

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mrs Emma Taylor

Heard on: Tuesday, 21 January 2025

Location: Remotely via Microsoft Teams

Committee: Mr Andrew Popat CBE (Chair)
Mr David Horne (Accountant)
Ms Deborah Fajoye (Lay)

Legal Adviser: Ms Giovanna Palmiero

**Persons present
and capacity:** Mr Richard Ive (Case Presenter on behalf of ACCA)
Miss Nicole Boateng (Hearings Officer)

Observers: Ms Ceegay Verley (ACCA Observer)

Summary Exclusion from membership

Costs: £7,452

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Mrs Emma Taylor (Mrs Taylor).
2. Mr Richard Ive (Mr Ive) presented the case on behalf of ACCA.

3. Mrs Taylor did not attend and was not represented.
4. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
5. In accordance with Regulation 11(1)(a) of the Chartered Certificate Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was mainly conducted in public and parts in private.
6. The hearing was conducted remotely via Microsoft Teams.
7. The Committee was provided with, and considered in advance, the following documents:
 - (i) A Report & Hearing Bundle with pages numbered 1-150;
 - (ii) A Copy of reasons 18 October 2024 (Private) with pages numbered 1-9;
 - (iii) A Service Bundle with pages numbered 1-28
 - (iv) Cost Schedules were provided to the Committee at the sanction stage.

PRELIMINARY MATTERS (IN PRIVATE)

[Private]

ALLEGATIONS

36. Allegation 1

Mrs Emma Taylor. A fellow of the Association of Chartered Certified Accountants (FCCA):

- (a) On 1 February 2021, at North Kent Magistrates Court pleaded guilty to fraud which is discreditable to the Association or the accountancy profession.

- (b) By reason of her conduct at 1(a) above, she is liable to disciplinary action pursuant to byelaw 8(a)(ix).

BRIEF BACKGROUND:

37. On 11 February 2021 ACCA received a complaint from Ms B that raised issues in respect of the conduct of Mrs Taylor.
38. On 24 September 2003, Mrs. Taylor became a member of ACCA. On 24 September 2008, Mrs. Taylor became a Fellow of ACCA.
39. On 1 February 2021, at North Kent Magistrates Court, Mrs. Taylor pleaded guilty to fraud by abuse of position, contrary to Sections 1 and 4 of the Fraud Act 2006 at Medway Magistrates Court. Mrs. Taylor was “Committed to prison for 180 days, suspended for 24 months as the “Offence so serious”, with the reason for custody being “BREACH OF POSITION AND TRUST TO EMPLOYER, ONLY A CUSTODIAL SENTENCE CAN BE JUSTIFIED”.

ACCA SUBMISSIONS

40. Mrs. Taylor pleaded guilty at North Kent Magistrates Court of fraud by abuse of position. It is submitted that Mrs Taylor's conviction is in respect of an offence which is discreditable to ACCA or to the accountancy profession. It is submitted that Mrs. Taylor is therefore liable to disciplinary action pursuant to Bylaw 8(a)(ix) (as applicable in 2021).

MEMBERS RESPONSE

41. In her e-mail to ACCA of 10 May 2021, Mrs. Taylor stated that:

“Whilst I was working at Employer A, [Private] None of what I did was for personal gain. All monies were paid back [Private]

“But I am getting there but this constant dragging up of an incident that happened three years ago [Private]

"I took responsibility for my action and pleaded guilty because it was the right thing to do, even though I was advised [Private]"

"ACCA will do whatever they want. I have given up all hope of anyone actually standing in my corner. Organisation C are just out for blood and want to destroy me."

"20 years of great service, one illness and it's over. There has been NO support and COVID has made it worse."

DECISION

42. The Committee considered the documents before it, the submissions of Mr Ive on behalf of ACCA and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA, and the standard to be applied is proof on the balance of probabilities.
43. The Committee had sight of the Memorandum of Conviction issued by HM Courts and Tribunal Service and signed by an officer of the court. Under By-law 8(e), a copy of the memorandum of conviction given in the criminal proceedings is conclusive proof of the conviction and of any facts and matters found, as the case may be.
44. Mrs Taylor during correspondence did not dispute the fact of the conviction. The issue for the Committee was whether the offences for which Mrs Taylor was convicted were discreditable to ACCA or the accountancy profession.
45. The Committee was in no doubt that these convictions for an offence of fraud is very serious and is discreditable to the Association and the accountancy profession. Mrs Taylor had used her position as a qualified accountant, and in breach of her position of trust to obtain property by fraud.
46. The Committee was of the view that the conviction was discreditable to the accountancy profession and to ACCA. The convictions were publicised in various media publications.

47. The conviction resulted in a lengthy sentence of imprisonment, albeit the sentence was suspended. They clearly represent conduct which falls very far short of what is acceptable and what is expected of an ACCA member. It is self-evident that a conviction for fraud, committed against her employer whilst in a position of trust, brings discredit to a professional accountant.
48. Therefore, the Committee found Allegation 1(a) and (b) proved.

SANCTION

49. In reaching its decision on sanction, the Committee considered the oral submissions made by Mr Ive on behalf of ACCA. Mr Ive confirmed that there was no disciplinary record for Mrs Taylor prior to the hearing.
50. Mr Ive made no submission as to the actual sanction but referred to the Guidance for Disciplinary Sanctions (GDS) and particularly the summary of the general principles. He commented on potential mitigating and aggravating features of the case, referring to the fact that Mrs Taylor had no other known previous disciplinary findings.
51. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of the parties and the advice of the Legal Adviser.
52. The Committee considered that the conduct in this case was very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any accountant.
53. The Committee assessed the Aggravating and Mitigating features:

Aggravating features:

- This was a premeditated act;
- Mrs Taylor has not demonstrated any real understanding of the seriousness of her conduct;
- No evidence of insight, remorse or reflection.

Mitigating features:

- There were no previous findings against Mrs Taylor
- Mrs Taylor stated that she had paid back the monies taken.

54. Having found that Mrs Taylor's actions amounted to discreditable conduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.
55. The Committee considered that this conduct was at the more serious end of the scale. A sanction of admonishment, reprimand or severe reprimand would clearly not be appropriate or proportionate and nor would it adequately mark the seriousness of the offences.
56. Given the nature of the offending and the impact on the reputation of the profession, the Committee considered that no sanction less than exclusion could possibly be justified. The public interest would not be met by a sanction which allowed Mrs Taylor to maintain her membership of ACCA.
57. This was a serious criminal offence committed over a period of time. It was clearly premeditated. The offending was compounded by the fact it was committed whilst acting as an accountant for Employer A and whilst occupying a position of trust.
58. Mrs Taylor had committed a serious offence of dishonesty and had also failed in her obligations to her professional regulator.
59. Given its nature, the Committee considered the conviction was fundamentally incompatible with continued membership of the Association. The reputation of the profession would be diminished if any sanction less than exclusion were imposed. The Committee's obligation to protect the public and maintain

confidence in the profession would not be satisfied if Mrs Taylor remained a member of the Association.

60. Therefore, pursuant to CDR 13(1)(c), Mrs Taylor is excluded from membership of ACCA.
61. The Committee noted that the default period of exclusion is 12 months. The Committee decided not to extend this period, given the mechanisms in place at ACCA for readmission.

COSTS AND REASONS

62. ACCA applied for costs in the sum of £7,792.
63. The application was supported by a Schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing.
64. The Committee had no information about Mrs Taylor's financial circumstances. The Committee was informed that a financial means form had been sent to Mrs Taylor, but she had not returned it.
65. The Committee considered that, in principle, a costs order should be made in favour of ACCA, and it was satisfied that the costs claimed had been reasonably incurred and appropriate.
66. The Committee determined that the appropriate order was that Mrs Taylor pay ACCA's costs in the sum of £7,452. This had been reduced by £340 to reflect the shorter hearing.

EFFECTIVE DATE OF ORDER

67. The Committee considered whether it was necessary in the public interest to order that the sanction have immediate effect. The Committee determined that it would be in the interests of the public for the order to take immediate effect. Therefore, pursuant to Regulation 20 of the Disciplinary Regulation, the order removing Mrs Taylor from membership will take effect immediately.

68. [Private]

Mr Andrew Popat CBE
Chair
21 January 2025