

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Ling Xi FAN

Heard on: Friday, 21 March 2025

Location: Remotely via Microsoft Teams

Committee: Mr Andrew Gell (Chair)
Mr George Wood (Accountant)
Mr Nigel Pilkington (Lay)

Legal Adviser: Ms Giovanna Palmiero

**Persons present
and capacity:** Mr Stuart Brady (ACCA Case Presenter)
Ms Anna Packowska (Hearings Officer)

Summary Exclusion from membership with immediate effect

Costs: £3,000.00

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Miss Ling Xi FAN (Miss Fan).
2. Mr Stuart Brady (Mr Brady) presented the case on behalf of ACCA.
3. Miss Fan 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 Certified Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
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 of Disciplinary Allegations Bundle with pages numbered 1-263;
 - (ii) An additional Bundle with pages numbered 1-19;
 - (iii) A Separate Bundle with pages numbered 1-25
 - (iv) A Service Bundle with pages numbered 1-16.

Cost Schedules were provided to the Committee at the sanction stage.

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

8. The Committee was informed that Miss Fan had been served with a notice of today's hearing, together with the necessary papers via electronic mail on 21 February 2025.
9. The Committee was satisfied that notice had been sent to Miss Fan's registered email address in accordance with Regulation 22 of the 2014 Regulations as amended. The Committee noted that the email had been delivered successfully. Regulation 22(8) stipulates that, when a notice has been sent by email, it is deemed to have been served on the day it was sent. Accordingly, the Committee was satisfied that Miss Fan had been given 28 days' notice with the necessary information required in accordance with Regulation 10.

10. The Committee decided that Miss Fan had been properly served with Notice of Proceedings.

PROCEEDING IN ABSENCE

11. The Committee was aware of the Case Management Form (CMF) in the bundle submitted by Miss Fan on the 19 December 2024, in which she stated that she did not wish to attend or be represented during the hearing, and that she was happy for the Committee to proceed in her absence.
12. The ACCA Hearings Officer (HO) emailed Miss Fan on 18 March 2025 to request her confirmation as to whether she would be attending at the hearing. There are delivery receipts on file for these emails and no suggestion that they had not been successfully delivered. Miss Fan did not respond to this email.
13. On the 20 March 2025, the HO attempted to call Miss Fan on the telephone number provided on her ACCA registration. This call was not answered and had no facility to leave a message. A follow up email was also sent by the HO on this date.
14. The Committee considered that ACCA had taken reasonable steps to encourage Miss Fan to attend the hearing. The Committee was satisfied that the emails had been sent to the email address on the ACCA's register and that there was a record of the emails having been delivered successfully. The Committee noted that Miss Fan had been given sufficient notice of the hearing and notified that if she did not attend then the Committee could proceed in her absence. The Committee concluded, on the balance of probabilities, that Miss Fan was aware of today's hearing and had voluntarily absented herself.
15. The Committee was also satisfied that taking the seriousness of the allegations into account, it was in the public interest to proceed expeditiously. The Committee did not consider that any benefit would be obtained by adjourning the hearing and in any event no such application was made.

PUBLIC HEARING

16. The Committee had regard to the CMF which had been submitted by Miss Fan on the 19 December 2024. Miss Fan had ticked the box requesting that she wished for the hearing to be held entirely in private. There were no submissions in support of this request in the CMF.
17. Mr Brady submitted that under Regulation 11(1)(a) the starting point was that all hearings should be held in public, unless the particular circumstances of the case outweigh the public interest in holding the hearing in public.
18. The Committee was aware that they must be satisfied that there should be exceptional circumstances which outweigh the public interest in the hearing being open to the public before acceding to any application for a hearing to proceed in private. There is a non-exhaustive list of examples which would amount to exceptional circumstances which it had regard to. None of the examples in this list applied to the circumstances of this case.
19. The Committee found that, in the absence of any reasoning by Miss Fan, there were no exceptional circumstances which outweigh the public interest in the hearing being open to the public or would lead the Committee to consider holding the proceedings in private or depart from the starting point of the hearing being in public.

ALLEGATIONS

20. Miss Ling Xi FAN ('Miss Fan'), at all material times an ACCA trainee:
 - 1) On or about 10 October 2021 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 her performance objectives.

2) Whether by herself or through a third party applied for membership to ACCA on or about 20 October 2021 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 2: Stakeholder relationship management
- Performance Objective 3: Strategy and innovation
- Performance Objective 4: Governance, risk and control

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

a) In relation to Allegation 1 a), dishonest in that Miss Fan 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 Fan knew her supervisor, Person A, had not approved her nine performance objectives.

c) In relation to Allegation 2, dishonest in that Miss Fan knew she had not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all.

d) 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 Fan failed to ensure her performance objectives in her Practical Experience Training Record were approved by her practical experience supervisor.

b) Miss Fan 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 Fan 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.

ACCEPTED ADMISSIONS

21. The Committee had regard to Regulation 12(3)(b): "If the relevant person is not in attendance, the Disciplinary Committee shall consider any written response to the notice referred to in Regulation 10(1) or any correspondence or note of conversation and determine whether it establishes the relevant person's wish to make any admissions."
22. The Committee had reference to the CMF submitted by Miss Fan, where she had ticked the box confirming that she admitted to certain allegations within this CMF. Miss Fan made admissions to Allegations 1(a), 1(b), 2, 3 (a), 3(b) and 4(b). Miss Fan denied allegations 3(c), 3(d) and 4(a).
23. The Committee was mindful that they must exercise caution in finding allegations proven by admission where any admissions appear to be equivocal or qualified as admissions must be unequivocal and unqualified and the admission in the written statement should also be taken as a whole and not in part.
24. The Committee considered the fact that Miss Fan was not present or represented and therefore had to proceed with caution and be fair to all parties, however it was clear from all the communication from Miss Fan that her admissions in part were unequivocal.
25. The Committee accepted the admissions and found those allegations proven. Allegations 3(c), 4 (a) and 5 were proceeded with by ACCA.

BRIEF BACKGROUND

26. 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.

27. A person undertaking practical experience is often referred to as an ACCA trainee being the term used to describe Miss Fan’s status in the allegations, the report and the supporting evidence bundle.
28. An ACCA trainee’s practical experience is recorded in that trainee’s Practical Experience Requirement (PER) training record which is completed using an online tool called ‘MyExperience’ which is accessed via the student’s MyACCA portal.
29. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant.
30. 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.
31. 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 practical experience supervisor. This means the same person can and often does approve both the trainee’s time and achievement of POs.
32. 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.

33. 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.
34. 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.
35. The three email addresses were as follows:
- [PRIVATE]
[PRIVATE]
[PRIVATE]
36. 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.
37. Consequently, all 91 trainees were referred to ACCA's Investigations Team. Miss Fan is one such trainee.

Facts of the Case – Allegation 1

38. Karen Watson, Senior Administrator in ACCA's Member Support Team, has provided a statement explaining ACCA's membership application process. She states that once an application is received, this is recorded in ACCA's PROD database by an automated process. Ms Watson exhibits to her statement a sample record. The corresponding record for Miss Fan is in the bundle of evidence and records her application was received on 11 October 2021.
39. However, Miss Fan's application was not initially accepted as ACCA declined the supporting statement to her performance objective 1 as this was generic. This decision is recorded in her PER training record and in an email from ACCA to Miss Fan of 13 October 2021.
40. As recorded in Miss Fan's PER training record, she revised the statement and requested approval on 19 October 2021. Her purported supervisor approved the statement on the same day. Having advised ACCA she was unable to submit a further online application, she was advised by ACCA this was not required and all she needed to do once her revised statement for performance objective 1 had been approved was to advise ACCA in an email. Accordingly, she did so in an email to ACCA on 20 October 2021. ACCA responded the following day advising that her application had been approved and she would be admitted to membership on 28 October 2021. ACCA's record shows that she was admitted to membership that day. Given the above, the date of her completed application has been taken as 20 October 2021 and therefore the date referred to in Allegation 2.
41. Linda Calder provides an overview of the PER process in her statement as follows:
 - POs and ACCAs exams are closely linked so that the knowledge and techniques the trainee develops through their studies, are relevant in their workplace. The tasks and activities a trainee will be asked to demonstrate in the POs are also closely related to the type of work they will undertake on a regular basis in an accounting or finance role.

- Each PO comprises 3 parts; (i) a summary of what the PO relates to; (ii) 5 elements outlining the tasks and behaviours a trainee must demonstrate to be able to achieve the PO; and (iii) a 200- to 500-word concise personal statement in which a trainee must summarise how they achieved the PO.
- In total a trainee is required to complete nine POs. The POs numbered 1 to 5 are compulsory. There are then a number of option 'Technical' POs from which the trainee needs to choose 4. ACCA recommends to trainees that they choose the technical POs that best align to their role so that it is easier to achieve the PO. In that regard the ACCA's requirements as published in the 2019 guide, and subsequently, explain the following:

'The performance objectives you choose should be agreed with your practical experience supervisor. You should consider the following points when selecting which performance objectives to target...

... ..

Match any business objectives you have been set at work with the performance objectives. This will allow you to work towards your business objectives and your PER at the same time.'

- 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.
- A trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. This has been consistently referred to in ACCA's published guides which Ms Calder exhibits to her statement. Trainees must not therefore use a precedent or template or another trainee's personal statement, which would undermine the PER training record element of the ACCA qualification. The 2019 published guide concludes:

'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.'

- ACCA's PER guides are available online in China. Although the Guides are printed in English, all Chinese trainees will have taken their exams in English and therefore it would follow that they have a reasonable command of the English language.
- A practical experience supervisor means a qualified accountant who has worked closely with the trainee and who knows the trainee's work. 'Qualified accountant' means a member of an IFAC (International Federation of Accountants) member body and or a body recognised by law in the trainee's country.
- A practical experience supervisor is usually the trainee's line manager. However, where the trainee's manager is not IFAC qualified, the trainee can appoint an external supervisor who is. In that regard, ACCA's PER guide as exhibited to Linda Calder's statement states:

'If your organisation does not employ a professionally qualified accountant who can sign-off your performance objectives then you could ask an external accountant or auditor who knows your work, to be your practical experience supervisor and work with your line manager to sign off your objectives.'

- Trainees must enter their practical experience supervisor's details using their ACCA MyExperience online recording tool which generates an invitation to their nominated supervisor to act as their supervisor. If the supervisor accepts that invitation, the supervisor is required to record their details using the same recording tool.
- All practical experience supervisors have to be registered with ACCA. During the period the practical experience supervisors (most of whom claimed to be IFAC qualified line managers) approved the POs for these 91 trainees,

(being between August 2021 and March 2023), the requirement was for IFAC qualified supervisors to record the name of their IFAC member body and their membership number issued by that body. Most of the IFAC qualified line managers within this cohort of 91 trainees claimed to be members of the Chinese Institute of Certified Public Accountants (CICPA), an IFAC body, and, as required, went on to provide their membership number.

- Although not compulsory at the time, most of these supervisors also went on to upload what they claimed was their CICPA membership registration card. However, despite these supervisors providing different membership numbers when registering, the vast majority uploaded the same registration card with membership number [PRIVATE]. However, this membership number did not match with any of the CICPA membership numbers provided by the supervisors.
- Furthermore, the name recorded in this CICPA membership registration card is pixelated and therefore unidentifiable as is the photo
- Information has been obtained from one of ACCA's China offices in China about the support given to ACCA affiliates in China, as follows:
- ACCA's Customer Services Team in China email all ACCA affiliates in China inviting them to regular webinars provided by ACCA staff who can advise on the PER process.
- There is a list of webinars (translated using Google translate) relating to ACCA's membership application process dated from 14 December 2016 to 27 August 2022 which state:

'...Record 36 months of accounting-related work experience in myACCA, and complete 9 Performance Objectives, which will be confirmed online by your Supervisor...'

- These are live webinars and therefore trainees can ask ACCA staff based in China any questions they may have.

- The webinar details refer to encouraging affiliates to join the ACCA WeChat group of their regional service group and provides details how to join. All the webinars listed include the same details about these WeChat groups. ('WeChat' is a social media app available globally but used extensively in China). In these WeChat groups, ACCA trainees can ask ACCA China staff questions including about the PER process.
- In addition to the WeChat groups, ACCA China uploads to its WeChat platform articles relevant to the ACCA membership process. There is a list of those articles (translated using Google translate) in the evidence bundle. This includes an article 'How to become an ACCA Member Series 1/ Practical Experience Requirement (PER) Quick Guide', dated 15 January 2020. The article refers to a mentor, which is the same as a supervisor. Under the heading 'Find a mentor' the article states in particular:

'Your experience must be under the supervision of a mentor to count towards PER. You must find a mentor with real work experience to monitor and confirm your work hours and performance goals...'

- Under the heading 'Determine performance goals' the article states in particular:

'You have to choose which performance goals to accomplish, here are some points to keep in mind:

- *You need to complete 9 performance goals, including all 5 core goals and any 4 technical goals;*
- *Work with your practical experience mentor to develop a plan to achieve performance goals;*
- *Choose technical goals that are relevant to your day-to-day work, as they are easier to achieve....'*

The Practical Experience Requirement (PER) training record for Miss Ling Xi FAN.

42. A copy of the PER training record for Miss Fan is in the bundle of evidence and records she was employed by a single firm, namely Employer A. In particular, it records the following:

- Miss Fan was employed from 1 July 2017 to 30 June 2020 in the role of Accountant.
- 36 months of relevant practical experience has been claimed, which relates to the period of employment referred to in the paragraph immediately above. This period therefore meets ACCA's minimum experience requirement.
- The Supervisor details for Miss Fan appear to record that Person A registered twice. The first occasion Person A is recorded as registering was on 12 June 2020 as Miss Fan's 'Non IFAC qualified line manager' with what appears to have been a personal email address, namely [PRIVATE] and was issued with ACCA ID [PRIVATE]. The second occasion Person A is recorded as registering was on 10 October 2021 as Miss Fan's 'IFAC qualified line manager' with one of the three common email addresses namely [PRIVATE] and was issued with ACCA ID [PRIVATE].
 - As Miss Fan's apparent 'IFAC qualified line manager', Person A was authorised to approve both Miss Fan's time/ experience and all her POs but as her 'non IFAC line manager' Person A was only authorised to approve Miss Fan's time/ experience.
 - In that regard, on 29 June 2020 Miss Fan requested that Person A with ACCA ID [PRIVATE] (i.e. the Person A registered as her 'non-IFAC qualified line manager') approve her time/ experience of 36 months and Person A with the same ACCA ID did so on the same day.
 - On 10 October 2021 Miss Fan requested that Person A with ACCA ID [PRIVATE] (i.e. the Person A registered as her 'IFAC qualified line manager' and with the common email address [PRIVATE]) approve all her nine performance objectives and Person A with the same ACCA ID is recorded as doing so on the same day.

- As referred to above, ACCA declined Miss Fan's PO1 as the supporting statement was considered generic. Miss Fan therefore submitted a revised statement on 19 October 2021 which was approved by Person A with ACCA ID [PRIVATE] on the same day.
- In the bundle of documents there are sample extracts of supervisor details for other ACCA Trainees whose supervisors' names are different but whose email addresses are the same (namely [PRIVATE]) as those of Miss Fan's supervisor Person A with ACCA ID [PRIVATE] The registration details provided by Miss Fan's Supervisor, Person A, which includes the common email address and also the supervisor CICPA membership number [PRIVATE] These registration details refer to 'Attachments' beneath which is reference to 'CPA' being 'Certified Public Accountant'. The document which purports to be the supervisor's CICPA membership card. However, although the name has been pixelated, the membership number is visible being [PRIVATE] which is not the same as the membership number provided by Miss Fan's supervisor. As referred to in Ms Calder's statement, this CICPA membership card has been uploaded by many supervisors who share one of the three common email addresses.

Analysis of Miss Fan's PO statements as contained in her PER training record compared with those of other ACCA trainees being part of this cohort.

43. As referred to by Linda Calder, all PO statements should be unique and must not be copied from other trainees or from templates as this undermines the PER training record element of the ACCA qualification.
44. Where PO statements are the same or significantly similar to the PO statements of any other trainees, this would suggest at the very least, the trainee has not met the objective in the way claimed or possibly at all. That further, the practical experience claimed, has not been supervised by a practical experience supervisor, who would or should have knowledge of the trainee's work. In carrying out this analysis, ACCA has been careful to record the PO statement for any one PO which was first in time, on the basis this

statement may be original and therefore written by the trainee based on their actual experience, unless there is evidence suggesting otherwise.

45. The 'first in time date' is the date the trainee requested that their IFAC qualified line manager approve the PO in question within their PER. This is on the basis that as soon as the PO narrative had been uploaded to the PER, the trainee would have then requested approval. In most of the cases within this cohort, the supervisor approved the POs on the same day or if not very soon thereafter.
46. In relation to Miss Fan the analysis revealed:
 - Six of her PO statements were first in time, being PO1, 5, 6, 15, 18, and 19; And,
 - Three of her PO statements were identical or significantly similar to the PO statements contained in the PER's of other ACCA trainees from this cohort and which predate Miss Fan's.

Response from Trainee

47. Following referral of this matter to ACCA's Investigations Team, a member of that team sent an email to Miss Fan on 8 March 2024 attached to which was a letter, and other documents, all of which have been referred to above. The letter clearly set out the complaint and requested that Miss Fan respond to a number of questions by 22 March 2024.
48. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Fan on the same day asking her to check if she had received the encrypted email and if not to let ACCA know.
49. Miss Fan responded in an email of 13 March 2024 stating:

"I'm awfully sorry, as the company didn't have a suitable IFAC member to help me authenticate the practical experience requirement at that time, I found a stranger online to help me with it. But I have indeed been employed by Employer A., since July 2017, and Person A has always been my supervisor,

but they are not a member of IFAC. I know my actions against the rules, and I feel ashamed. How can I make up for it now?"

50. ACCA emailed Miss Fan the same day, acknowledging her response, but requesting that she answer each question contained in ACCA's letter.

51. Miss Fan provided her further response in an email dated 20 March 2024. In particular, within the body of her email she provided documentation relating to her employment at Employer A [PRIVATE]:

'I confirm that Person A was my line manager for this entire period.' 'Person A in my line manager who supervised me but they are not the member of IFAC'.

'It was not clear about the PER, I waited until three years had passed before starting to do it.'

'I thought the line manager would approve the work experience but later found out that IFAC member approval was needed, but Person A was not a member. As the company didn't have a suitable IFAC member to help me authenticate the practical experience requirement at that time, I found a stranger with the email address [PRIVATE] online to help me with it.'

In relation to ACCA's question as to why statements supporting three of her POs were the same as other trainees which predated her own, Miss Fan stated, 'My PO statement was filled out by a stranger I found online, and she may have also helped others with it, so there is duplication in the content.'

52. On 20 March 2024, ACCA emailed Miss Fan asking her to respond to further questions about the stranger she had found online, including the name of this stranger and to provide copies of correspondence with this person.

53. Miss Fan responded on 22 March 2024 stating she did not know the name of this person and could not find any correspondence with them.

54. Allegation 2 refers to either Miss Fan applying for membership or a third party applying for membership on Miss Fan's behalf. It is not clear from Miss Fan's responses to ACCA whether she applied for membership or the third party she refers to did so. However, given many trainees within this cohort have indicated they engaged a third party to apply for membership on their behalf, it is accepted it is possible the third party engaged by Miss Fan applied for membership on her behalf.

ACCA SUBMISSIONS

ACCA Submissions – Allegations 1 and 2

55. It is submitted that Allegations 1 and 2 are capable of proof by reference to the following:
- Linda Calder's statement which describes ACCA's Practical Experience Requirements;
 - Miss Fan's completed PER training record which was completed on or about 19 October 2021 which then permitted Miss Fan to apply for membership which she did on 20 October 2021. Miss Fan was subsequently admitted to membership on 28 October 2021.
 - Miss Fan's Supervisor details which record Person A with the common email address [PRIVATE] and issued with ACCA ID [PRIVATE] was her 'IFAC qualified line manager' and therefore her practical experience supervisor;
 - Miss Fan's PER training record which records Person A with the common Email address [PRIVATE] and issued with ACCA ID [PRIVATE] approved all Miss Fan's POs;
 - That three of Miss Fan's PO statements are the same as many other trainees and which predate her own, suggesting at the very least, she had not achieved the objectives in the way claimed or possibly at all.

- That the email address of her purported supervisor is shared with other differently named supervisors.
- That the CICPA membership number provided to ACCA by Miss Fan's purported supervisor contains a membership number which is different from the CICPA membership number as contained in the CICPA membership card uploaded by Miss Fan's purported supervisor.
- That the CICPA membership card uploaded by Miss Fan's purported supervisor has been used by many purported supervisors using a common email address.
 - Miss Fan's admissions that:
 - Her line manager Person A was not IFAC qualified
 - As a result of the above, Miss Fan found a stranger online (whose name she did not know) to 'help' her 'authenticate' her practical experience. It is submitted the stranger she engaged to 'help' her 'authenticate' her practical experience extended to Miss Fan (i) allowing that stranger to register as her 'IFAC qualified line manager' in the name of her line manager and then (ii) permitting that stranger to approve all her performance objectives in the name of her line manager.
 - That three of her 'PO statements were filled out by a stranger'

ACCA Submissions – Dishonesty – Allegations 3(a) to 3(c)

56. In *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 at para 74 since approved in *R v Barton and another* [2020] EWCA Crim 575 it was said:

'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is

whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'

57. 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) statements supporting their POs have to be written by trainees in their own words and as such must be unique, and (ii) POs have to be approved by an IFAC qualified supervisor.
58. Given the extensive advice available online, it is not credible that Miss Fan 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. Regarding the approval of her POs, Miss Fan knew her line manager was not IFAC qualified and therefore not authorised to approve her POs and yet engaged an unknown third party to approve her POs in the name of her line manager.
59. In applying for ACCA membership, it is submitted Miss Fan claimed (i) to have achieved three POs with the use of supporting statements which she knew had not been written by her and therefore knew she had not achieved the POs as described in these statements or at all and, (ii) that her non-IFAC qualified line manager had approved her POs which she knew to be untrue as she had arranged for a third party to approve her POs in the name of her non-IFAC qualified line manager.
60. ACCA therefore submits this conduct would be regarded as dishonest by the standards of ordinary decent people, as per Allegation 3(a) to 3(c).

ACCA Submissions – Integrity – Allegation 2(c)

61. In *Wingate and Evans v The Solicitors Regulation Authority* [2018] EWCA Civ366, the Court of Appeal addressed what was required in a professional disciplinary context by the standard of integrity. At paras 95-97, Jackson LJ

expressed the matter in a way that applied to regulated professions generally and said this:

'95. Let me now turn to integrity. As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty...

96. Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted.

97. In professional codes of conduct, the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.'

62. If the conduct of Miss Fan is not found to be dishonest, it will be submitted, that the conduct in the alternative fails to demonstrate Integrity

ACCA Submissions – Recklessness – Allegation 3

63. It is ACCA's submission that in the further alternative Miss Fan's conduct was reckless 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 and that her POs were required to be approved by an IFAC qualified supervisor.

64. In R v G [2003] Lord Bingham approved the following definition of recklessness (para 41):

'A person acts recklessly within the meaning of section 1 of the Criminal Damage Act 1971 with respect to —

(i) a circumstance when he is aware of a risk that it exists or will exist;

(ii) a result when he is aware of a risk that it will occur;

And it is, in the circumstances known to him, unreasonable to take the risk.'

65. Miss Fan 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

ACCA Submissions – Misconduct – Allegation 4

66. In *Roylance v. General Medical Council (No 2)* [2000] 1 AC 311, at p330, it was said in this Privy Council decision:

‘Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a medical practitioner in the particular circumstances.’

44. Bye-law 8(c) states,

‘For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings or is likely to bring discredit to the individual or relevant firm or to the Association or to the accountancy profession.’

67. Miss Fan’s conduct described above is an attempt to subvert ACCA’s Practical Experience Requirement process and undermines public confidence in ACCA’s membership qualification process. The above conduct also brings the Association and accountancy profession into disrepute.
68. Although misconduct is a matter of judgment for a professional panel, it is ACCA’s submission that misconduct is clearly made out in the event that dishonesty or a lack of integrity or recklessness are found proved.

RESPONSE FROM MISS FAN

69. The Committee noted that Miss Fan submitted a CMF on the 19 December 2024 whereby Miss Fan made admissions to Allegations 1(a), 1(b), 2, 3 (a), 3(b) and 4(b). Miss Fan denied allegations 3(c), 3(d) and 4(a)

70. Miss Fan further stated:

“Person A is my line manager who supervised me in such a manner, but they are not the member of IFAC. I thought the line manager would approve the work experience but later found out that IFAC member approval was needed. As the company didn’t have a suitable IFAC member to help me authenticate the practical experience requirement at the time, I found the third party online to help me with it. My behaviour was not malicious at all, I just wanted to become a member after passing the exam, but because the supervisor is not an IFAC member and can not help me approve PO, I reluctantly adopted this method. After becoming a member, I have not engaged in any professional misconduct and have paid the annual fee on time every year....

I achieved all the performance objectives, but my real supervisor is not the IFAC member, so they can’t approve my Practical Experience Training Record. In this case, if there are other review methods, I can submit.”

71. The Committee accepted that the admissions made by Miss Fan in the CMF to allegations 1(a), 1(b), 2, 3 (a), 3(b) and 4(b) were unequivocal and taken as having been admitted and proved.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

72. The Committee considered ACCA’s bundle of evidence and the written representations which were supplemented by Mr Brady orally. The Committee considered the legal advice from the Legal Adviser, which it accepted.

73. The Committee was aware that the burden of proving the facts was on ACCA. Miss Fan did not have to prove anything, and the allegations could only be found proved if the Committee was satisfied on the balance of probabilities.

74. The Committee was dealing with Allegations 3(c), 4(a) and 5 as the other others had been admitted.

75. Allegation 3(d) was an alternative finding of Integrity and therefore the Committee made no finding in respect of that allegations as it was not necessary for the Committee to consider.

Allegation 3(c)

76. The Committee noted that Allegation 3 (c) was an allegation of dishonesty in relation to Allegation 2, in that Miss Fan was dishonest as she knew she had not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all.

77. The Committee had raised the issue with Mr Brady during the course of the hearing, the reference of the term “or at all” at the end of the allegation and noted that Allegation 2 specifically referred to 3 POs, those being 2, 3 and 4. Mr Brady conceded that the drafting of this allegation was somewhat cumbersome but could be interpreted in two ways, specifically all the POs and also the ones stated in Allegation 2.

78. Mr Brady referred to the fact that Miss Fan had admitted that she found a person online to assist her with supporting her POs. He states Miss Fan stated, ‘My PO statement was filled out by a stranger I found online, and she may have also helped others with it, so there is duplication in the content.’

79. The Committee noted that Miss Fan admitted Allegation 2 and had admitted dishonesty in Allegation 3(a) and (b), that she stated she had in fact achieved the POs but could not evidence this with the supervisor she was working under. The POs submitted did not reflect her actual experience achieved, but she had still achieved the requisite experience.

80. The Committee had raised concerns that the words “or at all” in the allegation made reference to her wider work or experience and did not favour the ACCA’s interpretation of the allegation.

81. This allegation rested on the interpretation of the particular circumstances of this case. The ACCA's construction of this allegation did not make it clear and was an unbalanced interpretation which was in their favour and not in Miss Fan's favour. The Committee did not accept that it could be interpreted in a number of different ways or could be ignored.
82. The Committee concluded that taking into account Miss Fan's submissions it could not be persuaded that Miss Fan has not undertaken the necessary work "at all". Whilst the Committee may have been minded to accept the submission in the first part relating to the three specific objectives, the subsequent wording meant that the entirety of the allegation was not made out.
83. It is for that reason that the Committee were not satisfied on the balance of probabilities that the allegation was made out.

Allegation 4(a)

84. Allegation 4(a), the Committee noted was an alternative finding of recklessness if dishonesty or integrity was not found.
85. Miss Fan has made admissions to Allegations 1 (a) 1(b) and 2. Miss Fan has also admitted to acting dishonestly in respect of Allegations 1 (a) and (b), by admitting Allegations 3(a) and (b).
86. The Committee on reading Allegation 4(a), interpreted this to be in reference and related directly to Allegation 1, which directly links to Miss Fan's practical experience supervisor.
87. Allegation 2 was linked to Miss Fan's POs and Practical Experience Training Record. The Committee had found Allegation 3(c) not proved, which was linked to Allegation 2. Allegation 4(a) was not an alternative to Allegation 3(c).
88. The Committee therefore found Allegation 4(a) not proved on the balance of probabilities as the dishonesty element was proven and this was not a direct alternative.

Allegation 5-Misconduct

89. In relation to Allegation 5, the Committee applied the test for misconduct, as per the case of *Roylance v General Medical Council* [2001] 1 AC 311, in which it was decided that *'the meaning of [misconduct] is of general effect, involving some act or Omission which falls short of what would be proper in the circumstances. The standard of propriety in any given case may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances.'*
90. The Committee took into account that Miss Fan had admitted her actions and that these were dishonest. Her actions were serious and fundamentally fell short of the standards required of a professional person. The Committee was satisfied that she was guilty of misconduct. Such conduct fell far below the standards expected of an accountant and member of ACCA and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Miss Fan, and the Association.
91. In the Committee's judgement, this amounted to very serious professional misconduct. The Committee determined that Miss Fan's behaviour brought discredit upon the profession and ACCA. The Committee considered Miss Fan's behaviour to be very serious and the Committee was in no doubt that it amounted to misconduct.
92. The Committee therefore found that the matters set out in Allegation 1(a), 1(b), 2, 3(a), 3(b) and 4(b) amounted to misconduct, and that Miss Fan was liable to disciplinary action through her misconduct.

SANCTION AND REASONS

93. In reaching its decision on sanction, the Committee considered the oral submissions made by Mr Brady on behalf of ACCA. Mr Brady made no submission as to the actual sanction but referred to the Guidance for Disciplinary Sanctions (GDS) and in particular the summary of the general principles. He confirmed that Miss Fan had no other known previous disciplinary findings. Mr Brady requested that any order should be immediate as Miss Fan could hold herself out as a qualified member of the ACCA.

94. The Committee noted its powers on sanction were those set out in Regulation 13(4). 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 accepted the advice of the Legal Adviser.

95. The Committee considered that the conduct in this case was very serious. The Committee had regard to Section F of the GDS. 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.

96. The Committee assessed the aggravating and mitigating features:

Aggravating features:

- This was a premeditated and deliberate act for personal benefit;
- Potential for harm as Miss Fan had obtained membership by dishonesty;

Mitigating features:

- There were no previous findings against Miss Fan.
- Evidence of some limited insight, remorse and reflection.
- Miss Fan made early admissions to the majority of the allegations.

The Committee noted that the allegations not admitted by Miss Fan were not found proved.

97. Given the Committee's view of the seriousness of Miss Fan's conduct, it was satisfied that the sanctions of No Further Action, Admonishment and 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 most of the factors listed in the guidance were not present in this case. Whilst there had been some evidence of insight or

remorse, and the Committee was concerned about the risk of harm to the public.

98. The Committee considered the ACCA guidance on the approach to be taken for Exclusion. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a Member to act honestly whilst undertaking their training role.
99. The Committee had regard to Section E2 of the Guidance on the finding of dishonesty and the seriousness of such a finding on a professional. The Committee was satisfied that Miss Fan's conduct was fundamentally incompatible with remaining on the register. There could be adverse impact as she is currently a member. The Committee was satisfied that only exclusion from the register was sufficient to mark the seriousness to the profession and the public.
100. The Committee ordered Miss Fan be excluded from membership.

EFFECTIVE DATE OF ORDER

101. In light of its decision and reasons to exclude Miss Fan and the seriousness of her misconduct, the Committee decided it was in the interests of the public to order that the sanction have immediate effect. The Committee was of the view that there was a risk to the public. If no immediate order were to be made, Miss Fan could continue to hold herself out as an ACCA member when she may not be competent to do so.
102. The Committee did not deem it appropriate to extend the default period of exclusion, which is 12 months.

COSTS AND REASONS

103. ACCA applied for costs in the sum of £6,175.50. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed

were appropriate and reasonable, but there should be a reduction due to the fact that the hearing took less time than listed.

104. Miss Fan provided a statement of her means, which the Committee took into consideration. There was some issue with the contents of this means form, as it was not clear as to whether the figures were monthly or annually and it was therefore difficult to assess her means, although her income was matched by her outgoings. There was therefore a risk of causing Miss Fan severe financial hardship if an award of costs in the full amount was made.
105. The Committee had in mind the principle that members against whom an allegation has been proven should pay the reasonable and proportionate cost of ACCA in bringing the case and also taking into account Miss Fan's means.
106. In light of the above, the Committee made an order for costs against Miss Fan in the sum of £3,000.00.

Mr Andrew Gell
Chair
21 March 2025