

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Jie Xiao

Heard on: Thursday, 17 April 2025

Location: Remotely via MS Teams

Committee: Ms Wendy Yeadon (Chair)
Mr Abdul Samad (Accountant)
Ms Deborah Fajoye (Lay)

Legal Adviser: Mr Alastair McFarlane

**Persons present
and capacity:** Mr Ryan Ross (Case presenter on behalf of ACCA)
Miss Mary Okunowo (Hearings Officer)

Summary: Exclusion from membership with immediate effect.

Costs: £5,850.00

1. ACCA was represented by Mr Ross. Miss Xiao did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 278, a separate bundle, numbered pages 1-75, an Additional bundle, numbered pages 1-38, and a service bundle numbered pages 1-14.

SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was served on Miss Xiao in accordance with the Complaints and Disciplinary Regulations 2014 ("CDR").

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Ross and accepted the advice of the Legal Adviser.
4. The Committee reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution. The Committee noted that when Miss Xiao completed ACCA's Case Management Form on 11 December 2024, she stated that she did not intend to attend the hearing or be represented. Further, in answer to the question: *"If you do not intend to attend the hearing, or be represented, do you consent to the Disciplinary Committee dealing with your case in your absence?"* Miss Xiao ticked the answer "yes". A second Case Management Form was sent to Miss Xiao and completed by her on 09 January 2025 when in relation to the same questions on attendance and consent to proceed in her absence, Miss Xiao provided the same answers. The Committee noted that in an accompanying email to the Notice of Hearing on 19 March 2025, the Hearings Officer referred to Miss Xiao's decision on attendance made in the Case Management Forms and informed her that should she become available she was to let the Hearings Officer know. There was no response to this email. The Hearings Officer sent a further similar email along with the link to the hearing to Miss Xiao on 16 April 2025. Again, there was no response.
5. The Committee was mindful of the observations of Sir Brian Leveson in *Adeogba v. General Medical Council [2016] EWCA Civ 162* as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made against them. The Committee specifically considered the issue of fairness to Miss Xiao of proceeding in her absence, but also fairness to the ACCA and the wider public interest in the expeditious discharge of the Committee's function. Miss Xiao has given no reasons why the hearing should not proceed in her absence and had clearly consented to the hearing proceeding in her absence.

The Committee was satisfied that Miss Xiao had voluntarily waived her right to attend. The Committee was not persuaded that any adjournment was likely to secure her attendance at a future date.

6. The Committee was satisfied that Miss Xiao has been given every opportunity to engage and participate in the proceedings and has decided not to do so. Accordingly, in all the circumstances the Committee was satisfied that it was in the public interest to proceed in the absence of Miss Xiao.

ALLEGATIONS

Miss Jie Xiao ('Miss Xiao'), at all material times an ACCA trainee:

- 1) Between approximately 10 and 14 July 2022 in relation to her ACCA Practical Experience Training Record caused or permitted a third party:
 - a) To register Person A as her practical experience supervisor and further,
 - b) To approve in Person A's name 67 months of qualification experience and further,
 - c) To approve in Person A's name seven of her performance objectives.
- 2) Whether by herself or through a third party applied for membership to ACCA on or about 14 July 2022 and in doing so purported to confirm in relation to her ACCA Practical Experience training record she had achieved the following Performance Objectives:
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 4: Governance, risk and control
 - Performance Objective 5: Leadership and management
 - Performance Objective 7: Prepare external financial reports
 - 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

3) Miss Xiao's conduct in respect of the matters described above was: -

- a) In relation to Allegation 1 a), dishonest in that Miss Xiao knew her supervisor, Person A, had been falsely registered as her practical experience supervisor.
- b) In relation to Allegation 1 b), dishonest in that Miss Xiao knew her supervisor, Person A, had not approved her experience of 67 months.
- c) In relation to Allegation 1 c), dishonest in that Miss Xiao knew Person A had not approved seven of her performance objectives.
- d) In relation to Allegation 2, dishonest in that Miss Xiao knew she had not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all.
- e) In the alternative, any or all of the conduct referred to in Allegations 1 and 2 above demonstrates a failure to act with Integrity.

4) In the further alternative, any or all of the conduct referred to in Allegations 1 and 2 above was reckless in that

- a) Miss Xiao failed to ensure that her Practical Experience training Record was approved in all material respects by her practical experience supervisor.
- b) Miss Xiao paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 2 accurately set out how each objective had been met.

5) By reason of her conduct, Miss Xiao is guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 4

above.

ADMISSIONS

7. Miss Xiao submitted an initial case management form on 11 December 2024 where she indicated that she accepted allegations 3 a) through to 3 e) which covered both dishonesty and a lack of integrity. When prompted by ACCA to clarify which of the alternatives was correct, she submitted a further case management form on the 09 January 2025 when she accepted a lack of integrity but not dishonesty. The Committee had regard to Miss Xiao's second Case Management Form. Miss Xiao admitted Allegation 1 a), 1 b) and 1 c) and Allegation 2. The Committee noted that she did not complete an answer to Allegation 4 (the further alternative of recklessness).
8. The Committee noted the submissions of Mr Ross for ACCA and accepted the advice of the Legal Adviser.
9. The Committee had regard to its power under CDR 12 (3) c). It was mindful that Miss Xiao was not legally represented but was satisfied that the admissions expressed in both Case Management Forms in relation to Allegations 1 a) b) and c) and Allegation 2 were clear and unequivocal. It was not safe to rely on the admissions to the dishonesty allegations that were made in the first form and were not repeated in the more recent form.
10. The Committee was satisfied that Miss Xiao understood the nature of the allegations and what she accepted and what she did not. The Committee was therefore satisfied that it was an appropriate case to exercise its power under the regulations and find Allegation 1 a), 1 b) and 1 c) and Allegation 2 proved by virtue of those admissions.

BACKGROUND

11. Miss Xiao became an ACCA affiliate on 11 August 2011 and an ACCA member on 21 July 2022.
12. Upon an ACCA student completing all their ACCA exams, they become an ACCA affiliate. 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.

13. A person undertaking practical experience is often referred to as an ACCA trainee, being the term used to describe Miss Xiao's status in the allegations, the report and the supporting evidence bundle.
14. An ACCA trainee's practical experience is recorded in that trainee's Practical Experience Requirement training record (PER), which is completed using an online tool called 'MyExperience', accessed via the student's MyACCA portal.
15. As part of their practical experience, each trainee is required to complete nine performance objectives ("POs") under the supervision of a qualified accountant. An accountant is recognised by ACCA as a qualified accountant if they are a qualified accountant recognised by law in the trainee's country and or a member of an IFAC body (International Federation of Accountants). Once a trainee believes they have completed a PO, they are required to provide a statement in their PER training record describing the experience they have gained in order to meet the objective. Given this is a description of their own experience, the statement should be unique to them. Through the online tool, the trainee then requests that their practical experience supervisor approves that PO.
16. In addition to approval of their POs, the trainee must ensure their employment where they have gained relevant practical experience (being a minimum of 36 months) has been confirmed by the trainee's line manager who is usually also the trainee's qualified supervisor. This means the same person can and often does approve both the trainee's time and achievement of POs. If the trainee's line manager is not qualified, 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.
17. 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 approved, the trainee is eligible to apply for membership - assuming they have also passed all their ACCA exams and

successfully completed ACCA's Ethics module.

18. During 2023 it came to the attention of ACCA's Professional Development Team that the practical experience supervisors registered to 91 ACCA trainees, shared one of three email addresses despite the names of such supervisors being different. It would not be expected for a supervisor to share an email address with any other supervisor or person. The three email addresses were as follows:

- [REDACTED]
- [REDACTED]
- [REDACTED]

19. Further analysis of this cohort of 91 trainees confirmed the following:

- Most of these trainees were registered with ACCA as resident in China.
- Although each statement supporting a PO should be a description of a trainee's experience and therefore unique, many of such statements within this cohort of 91 trainees were the same. These ACCA trainees had therefore copied their PO statements from others.
- Of these 91 trainees, the earliest date a supervisor with one of these three email addresses is recorded as approving a trainee's PER training record was August 2021 with the latest date being March 2023.

20. Consequently, all 91 trainees were referred to ACCA's Investigations Team. Miss Xiao is one such trainee.

21. ACCA's primary case against Miss Xiao, is that she knew Person A had been falsely registered as her supervisor and that she had not achieved all or any of the performance objectives referred to in Allegation 2 as described in the corresponding performance objective statements.

ACCA'S SUBMISSIONS

Allegations 1 and 2

22. ACCA relied on Miss Xiao's admissions and referred to Miss Xiao's PER training record, which, in particular, records the following:

- Miss Xiao was employed from [REDACTED] in the role of '[REDACTED]' at Firm A. Her PER records two periods of employment as '[REDACTED]', namely from [REDACTED] and then from [REDACTED].
- In the PER training record 37 months of relevant practical experience has been claimed which relates to the initial period of employment referred to above from [REDACTED].
- Further in the PER training record, in red text, 40 months and 30 months of relevant practical experience have been claimed which combined relate to the second period of employment referred to above from [REDACTED].
- The first two POs were effectively signed off by her legitimate supervisor, Person B. Thereafter, Person A, purporting to be her supervisor, signed the remaining seven POs off using one of the three common email addresses.

23. An analysis of Miss Xiao's PO statements revealed:

- Two of her PO statements were first in time, namely PO1 and PO2, being those approved by her supervisor Person B with ACCA ID [REDACTED] and therefore unique personal email address [REDACTED],
- The remaining seven of her PO statements were identical or significantly similar to the PO statements contained in the PER's of many other ACCA trainees from this cohort with Miss Xiao's statements not being first in time. These seven POs were all approved by Person A purporting to be Person B with ACCA ID [REDACTED] and the common email address [REDACTED]

Allegation 3(a) to 3 (d) – Dishonesty

3) Miss Xiao's conduct in respect of the matters described above was: -

- a) In relation to Allegation 1 a), dishonest in that Miss Xiao knew her supervisor, Person A, had been falsely registered as her practical experience supervisor.**
- b) In relation to Allegation 1 b), dishonest in that Miss Xiao knew her supervisor, Person A, had not approved her experience of 67 months.**
- c) In relation to Allegation 1 c), dishonest in that Miss Xiao knew Person A had not approved seven of her performance objectives.**
- d) In relation to Allegation 2, dishonest in that Miss Xiao knew she had not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all.**

24. ACCA submitted that there is extensive advice online in English and in Mandarin on how an ACCA trainee must complete their PER training record. This makes it clear that (i) a trainee's experience has to be approved by a supervisor who has acted as their supervisor for the period of experience claimed (ii) statements supporting their PO's have to be written by trainees in their own words and as such must be unique, and (iii) PO's have to be approved by an IFAC qualified supervisor.

25. Given the extensive advice available online, ACCA submitted that it is not credible that Miss Xiao was (i) unaware her PER training record had to be approved, in its entirety, by her actual supervisor and (ii) unaware that statements supporting all her PO's had to be in her own words and describe the experience she had actually gained to meet the relevant Performance Objective. In that regard, Miss Xiao has admitted '*I also realize it is a very serious issue to be dishonest*'.

26. In applying for ACCA membership (or a third party doing so on her behalf), ACCA submitted Miss Xiao claimed (i) that her supervisor had approved her time/ experience in her PER training record of 30 months and 37 months which she knew to be untrue, (ii) to have achieved PO's numbered 3, 4, 5, 7, 18, 19 and 20 with the use of supporting statements which she knew had not been written by her and therefore knew she had not achieved the PO's as described in these statements or at all and, (iii) that her supervisor had approved her PO's numbered 3, 4, 5, 7, 18, 19 and 20 which she knew to be untrue.
27. ACCA therefore submits this conduct would be regarded as dishonest by the standards of ordinary decent people, as per Allegations 3a) to 3d).

Allegation 3(e) – Integrity

28. In the alternative, ACCA submitted that if the conduct of Miss Xiao is not found to be dishonest, the conduct demonstrates a failure to act with integrity.

Allegation 4 – Recklessness

29. ACCA submitted in the further alternative that Miss Xiao's conduct was reckless in the ordinary sense of the word in that she paid no or insufficient regard to the fact that her PO statements should truthfully and accurately set out how the relevant objective had been met.
30. Miss Xiao, in not having any or sufficient regard to the matters referred to above, must have appreciated the risk (which it was unreasonable in the circumstances for her to take) that she had not completed the practical experience element of her training correctly and was therefore ineligible for membership.

Allegation 5 – Misconduct

31. ACCA submitted that Miss Xiao's conduct whether dishonest or lacking integrity or reckless and her failure to cooperate was sufficiently serious to reach the threshold for misconduct.

MISS XIAO'S SUBMISSIONS

32. On 23 April 2024, Miss Xiao sent a response to ACCA's Investigation Team. This included the following:

- Miss Xiao confirmed she had been employed by the firm referred to in her PER training record and for the period referred to in that record. Attached to her email were documents in support.
- In response to a question as to whether Person B was her line manager for the entire period referred to in her PER trained record Miss Xiao stated:

"[Person B] is my line manager all the time, [Person B] is employed by the same firm as me [PRIVATE], and both of us are working in the [PRIVATE] and also in the same team until September 2022. To prove above, I was download (sic) some past emails between Person B ([their] name is [PRIVATE] in Chinese) and me (my name is "肖杰" in Chinese)."

- In response to why she recorded 107 months of experience when 36 months is ACCA's minimum requirement she stated:

"I understand that ACCA trainee required minimum of 36 months relevant practical experience, and due to my busy work and heavy household duties, I didn't completed (sic) the PER of ACCA in time which only finished PO1 and PO2 separately in 2018 and 2020. But I remembered to renew my employment information when paid the annual fees, that's why there was 107 months as record."

- The Investigating Officer referred to Miss Xiao's supervisor Person B registering on separate occasions with two different email addresses with the later registration being with the common email address [REDACTED] who is recorded as approving seven of her PO's all of which were copied. The Investigating Officer then put to Miss Xiao *'In my view the likelihood is that Person B did approve your PO1 and PO2 but that the other [seven] POs were approved by a third party claiming falsely to be Person B. Please let me have your views on this observation.'*

- Miss Xiao responded:

"My PO1 and PO2 was absolutely approved by my supervisor Person B which registered with the address [REDACTED]. However, to be honest, my other seven POs were approved by a third party with the address [REDACTED]."

"On July 2022, I was very anxious to completed all the PER of ACCA, and potentially reckless to ask a third party for helping me on writing the remaining POs. I didn't known and realized that the statements was copied from others. In addition, I simply thought that should be easier and quicker by using the third party email ([REDACTED]) to approve my PER, instead of ask mysupervisor Person B for help."

"Person B was a qualified CPA and also my line manager. [Person B] was my line manager since [REDACTED] until [REDACTED]. The most stupid decision by me was not require [Person B] to approve my remaining POs in person."

- In response to the questions as to why her PO statements numbered 3, 4, 5, 7, 18, 19 and 20 are identical or significantly similar to other ACCA trainees with hers not being first in time she responded:

"As explained earlier in question 4, I asked a third party for helping me on writing the PO statements numbered 3,4,5,7,18,19 and 20. I was deceived and believed that the statements was unique to me. and blindly copy the whole statements to my PER."

"I was supervised by Person B during the relevant period at the same firm, [Firm A]. But I have to admit the significant mistake on writing the statements of remaining seven PO's instead of asking Person B for help. After read your email, I realized that I was totally wrong on compete my PER, (sic) I am deeply sorry and regretful for my behavior. I also realize it is a very serious issue to be dishonest, and according that there could be some punishment on me. For your consideration, I have been

conscientiously performing my internal audit responsibilities and duties, hopefully you can consider and give me one more chance to reapply and complete the PER again.”

DECISION ON ALLEGATIONS AND REASONS

33. The Committee accepted the advice of the Legal Adviser. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the balance of probabilities. It reminded itself of Collins J's observations in Lawrance v. GMC [2015] EWHC 581(Admin) to the effect that in cases of dishonesty, cogent evidence was required to reach the civil standard of proof. The Committee heard that there had been no previous findings against Miss Xiao and accepted that it was relevant to put her good character into the balance in her favour.

DECISION ON FACTS

34. The Committee noted the submissions of Mr Ross for ACCA and the written responses from Miss Xiao. It reminded itself that the burden of proof was on ACCA alone and that Miss Xiao's absence added nothing to ACCA's case.

Allegations 1 and 2

- 1) **Between approximately 10 and 14 July 2022 in relation to her ACCA Practical Experience Training Record caused or permitted a third party:**
 - a) **To register Person A as her practical experience supervisor and further,**
 - b) **To approve in Person A's name 67 months of qualifying experience and further,**
 - c) **To approve in Person A's name seven of her performance objectives.**
- 2) **Whether by herself or through a third party applied for membership**

to ACCA on or about 14 July 2022 and in doing so purported to confirm in relation to her ACCA Practical Experience training record she had achieved the following Performance Objectives:

- Performance Objective 3: Strategy and innovation
- Performance Objective 4: Governance, risk and control
- Performance Objective 5: Leadership and management
- Performance Objective 7: Prepare external financial reports
- 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

35. These allegations were proved by virtue of Miss Xiao' admissions as stated above. Accordingly, Allegations 1 and 2 were proved.

Allegation 3 - Dishonesty

3) Miss Xiao's conduct in respect of the matters described above was: -

- a) In relation to Allegation 1 a), dishonest in that Miss Xiao knew her supervisor, Person A, had been falsely registered as her practical experience supervisor.
- b) In relation to Allegation 1 b), dishonest in that Miss Xiao knew her supervisor, Person A, had not approved her experience of 67 months.
- c) In relation to Allegation 1 c), dishonest in that Miss Xiao knew Person A had not approved seven of her performance objectives.
- d) In relation to Allegation 2, dishonest in that Miss Xiao knew she had not achieved all or any of the performance objectives as described in the corresponding performance objective

statements or at all.

36. The Committee next asked itself whether the proven conduct in Allegation 1 was dishonest.
37. In accordance with the case of *Ivey v Genting Casinos (UK) Ltd T/A Crockfords [2017] UKSC67* the Committee first considered what Miss Xiao's belief was, as to the facts.
38. The Committee noted the content of Miss Xiao's email to ACCA of 23 April 2024. It was clear that she accepted that the declared supervisor had been falsely registered, had not approved her experience and had not approved the seven POs. The Committee was satisfied that she knew her conduct was wrong and that her likely rationale was as she said to become a member without delay. The Committee was satisfied that despite the fact that she had got a supervisor, she chose to take a "quicker and easier" route and get a third-party to act as her supervisor and approve the seven POs. The fact that she previously had two POs approved in the right manner by her actual supervisor indicated a deliberate act when she decided not to get the rest of the POs approved by her actual supervisor.
39. The Committee was satisfied that it was deliberate conduct – Miss Xiao accepted she instructed the third party to help her complete the PO statements. She knew what she ought to have done but chose not to do it. Further, the Committee examined the POs submitted by Miss Xiao and was satisfied that they were identical or significantly similar to those submitted by other trainees in the cohort and as none of the seven POs was the first in time, and the Committee concluded that they must have been copied.
40. The Committee accepted that there was manifold guidance as to the PER system published online and the Committee had little doubt that Miss Xiao would have been aware of those requirements. The Committee accepted that ACCA's guidance as to its requirements was widely available and that there was also extensive advice available in both English and Mandarin as to the requirements. This makes it clear the statements supporting their POs have to be written by trainees in their own words and as such must be unique.

41. The Committee had regard to the PO statements Miss Xiao submitted and accepted that seven of them (those listed in Allegation 1) were identical or significantly similar to those of other trainees. Neither of those seven of Miss Xiao's PO statements were the first in time. Given this, it considered it far more likely than not that the POs were not unique to her, and she would have known that.
42. The Committee was satisfied that it is not credible that Miss Xiao was unaware her POs had to be in her own words and describe the experience she had actually gained to meet the relevant Performance Objective. This was a case of blatant plagiarism. It found that Miss Xiao knew that she had falsely registered Person A as her supervisor and she knew he had not approved her experience and PO statements. In addition, she knew that the seven POs listed were not her own work as she had not written them and therefore that she had not achieved the POs, as described in these statements.
43. The Committee in the circumstances inferred that the more likely scenario was that Miss Xiao was taking a short cut to membership. In the circumstances the Committee was satisfied that Miss Xiao knew that it was untrue to purport to confirm that she had achieved them in the manner recorded. The Committee rejected any other basis such as mistake or carelessness or recklessness as not credible. Applying the second limb of *Ivey v Genting Casinos (UK) Ltd T/A Crockfords*, the Committee was satisfied that this conduct was dishonest according to the standards of ordinary decent people. Accordingly, it was satisfied that Allegation 3 a) – d) was proved.

Allegation 3 e) – Lack of Integrity

e) In the alternative, any or all of the conduct referred to in Allegations 1 and 2 above demonstrates a failure to act with Integrity.

44. Given the Committee's findings in relation to Allegation 3 a) – d) it did not consider the alternative of Allegation 3 e).

4) In the further alternative, any or all of the conduct referred to in Allegations 1 and 2 above was reckless in that

- a) **Miss Xiao failed to ensure that her Practical Experience training Record was approved in all material respects by her practical experience supervisor.**
- b) **Miss Xiao paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 2 accurately set out how each objective had been met.**

45. Given the Committee's findings in relation to Allegation 3 a) – d) it did not consider the alternative of Allegation 4.

Allegation 5

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

46. The Committee next asked itself whether Miss Xiao's proved conduct including submitting a fraudulent PER, amounted to misconduct.

47. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. To dishonestly gain membership, was, in the Committee's judgment, deplorable conduct.

48. The Committee was satisfied that Miss Xiao's actions brought discredit on herself, ACCA and the accountancy profession. It was satisfied that her conduct undermined one of the fundamental tenets of the profession – to be honest and not associate oneself with a false submission. Her conduct enabled Miss Xiao to secure membership when she was not entitled to it and her conduct undermined the reputation of the profession. Therefore, the Committee was satisfied that Miss Xiao's conduct had reached the threshold for misconduct.

SANCTIONS AND REASONS

49. The Committee noted its powers on sanction were those set out in Regulation 13(1). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It took account of Mr Ross's submissions.
50. The Committee accepted the advice of the Legal Adviser.
51. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. The dishonest behaviour was serious. Trust and honesty are fundamental requirements of any professional. Dishonesty by a member of the accountancy profession undermines its reputation and public confidence in it.
52. The aggravating factors the Committee identified were:
- Professional membership which is a material gain was obtained with a potential risk of harm to the public.
 - Conduct amounted to an abuse of trust by her as a member of the profession.
 - The serious impact on the reputation of the profession.
53. The mitigating factors the Committee identified were:
- A previous good character with no disciplinary record.
 - There is some evidence of regret and apology.
 - There has been some co-operation in the disciplinary process.
54. Given the Committee's view of the seriousness of the misconduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present. It also considered the factors listed at C5 of the Guidance that may justify exclusion. The Committee noted that among other factors, dishonesty and

an abuse of trust were present here. Any sanction which would allow a member who had achieved membership dishonestly to remain a member would fail to protect the public.

55. The Committee reminded itself that it was dealing with a case of dishonesty. It had specific regard to Section E2 of the Guidance in relation to dishonesty and was mindful of the case law to the effect that dishonesty lies at the top of the spectrum of misconduct. The Committee was satisfied that her dishonest behaviour was fundamentally incompatible with Miss Xiao remaining on the register of ACCA and considered that the only appropriate and proportionate sanction was that she be excluded from membership.

COSTS AND REASONS

56. ACCA claimed costs of £6,366.50 and provided a detailed schedule of costs. The Committee noted Miss Xiao has provided a statement of means [PRIVATE]. The Committee decided that it was appropriate to award costs to ACCA in this case and considered that the sum claimed by them was a reasonable one in relation to the work undertaken but made a reduction as the hearing lasted less time than anticipated. Accordingly, the Committee concluded that the sum of £5,850 was appropriate and proportionate. It ordered that Miss Xiao pay ACCA's costs in the amount of £5,850.

EFFECTIVE DATE OF ORDER

57. The Committee was satisfied that, given the seriousness of the conduct and the potential risk to the public and profession, an immediate order was in the interests of the public in the circumstances of this case.

Wendy Yeadon
Chair
17 April 2025