [themselves] as "dude" and the Wechat ID is also set to be male. I always assumed that was a guy and I addressed [Person A] in this manner, which [Person A] never objected. In other words, I am not even sure if [Person A] who signed the witness statement is the same person who was my PER supervisor. I always thought it was a boy's name. Throughout this response I have been referring to [Person A] as one person, but there is a chance there are more than one. It is my own suspicion, but I cannot verify it without proof.

On the other hand, I never intended to deceive the organization and believed at the time that [Person A] carried out the duty as my supervisor.... (sic)

21. Miss Ziqiong has continued to engage with ACCA. In response to the allegation, she admitted that her conduct was reckless, but denied that it was dishonest or a lack of integrity. In relation to dishonesty Miss Ziqiong stated as follows:

“I have denied being dishonest because I sincerely believe that I was partly tricked and partly just unaware of the rightful procedure for completing the application module. I admit that I was very reckless and following [Person A]’s instructions blindly, hoping that [they] would guide me through everything. However, it was not a collaborated effort between us. I merely misplaced my trust because I as so desperate after a 6-month fruitless search for a mentor and [Person A] promised that [they] would serve the role with the right knowledge and qualification. I did not actively try to cheat and I still treated my application very seriously by writing the material on my own, though I have found out that [Person A] stole the essays from me and used it for the other students.” (sic)

DECISION ON FACTS AND REASONS

22. The Committee considered the documents before it, the submissions of Ms Skittrell on behalf of ACCA and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities.

Allegation 1a

23. The Committee noted that Miss Ziqiong admitted allegation 1(a).
24. The Committee also reviewed Miss Ziqiong’s PER Training Record. It was clear that Miss Ziqiong had named Person A as her PES in respect of her practical experience training. The Committee accepted the evidence of Person A contained in their witness statements dated 18 October 2022 and 12 September 2023. They stated that they had only acted as PES for one trainee, Mr D. The Committee also noted that the email address given for Person A in Miss Ziqiong’s Training Record was not in fact Person A’s email address.
25. In her correspondence with ACCA, Miss Ziqiong suggests that there may have been another individual who claimed to be Person A and that she may not in fact have been supervised by Person A.

26. In the circumstances, the Committee was satisfied that Miss Ziqiong had no relationship at the relevant time with Person A and that she had not supervised Miss Ziqiong's practical experience training in accordance with ACCA's requirements.
27. Further, Miss Ziqiong had not been supervised by any individual in accordance with ACCA's training requirements. ACCA's guidance requires that the supervisor was someone with whom Miss Ziqiong worked closely, knew the type of work she was undertaking and knew the quality of her work. The supervisor would work with Miss Ziqiong's line manager to confirm the completion of the objectives. Miss Ziqiong could not be supervised by an external supervisor who had no connection with her place of work and had not liaised with her manager about her work.
28. The Committee therefore found Allegation 1a) proved.

Allegation 2a

29. The Committee considered whether Miss Ziqiong acted dishonestly in light of the test for dishonesty, as set out in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.
30. The Committee was satisfied that Miss Ziqiong must have known what ACCA's training requirements are. They are widely published and are available in her native tongue of Mandarin. The guidance was also provided to Miss Ziqiong on 16 December 2019 when she initially submitted her application for membership without providing confirmation that her performance objectives had been completed.
31. The Committee had regard to Miss Ziqiong's written responses to ACCA. In those responses she suggests that she acted out of desperation and wrongly placed her trust in a person who claimed to be Person A. The Committee was satisfied that Miss Ziqiong knew that the individual who confirmed her performance objectives did not have a connection with her employer or the work she had completed and had no connection with her line manager. She knew that she had not been supervised as required in ACCA's guidance. The

Committee was unable to accept that some of Miss Ziqiong's assertions were credible, given the absence of any supporting evidence, and the circumstances in which all the required performance objectives were approved by the purported supervisor on the same day. The Committee did not accept that it was credible that Miss Ziqiong was deceived in the way she described.

32. The Committee was satisfied that Miss Ziqiong's knew that she had not been supervised in accordance with ACCA's requirements, and therefore claiming that she had was untrue. The Committee inferred that Miss Ziqiong's actions were intended to deceive ACCA into believing that she had been appropriately supervised. There is no doubt that this would be regarded as dishonest by ordinary and honest people.
33. The Committee therefore found Allegation 2(a), on the balance of probabilities, proved.
34. Having found Allegations 2(a) proved it was not necessary for the Committee to consider Allegations 2(c) or 3(a), (b), which were alleged in the alternative.

Allegation 4

35. Having found the facts proved in Allegations 1(a) and 2(a), the Committee then considered whether they amounted to misconduct. The Committee considered that Miss Ziqiong had sought the assistance of a third party to act as her PES, knowing that this was bypassing ACCA's requirements for supervision. This dishonest behaviour demonstrated a complete disregard for ACCA's membership process and allowed Miss Ziqiong to become a member of ACCA when she was 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 Ziqiong, the profession and ACCA. The Committee considered this behaviour to be very serious and the Committee was in no doubt that it amounted to misconduct.
36. The Committee therefore found that the matters set out in 1(a), and 2(a) amounted to misconduct.

SANCTION AND REASONS

37. In reaching its decision on sanction, the Committee took into account the submissions made by Ms Skittrell. 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 Ziqiong, 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.
38. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features in this case.
39. The Committee considered the misconduct involved the following aggravating features:
- A pre-meditated, deliberate, repeated, dishonest act for personal benefit at the expense of the public and the profession;
 - Undermining the integrity, and thereby undermining public confidence in ACCA's membership process;
 - No evidence of insight or remediation.
40. The Committee considered the misconduct involving the following mitigating features:
- The absence of any previous disciplinary history with ACCA;
 - Limited admissions.
41. 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.
42. The Committee then considered whether to reprimand Miss Ziqiong. 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 Ziqiong's misconduct to be of a minor nature and she had shown no insight into her dishonest behaviour. ACCA's Guidance indicates that dishonest behaviour is considered to be very serious. The Committee concluded that a reprimand would not adequately reflect the seriousness of the misconduct in this case.

43. The Committee then considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that a severe reprimand 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 that none of these criteria were met and that a severe reprimand would not adequately reflect the seriousness of Miss Ziqiong's behaviour.
44. The Committee considered the ACCA guidance on the approach to be taken in cases of dishonesty which is said to be regarded as a particularly serious matter because it undermines trust and confidence in the profession. 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.
45. The Committee considered that Miss Ziqiong's behaviour involved a number of features referenced in ACCA's guidance in relation to exclusion. In particular, the conduct involved dishonesty, an adverse impact on the public, conduct over a period of time, and a serious departure from professional standards. The Committee also considered that there was nothing exceptional in Miss Ziqiong's case that would allow it to consider a lesser sanction than exclusion from membership. Miss Ziqiong's dishonesty, coupled with the absence of any evidence demonstrating Miss Ziqiong's understanding of the seriousness of her behaviour and any steps taken to remediate her conduct are fundamentally

incompatible with her continued membership. The Committee concluded that the only appropriate and proportionate sanction was exclusion.

COSTS AND REASONS

46. ACCA applied for costs in the sum of £5,717.75. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing. A simplified breakdown was also provided.
47. The Committee was provided with information about Miss Ziqiong's financial circumstances and supporting documents. On the information provided, she has limited means.
48. The Committee was satisfied that ACCA was entitled to claim its costs. The Committee carefully considered the information provided by Miss Ziqiong about her limited means. It had regard to the important principle that in disciplinary proceedings the majority of 'members' should not subsidise the minority who find themselves within the disciplinary process. Nevertheless, in this case, the Committee considered that it was appropriate to order that Miss Ziqiong should pay costs of £1,000. It considered that this order was appropriate because a higher award of costs would cause severe financial hardship to Miss Ziqiong.
49. The Committee therefore ordered Miss Ziqiong to pay ACCA's costs in the sum of £1,000.

EFFECTIVE DATE OF THE ORDER

50. The Committee determined that it would be in the public interest for the order to take immediate effect in light of the fact Miss Ziqiong is potentially able to practise as an ACCA qualified accountant having gained that qualification dishonestly. Therefore, pursuant to Regulation 20(1)(b) the order removing Miss Ziqiong from membership will take effect immediately.

Mr Andrew Gell
Chair
11 January 2024