

HEARING

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

In the matter of: Miss Lili Yang

Heard on: Wednesday, 12 March 2025

Location: Remotely via Microsoft Teams

Committee: Mr Andrew Gell (Chair)
Dr David Horne (Accountant)
Mr Damian Kearney (Lay)

Legal Adviser: Ms Chloe Hudson

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

Summary: Allegations 1, 2, 3(a-d) and 5 found proved

Sanction: Removal from affiliate register, order to take immediate effect.

Costs: £200

1. ACCA was represented by Mr Ive. Ms Yang did not attend the hearing and was not represented. The Committee had before it a Bundle of papers, numbered pages 1-267, an Additional bundle numbered pages 1-27, a Separate Bundle numbered pages 1-84, and a Service Bundle numbered pages 1-17.

2. The Committee read all the papers in advance of the hearing which was conducted remotely by Microsoft Teams.

SERVICE

3. Having considered the Service Bundle and the Notice of Hearing the Committee was satisfied that notice of hearing was served in accordance with the Complaints and Disciplinary Regulations 2014 (amended 01 January 2025) ("CDR").
4. The Notice had been sent to Miss Yang's registered email address held on file by ACCA 28 days before the hearing and in the Committee's view complied with the other requirements of the Regulations.

PROCEEDING IN ABSENCE

5. The Committee considered whether it should proceed in Miss Yang's absence and recognised it could only do so with care and caution.
6. The Committee noted that Miss Yang had responded in the Service Bundle in an email dated 11 February 2025. Miss Yang stated that she did not intend to attend the hearing. No application had been made by Miss Yang to adjourn the hearing to another date, and she had indicated that she would be content for the hearing to go ahead in her absence in the Case Management Form completed and sent by her to ACCA on 15 October 2024.
7. 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 Yang was aware of the date and place of the hearing and had voluntarily absented herself.
8. The Committee determined that it was fair and just to proceed in Miss Yang's absence in accordance with its discretionary power at Regulation 10(7) and that a fair hearing could take place in her absence.

ALLEGATION(S)/BRIEF BACKGROUND

9. Miss Lili Yang ('Miss Yang'), at all material times an ACCA trainee:
 - 1) On or about 12 February 2023 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 39 months of qualifying experience and further,
 - c) To approve in Person A's name her nine performance objectives.
 - 2) Whether by herself or through a third party applied for membership to ACCA on or about 11 March 2023 and in doing so purported to confirm in relation to her ACCA Practical Experience Training Record she had achieved all or any of 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 8: Analyse and interpret financial reports
 - Performance Objective 14: Monitor performance
 - Performance Objective 18: Prepare for and plan the audit and assurance process
 - 3) Miss Yang's conduct in respect of the matters described above was:
 - a) In relation to Allegation 1 a), dishonest in that Miss Yang 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 Yang knew her supervisor, Person A, had not approved her qualifying experience.
 - c) In relation to Allegation 1 c), dishonest in that Miss Yang knew Person A had not approved her nine performance objectives.
 - d) In relation to Allegation 2, dishonest in that Miss Yang 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 Yang failed to ensure that her Practical Experience training Record was approved in all material respects by her practical experience supervisor.
 - b) Miss Yang 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 Yang 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.

BACKGROUND

10. Miss Yang became an ACCA affiliate member on 18 July 2016.
11. Miss Yang is required to obtain at least 36 months of practical experience, which is recorded in her Practical Experience Requirement ("PER") training

record. The record is completed using an online tool, 'MyExperience' accessed via MyACCA an online portal.

12. 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.
13. 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.
14. 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 or others operating on their behalf appear to have 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. 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.
15. 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.'

16. Miss Yang's PER was compared to other trainees. One PO statement, PO7 was first in time. However, the remaining eight she completed were found to be identical or sufficiently similar to PO statements contained in the PER training records of other ACCA trainees.
17. Miss Yang was notified of the allegations on 15 March 2024 requesting she respond to questions by 29 March 2024. An email was sent to her email address registered on the ACCA system.
18. Miss Yang responded on 28 March 2024 indicating she thought she needed to *'click the application button'* to complete the process and that she was *'seriously negligent'*.
19. The ACCA sent a further email with more questions to Miss Yang on 28 May 2024. In her responses Miss Yang said she had given her account and password to another person.

ACCA'S SUBMISSIONS

20. Mr Ive in his submissions relied on the unchallenged evidence in the witness statements from the Senior Administrator in the ACCA Member Support Team, the Professional Development Manager and documentary evidence. Miss Yang had not requested that any witnesses should attend to provide oral evidence and had not served any evidence.
21. The Committee read and took into account the material supplied by Miss Yang, in particular that she admitted Allegations 1 and 2 in her Case Management Form dated 11 November 2024. It noted that she said that she *'was deceived and did not intentionally make a mistake.'*

22. The Committee heard that there had been no previous findings against Miss Yang and accepted that it was relevant to put her good character in relation to the likelihood of her acting as ACCA alleged into the balance in her favour.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

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

Allegation 1

24. Allegation 1 found proved.
25. Miss Yang admitted Allegation 1 in her Case Management Form dated 15 October 2024.

Allegation 2

26. Allegation 2 found proved.
27. Miss Yang admitted Allegation 2 in her Case Management Form dated 11 November 2024. The Committee noted that Miss Yang stated, *'I admit that I had made a mistake,, but as mentioned in the previous email, a third party did it without my knowledge'* [sic].

Allegations 3a, 3b, 3c, 3d

28. The Committee considered Allegations 3a, 3b, 3c and 3d separately and found each proved.
29. In respect of Allegation 3a the Committee found it implausible that Miss Yang did not realise it was dishonest to register Person A as her practical experience supervisor. Miss Yang had already sat and passed ACCA exams and knew of the importance of the ACCA Practical Experience Training Record.
30. In giving her account details and password to a third person and delegating the completion of her record to someone else, the Committee found that this was

a dishonest means by Miss Yang of a short cut to qualification. By the standards of ordinary decent people this was dishonest.

31. Miss Yang had been an affiliate member of the ACCA since 2016, has worked in the profession and against that backdrop it is not credible that she believed that she simply had to click an apply button rather than having a supervisor of the necessary experience who would approve her nine performance objectives.
32. The Committee also found it implausible that Person A would do this work without payment from Miss Yang.
33. The Committee having found Allegations 3a, 3b, 3c and 3d proved did not go on to consider Allegation 3e or 4, whether there was a lack of integrity in her conduct, or she was reckless as these were in the alternative in the event the other allegations were found not proved.

MISCONDUCT AND LIABILITY TO DISCIPLINARY ACTION

34. The Committee next asked itself whether the proven conduct amounted to misconduct and liability to disciplinary action. Mr Ive made submissions on the issue of misconduct and referred the Committee to the case of *Roylance v GMC* [2000] 1 AC 311 and Bye-law 8(a).
35. In relation to Allegations 1 and 2, 3a, 3b, 3c and 3d the Committee considered that Miss Yang's dishonest conduct undermined the process of the qualification to become a member of ACCA. 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 Yang, the profession and undermined public confidence in ACCA. The Committee noted that Miss Yang would have been working holding herself out, based on her qualifications, as an ACCA affiliate member which in the Committee's view was a risk to the public and engaged public protection.
36. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that

Miss Yang's actions brought discredit on her, the Association and the accountancy profession.

37. The Committee determined that the dishonesty in respect of her ACCA training record and supervision were acts of serious dishonesty. In the Committee's view they were breaches of the fundamental expectation of the profession to be open and honest and undermined public confidence in the profession.
38. The Committee found that Allegations 1, 2, 3a, 3b, 3c and 3d taken together amounted to serious misconduct.
39. The Committee concluded that Miss Yang was liable to disciplinary action pursuant to Bye-law 8(a)(i) in respect of Allegations 1, 2 and 3a, 3b, 3c and 3d.

SANCTION(S) AND REASONS

40. Mr Ive, 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.
41. In respect of mitigating factors, the Committee took into account Miss Yang had no previous disciplinary findings against her and good character. It also took account of her limited engagement in the investigatory process. In the Committee's view there was limited mitigation.
42. The Committee considered the aggravating factors in relation to these allegations. In the Committee's view it was an aggravating factor that there was no evidence of remorse or insight into what the Committee considered to be serious breaches involving dishonesty. It considered that the dishonesty was not a one off over a short period of time, nor was it a spur of the moment breach, as the conduct was premeditated. The misconduct involved others. In addition, it was an aggravating factor that Miss Yang 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. The misconduct

has generated a risk to the reputation of the ACCA and accountancy profession.

43. 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.
44. 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 the validity of the ACCA qualification process.
45. The Committee considered the factors listed at C5.1 in the ACCA's Guidance for Disciplinary Sanctions. It noted that in addition to showing limited insight or remorse there was no reflection. The Committee also took into account the material provided by Miss Yang.
46. The Committee determined that the only appropriate and proportionate sanction in the circumstances of the case was removal from the affiliate register.
47. 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's Guidance for Disciplinary Sanctions regarding findings of dishonesty.
48. The Committee did not deem it necessary to impose a specified period before which Miss Yang could make an application for readmission to the register.
49. The ACCA made an application for the order to take immediate effect, given Miss Yang could hold herself to be an affiliate of the ACCA during any appeal process.

50. The Committee decided that given the dishonesty of Miss Yang to obtain full membership of the ACCA it would be in the public interest for the order to be made immediately.

COSTS AND REASON(S)

51. Mr Ive applied for costs totalling £6,481.50 although it was accepted that given the hearing had been shorter than anticipated a reduction would be appropriate.
52. 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 substantial reduction as the hearing had run for less than half a day.
53. There was information before the Committee about Miss Yang's means, [Private]. Having carefully considered the evidence provided by Miss Yang, ACCA's Guidance for Cost Orders, and heard from the Legal Adviser, the Committee decided that on the balance of probabilities Miss Yang might be caused [Private] if a costs order was made in the amount sought. In all the circumstances the Committee decided an appropriate costs order is £200.

EFFECTIVE DATE OF ORDER

54. The effective date of the order is 12 March 2025.

Mr Andrew Gell
Chair
12 March 2025