

**HEARING
ADMISSIONS AND LICENSING COMMITTEE OF THE
ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS**

REASONS FOR DECISION

In the matter of: Mr Muhammad Luqman

Heard on: 04 March 2024

Location: Held remotely via Microsoft Teams

Committee: Ms Kathryn Douglas (Chair)
Dr David Horne (Accountant)
Ms Rachel O'Connell (Lay)

Legal Adviser: Mr James Keeley

Persons present

and capacity: Mr Adam Slack (ACCA Case Presenter)
Miss Nicole Boateng (Hearings Officer)
Mr Luqman (Student)

Summary: Application for readmission to the student register is denied.

1. The Committee refers to the applicant by the name Mr. Luqman. However, the Committee noted that on occasion he has used the name Mr. Muhammad Usman Luqman.
2. As recited in the ACCA submissions "On 24 October 2019, Mr Luqman was removed from ACCA's student register as a result of the findings of the Disciplinary Committee in respect of the allegations referred to below.

ALLEGATIONS

- (1) On 04 April 2019, Mr Luqman, an ACCA student:
 - a) Asked ACCA to change his MA2 – Managing Cost and Finance result from 64% to 94%; and
 - b) Submitted an ACCA MA2 – Managing Cost and Finance result sheet to ACCA in which the result had been altered from 64% to 94% to support his request described in Allegation 1a);

- (2) Mr Luqman's conduct in respect of Allegation 1 was:
 - a) Dishonest, in that Mr Luqman knew that the document described in Allegation 1(b) was false and had been altered and submitted by him to ACCA in order to gain a result he knew he did not obtain; or in the alternative
 - b) Contrary to the Fundamental Principle of Integrity (as applicable in 2019) in that such conduct demonstrates a failure to be straightforward and honest.

- (3) By reason of his conduct in respect of any or all of the matters set out at Allegation 1 and/or 2 above, Mr Luqman is guilty of misconduct pursuant to bye-law 8(a)(i).

BACKGROUND

3. Mr Luqman first joined ACCA's student register on 06 September 2018.
4. Mr Luqman was removed from ACCA's student register following the Disciplinary Committee hearing on 24 October 2019.

5. Previously, on 04 April 2019 Mr Luqman contacted ACCA Connect and asked for his MA2 Managing Costs and Finance exam ('the exam') result to be changed from 64% to 94%. During this conversation, when asked for proof of this exam result, Mr Luqman submitted a certificate issued by an accountancy school in Pakistan which purported to show that Mr Luqman had achieved a 94% pass in the exam.
6. ACCA's investigation concluded that the certificate had been doctored by Mr Luqman by pasting a '9' over the '6' so that it read '94% - Pass' instead of the true mark.
7. Throughout the course of ACCA's investigation, Mr Luqman made several admissions to having altered his exam result, as stated in the allegations, and expressed remorse for his conduct. However, in September 2019, Mr Luqman responded to ACCA's notice of the Disciplinary Committee Hearing claiming that it was in fact someone else, unknown to him, who had obtained and used his name and email address to hack into his account and make the false representations.
8. At the Disciplinary Committee hearing on 24 October 2019, the Committee concluded [in his absence] that Mr Luqman's actions constituted a serious departure from proper and acceptable standards. Further the Committee found that his behaviour was deliberately dishonest, was discrediting to both him and the reputation of ACCA and was fundamentally incompatible with remaining on the student register.
9. Mr Luqman was removed from the student register and ordered to pay £1,000 costs to ACCA in respect of the allegations previously referred to. Mr Luqman 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.
10. By his written application dated 29 October 2019, Mr Luqman sought to appeal the order for costs. On 21 November 2019, the Chair allowed Mr

Luqman's appeal and the order of [sic] costs were replaced by an order in the sum of £300.

11. In May 2021, Mr Luqman submitted an application for readmission to ACCA's student register. ACCA were unable to consider the application because it was incomplete, and Mr Luqman failed to provide the requested documentation.
12. In October 2023, Mr Luqman submitted a further application for readmission to ACCA's student register.

READMISSION TO ACCA's STUDENT REGISTER

13. ACCA have been provided with a copy of Mr Luqman's readmission application form and a personal character reference.
14. In his application, Mr Luqman explains the circumstances which led to his removal from the student register. He states '*... there was a talk on behalf with [sic] ACCA through Live chat. My details has [sic] been correctly provided. An attempt to change my result was made through the Live Chat with an edited document supporting the result marks was also provided. After this, it was reported to the disciplinary committee, there were actions against me and resulted in 300 Pounds charges which i confirm were paid.*'
15. 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 Luqman states: '*It's my commitment with the ACCA, I will never ever commit this kind of attitude and this kind of behaviour in the future. And if i breach the rules and regulations of ACCA, ACCA has the right to do according to their policies. I confirm that this kind of attitude and behaviour will not be repeated by me in future ever again.*'
16. When asked why he should be readmitted as a student, Mr Luqman states: '*I want to work and live a better live [sic]. I have already invested to [sic] much*

in my ACCA. I am a sincere student who want to study peacefully in future. ACCA is my only hope for my better future. So if possible kindly give a Chance to re-register again [sic]

17. Further in his application Mr Luqman expresses his attitude towards the removal, stating, *'I was shocked because i didn't know that my dream ACCA journey would be left so heart breaking. I tried my level best because i am weak in English but tried to get my account recovered and not to spoil my life. Now, it's been three years roughly, matter is still pending, i want to renew my ACCA journey and get the certification without giving any problem to ACCA. It's my commitment that this kind of attitude will never be done by myself again in the future'*
18. Mr Luqman is currently unemployed. In his application, he states *'I am a student. I don't have the right to work because i don't have any qualification which can ease me in getting the job in my country. I was doing ACCA to support my family and earn a good living.'*
19. On 30 October 2023, ACCA wrote to Mr Luqman requesting personal/professional character references and further information in support of his application. Mr Luqman was asked to *'expand on what you have learnt and what you would do differently to avoid committing a similar breach of ACCA regulations'* and was asked to explain what his future intentions are should he be readmitted to the student register.
20. On 01 November 2023, Mr Luqman contacted ACCA's Administration Team regarding outstanding fees, totalling £279, on his MyACCA account. ACCA wrote to Mr Luqman advising that his readmission application was still under consideration. Further he was advised that *'...any outstanding fees will have to be paid before you can be readmitted.'*
21. There are currently no outstanding costs/ fees owed to ACCA by Mr Luqman, save for any relevant fees for readmission that would be payable, should Mr Luqman's Admissions and Licensing application be granted.

22. Further to ACCA's request for character references in support of his application, Mr Luqman responded asking whether he could provide a reference from his father stating, *'I can get a reference from him but if ACCA contacts in regards [sic] to the reference he will not be able to answer the questions because he is completely uneducated.'* On 09 November, ACCA reminded Mr Luqman that he is free to provide the Committee with any references he so wishes in support of his application, *'However, in these circumstances, it is likely that a reference from your father wouldn't carry significant weight in the Committees assessment of your character and suitability to be readmitted to student membership.'*
23. On 11 November 2023, Mr Luqman provided ACCA with further information in support of his application.
24. In expansion on what he has learnt, Mr Luqman states, *'I have gone through the disciplinary committee proceedings in the past due to my mistake. I learned so many lessons that I will never try to alter a document or attempt a similar kind of activity in the future. I will not come close to breaking or hurting the laws of ACCA in any case'*
25. Further, in response to his future intentions he states *'I want to build my professional career in ACCA. I don't have another option to pursue and study. ACCA is the only qualification that aligns with my mindset to build a bright future. That's why I want to get re-admission to ACCA.'*
26. In support of his application, Mr Luqman has provided ACCA with a character reference. [Private] a private teacher, confirms that they have knowledge of the disciplinary action taken against him and highlights Mr Luqman's dedication to his studies.

ACCA's POSITION

27. Mr Luqman requested a change of mark and submitted a false exam certificate in an attempt to mislead ACCA. Mr Luqman denied the misconduct and sought to blame others for his actions. The allegations, as proven, against Mr Luqman were particularly serious, involving behaviour that was dishonest, and demonstrated a disregard for ACCA's examination process. This behaviour raises public interest concerns and brings discredit to the accountancy profession.
28. The reputation of the accountancy profession is built upon the public being able to rely on a member and/or professional who has undertaken to abide by a code of ethics and do the right thing in difficult circumstances, "*It is a cornerstone of the public value which an accountant brings.*" Therefore, a finding of dishonesty, which is directly related to obtaining membership, is behaviour that is fundamentally incompatible with being an ACCA student/member because it undermines the trust and confidence the public have in the profession.
29. 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 in those circumstances.
30. ACCA's position is that Mr Luqman 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 member.
31. Taking all the above into account, Mr Luqman has not, it is submitted, discharged that burden. Therefore, ACCA opposes the application for Mr Luqman's readmission to ACCA's student register.

THE REGULATIONS

32. Regulation 3 of the Chartered Certified Accountants' Authorisation Regulations 2014 sets out the procedure to be applied in respect of applications for re-admission.
33. The burden is on Mr Luqman to establish he meets the eligibility requirements for membership in accordance with Regulation 9 of the Membership Regulations, which requires an individual to "*[satisfy]...the Admissions and Licensing Committee as to his general character and suitability*".
34. The Chartered Certified Accountants' Membership Regulations 2014 state the following:

7. Eligibility for registered student status

- (1) ACCA Qualification An individual shall be eligible to be registered as an ACCA student if the individual:
 - (b) Satisfies the Admissions and Licensing Committee as to the individual's general character and suitability.

9. Application procedure to become a member or registered student

- (1) Form of application
 - (b) It shall be for an applicant to satisfy the Admissions and Licensing Committee that the applicant is eligible in accordance with these regulations for membership or, as the case may be, to become a registered student.

14. Readmission

- (1) Any former member, affiliate or registered student may apply for readmission provided that any outstanding sums due to the Association, including any fine or costs imposed by a disciplinary order, have been paid and any breach of regulation 4(4) has been rectified. Such application should be made in the same manner as the original application and it will be considered by the Admissions and Licensing Committee in the ordinary way, and in accordance with regulation 9 above, save that:
 - (a) The Admissions and Licensing Committee shall have specific regard to the circumstances of the individual's cessation as a member, affiliate or registered student; and
 - (b) The Admissions and Licensing Committee may, in its absolute discretion, require the individual to pass further examinations and/or tests and/or satisfy other requirements before it considers the individual's application for readmission.
- (2) No former member, affiliate or registered student who has had a disciplinary order made against them excluding them from membership or, as the case may be, causing them to lose their affiliate or registered student status may apply for readmission until after the later of:
 - (a) The expiry of twelve months after the effective date of the disciplinary order; or
 - (b) Where the disciplinary order prohibits the former member, affiliate or registered student from applying for readmission to membership or, as the case may be, seeking restoration of their affiliate or registered student status for a specified period, the expiry of such period.

APPLICABLE CASE LAW

35. In circumstances where dishonesty is concerned and as cited in *Bolton v Law Society* [1994] 1 WLR 512, 519, 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.”*
36. *“...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.”*

THE HEARING

37. Mr. Luqman attended the hearing. He was not represented. English is Mr. Luqman’s second language. He was content to proceed without an interpreter. However, the Chair made it clear to him that he was to let the Committee know if he did not understand any part of the hearing.
38. In response to questions from the Committee Mr. Luqman stated the following:
- (a) ACCA had acted correctly in removing him from the student register.

- (b) After three years of not being on the ACCA student register this had taught him a lesson to be honest in the future. He also apologised for his previous misconduct.
 - (c) Since his removal from the register, he had been working as a shop assistant at a local store.
 - (d) Due to low pay, he had left that employment and had sought work as a labourer.
 - (e) He had been unemployed for about a year to eighteen months.
 - (f) [PRIVATE]
 - (g) His current circumstances were that he was living at home with his parents, he was not married and had no children.
 - (h) The people that had employed him did not speak English, would not wish to get involved and would not give him a reference.
 - (i) He confirmed that one of the ACCA examinations that he had taken had included an Ethics module.
 - (j) When asked about taking ACCA examinations in 2020 and 2021, when he had been removed from the register in 2019, he explained that his ACCA account was still open and so sat the exams before subsequently finding his account closed.
39. Mr. Slack for ACCA repeated the written submissions already received by the Committee in that:
- (a) Mr. Luqman's application was opposed.

- (b) His previous dishonesty was serious raising serious public interest concerns and discredit to the accountancy profession.
 - (c) Honesty and integrity were the cornerstones of the profession.
 - (d) His dishonesty was incompatible with membership.
 - (e) Mr. Luqman had showed a lack of insight into his previous dishonesty.
 - (f) Applying the case of Bolton, the interests of the profession came before personal interests.
 - (g) Mr. Luqman had not discharged the burden to justify readmission to the student register.
40. Mr. Luqman was then given the opportunity to make final submissions.

FINDINGS

41. Mr. Luqman's previous dishonesty had been serious and manifold in that he:
- (a) Had asked ACCA to change an examination result to give him a higher mark.
 - (b) He then forged an examination certificate.
 - (c) He had subsequently tried to avoid responsibility during the disciplinary procedure by saying that his account had been hacked.
42. Although Mr Luqman has been sanctioned for this misconduct, it should be borne in mind that the purpose of this sanction was not to punish Mr Luqman, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct.

43. The Committee finds that:

- (a) Mr. Luqman did not provide an explanation as to why he had acted dishonestly in the past.
- (b) He said that could not remember as to why he had been dishonest but did not provide any evidence as to why this may have been the case. The Committee found that in saying that he could not remember, he was being evasive in his answers.
- (c) He had no strategy to help him avoid being dishonest in the future.
- (d) Mr. Luqman had not read up on the ethical standards expected in the accountancy profession.
- (e) He did not signal that any such guidance on ethics would be a constant reminder for him on how to behave in the future.
- (f) Mr Luqman had provided a reference, although this lacked adequate commentary on his character with respect to his honesty and integrity and provided little assistance against the backdrop of serious and dishonest behaviour.

44. Therefore, the Committee found that Mr. Luqman:

- (a) Demonstrated insufficient insight in respect of his previous misconduct and has not shown sufficient reflection on his actions.
- (b) Showed little appreciation of the importance of ethical behaviour in his future conduct.
- (c) Gave no explanation as to how, if placed in a similar situation in the future, he would prevent himself from acting in a dishonest way.

- (d) Had not taken any corrective actions/active steps since the disciplinary proceedings.
45. Consequently, the Committee concludes that Mr Luqman presents an ongoing risk and readmission in these circumstances is not compatible with ACCA's overarching objectives.
46. Taking into account all of the above Mr. Luqman has failed to satisfy the Admissions and Licensing Committee as to his "*general character and suitability*" for admission for ACCA student status pursuant to Regulation 7 of The Chartered Certified Accountants' Membership Regulations 2014. Therefore, his application for admission and in his case readmission for under regulation 14 for ACCA Student Registration is rejected.
47. In terms of Mr. Luqman making any future application the Committee would remind him to read and act upon the Guidance contained in section 3 of the Guidance for Regulatory Orders: Admissions, Staff Admissions, Re-Admissions and Bankruptcy (Updated February 2013), which ACCA will help him locate on their website.

Ms Kathryn Douglas
Chair
04 March 2024