

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Yinjing Liu

Heard on: Wednesday, 17 January 2024

Location: Held remotely, via MS Teams

Committee: Mr Maurice Cohen (Chair)
Ms Fiona MacNamara (Accountant)
Mr Colin Childs (Lay)

Legal Adviser: Ms Jane Kilgannon

**Persons present
and Capacity:** Mr Adam Slack (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Exclusion from membership.

Costs: £5,000

1. The Disciplinary Committee (the Committee) convened to consider the case of Miss Yinjing Liu (Miss Liu).
2. Mr Adam Slack (Mr Slack) represented the Association of Chartered Certified Accountants (ACCA). Miss Liu did not attend and was not represented.

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3. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
4. In accordance with Regulation 11(1)(a) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
5. The hearing was conducted remotely through Microsoft Teams.
6. The Committee had considered in advance the following documents:
 - a. Hearing bundle (pages 1 to 244);
 - b. 'Mini' bundle (of Performance Objectives relating to the complaint against Miss Liu) (pages 1 to 146);
 - c. Additional bundle (pages 1 to 57); and
 - d. Service bundle (pages 1 to 23).

SERVICE OF PAPERS

7. The Committee considered whether the appropriate documents had been served on Miss Liu in accordance with the Regulations.
8. The Committee accepted the advice of the Legal Adviser, who referred it to Regulations 10 and 22 of the Regulations, and in particular the requirement that notice of the hearing must be served no later than 28 days before the date of the hearing unless there are exceptional circumstances.
9. The Committee noted the written notice of the hearing scheduled for today, 17 January 2024, that had been sent by electronic mail (email) to Miss Liu's registered email address on 20 December 2023. It also noted the subsequent emails sent to her with the necessary link and password to enable her to gain access to the letter and the documents relating to this hearing.
10. As the notice of hearing was sent by email, the Committee noted that service may be proved by confirmation of delivery of the notice, which had been

provided to the Committee, and that the notice would be deemed as having been served on the day that it was sent, that is, 20 December 2023. On the basis of that documentation, the Committee was satisfied that the notice of hearing had been served on Miss Liu on 20 December 2023, 28 days before the date of today's hearing.

11. The Committee noted the contents of the notice of hearing and was satisfied that it contained all of the information required by Regulation 10 of the Regulations.
12. The Committee concluded that service of the notice of hearing had been effected in accordance with Regulations 10 and 22 of the Regulations.

PROCEEDING IN ABSENCE

13. Mr Slack made an application that the hearing proceed in the absence of Miss Liu.
14. The Committee, having satisfied itself that the requirements of Regulations 10 and 22 of the Regulations had been complied with, went on to consider whether to proceed in the absence of Miss Liu.
15. The Committee took into account the submissions of Mr Slack. The Committee accepted and took into account the advice of the Legal Adviser, who referred it to Regulation 10(7) of the Regulations, the ACCA document 'Guidance for Disciplinary Committee hearings' and the relevant principles from the cases of *R v Jones* [2002] UKHL 5, and *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162.
16. The Committee bore in mind that its discretion to proceed in the absence of Miss Liu must be exercised with the utmost care and caution.
17. The Committee noted that ACCA had sent a notice of hearing and further correspondence to Miss Liu at her registered email address. It also noted that ACCA had contacted Miss Liu by telephone on 31 March 2023 and re-sent to

Miss Liu the details of the hearing by email, following which Miss Liu had returned a completed and signed Case Management Form dated 03 April 2023. The Committee noted that Miss Liu had indicated in that form that she did not intend to attend the hearing or be represented at the hearing, and that she was content for the hearing to proceed in her absence. The Committee noted that, following further email correspondence, Miss Liu had explained the reason for her declining to attend the hearing was as follows: *“I thought it was a waste of my time to attend the Committee, so I decided not to attend”*.

18. The Committee noted that, more recently, ACCA had made attempts to contact Miss Liu by telephone (and followed up on each occasion with email correspondence) – on 09 January 2024, 15 January 2024 and 16 January 2024. On the first two occasions, there was no answer. On the third occasion, there was a response but it was not in English and so could not be understood by the ACCA staff member making the call.
19. On the basis of the evidence set out above, the Committee was satisfied that ACCA had made reasonable efforts to notify Miss Liu about today’s hearing and that Miss Liu knew about the hearing. The Committee noted that Miss Liu had indicated that she did not wish to attend or be represented at the hearing, was content for the hearing to proceed in her absence, had not applied for an adjournment of the hearing and there was no indication that such an adjournment would secure her attendance on another date. Furthermore, there was no evidence that Miss Liu was absent due to incapacity or illness, rather she had been explicit that she had simply decided not to attend. The Committee therefore concluded that Miss Liu had voluntarily absented herself from the hearing.
20. The Committee considered that any disadvantage to Miss Liu in not being present to provide her account of the relevant events could be addressed by the Committee’s thorough assessment of the evidence presented by ACCA and the opportunity for Committee questions to test the evidence presented by ACCA.

21. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously.
22. Having balanced the public interest with Miss Liu's own interests, the Committee decided that it was fair, appropriate and in the interests of justice to proceed in Miss Liu's absence.

ALLEGATIONS

Schedule of Allegations

Miss Yinjing Liu (Miss Liu), at all material times an ACCA trainee,

1. Applied for membership to ACCA on or about 28 October 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 18 October 2017 to 30 October 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:
 - 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 11: Identify and manage financial risk
 - Performance Objective 18: Prepare for and plan the audit and assurance process

- Performance Objective 19: Collect and evaluate evidence for an audit or assurance engagement
- Performance Objective 20: Review and report on the findings of an audit or assurance engagement

2. Miss Liu's conduct in respect of the matters described in Allegation 1 above was:
 - a. In respect of Allegation 1a), dishonest, in that Miss Liu 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 Liu 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 Liu 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 Liu is
 - a. Guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all of 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 bye-law 8(a)(iii).

BRIEF BACKGROUND

23. Upon an ACCA student completing all of their ACCA exams, they become an ACCA affiliate (also known as an ACCA trainee). 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.

24. The practical experience involves the completion of nine performance objectives (POs) under the supervision of a qualified accountant, which are recorded in a Practical Experience Requirement (PER) training record. In addition to approval of their POs, a trainee must ensure that 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 accountant supervisor. This means that the same person can and often does approve both the trainee's time and achievement of POs.

25. If the trainee's line manager is not a qualified accountant, 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.
26. 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 of ACCA.
27. Miss Liu registered as an ACCA student member on 01 July 2014. She completed all of her ACCA exams and, on 16 October 2017, became an ACCA trainee. Following submission of a PER training record, Miss Liu became an ACCA member on 31 October 2020.
28. In 2021 the ACCA Professional Development team became aware that 100 ACCA trainees had claimed in their completed PER training records that their POs had been approved by a particular supervisor, Person A. Miss Liu was among the 100. A review of the records followed which indicated that PO statements appeared to have been copied amongst a large number of the 100 ACCA trainees.
29. When contacted by ACCA, Person A denied having supervised any of those 100 trainees but stated that they had supervised another ACCA trainee in relation to one of their nine POs. They explained that they had provided that ACCA trainee with a copy of their professional body (Chinese Institute of Certified Public Accountants) registration card. As a result, those trainees (including Miss Liu) were referred to ACCA's Investigation team.
30. Miss Liu's PER training record included the following:
 - a. Employment by Firm A as an Audit Assistant from 18 October 2017 to no specified date (but at least until 02 October 2020 when her time and experience was approved), gaining 45 months of relevant practical experience;

- b. Person A approving all nine of Miss Liu's PO statements on 30 October 2020; and
 - c. Person B approving Miss Liu's period of employment at Firm A.
31. In respect of Miss Liu's nine PO statements, ACCA's analysis indicated that the content of all nine of the PO statements was identical or significantly similar to the POs contained in the PER training records of many other ACCA trainees who claimed to have been supervised by Person A. In addition, none of Miss Liu's PO statements was the first in time of the similar PO statements received by ACCA.
32. Following the referral of this matter to the ACCA Investigation team, a letter was sent to Miss Liu by email on 12 August 2022 asking Miss Liu to respond to a number of questions related to the concern about her PER training record by 26 August 2022. No response was received and so follow up letters were sent by email on 30 August 2022 and 14 September 2022. No response was received.

DECISION ON FACTS AND REASONS

33. The Committee considered with care all of the evidence presented and the submissions made by Mr Slack. It also took into account the written representations of Miss Liu contained within her completed Case Management Form.
34. 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

35. The Committee noted that ACCA had received Miss Liu's PER training record on 28 October 2020, submitted to ACCA as part of her application for ACCA membership. It included a claim of 45 months of practical experience training

and nine POs supervised by Person A. Further, the Committee noted the ACCA record that included the listing of Person A as Miss Liu's qualified external supervisor for her period of employment at Firm A.

36. The Committee noted the two witness statements provided by Person A in which they asserted that they had supervised the practical experience training of one person only, and that was not Miss Liu. It accepted Person A's account as credible on the basis that: it had been provided as two formal witness statements; it included details of Person A's membership of a professional body recognised by ACCA; its content did not include any obvious discrepancies or inconsistencies with other verifiable evidence in the case; and it had not been challenged by Miss Liu. The Committee noted that Person A had offered to attend the hearing to provide their evidence in person.
37. The Committee noted that Miss Liu had completed and signed a Case Management Form, dated 03 April 2023, indicating that she denied Allegation 1(a) and/or 1(b) on the following basis: "*During the period from October 2017 to December 2020, I worked at [Firm A], where I was promoted from an audit assistant to an audit assistant manager. During an annual report audit, I discovered fraudulent behaviour and immediately reported it to my superiors. As a result, we issued an audit report with a disclaimer of opinion for this client. I am confident that my work and actions were aligned with the values promoted by the ACCA. I requested my supervisor to approve my records, I am unaware of how they approved my records, and I don't know why someone else approved my records. I have learned a lot of knowledge during my study process with ACCA, which has enabled me to apply it in my work. Regardless of the final outcome, I will continue to apply this knowledge. If the result is unfair, I would feel ashamed to be an ACCA member*". The Committee considered that this representation from Miss Liu amounted to an acknowledgement that Person A had not supervised her practical experience training because she had said that she did not know why someone other than her supervisor had approved her records.
38. Taking all of the evidence into account, the Committee was satisfied on the balance of probabilities that Miss Liu had purported to confirm that Person A

had supervised her practical experience training in line with ACCA's requirements when, in fact, Person A had not supervised her practical experience training. In coming to that conclusion, it took particular account of Person A's credible assertion that they were not Miss Liu's Practical Experience Supervisor, and Miss Liu's apparent acknowledgement of that position in her completed Case Management Form.

39. Accordingly, Allegation 1(a) was found proved.

Allegation 1(b) – Proved

40. The Committee noted the advice set out for ACCA trainees in the ACCA guidance document 'PER – Practical experience requirements'. In particular, the Committee noted the statement at page 10 of that document "*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*" (page 199 of the Hearing bundle).
41. The Committee was provided with evidence which showed that Miss Liu was amongst 100 individuals who had named Person A as their practical experience supervisor. It was also provided with analysis by ACCA showing that all nine of Miss Liu's PO statements were the same or significantly similar to the POs of a number of other of those other 99 individuals. The Committee reviewed Miss Liu's PO statements and those of the other ACCA trainees and found all nine of Miss Liu's PO statements to be the same or significantly similar to the PO statements of a number of other of those other 99 ACCA trainees. It also noted that none of Miss Liu's PO statements was 'first in time'.
42. In those circumstances, the Committee considered it to be inherently unlikely that the PO statements submitted by Miss Liu were genuine and her own, as is required. In the absence of any alternative explanation from Miss Liu, the Committee found, on the balance of probabilities, that the most likely explanation for the similarity between Miss Liu's PO statements and those of the other ACCA trainees, was that Miss Liu had copied her PO statements from

those used in the PER training record of others or had drawn them from a shared pool of sample PO statements. On that basis, all nine PO statements provided by Miss Liu were not true.

43. The Committee considered whether Miss Liu would have been aware that she was required to submit her own objectives and could not use those of others, even as templates or precedents. Copies of the documents that would have been available to Miss Liu prior to submission of her PER training record were reviewed. These documents included the 'PER – Practical experience requirements', referenced above. Having reviewed those documents, the Committee was satisfied that it would have been clear to Miss Liu, if she had read those guidance documents, that the PO statements provided must be her own.
44. The Committee noted that it was reasonable for ACCA to have expected Miss Liu to be able to understand the guidance provided in the English language, given that ACCA examinations taken by ACCA trainees are in English. However, the Committee noted that a number of pieces of relevant ACCA guidance on the PER had also been provided in Mandarin, providing additional assistance to ACCA trainees who were Mandarin speakers. Therefore, there would have been no reason for Miss Liu to be under any misapprehension that she was permitted to copy or borrow from the PO statements of other ACCA trainees when submitting her own PO statements.
45. The Committee noted that Miss Liu had completed and signed a Case Management Form, dated 03 April 2023, indicating that she denied Allegation 1(a) and/or 1(b) on the following basis: *"During the period from October 2017 to December 2020, I worked at [Firm A], where I was promoted from an audit assistant to an audit assistant manager. During an annual report audit, I discovered fraudulent behaviour and immediately reported it to my superiors. As a result, we issued an audit report with a disclaimer of opinion for this client. I am confident that my work and actions were aligned with the values promoted by the ACCA. I requested my supervisor to approve my records, I am unaware of how they approved my records, and I don't know why someone else approved my records. I have learned a lot of knowledge during my study*

process with ACCA, which has enabled me to apply it in my work. Regardless of the final outcome, I will continue to apply this knowledge. If the result is unfair, I would feel ashamed to be an ACCA member”.

46. Taking all of the evidence into account, the Committee found that it was more likely than not that Miss Liu had purported to confirm that she had achieved the POs set out at Allegation 1(b) when, in fact, she had not achieved them. In coming to that conclusion, the Committee took particular account of Person A’s credible assertion that they were not Miss Liu’s Practical Experience Supervisor and the clear similarities between Miss Liu’s PO statements and those of the other 99 ACCA trainees.
47. Accordingly, Allegation 1(b) was found proved.

Allegation 2(a) – Proved

48. The Committee considered whether Miss Liu had acted dishonestly when confirming Person A as the supervisor of her PO statements in her PER training record.
49. The Committee noted that Miss Liu had completed and signed a Case Management Form, dated 03 April 2023, indicating that she denied Allegation 2(a), 2(b) and 2(c) on the following basis: *“During the period from October 2017 to December 2020, I worked at [Firm A], where I was promoted from an audit assistant to an audit assistant manager. During an annual report audit, I discovered fraudulent behaviour and immediately reported it to my superiors. As a result, we issued an audit report with a disclaimer of opinion for this client. I am confident that my work and actions were aligned with the values promoted by the ACCA. I requested my supervisor to approve my records, I am unaware of how they approved my records, and I don’t know why someone else approved my records. I have learned a lot of knowledge during my study process with ACCA, which has enabled me to apply it in my work. Regardless of the final outcome, I will continue to apply this knowledge. If the result is unfair, I would feel ashamed to be an ACCA member”.*

50. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Liu's subjective state of mind was at the relevant time. The Committee considered that Miss Liu's assertion that she does not know why someone other than her "supervisor" approved her records was improbable because it would have been Miss Liu that submitted the relevant documentation to ACCA and she would have been the person in control of her own ACCA account. As such, Miss Liu would have known that the documentation listed Person A as her Practical Experience Supervisor. Furthermore, the Committee considered that, at the time that Miss Liu submitted her PER training record, she would have been fully aware that Person A had not supervised her practical experience training (and she appeared to have conceded this in her completed Case Management Form). Therefore, when Miss Liu submitted her PER training record, Miss Liu would have been aware that the training record contained false information and that the false information could mislead ACCA into believing that Person A had supervised her practical experience training, when they had not. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Liu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of their conduct, in particular in the course of their professional communications. For that reason, the Committee found that Miss Liu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.
51. Accordingly, Allegation 2(a) was found proved.

Allegation 2(b) – Proved

52. The Committee considered whether Miss Liu had acted dishonestly when confirming the PO statements in her PER training record.
53. The Committee noted that Miss Liu had completed and signed a Case Management Form, dated 03 April 2023, indicating that she denied Allegation 2(a), 2(b) and 2(c) on the following basis: "*During the period from October 2017 to December 2020, I worked at [Firm A], where I was promoted from an audit*

assistant to an audit assistant manager. During an annual report audit, I discovered fraudulent behaviour and immediately reported it to my superiors. As a result, we issued an audit report with a disclaimer of opinion for this client. I am confident that my work and actions were aligned with the values promoted by the ACCA. I requested my supervisor to approve my records, I am unaware of how they approved my records, and I don't know why someone else approved my records. I have learned a lot of knowledge during my study process with ACCA, which has enabled me to apply it in my work. Regardless of the final outcome, I will continue to apply this knowledge. If the result is unfair, I would feel ashamed to be an ACCA member".

54. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Liu's subjective state of mind was at the relevant time. The Committee considered that Miss Liu's assertion that she was unaware "how" her records were approved was improbable because it would have been Miss Liu that submitted the relevant documentation to ACCA and she would have been the person in control of her own ACCA account. As such, Miss Liu would have known which PO statements were included and which supervisor was listed to approve them. Furthermore, the Committee considered that, at the time that Miss Liu submitted her PER training record, she would have been fully aware of whether the PO statements listed on the ACCA documentation were a true reflection of her unique training experience or not. The Committee considered that, at the time that Miss Liu submitted her PER training record, she would have been aware that she had not achieved the PO statements as set out in the record. Therefore, when she submitted her PER training record, Miss Liu would have been aware that the training record contained false information and that the false information could mislead ACCA into believing that she had achieved the PO statements set out in the training record, when she had not. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Liu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of their conduct, in particular in the course of their professional communications. For

that reason, the Committee found that Miss Liu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.

55. Accordingly, Allegation 2(b) was found proved.
56. Given the Committee's findings in relation to Allegations 2(a) and 2(b), it was not necessary for it to consider the matters alleged in the alternative, namely Allegations 2(c), 3(a), 3(b) and 3(c).

Allegations 4(a), 4(b) and 4(c) – Proved

57. Copies of the letters sent by email to Miss Liu following the referral of the matter to ACCA's Investigation team were provided. The first letter dated 12 August 2022 set out the nature of the complaint and requested that Miss Liu respond to a series of questions by 26 August 2022. Reference is made in the letter to the part of the Regulations that require ACCA members to cooperate fully with ACCA investigations.
58. ACCA's records show that the letters were sent to the email address that Miss Liu had provided to ACCA.
59. The Committee noted that some of the emails sent to Miss Liu had been encrypted, requiring a password to open them. However, the Committee considered that it would be reasonable to expect an ACCA member receiving correspondence from ACCA and having any difficulty opening it, to contact ACCA and ask for assistance. The Committee noted that no such communication had been received by ACCA from Miss Liu.
60. The Committee noted that ACCA had called Miss Liu on the telephone on 31 March 2023. The file note completed by the staff member who had spoken to Miss Liu recorded that Miss Liu had confirmed her email address as that held on file as Miss Liu's registered email address. It also recorded that Miss Liu stated that she knew nothing about an investigation into her conduct, and therefore the ACCA staff member offered to re-send the investigation correspondence to Miss Liu immediately (which they did).

61. The Committee noted that Miss Liu had completed and signed a Case Management Form, dated 03 April 2023, indicating that she denied Allegation 4 on the following basis: *“ACCA often sends me emails, which usually serve as reminders for me to complete my CPD or as promotions for some events. If there is important information that needs to be communicated, why can’t ACCA use phone calls instead of emails, which can easily go unnoticed? I had no idea that ACCA had attempted to communicate with me in any way prior to receiving a phone call on March 31st, 2023”*. The Committee considered that this statement from Miss Liu appeared to indicate that she acknowledged that she may well have received the letters (sent by email) in question but had deliberately failed to read them on the basis of an assumption that they were unimportant unless followed up with a telephone call from ACCA.
62. The Committee noted that Miss Liu was under a duty to cooperate fully with the ACCA investigation into her conduct and found that, by not responding to the letters sent to her in any way, she had failed to discharge that duty. The Committee noted Miss Liu’s assertion that she had not been aware of the correspondence from ACCA or, if she had been aware of it, she had not read it. However, it considered that this was not a reasonable excuse for Miss Liu’s lack of knowledge of the content of the ACCA correspondence and her failure to respond as required. As a Member of ACCA, it was Miss Liu’s responsibility to read any correspondence sent to her by her regulator and to respond to any questions posed. In not doing so, she had deliberately ignored communications that were important and that required a response.
63. Accordingly, Allegations 4(a), 4(b) and 4(c) were found proved.

Allegation 5(a) – Proved

64. The Committee found that, in dishonestly submitting false information to ACCA in her PER training record, Miss Liu’s conduct had fallen far short of what would be expected of an ACCA member and was serious enough to amount to misconduct. Miss Liu’s dishonest behaviour enabled her to obtain ACCA membership without completing the requisite practical experience. As such, the

conduct had put members of the public and clients at risk of harm and had the potential to undermine public confidence in ACCA qualifications and membership, and to bring the profession into disrepute.

65. The Committee found that, in failing to fully co-operate with ACCA's investigation into her conduct, Miss Liu's conduct had fallen far short of what would be expected of an ACCA member and was serious enough to amount to misconduct. Miss Liu's failure had the potential to undermine ACCA's ability to function effectively as a regulator and therefore risked bringing both ACCA and the profession into disrepute.
66. Accordingly, Allegation 5(a) was found proved in respect of Allegations 1(a), 1(b), 2(a), 2(b), 4(a), 4(b) and 4(c).
67. Given the Committee's finding in relation to Allegation 5(a), it was not necessary for it to consider the matter alleged in the alternative, namely Allegation 5(b).

SANCTION AND REASONS

68. In reaching its decision on sanction, the Committee took into account the submissions made by Mr Slack on behalf of ACCA. The Committee also referred to the ACCA document 'Guidance for Disciplinary Sanctions'. The Committee accepted the advice of the Legal Adviser including the following principles:
 - a. The purpose of a sanction is not to punish, but to protect the public, maintain public confidence in the profession and to maintain proper standards of conduct;
 - b. Any sanction must be proportionate, so the Committee must balance the interests of the member with the interests of wider ACCA membership and the public; and

- c. The Committee must consider the sanctions in order of severity, starting with the least severe first.
69. The Committee considered the following to be aggravating features of this case:
- a. Miss Liu's PER training record contained multiple pieces of false and misleading information;
 - b. Miss Liu's dishonest conduct appeared to be pre-meditated and planned;
 - c. Miss Liu derived a personal benefit from her dishonest conduct (ACCA membership and the associated permission to undertake certain regulated work for remuneration);
 - d. Miss Liu's conduct had the potential to cause harm to the public and to clients, since she was able to hold herself out as an ACCA member, without the requisite approved practical experience;
 - e. The repeated nature of Miss Liu's failure to fully co-operate with ACCA's investigation, potentially frustrating that investigation; and
 - f. Miss Liu's failure to engage with the ACCA investigation and her response to the disciplinary proceedings indicated a lack of insight into her wrongdoing.
70. The Committee considered that a mitigating feature of the case was the absence of any previous regulatory findings against Miss Liu. Furthermore, the Committee took account of the fact that Miss Liu had eventually engaged with ACCA in that she had completed and submitted a Case Management Form and Statement of Financial Position in respect of this disciplinary hearing.
71. The Committee considered taking no action against Miss Liu. However, given the seriousness of her conduct, including dishonesty, the Committee considered that it would be completely inappropriate to take no action.

72. The Committee considered imposing an admonishment on Miss Liu. The Committee noted that the guidance indicated that an admonishment would be appropriate in cases where most of the following are present: evidence of no loss or adverse effect on client / members of the public; early admission of the facts alleged; insight into failings; isolated incident; not deliberate; genuine expression of remorse/apology; corrective steps have been taken promptly; subsequent work satisfactory; and relevant and appropriate testimonials and references. The Committee considered that this was not a case where most of these factors were present. It was not an isolated incident because the matters found proved included dishonest acts to obtain ACCA membership in addition to a repeated failure to fully cooperate with an ACCA investigation. Miss Liu had not provided any evidence of remorse/apology, insight, corrective steps, or satisfactory work and conduct since. Despite her assertions, there was no independent evidence indicating that Miss Liu had acted unwittingly and there were no positive testimonials or references provided. Taking these matters into account, together with the seriousness of the misconduct found, the Committee concluded that an admonishment would be an inappropriate and inadequate response.
73. The Committee considered imposing a reprimand on Miss Liu. The Committee noted that the guidance indicated 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. None of these features were present in this case. The misconduct was of a serious nature, insufficient insight had been demonstrated by Miss Liu and so there remained a continuing risk to the public. For those reasons, the Committee concluded that a reprimand would be inappropriate.
74. The Committee considered imposing a serious reprimand on Miss Liu. The Committee noted that the guidance indicated that a severe reprimand would be appropriate in cases where the conduct is of a serious nature but where the circumstances of the case or mitigation advanced satisfies the Committee that there is no continuing risk to the public. The Committee considered that the conduct was of a serious nature but that there was no relevant mitigation or

circumstances that removed the continuing risk to the public. On that basis, the Committee concluded that a severe reprimand would be inappropriate because it would not provide adequate protection for the public, and nor would it adequately address public confidence and the need to maintain proper professional standards.

75. The Committee considered whether to exclude Miss Liu from membership. The Committee noted that Miss Liu's misconduct included dishonest conduct and a failure to co-operate with an ACCA investigation.
76. Taking into account the seriousness of that conduct (including dishonesty and failure to cooperate) resulting in an ongoing risk to the public, the Committee concluded that the most appropriate sanction was exclusion from membership. With reference to section E2.3 of the guidance document (which relates to sanctions appropriate in cases of dishonesty), the Committee considered that the mitigation advanced by Miss Liu (an apparent ignorance of the ACCA documentation submitted as part of her application for membership and an ignorance of the content of correspondence sent to her by ACCA) was not so remarkable or exceptional that it would warrant anything other than exclusion from membership. The Committee considered Miss Liu's conduct found proved to be so serious as to be fundamentally incompatible with being an ACCA member.
77. The Committee considered that Miss Liu's misconduct represented a significant and immediate risk to the public, in that Miss Liu was currently able to present herself as an ACCA Member with all of the requisite approved experience, when she did not, in fact, possess such experience. As such, potential employers and clients could be misled, and Miss Liu may also have the opportunity to supervise ACCA trainees herself.
78. The Committee acknowledged that exclusion from membership was the most severe sanction available and had the potential to cause professional and financial hardship to Miss Liu. However, in the circumstances of this case, the Committee considered that the public interest (both in terms of public protection and in maintaining standards and confidence in the profession) outweighed

Miss Liu's own interests, and therefore exclusion from membership was the only appropriate and proportionate sanction available.

79. Accordingly, the Committee decided that the only appropriate and proportionate sanction to impose was an order excluding Miss Liu from membership of ACCA.
80. The Committee decided that, given the circumstances of the case and the significant and immediate risk to the public, it was in the interests of the public that the order for exclusion from membership should have immediate effect.
81. The Committee considered that the circumstances of the case did not warrant an order restricting Miss Liu's right to apply for re-admission beyond the normal minimum period.

COSTS AND REASONS

82. Mr Slack, on behalf of ACCA, applied for Miss Liu to make a contribution to the costs of ACCA in bringing this case. Mr Slack applied for costs in the sum of £5,948.75. The application was supported by a schedule breaking down the costs incurred by ACCA in connection with the hearing. Mr Slack acknowledged that the figure included for the cost of him presenting the case (five hours) would have been an over-estimate and so could be accordingly reduced by the Committee.
83. Miss Liu had provided the Committee with a completed Statement of Financial Position, which it took into account. The Committee noted that Miss Liu had indicated that she had very limited disposable income after her expenses had been taken into account. The Committee noted that no independent verifiable evidence of Miss Liu's financial position had been provided. However, neither had ACCA sought to challenge the information provided by Miss Liu.
84. The Committee accepted the advice of the Legal Adviser who referred the Committee to Regulation 15(1) of the Regulations and the ACCA document 'Guidance for Costs Orders' (September 2023).

85. The Committee was satisfied that ACCA was entitled to costs in principle and had been justified in investigating these matters. Having reviewed the schedule, the Committee considered that the costs claimed appeared to have been reasonably and proportionately incurred.
86. In light of Miss Liu's financial circumstances, the Committee decided to reduce the costs payable on the grounds of her ability to pay.
87. In light of the fact that the hearing today had taken slightly less time than had been estimated in the ACCA schedule, the Committee determined that it would be appropriate to reduce the amount of costs awarded accordingly.
88. Taking all of the circumstances into account, the Committee decided that Miss Liu should be ordered to make a contribution to the costs of ACCA in the sum of £5,000.00.

ORDER

89. The Committee made the following order:
 - a. Miss Liu shall be excluded from ACCA membership; and
 - b. Miss Liu shall make a contribution to ACCA's costs in the sum of £5,000.00.

EFFECTIVE DATE OF ORDER

90. In accordance with Regulation 20(1)(b) of the Regulations, the Committee decided that, for public protection and in the interests of the public, the order relating to exclusion from ACCA membership shall take effect immediately.
91. In accordance with Regulation 20(2) of the Regulations, the order relating to costs shall take effect immediately.

Mr Maurice Cohen
Chair
17 January 2024