

HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS**

REASONS FOR DECISION

In the matter of: Miss Yujie Liu

Heard on: Wednesday, 29 January 2025

Location: Remotely by Microsoft Teams.

Committee: Mr Tom Hayhoe (Chair)
Ms Fiona MacNamara (Accountant)
Mr Geoff Baines (Lay)

Legal Adviser: Mr Charles Apthorp

**Persons present
and capacity:** Mr Matthew Kerruish-Jones (ACCA Case Presenter)
Miss Nicole Boateng (Hearings Officer)

Summary: Allegations 1, 2 (a) and 4 found proved.

Sanction: Excluded from Members Register, order to take
immediate effect.

Costs: £5,500

1. The Committee heard an allegation of misconduct against Miss Yujie Liu ("Miss Liu"). Mr Matthew Kerruish-Jones appeared for ACCA, Miss Liu was not present and was not represented.

SERVICE OF PAPERS

2. Miss Liu was neither present nor represented.
3. The Committee considered the Service Bundle with pages numbered 1- 20 in order to determine whether the Notice of Hearing ("the Notice") dated 16 December 2024 had been served in accordance with the provisions of the Complaints and Disciplinary Regulations 2014 (amended 2020) ("the Regulations").
4. The Notice had been sent on 20 December 2024 to Miss Liu's registered email address held on file by ACCA providing the date and time of the hearing. The ACCA have sought to contact Miss Liu by telephone and by email as recently as 28 January 2025. In the Committee's view the notice complied with the other requirements of the Regulations.
5. The Committee was satisfied that this was effective service under the Regulations.

PROCEEDING IN ABSENCE

6. The Committee considered whether it should proceed in Miss Liu's absence and recognised it could only do so with care and caution. The committee has discretion to proceed in absence pursuant to Regulation 10(7) in the absence of the member. The Committee in this regard also took account of the guidance provided by the ACCA at paragraph 50 which addresses the issue of proceeding in absence of the member.
7. The Committee noted that Miss Liu had not responded in detail to the allegations in the main bundle served by ACCA on her by email. Miss Liu had engaged on 23 April 2024 and provided limited documents by email on 24 April 2024. No

application had been made by her to adjourn the hearing to another date. The Committee noted that Miss Liu was required by Regulation 10(4) to submit any documentary evidence and her statement of defence that she intended to rely upon by 8 January 2025 and had failed to do so.

8. The Committee recognised that there was a strong public interest in regulatory proceedings being considered and concluded expeditiously, particularly given the serious nature of the allegations. The Committee concluded that Miss Liu was aware of the date and place of the hearing and had voluntarily absented herself.
9. The Committee determined that it was fair and just to proceed in Miss Liu's absence in accordance with its discretionary power at Regulation 10(7) and that a fair hearing could take place in her absence.
10. The Committee were provided with the following bundles: Hearing Bundle (1-255), Additional Bundles (1-8), Service Bundle (1-20) and a Supplementary Bundle (1-85).
11. The Committee had read the papers prior to the hearing.

BRIEF BACKGROUND

12. Miss Liu was registered as an ACCA member, referred to here as a member, on 25 November 2021.
13. Miss Liu after completing her exams is required to obtain at least 36 months of practical experience, which is recorded in her Personal Experience Requirement ("PER") training record. The record is completed using an online tool, 'MyExperience' accessed via MyACCA an online portal.
14. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant. It is a requirement that the relevant practical experience is signed off by a

qualified supervisor. In addition the description of the experience in the trainee's record should be unique to each trainee.

15. 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.

16. The three email addresses were as follows:

- Email 1
- Email 2
- Email 3

17. 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.

18. In their personal statement for each PO, a trainee needs to provide a summary of the practical experience they gained. They must explain what they did, giving an example of a task. They must describe the skills they gained which helped them achieve the PO and they must reflect on what they have learned including what went well or what they would have done differently.

19. The ACCA PER guide states:

'Your situation and experience are unique to you, so we do not expect to see duplicated wording, whether from statement to statement, or from other trainees. If such duplication occurs, then it may be referred to ACCA's Disciplinary Committee.'

20. Miss Liu's PER was compared to other trainees. The nine she completed were found to be identical or sufficiently similar to PO statements contained in the PER's of other ACCA trainees. None of her POs was found to be first in time and the Committee were provided with an analysis of the similarities which included, for example, that POs 1 and 2 was sufficiently similar to 5 other trainees.
21. Miss Liu was notified of the allegations by the investigating team on 22 March 2024, which also referred to the Complaints and Disciplinary Regulation 3(1) requiring her to cooperate with the investigation and requesting that she respond to the questions by 5 April 2024. Later in the same day an email was sent to her email address recorded on the ACCA system asking if she had received the encrypted email and if not let the ACCA know. A delivery receipt confirming the email was delivered successfully was received by ACCA.
22. On 26 March 2024 the ACCA China office sent a mobile phone message, which was successfully delivered, to Miss Liu advising her that an email had been sent to her registered email address.
23. Further reminders were sent on 8 April 2024 in which Miss Liu was reminded of her duty to cooperate with the investigation and requesting a response by 22 April 2024. A further reminder was sent on 23 April 2024 requesting a response by 7 May 2024.
24. On 23 April 2024 Miss Liu sent an email to ACCA stating:

"I admit what you've said in those emails and currently I cannot provide those documents because I quited from my last firm about one year ago. I have no job now and cannot afford ACCA fees. I am busy with my perspnal

matters and I am sorry for responding you not in time. I hope to receive lenient treatment, thank you.”

25. ACCA submitted that it is aware from similar cases where trainees have co-operated they have indicated they engaged a third party to apply for membership on their behalf. It is therefore accepted by ACCA that it is possible a third party applied for membership on Miss Liu's behalf.
26. Miss Liu faced the following allegations:

ALLEGATIONS

Yujie Liu ("Miss Liu"), at all material times an ACCA trainee,

1. Whether by herself or through a third party applied for membership to ACCA on or about 20 November 2021 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 1: Ethics and professionalism
 - Performance Objective 2: Stakeholder relationship management
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 4: Governance, risk and control
 - Performance Objective 5: Leadership and management
 - Performance Objective 6: Record and process transactions and events
 - Performance Objective 7: prepare external financial reports
 - Performance Objective 9: Evaluate investment and financial decisions
 - Performance Objective 13: Plan and control performance
2. Miss Liu's conduct in respect of the matters described in Allegation 1 above was: -

- (a) Dishonest, in that Miss Liu knew she had not achieved all or any of the performance objectives referred to in Allegation 1 above in the manner claimed in the corresponding performance objective statements or at all.
 - (b) In the alternative, any or all of the conduct referred to in Allegation 1 above demonstrates a failure to act with integrity.
- 3. In the further alternative to Allegations 2a) and 2b) above, such conduct was reckless in that Miss Liu paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objective referred to in Allegation 1 accurately set out how the objective had been met.
- 4. Failed to co-operate with ACCA's Investigating Officer in breach of Complaints and Disciplinary Regulation 3(1) in that she failed to respond fully or at all to any or all of ACCA's correspondence dated,
 - a) 22 March 2024
 - b) 8 April 2024
 - c) 23 April 2024
- 5. By reason of her conduct, Miss Liu is:
 - (a) 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; in the alternative in respect of Allegation 4 only:
 - (b) Liable to disciplinary action pursuant to bye-law 8(a)(iii)

DECISION ON FACTS/ALLEGATION(S) AND REASONS

27. Mr Matthew Kerruish-Jones in submissions relied on the unchallenged evidence in the witness statements from the Senior Administrator in the ACCA support

team, the Professional Development manager and documentary evidence. Miss Liu had not requested that any witnesses should attend to provide oral evidence and had not served any evidence.

28. The Committee accepted the advice of the Legal Adviser.

Allegation 1

29. Allegation 1 was found proved.
30. The Committee determined that there was clear evidence that the nine PO statements contained within Miss Liu's PER did not reflect her practical experience and it was on the balance of probabilities either were copied by her from other POs and submitted by her or completed for her and submitted by a third party.
31. The Committee noted that shortly before the submission of the PER Miss Liu had access to the ACCA's guidance on submission of PERs in both English and Mandarin and the requirements. It determined that she was fully aware of the obligations that she should submit to ACCA POs which reflected her own experience. In addition, the Committee were satisfied that Miss Liu was aware of her obligation that the POs should be signed off by a suitably qualified person who had supervised her work and had not done so.
32. The Committee determined that in either eventuality Miss Liu was aware that the submission in support of her application did not reflect her practical experience.

Allegation 2 a

33. The Committee found Allegation 2a proved.
34. The Committee concluded that Miss Liu at the date of submission of her PER was aware that the Pos contained within it did not reflect her work and this was done in the knowledge that she was submitting or causing to be submitted false

Pos in her PER.

35. The Committee also found that the public would expect an accountant at the beginning of their career to provide evidence in support of their application which properly reflected their experience. It is the Committee's view that a member of the public would consider the conduct of Miss Liu in submitting false Performance Objectives to obtain membership to be dishonest.

Allegation 2 b and 3

36. The Committee having found Allegation 2a proved did not go on to consider Allegation 2b, whether there was a lack of integrity in her conduct and Allegation 3 as they were put in the alternative in the event Allegation 2a was found not proved.

Allegation 4a, b and c

37. The Committee found Allegation 4a, b, and c proved.
38. The Committee noted that there was a limited response by Miss Liu in April 2024 but noted that she had not responded fully to the 7 questions put to her by ACCA in the email dated 22 March 2024 and the follow up 5 April 2024 and the follow up emails on 23 April and 7 May. The Committee took into account the email from Miss Liu on 23 April 2024 and the response sent to her emphasising that she should provide a response to the allegations. The Committee determined that Miss Liu in her responses had not made a detailed response to the questions put to her and it noted that ACCA had made it clear to Miss Liu that there was a duty to fully cooperate. It therefore concluded that Miss Liu was in breach of her obligation to cooperate fully with an investigation and the Allegations 4a, b and c were found proved.

MISCONDUCT AND LIABILITY TO DISCIPLINARY ACTION

39. The Committee went on to consider misconduct and liability to disciplinary action. Mr Matthew Kerruish-Jones made submissions on the issue of

misconduct and referred the Committee to the case of Roylance and Bye-law 8(a).

40. In relation to Allegations 1 and 2(a) the Committee considered that Miss Liu's dishonest conduct undermined the process of the qualification to become a member of ACCA. In addition, Miss Liu had become a member of the accountancy profession by dishonest means. This was in the Committee's view a serious breach of the regulations striking at the core role of the Regulator, to maintain standards and public confidence in the profession. In addition, this conduct brought discredit upon Miss Liu, the profession and undermined public confidence in ACCA. The Committee noted that Miss Liu could have been working holding herself out, based on her qualifications, as an ACCA member which in the Committee's view was a risk to the public and engaged public protection.
41. The Committee determined that the copying of the POs of other members, submitting it to ACCA or having it submitted by a third party on her behalf, purporting to be her own work to obtain membership, was an act of serious dishonesty. In the Committee's view it was a breach of a fundamental expectation of the profession to be open and honest and undermined the protections put in place to protect the public.
42. The Committee found that Allegations 1 and 2(a) taken together amounted to serious misconduct.
43. The Committee also found that Allegation 4, the failure to fully cooperate with an investigation, undermined the role of ACCA as a regulator and prevented a full investigation of all of the circumstances surrounding the misconduct. This conduct was also found separately to amount to serious misconduct.
44. The Committee concluded that Miss Liu was liable to disciplinary action pursuant to Bye-law 8(a)(iii) in respect of Allegations 1 and 2(a) and found misconduct proved in respect of Allegation 5a.

SANCTION(S) AND REASONS

45. Mr Matthew Kerruish-Jones, the Case Presenter, made submissions on the appropriate and proportionate sanction. The Committee received advice from the Legal Adviser and in determining the appropriate and proportionate sanction considered the least restrictive sanctions first before moving onto the more serious ones.

ALLEGATIONS 1, 2a, and 4

46. The Committee considered what sanction, if any, to impose in the light of its findings, having regard to ACCA's Guidance for Disciplinary Sanctions (2024). It considered the allegations to be very serious given they included allegations of dishonesty and to fully cooperate with an investigation. It first sought to identify aggravating and mitigating factors.
47. In respect of mitigating factors the Committee took into account Miss Liu had no previous disciplinary findings against her. It also took account of her limited engagement in the investigatory process, her limited apology and her previous good character. The Committee attached limited weight to the personal issues raised by Miss Liu as there was a limited account and no independent evidence in support. In the Committee's view there was limited mitigation.
48. The Committee considered the aggravating factors in relation to these allegations. In the Committee's view it was an aggravating factor that there was limited evidence of remorse or insight into what the Committee considered to be serious breaches. It took into account that the dishonesty was a one-off over a short period of time, but it was not a spur of the moment breach, as the conduct was premeditated. In addition, it was an aggravating factor that Miss Liu had sought to undermine the integrity of the application process to be a member and a deliberate course of conduct for personal benefit and has deceived her regulator to work as a professional accountant.
49. The Committee considered that the dishonesty was at the more serious end of the scale of dishonest conduct and that there was a continuing risk to the public

and took into account section E2 of the ACCA Guidance for Disciplinary Sanctions regarding findings of dishonesty.

50. In respect of Allegation 4 the Committee took account of Miss Liu's limited engagement in the disciplinary process and her failure to provide a detailed response to the investigatory process. The Committee considered that this misconduct was serious as it undermined the investigatory process and took place over a prolonged period.
51. The Committee considered that taking no further action or imposing an admonishment did not reflect the seriousness of the conduct and noted that there was limited evidence of insight.
52. In respect of a reprimand the Committee considered the dishonest conduct to be serious and not minor. Given the lack of significant insight the Committee considered that a Severe Reprimand was not a sufficient sanction as there was a continuing risk to public confidence, the potential risk of harm and the risk to validity of the ACCA qualification process.
53. The Committee considered the factors listed at C5.1 in the guidance. It noted that in addition to showing limited insight or remorse there was no reflection. The Committee also took into account the response made by Miss Liu on 23 April 2024, as set out above at paragraph 24.
54. The Committee took account of the guidance at E2.3 and concluded that there was no remarkable or exceptional mitigation presented by Miss Liu which would warrant anything less than exclusion from membership. It also took into account the importance of protecting the integrity of the profession's qualification process and therefore determined that the only proportionate sanction was to direct that Miss Liu be excluded from membership.
56. The Committee did not deem it necessary to impose a specified period before which Miss Liu could make an application for readmission to the register.

COSTS AND REASONS

57. Mr Matthew Kerruish-Jones applied for costs totalling £6,460.
58. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs. The Committee also recognised that it needed to consider the principle that the majority of those paying ACCA's fees should not be required to subsidise the minority who, through their own misconduct, have found themselves subject to disciplinary proceedings. The Committee considered that the time spent, and the sums claimed were reasonable. It was appropriate to make a reduction as the hearing had run for half a day. Therefore the reasonable costs are assessed to be £5,500.
59. There was a lack of satisfactory information before the Committee about Miss Liu's means. The Committee took account of the content of the emails from her but attached little weight to their contents.
60. The Committee took account of paragraph 27 of the Guidance of Costs Orders and noted that Miss Liu had not provided a statement of Financial Position. The Committee having been provided with no evidential basis to justify a reduction directed that Miss Liu pay £5,500 towards ACCA's costs.

IMMEDIATE ORDER

61. Mr Matthew Kerruish-Jones invited the Committee to direct that the order come into effect immediately. He submitted it was necessary to protect the public and in the public interest and referred to the findings of the Committee in support.
62. The Committee directed that the order should come into effect immediately as it was necessary to protect the public. The Committee concluded that there was an identified and continuing risk to the public and to the validity of ACCA's process due to Miss Liu's ability to continue holding herself out as member of the ACCA.

ORDER

63. The Committee ordered as follows:

- a) Miss Liu shall be excluded from the ACCA Register.
- b) The order is directed to come into effect immediately.
- c) Miss Liu shall make a contribution to ACCA's costs of £5,500.

Mr Tom Hayhoe
Chair
29 January 2025