

## HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF THE  
ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS****REASONS FOR DECISION**

<b>In the matter of:</b>	<b>Ms Minahal Asghar</b>
<b>Heard on:</b>	<b>Wednesday, 09 April 2025</b>
<b>Location:</b>	<b>Remotely via Microsoft Teams</b>
<b>Committee:</b>	<b>Ms Kathryn Douglas (Chair) Ms Wanda Rossiter (Accountant) Mr Geoff Baines (Lay)</b>
<b>Legal Advisor:</b>	<b>Ms Melissa Coutino</b>
<b>Persons present</b>	
<b>And capacity:</b>	<b>Ms Hena Patel (ACCA Case Presenter) Miss Sofia Tumburi (Hearings Officer)</b>
<b>Summary:</b>	<b>Allegations 1, 2(a), 2(b), 4, 5, 6(a) were found proved Removed from the Student Register of ACCA with immediate effect</b>
<b>Costs:</b>	<b>£5,668 against Ms Asghar</b>

## **PRELIMINARY APPLICATIONS**

### **SERVICE OF PAPERS**

1. The Committee had considered the following documents: a Report and Evidence Bundle (pages numbered 1-50); a Tabled Additional Bundles (pages numbered 1-4); and a Service Bundle (pages numbered 1-24). The Committee had listened carefully to the submissions made on behalf of ACCA and also considered legal advice, which it had accepted.
2. The Committee had read the correspondence letter sent from ACCA by email to Ms Asghar on 12 March 2025. It had noted multiple 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.
3. The Committee was satisfied that such emails had been sent to Ms Asghar's registered email address in accordance with Regulation 10 and 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee had noted that the emails had been delivered successfully. CDR22(8) stipulated that, when a notice has been sent by email, it is deemed to have been served on the day it was sent.
4. The emails and the documents to which Ms Asghar had access also contained the necessary information in accordance with CDR10.
5. Consequently, the Committee decided that Ms Asghar had been properly served with Notice of the proceedings.

### **PROCEEDING IN ABSENCE**

6. Ms Asghar failed to respond to any of the material correspondence in connection with the case once the investigation commenced.
7. Ms Asghar was emailed a Notice of Hearing, confirming the date and time of the hearing and indicating how it would be held virtually. She was provided with information about attendance, engagement, adjournment and asked to respond and provide any relevant information. She did not. The email was the registered

email held for Ms Asghar on ACCA's database. The email also provided access to all the relevant documents, with a separate email detailing a password to allow access. A delivery message confirming delivery has been produced.

8. ACCA sent multiple emails to Ms Asghar and attempts were made to contact her by telephone. It used the details that were registered with ACCA for Ms Asghar. She responded to none of these.
9. There was no response to the multiple emails sent to Ms Asghar to remind her of the hearing date and ask if she intended to attend or, if not, whether she was content for the hearing to proceed in her absence. Ms Asghar was also asked whether, if she attended, she would need any reasonable adjustments, to be provided at ACCA's expense.
10. Two telephone calls were attempted to Ms Asghar on 27 March 2025; there was a 10-minute gap between the two attempts. The third call was made on 3 April 2025. The call was answered. Ms Asghar kept saying "hello" before the connection dropped.
11. The Committee considered that ACCA had done everything reasonably possible to enable Ms Asghar to attend the hearing. The Committee was satisfied that the emails had been sent to the address on ACCA's register and there was a record of the emails having been delivered successfully.
12. The Committee also took account of Ms Asghar's failure to respond to correspondence as particularised in allegation 5 below.
13. The Committee concluded, on the balance of probabilities, that Ms Asghar was aware of today's hearing, which she could have joined by telephone or video link but had voluntarily absented herself. While the Committee did consider that there might be detriment to Ms Asghar in not engaging, it was of the opinion that she had been provided with the opportunity to engage and failed to take advantage of it.
14. The Committee was also satisfied that, taking account of the seriousness of the allegations, it was in the public interest to proceed. The Committee did not

consider that any benefit would be derived in adjourning the hearing and no such application had been made.

15. Finally, the Committee considered that it was able to reach proper findings of fact on the written evidence presented to it by ACCA.
16. The Committee ordered that the hearing should proceed in the absence of Ms Asghar and that this was fair and just.

### **AMENDED ALLEGATIONS**

Schedule of Allegations, as amended.

Ms Asghar, an ACCA student:

1. On 19 December 2021 ~~used~~ **provided** a school certificate bearing her name to confirm to ACCA that her date of birth was [PRIVATE] when she registered as an ACCA student.
2. Sought to change her date of birth already registered on the ACCA database to [PRIVATE] as follows:
  - a. On 04 July 2023, informed ACCA that she had a new date of birth of [PRIVATE] and asked ACCA to amend her personal details on record; accordingly, and
  - b. Provided two documents showing [PRIVATE] as her date of birth as proof:
    - i. On 09 July 2023, a copy of a [PRIVATE] National identity Card; and
    - ii. On 12 July 2023, a copy of a Birth Registration Certificate.
3. Was dishonest in that either or both representations in Allegations 1 and 2 were untrue **and** as she knew **they were untrue**.

4. In the alternative in respect to the conduct referred to in Allegations 1 and 2 above, failed to demonstrate integrity.
5. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), failed to co-operate with the investigation of the complaint, in that she did not respond to:
  - a. Any or all of Investigation's correspondence sent on:
    - i. 20 December 2023;
    - ii. 05 January 2024;
    - iii. 19 January 2024;
    - iv. 31 January 2024; and
  - b. A phone call on 15 February 2024.
6. By reason of any or all of her conduct in Allegations 1, 2, 3, 4, and 5 above, Ms Asghar is:
  - a. Guilty of misconduct pursuant to bye-law 8(a)(i); **in the alternative, in respect of Allegation 5,**
  - b. **Liable to disciplinary action pursuant to bye-law 8(a)(iii).**

#### **DECISION ON FACTS, ALLEGATIONS AND REASONS**

17. Ms Patel applied to amend the Allegation as set out above. The requested insertions appear in bold, and what should be omitted is represented by strike-through text. She submitted that the amendments to Allegation 1 and 3 were made in order to clarify the position, with Allegation 6b an addition which reflects Allegation 5 which had already been set out.
18. The Committee had listened carefully to the submissions made by Ms Patel, and also considered legal advice, which it had accepted.
19. The Committee considered that Ms Asghar would not be prejudiced by the minor amendments in Allegation 1 and 3 that do not alter the allegation

materially and is merely to correct inadequate drafting. For Allegation 6b, while this is a new allegation, this amendment simply extends Allegation 5, in reflecting the consequences of the legal position if Allegation 5 is found proved. The Committee noted that Ms Asghar had been provided with advance notice of the proposed amendments and offered the opportunity to respond. This opportunity was not taken.

20. The Committee was of the view that public protection requires that the Allegations reflect the legal regime and the gravamen of the wrongdoing and that the amendments did not change the nature or gravamen of the allegations and did not prejudice Ms Asghar. No objections to the amendments had been made by Ms Asghar. The Committee considered that it was appropriate to permit the amendments as set out above.

#### **FACTS OF CASE**

21. On 19 December 2021, Ms Asghar applied to be an ACCA student. As part of the application, Ms Asghar provided a copy of a Secondary School Certificate bearing her name with a photograph; and showing her date of birth as [PRIVATE] (“Old DOB”). On 23 December 2021, ACCA registered her as a student.
22. On 04 July 2023, Ms Asghar notified ACCA’s Customer Service Department that she had a new date of birth of [PRIVATE] (“New DOB”) and asked for the New DOB to be recorded ahead of the coming exams as follows: “...*I am contacting you regarding my change of birth date. I would like to update the information and to inform you that my date of birth has been changed. Can you please make the necessary changes in my profile so there will be no issue/error for my exams and my certification. My old date of birth was [PRIVATE] and now new birth date is [PRIVATE]. Please reply [sic] me with the confirmation that necessary changes have been completed. Kindly process my request at your earliest so I will have no issue in future for exams/certification...*”.
23. Ms Asghar did not explain in her email how or when she came to have the New DOB, or why she had provided the Secondary School Certificate showing the Old DOB on registration on 19 December 2021.

24. On 06 July 2023, ACCA asked Ms Asghar for proof of the New DOB. On 09 July 2023, Ms Asghar provided a copy of a National Identity Card bearing her name with a photograph; and showing the New DOB as her date of birth. On 10 July 2023, ACCA asked Ms Asghar for an additional proof of identity showing the New DOB. Ms Asghar was also reminded that the deadline for entering the September 2023 exams was 31 July 2023.
25. On 10 July 2023, ACCA's Customer Department made an internal referral to Professional Conduct Department in relation to Ms Asghar's request noting that *"...The student's picture on the old ID appears to be different from their picture on the new ID card provided..."*.
26. On 12 July 2023, Ms Asghar emailed a copy of a Birth Registration Certificate to ACCA showing the New DOB. She also asked ACCA to *"...kindly process my request at your earliest and make the necessary changes in my profile so there will be no issue in my coming exams"*.
27. On 13 July 2023, ACCA checked that the documents provided by Ms Asghar on registration which showed the Old DOB and processed the change as requested. ACCA's database therefore showed the New DOB as a result.
28. On 13 July 2023, ACCA also informed Ms Asghar that her date of birth had been updated to the New DOB and that *"...You should be able to book your exams with no issues"*.
29. On 20 December 2023, Investigations of ACCA's Professional Conduct Department asked Ms Asghar to explain the reasons for her having the New DOB by 05 January 2024. Ms Asghar did not respond by the deadline.
30. Investigations sent follow-up emails to Ms Asghar on 05 January 2024, 19 January 2024 and 31 January 2024 in which she was reminded of her obligations to co-operate fully with the investigation under ACCA's Complaints and Disciplinary Regulation 3(1). All emails were sent to Ms Asghar at an email address she registered with ACCA. This email address has not changed throughout the course of the investigation. None of the emails have been returned or bounced back into ACCA's case management system.

31. As Ms Asghar did not respond to any of the emails. Investigations called her on the telephone number on ACCA's database on 15 February 2024 three times: 9:58 am, 10:00 am, and 10:05 am, but there was no answer. There is a Telephone Note of these attempts.
32. On 12 April 2024, Investigations provided Ms Asghar with a copy of the report for the Assessor and invited her to comment. She did not respond by the deadline of 29 April 2024.

### **CASE HISTORY**

33. ACCA's Investigations Department opened an investigation of the complaint on 10 July 2023, following an internal referral from ACCA's Customer Service Department.
34. The investigation into the above has now been completed

### **ACCA SUBMISSIONS**

35. ACCA submits that the documentation shows a change of date of birth without explanation.
36. Numerous efforts to contact Ms Asghar to provide an explanation have been attempted. None of these opportunities has been taken.
37. This cannot be a case of there being a typographical error, where the day, month and year are all different. If an innocent explanation for a change in date of birth exists, Ms Asghar should have provided it. The absence of an innocent explanation being provided may lead the Committee to consider that one may not exist.
38. Ms Asghar is under professional responsibilities to be honest, act with integrity and respond to her regulatory body. She has failed to engage in any material way with this investigation. Accordingly, the Panel should find the Allegations proved.



## **MS ASGHAR SUBMISSIONS**

39. For the avoidance of doubt, there were no representations made on Ms Asghar's behalf.

## **THE COMMITTEE'S DECISION IN RESPECT OF ALLEGATION 1**

40. The Committee considered the material before it. It could see that records show that Ms Asghar was admitted to the register as a Student Member on 23 December 2021. The Committee has noted the email sent by Ms Asghar to ACCA on 19 December 2021 in supplying a School Certificate with a date of birth represented as [PRIVATE] when she registered as an ACCA student
41. No evidence had been provided by Ms Asghar during the investigation to contradict this.
42. The Committee found, on the balance of probabilities, that, on the basis and in the manner outlined above, Ms Asghar had applied for student membership to ACCA on 19 December 2021 and, in doing so, claimed her date of birth was [PRIVATE].
43. On this basis, the Committee found the facts of Allegation 1 proved.
44. The Committee considered the material before it. It could see that an email from Ms Asghar on 04 July 2023 informed ACCA that she had a new date of birth of [PRIVATE] and asked ACCA to amend her personal details on record accordingly.
45. The Committee could see that there were two separate forms of proof of her new date of birth, provided by Ms Asghar to ACCA, at ACCA's request. These constituted, a copy of a [PRIVATE] National Identity Card on 09 July 2023, and a copy of a Birth Registration Certificate on 12 July 2023.
46. No evidence had been provided by Ms Asghar during the investigation to contradict this.

47. The Committee found, on the balance of probabilities, that, on the basis and in the manner outlined above, Ms Asghar had asked for her date of birth to be amended in her ACCA record, providing two forms of proof of her new date of birth as required by ACCA.
48. On this basis, the Committee found the facts of Allegation 2 proved.

### **ALLEGATION 3**

49. The Committee considered whether the evidence supported a finding of dishonesty. It applied the test as set out in the case of *Ivey v Genting Casinos* [2017] UKSC 6. It was of the view that there is insufficient evidence before it to lead to a conclusion that Ms Asghar was dishonest. This was because there could be circumstances in which she genuinely believed that her first date of birth submitted, was correct at the time this was presented to the ACCA.
50. The Committee did not wish to speculate on possible circumstances in which Ms Asghar came to find out that her date of birth was other than the one originally presented. However, it was of the opinion that there are circumstances in which people come to find out that their date of birth that they believed to be true, was in fact inaccurate.
51. The Committee considered that dishonesty was a serious matter, but that this did not require a different burden of proof. It found, on the balance of probabilities, that there was insufficient evidence of Ms Asghar's knowledge, at the relevant point in time, of the inaccuracy of the dates of birth she submitted. The Committee therefore found insufficient evidence to conclude that Ms Asghar was dishonest in first representing one date of birth and then requesting a change, in each instance providing evidence.
52. On this basis, the Committee found the facts of Allegation 3 not proved.

### **ALLEGATION 4**

53. As an alternative to Allegation 3, the Committee considered whether there had been a lack of integrity exhibited by Ms Asghar.

54. The Committee had accepted the advice of the Legal Assessor that the duty of integrity by ACCA student members includes transparency and truthfulness. It applied the principles from the cases of *Wingate and Evans v SRA* [2018] EWCA Civ. 366 where the Court of Appeal stated that: *“In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members...The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.”*
55. The Committee was mindful that a lack of integrity and dishonesty are not synonymous. It was of the view that Ms Asghar lacked integrity even though it had not been established by the ACCA that she was being dishonest. This is because a change in date of birth is not commonplace. Should a professional or aspiring professional need to make such a change, an explanation for this should be provided to demonstrate that there is no ethical issue. At the time of requesting the change no such explanation was provided. ACCA was only told that Ms Asghar had a “new” date of birth.
56. The Committee found, on the balance of probabilities, that, on the basis and in the manner outlined above, whereby Ms Asghar had not provided any explanation at the time her change of date of birth was requested, does amount to a lack of integrity.
57. On this basis, the Committee found the facts of Allegation 4 proved.

#### **ALLEGATION 5**

58. The Committee was aware that there is a duty upon student members of ACCA to comply with investigations, further to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended). The Committee concluded that Ms Asghar had failed to co-operate with the investigation, given the evidence before the Committee. There was no response to the Investigation’s correspondence sent via email to her registered address on: 20 December 2023; 05 January 2024; 19 January 2024; 31 January 2024. There were no electronically generated notifications of any problems with delivery.

59. Further, multiple attempts were made to telephone Ms Asghar on 15 February 2024 at the telephone number registered against her name. There is an obligation for student members to keep their registered details up to date and there was no electronic message suggesting that the telephone number was not in operation.
60. The information sought by the Investigation was simply an explanation for the change in date of birth requested. The Committee considered that this was a reasonable request and that there is no information from Ms Asghar to indicate why she has not provided the same.
61. The Committee found, on the balance of probabilities, that, on the basis and in the manner outlined above, whereby Ms Asghar had not provided any explanation when required to do so during the investigation of why her change of birth was requested, is a breach of the Regulation 3(1) of the Regulations.
62. On this basis, the Committee found the facts of Allegation 5 proved.

#### **ALLEGATION 6A**

63. Taking account of its findings, that Ms Asghar had acted with a lack of integrity, the Committee was satisfied that she was guilty of misconduct. Such conduct fell far below the standards expected of a student member of ACCA, and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Ms Asghar, the Association and the accountancy profession.
64. The Committee had found that, despite ACCA providing a number of reminders of her obligation to cooperate and warnings of potential consequences of her failure to do so, Ms Asghar failed to cooperate with ACCA and to respond to correspondence. Multiple emails were designed to encourage Ms Asghar to provide the information requested in the first email to enable ACCA to continue with its investigation.
65. The need for members to engage and cooperate with their regulator was fundamental. A failure by members to do so meant that ACCA's ability to regulate its members in order to: ensure proper standards of conduct; protect the public, and maintain its reputation, was seriously compromised.

66. The Committee found that the failure of Ms Asghar to cooperate with her regulator also amounted to misconduct in that such failure brought discredit to herself, ACCA and the accountancy profession.
67. The Committee found Allegation 6(a) proved.

### **ALLEGATION 6(B)**

68. On the basis that this allegation was pleaded in the alternative to Allegation 6(a), the Committee made no finding in respect of it.

### **SANCTION AND REASONS**

69. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had listened to submissions made on behalf of ACCA and to legal advice from the Legal Adviser, which it accepted.
70. The Committee considered the available sanctions in increasing order of severity, having decided that it was not appropriate to conclude the case with no order.
71. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
72. The Committee considered whether any mitigating or aggravating factors featured in this case.
73. The Committee accepted that there were no previous findings against Ms Asghar. There was no evidence of any other mitigating factors in this case, personal or otherwise. The Committee had not heard from Ms Asghar nor had it received any references or testimonials.

74. As for aggravating features, on the basis of the Committee's findings, it had been established that Ms Asghar's behaviour had lacked integrity and was not transparent with her regulator. She had deliberately not complied with a regulatory requirement as specified within the Regulations to which she was subject. This lack of clarity has continued from the date that Ms Asghar had first become a student member in 2021.
75. The Committee noted that, in failing to engage with the process, Ms Asghar had shown neither insight nor remorse. The Committee was concerned about the reason for Ms Asghar not engaging, although it did not speculate upon this.
76. When ACCA corresponded with her in the course of its investigation, Ms Asghar failed over a period of time to cooperate with her regulator by failing to respond to correspondence regarding the accuracy of its records.
77. The Committee concluded that there were no exceptional reasons to justify taking no action in this case. Further, neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings.
78. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate, given a lack of insight and acceptance of wrongdoing. There was also a risk that Ms Asghar's actions would cause harm, given the potential inaccuracy of records, leading to the public being misled and confidence in the ACCA as regulator and the wider accountancy profession being lost.
79. Ms Asghar has been found to have acted without integrity in her conduct. Membership of a profession has both its advantage and its price. Failing to adhere to the professional obligations that the ACCA require, means that oversight of ACCA student members cannot operate in an optimum manner.
80. In the Committee's judgement, Ms Asghar's overall conduct was fundamentally incompatible with being a member or student member of ACCA and risked undermining the integrity of ACCA membership and regulation. The Committee adopted the Guidance which stated that the reputation of ACCA and the accountancy profession was built upon the public being able to rely on a

member to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings. Ms Asghar's failure to co-operate with her regulator made regulating her impossible.

81. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to remove Ms Asghar as a student member of ACCA but could find none.
82. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Ms Asghar be removed from the student register of ACCA.

### **COSTS AND REASONS**

83. The Committee had been provided with a Simple Costs Schedule and a Detailed Costs Schedule. It had taken account of the document entitled Guidance for Costs Orders 2023.
84. The Committee concluded that ACCA was entitled to be awarded costs against Ms Asghar, allegations having been found proved. The amount of costs for which ACCA applied was £5,668. The Committee considered whether the costs should be reduced given the efficient progress of the case today. However, the Committee agreed and concluded that a whole working day would be used by the Hearing Officer, given the early start and the administrative requirements of the case, and the fixed costs of those booked to assist the hearing. The Committee considered that the costs incurred were reasonable.
85. Ms Asghar had failed to provide the Committee with details of her means and had chosen not to engage with the proceedings and had failed to respond substantively to any previous correspondence. However, the Notice of Proceedings had made it clear that, if ACCA proved any or all of the allegations, it would be applying for costs and that she should provide details of her means if she wished to suggest that she was not in a position to pay all or any of the costs claimed. In the absence of such information, the Committee approached the matter on the basis that Ms Asghar was in a position to pay any amount of costs it was prepared to award.

86. In all the circumstances, the Committee exercised its discretion when determining the amount Ms Asghar should be expected to pay. The Committee saw no reason to vary the quantum of costs claimed and ordered that Ms Asghar is to pay £5,668 in costs to ACCA

#### **EFFECTIVE DATE OF ORDER**

87. Taking into account all the circumstances, the Committee decided that it was necessary, and in the interests of the public, for this order to take immediate effect.
88. In reaching its decision, the Committee took account of the fact that Ms Asghar had not behaved with integrity or complied with the required Regulations. She may represent a risk to the public. In failing to engage with ACCA and this hearing, the Committee had no way of knowing if there is an issue with Ms Asghar's identity, and if the person purporting to be Ms Asghar would continue to hold herself out as a student member of ACCA.
89. Therefore, as stated, the Committee concluded that it was in the interests of the public for the order to take immediate effect.

**Ms Kathryn Douglas**  
**Chair**  
**09 April 2025**