

HEARING

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

In the matter of: Miss Yue Fei

Heard on: Friday, 11 April 2025

Location: Remotely via Microsoft Teams

Committee: Mr Andrew Popat CBE (Chair)
Ms Nimra Syeda (Accountant)
Mr Colin Childs (Lay)

Legal Adviser Mr Robin Havard

Persons present

and capacity: Mr Kamran Khan (ACCA Case Presenter)
Miss Sofia Tumburi (Hearings Officer)

Summary Allegations 1, 1(a) & 2(a) proved.
Removed from student register

Costs: £6,000

ACCA



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PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

1. The Committee had considered the following documents: a Report and Bundle (pages 1 to 71), a Case Management Form ("CMF") (pages 1 to 13) and a Service Bundle (pages 1 to 27). The Committee had also considered legal advice which it had accepted.
2. The Committee had read the letter dated 13 March 2025 containing the Notice of Hearing , sent on the same day by ACCA by email to Miss Fei. It had noted the subsequent emails sent to Miss Fei with the necessary link and password to enable Miss Fei 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 her registered email address in accordance with regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee had noted that the emails had been delivered successfully. The emails and the documents to which Miss Fei had access also contained the necessary information in accordance with CDR10.
4. Consequently, the Committee decided that there had been effective service of proceedings on Miss Fei in accordance with CDR.

PROCEEDING IN ABSENCE

5. On 21 March 2025, in the absence of any response from Miss Fei to the email of 13 March 2025, ACCA sent an email to Miss Fei at the registered email address asking her to indicate whether she intended to attend the hearing or whether she was content for the hearing to proceed in her absence. The email reminded her of the date of hearing and of her ability to join the hearing either by telephone or video link. It also asked her whether she would need the assistance of an interpreter, informing her that the cost of the interpreter would be met by ACCA. The email had been delivered successfully. There was no response.

6. On 28 March 2025, ACCA attempted to call Miss Fei on the phone number on the register but there was no response, nor was there the facility to leave a message.
7. On 28 March 2025, ACCA sent a further email to Miss Fei, referring to the attempt to contact her by phone and reminding her of the date of hearing. The email also asked her to confirm whether, if she did not attend, she was content for the hearing to proceed in her absence. Again, she was informed of her ability to attend by phone or video and that, on request, ACCA would make the necessary arrangements for an interpreter to attend to assist her in the course of the hearing. She was also asked to send to ACCA any documents on which she wished to rely. There was no response.
8. On 04 April 2025, ACCA attempted to call Miss Fei on the phone again but, as on the previous occasion, there was no response, nor was there the facility to leave a message.
9. On 04 April 2025, ACCA sent a further email to Miss Fei in the same terms as the email dated 28 March 2025, referring to the date of hearing, the means by which Miss Fei could join the hearing and the availability of an interpreter. There was no response.
10. On 07 April 2025, ACCA sent an email to Miss Fei indicating that the hearing would commence at a slightly later time, asking her to confirm whether she had any objections. There was no response.
11. On 10 April 2025, ACCA attempted for a third time to contact Miss Fei by phone but there was no answer, nor was there the facility to leave a message.
12. On the same day, ACCA sent an email informing her of the attempt to contact her by phone. The email contained the date and time of the hearing and made reference to the facilities that ACCA could offer to enable her to participate. There was no response.
13. Finally, on 10 April 2025, ACCA sent an email containing the link to enable Miss Fei to join the hearing via Microsoft Teams.

14. Miss Fei had not attended the hearing. This was consistent with the responses she gave in the CMF she had completed and returned to ACCA.
15. In the CMF, Miss Fei had confirmed that she would not be in attendance and that she consented to the hearing proceeding in her absence. However, she indicated that the reason for her non-attendance was health-related. Miss Fei indicated that she had already provided medical evidence to ACCA in the course of the investigation.
16. The only medical evidence contained in the main bundle was a document entitled "Admission Certificate" indicating that, on 16 January 2025, Miss Fei had been admitted to hospital with an injury to her foot. [PRIVATE]
17. No evidence had been produced by Miss Fei which suggested that she was not fit to attend the hearing. This was despite the fact that, in the CMF, it stated the following:

"Evidence about your health

Under Health Regulation 4, where a person asserts that they are too ill to participate in the disciplinary proceedings they must submit medical evidence within 7 days of their assertion.

This medical evidence must include a prognosis and indication as to when, if at all, the person would be well enough to participate in the proceedings."

18. Taking account of the nature of the injury, the date when it occurred, and the fact that the hearing would take place remotely with Miss Fei able to attend via Microsoft Teams, the Committee concluded that there was no evidence to support Miss Fei's indication that she was unable to attend.
19. The Committee was satisfied that ACCA had done all that it could reasonably be expected to do to engage Miss Fei in the hearing. The Committee concluded that Miss Fei was clearly aware of the hearing taking place today, but that she had no intention of participating in the hearing, nor had she requested an adjournment.

20. The Committee concluded that Miss Fei had voluntarily absented herself from the hearing, which she could have joined by telephone or video link. She had therefore waived her right to attend.
21. 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 as stated, no such application had been made.
22. Finally, the Committee considered that it was in a position to reach proper findings of fact on the evidence presented to it by ACCA, and that it would take into account the responses Miss Fei had provided in the course of the investigation and include the comments she had made in the CMF.
23. The Committee ordered that the hearing should proceed in the absence of Miss Fei.

ALLEGATIONS

Miss Yue Fei, an ACCA student:

1. On 12 September 2023 and 27 December 2023, submitted or caused to be submitted to ACCA, four false documents, namely a certificate for a master's degree in Finance plus an accompanying academic transcript, and a certificate for a bachelor's degree in Business Administration (Accounting) with an accompanying academic transcript (together, "the Documents").
 - a. Miss Fei's conduct was dishonest in that the Documents were false and she did not graduate from University A: or in the alternative;
 - b. Miss Fei's conduct demonstrates a failure to act with integrity.
2. By reason of her conduct, is:
 - a. Guilty of misconduct pursuant to bye-law 8(a)(i), or in the alternative;

- b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

DECISION ON FACTS, ALLEGATIONS AND REASONS

ALLEGATION 1

- 24. In reaching its findings, the Committee relied upon the documents contained in ACCA's Report and Bundle (pages 1 to 71), the CMF (pages 1 to 13), and the Service Bundle (pages 1 to 27). The Committee had taken account of the submissions of Mr Khan and listened to legal advice, which it accepted.
- 25. On 07 June 2016, Miss Fei became an ACCA registered student.

ACCA'S CASE

- 26. On 12 September 2023, Miss Fei wrote to ACCA from her registered email address to request exemptions, namely "PM AA FM".
- 27. In her email dated 12 September 2023, and in support of her application for exemptions, Miss Fei enclosed four documents:
 - i. A scanned copy of her Identity Card issued in the People's Republic of China.
 - ii. A certified English translation of her Identity Card.
 - iii. A master's degree in Finance certificate from University A ("Certificate 1").
 - iv. An academic transcript from University A ("Transcript 1").
- 28. On 27 December 2023, Miss Fei wrote to ACCA from her registered email address to request an exemption PM.
- 29. In her email of 27 December 2023, Miss Fei enclosed four documents in support of her application:
 - i. A copy of her Identity Card issued in the People's Republic of China.

- ii. A certified English translation of her Identity Card.
 - iii. A bachelor's degree in Business Administration (Accounting) certificate from University A ("Certificate 2").
 - iv. An academic transcript from University A ("Transcript 2").
30. On 25 January 2024, ACCA wrote to University A to verify the authenticity of Miss Fei's Certificates and Transcripts.
31. On 25 January 2024, University A responded to ACCA confirming the Certificates and Transcripts were not issued to Miss Fei, and Miss Fei was not a graduate of the University.
32. On 30 January 2024, the matter was referred internally to ACCA's Professional Conduct Department.
33. On 13 May 2024, ACCA's investigating officer wrote to Miss Fei at her ACCA registered email address plus an alternate email address to inform her of the referral and to seek her response to a series of questions. No response was received.
34. ACCA wrote to Miss Fei on 04 June 2024 and 09 July 2024, requesting her cooperation with the ongoing investigation. Again, no response was received to either email.
35. On 19 July 2024, ACCA's investigating officer telephoned Miss Fei and spoke with her regarding the ongoing investigation. Miss Fei was informed about the previous correspondence and she was instructed to provide a timely response. Miss Fei apologised for failing to check her email inboxes and failing to respond to ACCA's emails. She agreed to review the emails and send a response over the following few days.
36. On 20 July 2024, Miss Fei wrote to ACCA from an alternative email address and claimed not to have received the three previous emails that had been sent to her ACCA registered email address and an alternate email address. She requested copies of all three previous emails.

37. On 22 July 2024, ACCA's investigating officer wrote to Miss Fei's alternative and new email address enclosing copies of all three emails that had previously been sent to her.
38. It was submitted by ACCA that the emails received by ACCA on 12 September 2023 and 27 December 2023 were sent from Miss Fei's registered email address. The emails contained a clear and unambiguous request to "*apply for exemptions*".
39. Miss Fei's emails also contained the documents which proved to be false and a copy of her national Identify Card together with an English translation to verify her identity.
40. It was submitted that Miss Fei was the only person who stood to gain from the two requests to apply for exemptions that ACCA received on 12 September and 27 December.
41. ACCA submits that the conduct set out at allegation 1 clearly amounts to dishonesty on the basis that Miss Fei did not graduate from University A and she knew the Certificates and Transcripts were false, but she submitted them nonetheless in order to gain exemptions. Mr Khan submitted that such conduct is clearly dishonest by the standards of ordinary decent people.

MISS FEI'S CASE

42. As Miss Fei had not attended the hearing, the Committee considered it was appropriate to set out in some detail the written submissions she had made.
43. On 23 July 2024, Miss Fei wrote to ACCA from the new email address and made the following comments:

a. "I have read your letter carefully, and I feel very surprised, because I have never sent an application for exemption from the entrance examination of [University A], and I am not a graduate of this university, why do you receive such a letter?"

b. In addition, I would like to know whether it is me who sent the email. I am very worried about whether my account information has been leaked or stolen. Would you please tell me what I should do.

c. In addition, I have not received the three emails mentioned in your letter, so I am even more confused about whether my account information has been leaked. How do I change my password? I didn't know about this until I received a phone call from ACCA office.”

44. On 30 July 2024, Miss Fei changed her ACCA registered email address to the new email address she had used in her recent correspondence.

45. On 01 October 2024, Miss Fei sent an email to ACCA which stated as follows:

“I have carefully read your letter, which contains detailed records of my application history for exemption from the examination, as well as false academic documents. First of all, I am very sorry that no matter what the reason, I have brought a lot of trouble and workload to ACCA officials, which I should not have done. Secondly, I would also like to make it clear that I myself have not acted dishonestly, and the false documents were not provided by me. The thing is that in September 2023, I heard from a friend that I could apply for ACCA exemption, so I went to consult and paid for this service. But I don't know how this application for exemption works, nor do I know how this works. If I had known this was a false document, I would have refused. But I had no idea. For this reason, I have attached the chat record I purchased at that time, please check. Anyway, I am very sorry for the huge workload I have brought to ACCA officials. If there is a fine, I am willing to bear it, but I really have not done dishonest behavior, please forgive the officials for this reckless behavior. Sorry again.”

46. In the CMF, in answer to questions relating to her intention to attend the hearing, Miss Fei said as follows:

“Because I just had an operation recently, I cannot attend the hearing. Please ask the teacher to follow up the case according to the actual situation. This material was not submitted by me, nor was the email address submitted by me. Because I went to an agency earlier, and that agency submitted false materials, which I didn't know about. I am also very angry now. I have filed a complaint

against this institution and actively cooperated with ACCA's investigation and punishment.”

47. When asked in the CMF whether she admitted or denied the allegations, Miss Fei ticked the box to indicate that she denied them. She then wrote the following:

“As mentioned in the email, I did not know about the false materials submitted, and the email address of the submitted materials was not mine. After I received the quality control, I changed the email address, and I only knew what happened. So I was deceived by the agency, I admit I was reckless, but I did not act dishonestly. I feel very sorry for the trouble this has caused ACCA, but I still have to explain the reasons. I am not clear about submitting false materials. I found an intermediary agency and he insisted that I could be exempted from the exam and only submitted my own materials, so I believed it. For example, the agent changed my contact email address, which I did not know about. Please grant appropriate leniency according to the actual situation. I promise I won't have similar problems, and I won't trust strangers so easily.”

48. In an email dated 18 January 2025, Miss Fei had sent to ACCA two sets of screenshots of messages sent to a third party. Whilst the Committee had been provided with a translation of the initial exchanges, it noted that the second sequence appeared to replicate to an extent the first exchanges but certain messages had been removed. However, the exchanges made reference to Miss Fei being in correspondence with an unknown third party and there was reference to a payment being made, although the reason for such payment was not clear.

COMMITTEE'S DECISION IN RESPECT OF ALLEGATION 1

49. The Committee was satisfied, on the balance of probabilities, that the emails specified in the allegation were sent to ACCA on 12 September 2023 and 17 December 2023. Even though Miss Fei suggested that *“the email address of the submitted materials was not mine”*, the Committee found that the email address used by Miss Fei or by a third party on her behalf was the same as the one on ACCA's register.

50. The Committee also found that false documents were attached to those emails, namely a certificate for a master's degree in finance plus an accompanying academic transcript, and a certificate for a bachelor's degree in Business Administration (Accounting) with an accompanying academic transcript. It was of significance that the false documents were accompanied by genuine documents providing proof of Miss Fei's identity.
51. Miss Fei stated in her email of 23 July 2024, *"I would like to know whether it is me who sent the email. I am very worried about whether my account information has been leaked or stolen"*. Initially, therefore, it was suggested by Miss Fei that her email account may have been hacked.
52. However, on 01 October 2024, Miss Fei referred for the first time to a friend who advised her that she could apply for ACCA exemptions, and so this was evidence that she had been considering the issue of gaining ACCA exemptions before the emails were sent.
53. It was then suggested by Miss Fei that, whilst she accepted that she had never been a student at University A the false documents had been submitted by an agency. Whilst she gave no information regarding this agency, such as its name, how she came to know about the service this agency could provide, the amount of money she paid them, the reasons for payment, and the nature of the instructions she gave to the agency, the fact remained that the emails attaching the false documents were sent to ACCA as alleged.
54. On this basis, the Committee found Allegation 1 proved.

COMMITTEE'S DECISION IN RESPECT OF ALLEGATION 1(A)

55. In reaching its decision on whether Miss Fei had acted dishonestly, it had relied on the test for dishonesty as prescribed by the Supreme Court in the case of *Ivey v Genting Casinos t/a Crockfords* [2017] UKSC 67.
56. The Committee relied on the facts it had found in respect of allegation 1.
57. The Committee found, on the balance of probabilities, that Miss Fei had sent or caused to be sent to ACCA the emails of 12 September 2023 and 27

December 2023, knowing that the four documents identified in the allegation, and which were attached to those emails, were false.

58. The Committee was satisfied that the only person who would derive any advantage from this deception, namely to gain exemptions from ACCA which were not justified, was Miss Fei.
59. The Committee was satisfied that, by the standards of ordinary decent people, the entirety of the conduct outlined above would be considered to be dishonest.
60. Consequently, the Committee found Allegation 1(a) proved.

ALLEGATION 1(B)

61. On the basis that this allegation was pleaded in the alternative to Allegation 1(a), the Committee made no finding in respect of it.

ALLEGATION 2(A)

62. Taking account of its findings that Miss Fei had acted dishonestly, 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. It put at risk the integrity of the procedure relating to examinations and the entire process of becoming a member of ACCA. This had profound consequences for the reputation of ACCA. In the Committee's judgement, it brought discredit to Miss Fei, the Association and the accountancy profession.
63. The Committee found Allegation 2(a) proved.

ALLEGATION 2(B)

64. On the basis that this allegation was pleaded in the alternative to Allegation 2(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

65. 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 also listened to the submissions of Mr Khan, and legal advice from the Legal Adviser which it accepted.
66. 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.
67. 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.
68. The Committee had found Miss Fei to have acted dishonestly which the Committee considered to be very serious.
69. The Committee considered whether any mitigating or aggravating factors featured in this case.
70. In terms of mitigation, the Committee had not been informed that there were any previous findings against Miss Fei. She had also cooperated to the extent that, albeit after an initial delay, she corresponded with ACCA during the course of the investigation.
71. The Committee had no information regarding the personal circumstances of Miss Fei nor had it been provided with any testimonials or references as to Miss Fei's character. Indeed, there had been no constructive engagement by Miss Fei in the course of the proceedings since notice of proceedings was served on her on 13 March 2025.
72. As a consequence, there was no evidence to enable the Committee to be satisfied that Miss Fei had any insight into the seriousness of her misconduct.
73. The Committee found such serious misconduct to be aggravated in the following ways.

74. As stated, Miss Fei had shown no insight. Furthermore, emails sent to ACCA to which false documents were attached took place in September and December 2023. Therefore, this was not a case relating to an isolated incident. It also suggested a course of conduct which was premeditated and the motivation for doing so was personal gain by improper means.
75. On the basis of its findings, the Committee concluded that neither an admonishment nor a reprimand would represent a sufficient and proportionate outcome. Neither sanction would adequately reflect the seriousness of the Committee's findings.
76. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, and reflecting on the criteria suggested in the Guidance, the Committee did not consider that a severe reprimand would be sufficient or proportionate. Indeed, the Guidance suggests that such a sanction may be appropriate when there is evidence of an individual's understanding and appreciation of the conduct found proved. No such evidence had been provided by Miss Fei.
77. The whole purpose of the process by which a student member progresses to qualification was in order to maintain the integrity of that process.
78. Miss Fei's dishonest conduct represented conduct which was fundamentally incompatible with being a student member of ACCA. Her failure to show any insight led the Committee to conclude that, currently, there was no guarantee that Miss Fei would behave in a manner expected of a member of ACCA.
79. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Miss Fei shall be removed from the student register.

COSTS AND REASONS

80. The Committee had been provided with a simple costs schedule (page 1) and a detailed costs schedule (pages 1 and 2) relating to ACCA's claim for costs.
81. The Committee concluded that ACCA was entitled to be awarded costs against Miss Fei, all allegations having been found proved. The amount of costs for

which ACCA applied was £8,792.50. The Committee considered that the claim appeared high taking account of the investigation and the nature of the case. The hearing had also not taken as long as estimated.

82. Miss Fei had not provided ACCA with any evidence of her means. The Committee was satisfied that, in the correspondence sent to her, Miss Fei had been warned at the outset of the importance of providing details of her financial circumstances and of ACCA's intention to apply for costs.
83. In the absence of any information from Miss Fei, the Committee approached its assessment on the basis that she was able to pay any amount of costs awarded against her.
84. In all the circumstances, and in exercising its discretion, the Committee considered that it was reasonable and proportionate to award costs to ACCA in the reduced sum of £6,000.00.

EFFECTIVE DATE OF ORDER

85. The Committee had considered whether the order should have immediate effect.
86. Whilst the Committee noted that Miss Fei is a student, it was concerned that she had been found to be dishonest and the Committee had no information regarding her current employment status. In the absence of such information, and in light of the Committee's findings regarding Miss Fei's conduct, it concluded that Miss Fei presented a risk to the public and therefore it was in the interests of the public to make an order which takes effect immediately.

Mr Andrew Popat CBE
Chair
11 April 2025