

HEARING

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

In the matter of: Miss Mu Rui

Heard on: Thursday, 27 March 2025

Location: Remotely via Microsoft Teams

Committee: Mr Andrew Gell (Chair)
Ms Joanne Royden-Turner (Accountant)
Mrs Victoria Smith (Lay)

Legal Adviser: Ms Giovanna Palmiero (Legal Adviser)

**Persons present
and capacity:** Mr Leonard Wigg (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Observers: Ms Rebecca Vanstone

Summary Removed from the student register with immediate effect.

Costs: £5,600.00

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Miss Mu Rui (“Miss Rui”).
2. Mr Leonard Wigg (“Mr Wigg”) presented the case on behalf of the ACCA.

3. Miss Rui 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) Report & Hearing Bundle with pages numbered 1-246;
 - (ii) Additional Bundles with pages numbered 1-9;
 - (iii) Separate Bundle with pages numbered 1-50
 - (vi) Service Bundle numbered with pages numbered 1-27.
8. Cost Schedules were provided to the Committee at the sanction stage.

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

9. The Committee was informed that Miss Rui had been served with a notice of today's hearing, together with the necessary papers via electronic mail on 26 February 2025.
10. The Committee was satisfied that notice had been sent to Miss Rui'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 Rui had been given 28 days' notice with the necessary information required in accordance with Regulation 10.

11. The Committee decided that Miss Rui had been properly served with Notice of Proceedings.

PROCEEDING IN ABSENCE

12. The Committee was informed that the ACCA Hearings Officer (“HO”) had emailed Miss Rui on 10 March 2025 to request her confirmation as to whether she would be attending at the hearing. Miss Rui did not respond to this email.
13. On 12 and 19 March 2025 the HO attempted to call Miss Rui on the telephone number provided on her ACCA registration. These calls were not answered, and the HO left a message on the 12 March 2025 requesting confirmation of attendance at the hearing. These calls were followed up with emails reiterating the request for confirmation of Miss Rui’s attendance at the hearing. On 25 March 2025 the HO called Miss Rui again, but the call rang out and then disconnected.
14. The Committee considered that ACCA had taken reasonable steps to encourage Miss Rui 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 Rui 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 Rui was aware of today’s hearing, had voluntarily absented herself from the hearing and had not engaged with the process.
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 by Miss Rui who had failed to engage with the process.

ALLEGATIONS

16. Mu Rui (‘Miss Rui’), at all material times an ACCA trainee,
 1. Applied for membership to ACCA on or about 13 February 2023 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 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 financing decisions
- Performance Objective 13: Plan and control performance

2. Miss Rui's conduct in respect of the matters described in Allegation 1 above was: -

a) Dishonest in that Miss Rui knew she had not achieved all or any of the performance objectives referred to in Allegation 1 above as described 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 Rui paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 1 accurately set out how each 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) 05 April 2024
- b) 22 April 2024
- c) 07 May 2024

5. By reason of her conduct, Miss Rui 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)

BRIEF BACKGROUND

17. 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.
18. A person undertaking practical experience is often referred to as an ACCA trainee being the term used to describe Miss Rui's status in the allegations, the report and the supporting evidence bundle.
19. An ACCA trainee's practical experience is recorded in that trainee's Practical Experience Requirement training record (PER), which is completed using an online tool called 'MyExperience' which is accessed via the student's MyACCA portal.
20. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant. An accountant is recognised by ACCA as a qualified accountant if they are a qualified accountant recognised by law in the trainee's country and or a member of an IFAC body (International Federation of Accountants). Once a trainee believes they have completed a PO, they are required to provide a statement in their PER training record describing the experience they have gained in order to meet the objective. Given this is a description of their own experience, the statement should be unique to them. Through the online tool, the trainee then requests that their practical experience supervisor approves that PO.
21. In addition to approval of their POs, the trainee must ensure their employment where they have gained relevant practical experience (being a minimum of 36 months) has been confirmed by the trainee's line manager who is usually also

the trainee's qualified supervisor. This means the same person can and often does approve both the trainee's time and achievement of POs.

22. 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.
23. 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.
24. 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.
25. The three email addresses were as follows:
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
26. 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.

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

Facts of the Case – Allegation 1

26. 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. There is no corresponding record for Miss Rui. However, ACCA's records show that Miss Rui applied for membership in an email dated 13 February 2023. A member of ACCA's Customer Operations team responded to Miss Rui in an email dated 15 February 2023 advising that ACCA were unable to process her application as two of her Practical Experience Supervisors, Person A and Person B, had not provided details of their IFAC qualification. The email went on to advise Miss Rui to ask these two supervisors to provide details of their IFAC qualifications via their myACCA accounts. Once this had been actioned, the email requested that Miss Rui complete a membership declaration form, the link for which was included in the email. There is no record that either Person A or Person B provided evidence of being IFAC qualified and Miss Rui has not engaged further with ACCA about her membership application.
28. Linda Calder provides an overview of the PER process in her statement as follows:
- POs and ACCA's 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 PER 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 [REDACTED]. 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. Exhibited to Ms Calder's statement is a copy of this registration card.

29. Information has been obtained from one of ACCA's China offices in China about the support given to ACCA trainees 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 in the bundle of evidence (translated using Google translate) relating to ACCA's membership application process dated from 14 December 2016 to 27 August 2022. There are a number dated in 2019 including one dated 30 May 2019. The details include reference to:

'...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 bundle of

evidence. This includes an article *'How to become an ACCA Member Series 1/ Practical Experience Requirement (PER) Quick Guide'*, dated 15 January 2020. A copy of the article is in the bundle of evidence (translated using Google translate). 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 Mu Rui

30. A copy of the PER training record for Miss Rui is in the bundle of evidence and records she was employed by four firms. In particular, it records the following:

Employer A

- The first firm was Employer A where she was employed from [REDACTED] in the role of [REDACTED].
- In relation to Miss Rui's employment at this firm, on the PER training record, it records that *'27 months claimed on the IMPORT...'*. This means

that a period of 27 months had been imported from ACCA's previous PER recording tool.

- Person B is recorded as her supervisor in relation to her employment at this firm. The Supervisor details for Miss Rui record that Person B registered on 26 May 2016 as her 'IFAC qualified internal supervisor'. The supervisor details include an email address for Person B which is NOT one of the common email addresses and would appear to be a personal email address for Person B given it includes the name '[REDACTED]'.
- Being an IFAC qualified supervisor, Person B was authorised to approve Miss Rui's POs. In that regard, on 03 August 2016 Miss Rui requested that Person B approve her PO1 and Person B did so on the same day. On 21 October 2016 Miss Rui requested that Person B approve her POs 3 and 4 and Person B did so on the same day.

Employer B

- The second firm was Employer B where Miss Rui was employed from [REDACTED] as [REDACTED].
- In relation to Miss Rui's employment at this firm, the PER training record, records that '11 months claimed on the IMPORT...'. This means that a period of 11 months had been imported from ACCA's previous PER recording tool.
- Person C is recorded as her supervisor in relation to her employment at this firm. The Supervisor details for Miss Rui record that Person C registered on 26 May 2016 as her 'IFAC qualified internal supervisor'. The supervisor details include an email address for Person C which is NOT one of the common email addresses and would appear to be a personal email address for Person C given it includes the supervisor's names.
- Being an IFAC qualified supervisor, Person C was authorised to approve Miss Rui's POs but did not do so.

Employer C

- The third firm was Employer C where Miss Rui was employed from [REDACTED] as [REDACTED].
- In relation to Miss Rui's employment at this firm, the PER training record, records that '*13 months claimed on the IMPORT...*'. This means that a period of 13 months had been imported from ACCA's previous PER recording tool.
- Person A is recorded as Miss Rui's supervisor in relation to her employment at this firm. The Supervisor details for Miss Rui record that Person A registered on 26 May 2016 as her 'IFAC qualified internal supervisor'. The supervisor details include an email address for Person A which is NOT one of the common email addresses and would appear to be a personal email address for Person A given it includes the name '[REDACTED]'.
- Being an IFAC qualified supervisor, Person A was authorised to approve Miss Rui's POs. In that regard on 03 August 2016, Miss Rui requested that Person A approve her PO2 and Person A did so on the same day.

Employer D

- The final firm where Miss Rui was employed was Employer D where she was employed from [REDACTED] as [REDACTED].
- In the PER training record, 21 months of relevant practical experience has been claimed, which relates to the period of employment referred to in the paragraph immediately above. This, plus the time claimed while employed at the three previous firms totals 72 months and is therefore in excess of the minimum requirement of 36 months.
- The Supervisor details for Miss Rui record that Person D registered on 09 February 2023 as her 'IFAC qualified line manager'.
- The Supervisor details also record that Person D registered with one of the three common email addresses shared amongst this cohort of 91 cases, being [REDACTED].

- As Miss Rui's IFAC qualified line manager, Person D was authorised to approve both Miss Rui's time / experience and all her POs. In that regard, Miss Rui requested that Person D approve her time/experience of 21 months on 09 February 2023 and Person D did so on the same date. On the same date, Miss Rui requested that Person D approve her POs 5, 6, 7, 9 and 13 and Person D did so on the same day. As referred to in more detail in the paragraph below, it is the statements corresponding with these five POs which are not first in time and are the subject of Allegation 1.

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

31. 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.
32. 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.
32. 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. 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.
33. In relation to Miss Rui the analysis revealed:
 - Four of her PO statements were first in time, and

- Five of her PO statements, relating to POs 5, 6, 7, 9 and 13, were identical or significantly similar to the PO statements contained in the PER's of many other ACCA trainees from this cohort.

Allegation 4 – Facts of the Case

34. Following referral of this matter to ACCA's Investigations Team, a member of that team sent an email to Miss Rui on 05 April 2024 attached to which was a letter, and other documents, which clearly set out the complaint and requested that Miss Rui respond to a number of questions by 19 April 2024.
35. The letter also referred to Complaints and Disciplinary Regulation 3(1) requiring Miss Rui to cooperate with the investigation by responding to the questions by the deadline.
36. This email was sent encrypted with a password which is recorded in the email.
37. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Rui on the same day asking her to check if she had received the encrypted email and if not to let ACCA know. A delivery receipt confirming the email was delivered successfully is in the bundle.
38. An extract taken from ACCA's records for Miss Rui on the day the above emails were sent records that the email address for Miss Rui used for these emails was the email address on ACCA's system that day.
39. On 12 April 2024, ACCA's China office sent a mobile message to Miss Rui. The extract from ACCA's database for Miss Rui referred to above includes a telephone number, [REDACTED]. ACCA's China office has provided a spreadsheet recording when this message was sent and whether or not it was successfully delivered. The spreadsheet confirms that the message was sent on 12 April 2024 and was successfully delivered to Miss Rui's mobile number that day. No response has been received from Miss Rui following this message.
40. Given Miss Rui did not respond by the deadline to ACCA's initial email, a further encrypted email was sent on 22 April 2024 (the first reminder) with a copy of the letter attached to the previous email. In the covering email Miss Rui was

reminded of her obligation to cooperate by responding to the questions in the letter and to do so by 06 May 2024.

41. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Rui on the same day asking her to check if she had received the encrypted email and if not to let ACCA know. A delivery receipt confirming the email was delivered successfully is in the bundle of evidence.
42. In relation to this first reminder, an extract taken from ACCA's records for Miss Rui on the day the email was sent records that the email address for Miss Rui used for these emails was the email address on ACCA's system that day.
43. No response was received to this first reminder and therefore a second and final email was sent to Miss Rui on 07 May 2024 with a copy of the letter attached to the initial email. In the covering email Miss Rui was again reminded of her obligation to cooperate by responding to the questions by 21 May 2024 and that if she failed to do so ACCA would raise an allegation of failure to cooperate against her.
44. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Rui on the same day asking her to check if she had received the encrypted email and if not to let ACCA know.
45. In relation to this second and final reminder, an extract taken from ACCA's records for Miss Rui on the day the above email was sent records that the email address for Miss Rui used for these emails was the email address on ACCA's system that day.
46. ACCA's Investigations Officer attempted to telephone Miss Rui on 08 May 2024 using her registered telephone number as recorded in the above extracts from ACCA's records. However, no one answered the call, and an automated message stated the line was busy.
47. All the above encrypted emails were sent through ACCA's Case Management system. On this system a 'clasped hand' icon appears next to the email if the email has been opened. The date and time the email was opened, is revealed by hovering the mouse cursor over the icon.

48. The documents disclosed to Miss Rui in ACCA's emails referred to above, included Miss Rui's PER training record and Supervisor details as well the Separate Bundle – all three documents having been already referred to in these reasons and relied on as evidence to support Allegations 1 to 3. In addition, the following documents were attached to ACCA's emails to Miss Rui:

- i. A bundle of documents with extracts of supervisor details for other ACCA Trainees whose supervisor's email addresses are the same as those of Miss Rui's supervisor Person D being the supervisor who approved five of Miss Rui's POs in which the corresponding statements are the same as those of other ACCA trainees.
- ii. Supervisor registration details for Person D.
- iii. CICPA registration card uploaded by Miss Rui's Supervisor Person D being the same registration card uploaded by numerous other supervisors.

49. The inclusion in the evidence bundles of those documents listed above, numbered i to iii are considered relevant by ACCA to the extent that these show the full nature of the complaint and the importance for Miss Rui to have co-operated by responding to questions about the identity of her registered supervisor Person D. Those documents listed above numbered i to iii are therefore relevant to Allegation 4 relating to Miss Rui's failure to cooperate.

ACCA Submissions – Allegation 1

50. It is submitted that Allegation 1 is capable of proof by reference to the following:

- Linda Calder's statement which describes ACCA's Practical Experience Requirements.
- Miss Rui's completed PER training record which was completed on or about 09 February 2023.
- Miss Rui's Supervisor details which record Person D was her 'IFAC qualified line manager' while Miss Rui was employed by Employer D, and therefore her practical experience supervisor at that firm.

- Miss Rui's PER training record which records Person D approved Miss Rui's time/ experience of 21 months and that, including the periods of imported time from ACCA's previous system, her total time/ experience amounted to 72 months being in excess of the 36 months required by ACCA.
- Miss Rui's PER training record which records Person D approved Miss Rui's POs 5, 6, 7, 9 and 13 and that the statements corresponding with these five POs are the same as many other trainees, suggesting at the very least, she had not achieved the objectives in the way claimed or possibly at all.

ACCA Submissions – Dishonesty – Allegation 2(a)

51. 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.'

52. 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 the statements supporting their POs have to be written by trainees in their own words and as such must be unique. This, it is submitted, would surely be obvious given the trainee's experience will be unique to them.
53. Given the extensive advice available online, it is not credible that Miss Rui 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.

54. In applying for ACCA membership, it is submitted Miss Rui claimed to have achieved the POs with the use of supporting statements which she must have known had not been written by her. Miss Rui therefore knew she had not achieved the POs as described in these statements or at all.
55. ACCA therefore submits this conduct would be regarded as dishonest by the standards of ordinary decent people, as per Allegation 2(a).

ACCA Submissions – Integrity – Allegation 2(b)

56. In *Wingate and Evans v The Solicitors Regulation Authority [2018] EWCA Civ 366*, 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.'

57. If the conduct of Miss Rui 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

58. It is ACCA's submission that in the further alternative Miss Rui'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.
59. In *R v G [2003] UKHL 50* 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.'

60. Miss Rui 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 – Failure to cooperate – Allegation 4

61. Based on the evidence above, it is submitted that, more likely than not, the above emails came to Miss Rui's attention and, in not responding to any of these emails, she has made a conscious decision not to cooperate with ACCA's investigation.
62. The issues raised by the complaint are serious given they relate to Miss Rui's apparent achievement of ACCA's Practical Experience Requirement training record which formed the basis of her application for ACCA membership.
63. ACCA acts in the public interest by ensuring its student, affiliates and members uphold proper standards, thereby maintaining public confidence in the accountancy profession.
64. It is submitted the failure by Miss Rui to cooperate with this investigation has undermined ACCA's ability to act in the public interest in that it has prevented ACCA from fully investigating the complaint.

ACCA Submissions – Misconduct – Allegation 5

65. 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.'

66. 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 Rui'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.

69. Further, ACCA submits that in failing to co-operate with ACCA and reply to ACCA's correspondence, Miss Rui has breached Complaints and Disciplinary Regulation 3(1). In the event that misconduct is not found in respect of this allegation, if the committee finds the underlying allegation proved then bye-law 8 (a) (iii) is automatically engaged.

DECISION ON ALLEGATIONS AND REASONS

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

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

Allegations 1

72. The issues for the Committee to determine in respect of this allegation was, whether Miss Rui had achieved her POs 5, 6, 7, 9 and 13 which she purported

in her Practical Experience training record submitted in support of her application for membership on 13 February 2023.

73. In reaching its findings of fact in respect of Allegation 1, the Committee had considered carefully, and accepted, the evidence of the following witnesses, Ms Karen Watson, a Senior Administrator in ACCA's Member Support Team and Ms Linda Calder, Manager of ACCA's Professional Development Team. The Committee had also considered the content of the documents provided by ACCA in support of its case, all of which were consistent with the written evidence of the witnesses.
74. The Committee noted that Miss Rui registered Person D as her supervisor on the same date as the date that the POs were authorised by Person D, which is unusual in these circumstances. It was usual practice for a supervisor to sign off POs as each one of these was completed.
75. The Committee also considered that the email address used by Person D was the same as one of the three emails used by numerous other supervisors to certify the POs undertaken by 91 other trainees. The Committee concluded that the email address used by Person D, would be different to the other supervisors, and the fact that this was one of the same three email addresses which suggests that the person named as Miss Rui's supervisor, namely Person D, may not have been that person. It also suggests that Miss Rui may not have been supervised in accordance with ACCA's PER guide.
76. The Committee was also satisfied that the evidence of the witnesses revealed that all five of the PO statements were identical or similar to the PO statements of the other ACCA trainees, whose supervisors had used the same three email addresses.
77. The Committee found that, in order to comply with the PER, all of a trainee's PO statements and experience should be unique to them. It would be highly unlikely that these trainees would have gained the same experience and have used the same phrases and words to describe them. The only likely conclusion that can be inferred is that these trainees, or someone else, have shared and copied from one another or from shared templates and therefore the Committee is persuaded that Miss Rui had not achieved the PO experience required in order to apply for membership.

78. It was also noted that Miss Rui's PO statements were not the first in time in relation to the other 91 trainees.
79. The Committee was satisfied on the balance of probabilities that Miss Rui knew that she had not achieved the POs as claimed and that she had not achieved all or any of the POs in the manner claimed, nor that the description would match in any way her practical experience, if any. The Committee concluded that Miss Rui knew that she had not achieved the performance objectives in respect of POs 5, 6, 7, 9 and 13 in the manner described in the statements.

Allegation 2 (a) - Dishonesty

80. The Committee relied upon its findings of fact under Allegation 1 above in assisting with the determination of dishonesty.
81. The Committee noted that there was sufficient guidance for trainees on MyExperience in understanding what was required of them in undertaking the training and drafting the POs and that the POs had to be in their own words describing their own experience.
82. Miss Rui more than likely than not, knew what ACCA's training requirements were, as they were widely published and available in Mandarin and English.
83. The Committee noted that following the Supreme Court decision in *Ivey v Genting Casinos [2017] UKSC 67* in applying the test for dishonesty the Committee first had to determine Miss Rui's actual knowledge or belief and then determine whether her acts or omission were, on the balance of probabilities, dishonest by the standards of ordinary decent people.
84. In reaching its decision in respect of this allegation, the Committee applied the first part of the test for dishonesty. In relation to Allegation 1, the Committee determined that if Miss Rui had not achieved the five POs then she must have known that what she was purporting was not true, on her application form to apply for membership.
85. Miss Rui had purported to have undertaken the necessary training experience to apply for membership of a professional body, and purported to have been supervised by Person D. This would be interpreted as trying to cheat the system

by the standards of ordinary decent people, who would find this behaviour to be dishonest.

86. The Committee had found proved that Miss Rui did not write the statements in support of her POs in her own words and therefore could not have achieved the practical experience required. She, or someone else, had knowingly adopted words used by others and therefore the Committee was satisfied that she knew she had not achieved all or any of the POs in the manner claimed, nor that the description would match her practical experience. Miss Rui had taken positive action in applying for application for membership and requested Person D to endorse her experience. In doing this, Miss Rui must have been aware that her actions were dishonest. The Committee was also satisfied that, by the standards of ordinary decent people, such conduct would be viewed as being dishonest.
87. The Committee therefore found Allegations 2(a) proved on the balance of probabilities.
88. On the basis that Allegations 2(b) and 3 were pleaded in the alternative to Allegation 2(a) the Committee made no finding in respect of these allegations as it was not necessary for the Committee to consider these Allegations.

Allegation 4 - Failure to Co-operate

89. The Committee considered Allegation 4, which referred to the allegation that Miss Rui had not responded to three emails requesting information, during the ACCA investigation. The emails requesting information from Miss Rui were dated 05 April 2024, 22 April 2024 and 07 May 2024. These were sent to the email address Miss Rui had registered with ACCA.
90. The Committee concluded that Miss Rui was aware of her duty to cooperate with ACCA in its investigation, which was clearly advertised and stated in the Regulations.
91. The secure email sent to Miss Rui on 05 April 2024 attached a letter, and other documents, which clearly set out the complaint and requested that Miss Rui respond to several questions. The letter also referred to Complaints and Disciplinary Regulation 3(1) requiring Miss Rui to co-operate with the investigation by responding to the questions by the deadline noted.

92. There is evidence to support the fact that this email was opened on 10 April 2024.
93. Further secure emails sent by ACCA to Miss Rui on 22 April 2024 and 07 May 2024 reiterated this request.
94. The Committee noted that there were no responses by Miss Rui to any of these emails.
95. ACCA China on 12 April 2024 sent a text message to Miss Rui's mobile phone to remind her that ACCA has sent her an email which required a response.
96. On 08 May 2024 a phone call was made by ACCA to Miss Rui which was not answered, and a message stated the line was busy.
97. The Committee concluded that Miss Rui as an ACCA trainee, had a positive duty to co-operate with ACCA's investigation and on the balance of probabilities was satisfied that she had not co-operated or discharged her duty. The Committee determined Miss Rui failed to co-operate due to the fact she failed to respond to any of the correspondence.
98. It is for the above reasons that the Committee concluded that the Allegation 4 on the balance of probabilities, was found proved.

Allegation 5 - Misconduct

99. 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 '*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 ... practitioner in the particular circumstances.*'.
100. The Committee had found that Miss Rui's behaviour had been dishonest. Her actions were serious and fundamentally fell short of the standards required of a professional person. 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 Rui, the Association and the accountancy profession.

101. The Committee had also found proved that Miss Rui had not engaged with the investigation and her regulator. If the regulator cannot conduct effective investigations into potential allegations of dishonesty or lack of integrity of its members, then they cannot uphold the proper standards, which directly impacts upon the reputation of the regulator as a whole.
102. In the Committee's judgement, this amounted to very serious professional misconduct. The Committee determined that failing to co-operate with the regulator's investigation seriously undermines the integrity of the regulatory framework and the standing of ACCA. It brings discredit upon the profession and ACCA. The Committee considered Ms Rui's behaviour to be very serious and the Committee was in no doubt that it amounted to misconduct.
103. The Committee therefore found that the matters set out in Allegation 1, 2(a) and 4 amounted to misconduct, and that Miss Rui was liable to disciplinary action through her misconduct.
104. Having found Allegation 5 (a) proved it was not necessary for the Committee to consider Allegation 5(b), which was alleged in the alternative.

SANCTION AND REASONS

105. In reaching its decision on sanction, the Committee considered the oral submissions made by Mr Wigg on behalf of ACCA. Mr Wigg made no submission as to the actual sanction but referred to ACCA Guidance for Disciplinary Sanctions (GDS) and in particular the summary of the general principles. He confirmed that Miss Rui had no other known previous disciplinary findings. Mr Wigg requested that any order should be immediate as Miss Rui could hold herself out as a part qualified member of the ACCA and her behaviour was fundamentally incompatible with being an affiliate member.
106. The Committee noted its powers on sanction were those set out in Regulation 13(5). It had regard to ACCA's GDS 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.

107. 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. Similarly, not co-operating with your regulator was a very serious failing in that it frustrates the regulator in pursuing their responsibilities to the public.

108. The Committee assessed the aggravating and mitigating features:

Aggravating features:

- This was a premeditated and deliberate act for personal gain;
- Potential for harm if Miss Rui had obtained membership by dishonesty;
- Miss Rui has not demonstrated any understanding of the seriousness of her conduct by not engaging with her regulator and the investigation process;
- No evidence of insight, remorse or reflection.

Mitigating features:

- There were no previous findings against Miss Rui.

There was no evidence of any other mitigating factors in this case.

109. Given the Committee's view of the seriousness of Miss Rui'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 a majority of the factors listed in the guidance were not present and, in particular, there was no evidence of insight or remorse, and the Committee was concerned about the risk of repetition.

110. The Committee considered the ACCA guidance on the approach to be taken for Exclusion (removal from the affiliate register). 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 student to engage with their professional regulator.

111. 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 and her lack of engagement with her regulator, and the breach of trust in the PO process. The Committee was satisfied that Miss Rui's conduct was fundamentally incompatible with remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public.
112. The Committee ordered Miss Rui's removal from the affiliate register.

EFFECTIVE DATE OF ORDER

113. In light of its decision and reasons to remove Miss Rui 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 Rui would continue to hold herself out as an ACCA affiliate when she may not be competent to do so.

COSTS AND REASONS

114. ACCA applied for costs in the sum of £6,378.00. The Committee was provided with a schedule of costs. The Committee considered the ACCA Guidance for Cost Orders and was satisfied that the costs claimed were appropriate and reasonable but considered there should be a reduction due to the fact that the hearing took less time than listed.
115. Despite being given the opportunity to do so, Miss Rui did not provide any details of her means or provide any representations about the costs requested by ACCA. There was, therefore, no evidential basis upon which the Committee could make any reduction on this ground.
116. 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. This was because the majority of members should not be required to subsidise the minority who, through their own failings, have found themselves subject to disciplinary proceedings.

117. In light of the above, the Committee made an order for costs against Miss Rui in the sum of £5,600.00.

Mr Andrew Gell
Chair
27 March 2025