

HEARING

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

REASONS FOR DECISION

In the matter of: Mr Haidar Rashid Harb

Heard on: Tuesday, 13 May 2025

Location: Held remotely by Microsoft Teams

Committee: Ms Valerie Paterson (Chair)
Mr Ryan Moore (Accountant)
Professor Roger Woods (Lay)

Legal Adviser: Ms Ini Udom

**Persons present
and capacity:** Ms Michelle Terry (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Exclusion from Membership with immediate effect.

Costs: £5,896.50

SERVICE OF PAPERS

1. The Committee considered the following documents:
 - a. Hearing bundle (pages 1 to 120)
 - b. Service bundle (pages 1 to 15)

2. The Committee listened carefully to the submissions made by Ms Terry and also considered the advice of the Legal Adviser, which it accepted.
3. The Committee read the letter dated 14 April 2025 sent from ACCA by email to Mr Harb and its delivery receipt. It noted a subsequent email sent to him with the necessary link and password to enable him to gain access to the letter and the documents relating to this hearing. A follow-up email was sent on 12 May 2025 providing a link to the hearing. The Committee noted that the emails had been delivered successfully.
4. The Committee was satisfied that such emails had been sent to Mr Harb's registered email address in accordance with Regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). Furthermore, that email address had been used previously by Mr Harb to correspond with ACCA in relation to these proceedings. CDR 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.
5. The emails and the documents to which Mr Harb had access also contained the necessary information in accordance with CDR 10.
6. Consequently, the Committee decided that Mr Harb had been properly served with Notice of the proceedings.

PROCEEDING IN PRIVATE

7. The Committee noted that Mr Harb had requested that the proceedings be held in private. In the Case Management Form, he argued that in favour of a private hearing saying:

"Due to that I have a very clean record and an outstanding member of public. I don't want my name to be harmed"
8. The Committee heard submissions from ACCA and accepted the advice of the Legal Adviser. CDR 11 was considered.
9. The Committee was not satisfied that it had been presented with justification to depart from the default position that proceedings are conducted in public. It undertook a balancing exercise between Mr Harb's interests as stated in the Case Management

Form (avoidance of reputational damage) and the principles of open justice and the seriousness of the case. In the circumstances it was obliged to rule that the hearing be conducted in public.

PROCEEDING IN ABSENCE

10. Mr Harb was not in attendance at the hearing. ACCA applied to proceed with the hearing in his absence.
11. The Committee accepted the advice of the Legal Adviser. There was evidence before the Committee to confirm that the emails from ACCA had been sent to the email address Mr Harb had provided to ACCA and that he had used that address to correspond with ACCA. It was accepted that it could be reasonably inferred that Mr Harb had access to his registered email account, was aware of the hearing.
12. The Committee noted that in August 2022 Mr Harb stated that he was living abroad and that he had experienced poor health in the last few years. No detail, however, was given by Mr Harb as to his actual whereabouts or current health status.
13. The Committee determined that it was important that Mr Harb had expressly stated on the completed Case Management Form that he did not intend to attend the hearing or be represented. He had noted on the form that he was not content for matters to proceed in his absence. He further stated there was no medical reason why he could not participate in the proceedings and:

“This case has been going on for many years, and it is unjust. Therefore, I don’t see a case to be heard as there is no basis”
14. The Committee heard submissions from ACCA and accepted the advice of the Legal Adviser.
15. The Committee concluded that Mr Harb was aware of today's hearing, which he could have joined by telephone or video link but had voluntarily absented himself.
16. There was no indication that an adjournment would secure Mr Harb’s attendance and indeed no such application had been made. He had positively stated that he did not

intend to attend or be represented at the hearing. The Committee considered that ACCA had done everything possible to enable Mr Harb to attend the hearing.

17. The Committee decided that the hearing should proceed in the absence of Mr Harb. It was acknowledged that Mr Harb might be disadvantaged by not being present. The Committee considered that to proceed in Mr Harb's absence would be in the public interest to have matters dealt with expeditiously. This outweighed Mr Harb's personal interests.

AMENDMENT TO THE ALLEGATIONS

18. Ms Terry made an application to amend the allegations, pursuant to CDR 10 (5). The Committee heard the application and also accepted the advice of the Legal Adviser.
19. The Committee determined that the amendments were minor in nature and did not affect the substance of the allegations. The amendment amounted to matters of clarification. Mr Harb would not be prejudiced in the presentation of his defence.

ALLEGATIONS (as amended)

- 1) On dates between and including, 10 November 2020 - 30 April 2022, Mr Haidar Rashid Harb, a fellow of ACCA, signed those audit reports referred to in Schedule A whilst not holding an ACCA practising certificate with audit qualification, contrary to Global Practising Regulations 2003 (as applicable in 2020 - 2022) Annex 1, Appendix 1, regulation 2(1).
- 2) On 31 March 2021, Mr Haidar Rashid Harb knowingly held himself out as being a "senior statutory auditor" whilst signing filleted accounts for the company listed in Schedule B whilst he was ineligible for appointment as a statutory auditor.
- 3) Mr Harb's conduct at allegation 2) above:
 - a) Was dishonest in that he knew that description or designation was false; or in the alternative,
 - b) Demonstrates a lack of integrity.

- 4) By reason of his conduct at allegations 1 – 3 above, Mr Harb is:
- a) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative,
 - b) In respect of Allegation 1 only, liable to disciplinary action pursuant to byelaw 8(a)(iii).

BACKGROUND

20. Mr Harb became an ACCA registered member on 17 March 2010, and an ACCA fellow on 15 January 2015. He has continuously held an ACCA practising certificate (general – UK) since 27 May 2014.
21. Mr Harb has never held an ACCA practising certificate and audit qualification (“PC+AQ”). On 03 August 2022, the Investigations Officer contacted Person A of the Authorisations Department, who confirmed that Mr Harb was not currently eligible to submit an application for an ACCA PC+AQ as he had not passed the mandatory audit paper.
22. The Investigations Officer undertook a search on the Financial Analysis Made Easy website (“FAME”) which revealed that Mr Harb had prepared and/or signed off audit reports for several companies:
- a. Company A
 - b. Company B
 - c. Company C
23. The audited accounts (year ending 12 November 2019) for Company A are signed off with the name "Haidar Rashid for and on behalf of Harbs Accountancy Limited, Auditor" and dated 10 November 2020.
24. The second set of audited accounts (year ending 12 November 2020) for Company A contains a signature and the name, "Haidar Rashid, for and on behalf of Harbs Accountancy Limited and dated 30 July 2021.
25. The audited accounts for Company B have the following auditor details, "Haidar Rashid Harb for and on behalf of Harbs Accountancy Limited" and dated 30 April 2022.

26. The audited accounts for Company C have the following name as the auditor, "Haidar Rashid Harb for and on behalf of Harbs Accountancy Limited" and dated 30 April 2022.

27. Each of the reports includes an "independent auditor's report" and the following statement,

"In our opinion, the financial statements:

- give a true and fair view of the state of the company's affairs as at [DATE] and of its profit for the year then ended;*
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice;*
- have been prepared in accordance with the requirements of the Companies Act 2006".*

28. Although the reports state that they are produced in accordance with the requirements of the Companies Act 2006, Mr Harb did not hold an ACCA practising certificate with audit qualification. Therefore, he was not eligible for appointment as an auditor within the meaning of the Companies Act 2006, Part 42, Chapter 2, section 1212.

29. Further, the reports contain a section titled, "Use of this report" which states - *"This report is made solely to the company's members, as a body, in accordance with the Companies Act 2006, Pt. 16, Ch. 3."* Or in the alternative, the reports contain a section titled - *"The purpose of our audit work and to whom we owe our responsibilities"*, which states *"This report is made solely to the company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006"*. Therefore, Mr Harb was acting as and/or holding out to be a statutory auditor whilst signing these audit reports.

30. Additionally, there was a set of Filleted Accounts (31 March 2021) for Company D with the initials H R Harb which appeared with the words "Senior Statutory auditor" and the firm name, Harbs Accountancy Limited.

31. A search of the Register of Statutory Auditors was undertaken on 26 July 2022, with the search terms "Haidar Rashid Harb" and "Haidar Harb" and this returned no results. There is no individual who is registered as a statutory auditor by the name, Haidar Rashid Harb or Haidar Harb. Accordingly, there is no information to suggest that Mr Harb held any practising certificate with audit qualification with any other professional body.

32. Mr Harb was formally notified of the investigation on 08 August 2022, when amongst other questions, he was asked why he had signed audit reports whilst not holding an ACCA PC+AQ and whether he held a practising certificate with audit qualification from any other professional accountancy body.

33. Mr Harb responded by email on 08 August 2022, in which he stated:

“As for the accounts specified for Companies A, B, C and D accounts as the time I had my cousin as director and he is an auditor. However after deliberation with the ACCA they didn’t accept. I therefore was going to withdraw the audit statement and get those accounts as merely accounting reports”.

34. The Investigations Officer responded to Mr Harb on 09 August 2022, noting that:

“the supporting documents and the reports are in the name Haidar Rashid or Haidar Rashid Harb. This would suggest that the reports were prepared and/or signed off by you.

You refer to deliberation with ACCA, could you explain what you mean by this and provide additional information and/or any supporting evidence.

If you have taken any steps to correct the position regarding the audit statements, please could you provide evidence?”.

35. Mr Harb submitted further emails to ACCA but did not provide further details or any supporting evidence of having discussed his audit clients or audit work with ACCA. Further, he did not provide any evidence of correcting his position or withdrawing the audit statements. He stated in his email that his reason for not doing so is that [PRIVATE].

36. In an email dated 31 August 2022, it was noted by ACCA that:

“For completeness I have checked Companies House records for Harbs Accountancy Limited and note that there was another director, [Person B] who was director between, 15 September - 17 September 2018.

Having reviewed this information against the date on the audit reports it appears these were prepared after [Person B] had resigned as director. Also, I cannot find [Person B]

on the Register of Statutory Auditors and this suggests that he is not an auditor / supervised for audit work.

In any event, and as mentioned in my previous email, the reports contain your name and/or initials”.

37. On 25 November 2022, Mr Harb sent an email to ACCA clarifying his previous representations, “*I was a consultant with a firm that was audit qualified and I would work on audits and they would sign them off*”. He further confirmed that, [PRIVATE].

38. In his most recent communication with ACCA, through the Case Management Form dated 10 February 2025, Mr Harb has stated:

“I deny the allegations set up due to the fact I performed accounting services and at the time. However, at the time the report stated audit in error. I only performed accounting services, I also gave reports. No audit work was performed at the time. The client must have added reports in error”

DECISION ON FACTS, ALLEGATIONS AND REASONS

39. In reaching its decisions with regard to the allegations, the Committee considered the documents set out at the start of this Determination. The Committee listened carefully to the submissions made by Ms Terry and also considered legal advice, which it had accepted.

40. Allegations 1- 2 concern the conduct on the part of Mr Harb in relation to the signing of audits in relation to three companies and knowingly holding himself out as being a ‘senior statutory auditor’ whilst signing filleted accounts.

41. Allegation 3 relates to dishonest conduct, or alternatively demonstrating a lack of integrity, in relation to allegation 2.

42. Allegation 4 concerns misconduct or in the alternative liability to disciplinary action.

43. The Committee accepted the advice of the Legal Advisor as to how to approach the allegations, the evidence, its deliberations and the burden and standard of proof.

The Committee's decision in respect of the Allegations

Allegation 1

44. This allegation was found proved. The Committee had careful regard to the documentary evidence provided.
45. It was satisfied that Mr Harb had not sat and passed the test necessary to qualify as an auditor. He was an ACCA member with a General Practising certificate. As an experienced member of the profession, he would have been well aware of what would be required for qualification as an auditor in accordance with the Global Practising Regulations.
46. The Register of Auditors had been checked by ACCA and Mr Harb was not recorded.
47. The Committee was satisfied that Mr Harb had signed the audits which had his name and his firm attributed to them. The Committee found the explanations of Mr Harb inconsistent and implausible particularly given that the most recent correspondence from him sought to deny undertaking any audit work at all and sought to attribute blame to his clients for the paperwork.

Allegation 2

48. On the filleted accounts for Company D, Mr Harb is clearly noted as a Senior Statutory Auditor of the firm H R Harbs Accountancy Limited
49. Again, the Committee noted that the Register of Auditors had been checked, and Mr Harb was not noted.
50. Mr Harb had implied that he undertook work under the umbrella of his cousin's position as an auditor. The Committee accepted the findings of ACCA, namely that his cousin was a director of his firm in 2018, for two days only and that he was not shown on the Register of Auditors. In the circumstances this explanation could be discounted.
51. Mr Harb had provided other explanations which were discounted by the Committee as implausible on account of the evidence available and also the changing nature of those explanations.

Allegation 3 (a)

52. The Committee found that, on any view, Mr Harb was an experienced practitioner. The Committee was satisfied that Mr Harb knew he was not an auditor and that he should not sign off as an auditor. The Committee was also satisfied that in accordance with his qualification as an accountant only he was aware that he was not qualified as an auditor.
53. Nevertheless, Mr Harb had held out that he was an auditor and further was a Senior Statutory Auditor. Mr Harb's actions had been deliberate and intentional.
54. Audits and filleted accounts were signed by Mr Harb in these circumstances and the Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.
55. Consequently, the Committee found allegation 3 (a) proved.

Allegation 3 (b)

56. On the basis that this allegation was pleaded in the alternative to allegation 3(a), the Committee made no finding.

Allegation 4 (a)

57. Taking account of its findings that Mr Harb had signed audit reports, held himself out as being a Senior Statutory Auditor and had acted dishonestly, the Committee was satisfied that he was guilty of misconduct. Such conduct, individually and cumulatively, fell far below the standards expected of an accountant and member of ACCA. In the Committee's judgement, it brought discredit to Mr Harb, the Association and the accountancy profession.
58. Members of the public would be very concerned to learn that audits and filleted accounts had been signed off by an unqualified individual and fellow practitioners would have no hesitation in finding Mr Harb's conduct deplorable. A substantial risk to the public was created by Mr Harb's conduct.

59. The misconduct was considered by the Committee to be extremely serious, with wide ranging implications including jeopardising public safety and undermining the declaration and maintenance of proper standards.

Allegation 4 (b)

60. On the basis that this allegation was pleaded in the alternative to allegation 4 (a), the Committee made no finding.

SANCTION AND REASONS

61. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had listened to submissions from Ms Terry, and to the legal advice from the Legal Adviser, which it accepted.
62. The Committee considered the available sanctions in increasing order of severity. The Committee deemed that taking no further action would be inappropriate and would not address the need to protect the public. There were no exceptional circumstances or mitigation evident in this case.
63. The Committee was mindful of the fact that the purpose of any sanction was not to be punitive, although it may have that effect. Rather the purpose of any sanction was to protect the public interest, namely to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
64. The Committee considered the Sanctions Guidance including the Table at section F. It concluded that the misconduct found proved was very serious, involving dishonesty.
65. The Committee considered whether any mitigating or aggravating factors featured in this case. The Committee accepted that there were no previous findings against Mr Harb but concluded that this carried little weight bearing in mind the circumstances of the case.
66. The Committee identified the following aggravating factors:
- a. Period of time the misconduct lasted

- b. Wilful or reckless failure to adhere to the regulations
- c. Dishonest conduct
- d. Failure to provide ACCA with information required
- e. Cumulative breaches or repeated breaches
- f. Lack of remorse or no insight

67. The Committee concluded that neither an admonishment, a reprimand nor severe reprimand would adequately reflect the seriousness of the Committee's findings. These sanctions would not be sufficient or proportionate. The misconduct was not of a minor nature. This was a case of deliberate dishonesty. The dishonesty that had been found proved, therefore, was at the top end of the spectrum.

68. Mr Harb had not made any expression of remorse and had displayed a complete lack of insight. Mr Harb had displayed no understanding of the impact of his actions on the profession or the wider public who may have relied on the audits and accounts he signed off. Indeed, he had rather sought to explain away his conduct and latterly attribute it to his clients. There were no persuasive mitigating features to the case.

69. The Committee concluded that he presented a risk to the accountancy profession and the public.

70. In the Committee's judgement, Mr Harb's overall conduct was fundamentally incompatible with being a member of ACCA and risked undermining the integrity of ACCA membership. The Committee adopted the Guidance which stated that the reputation of ACCA and the accountancy profession was built upon the public being able to rely on a member to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings.

71. In considering the Sanctions Guidance there were particular features of the misconduct, many of which matched the aggravating factors of the case, which were of note:

- a. Mr Harb's behaviour had been dishonest.

- b. Displayed a lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof.
 - c. The conduct continued over a period of time.
 - d. The conduct had the potential to affect a substantial number of clients/ members of the public.
 - e. Mr Harb had made persistent denials of the misconduct.
72. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Harb be excluded from membership of ACCA.
73. ACCA adopted a neutral position as to whether the order should have immediate effect. The Committee sought advice from its Legal Adviser. The Committee noted that it had made a finding of very serious dishonesty and that it had no information before it as to Mr Harb's current employment. It concluded that as Mr Harb continues to present a risk to the public the order must be of immediate effect to provide adequate and effective protection.

Costs and reasons

74. The Committee had been provided with a simple cost schedule and a detailed cost schedule. It accepted the advice of its Legal Adviser.
75. The amount of costs for which ACCA applied was £5,896.50. The Committee considered that these costs had been fairly incurred.
76. The Committee paid careful regard to the principle of proportionality. The Committee also reminded itself that it had been informed that Mr Harb was no longer practising as an accountant and [PRIVATE]. The Committee was mindful that it had a duty to avoid causing severe financial hardship. It noted that Mr Harb had not provided a Statement of Financial Position. It noted the Guidance for Costs Orders stipulates that in the absence of information the Committee is entitled to infer that the relevant person is able to meet the costs that it orders.

77. The Committee concluded that ACCA was entitled to be awarded costs against Mr Harb, all allegations, including dishonesty, having been found proved. The application for costs was reasonable and in line with the CDR 15.
78. Costs were awarded against Mr Harb in the sum of £5,896.50.

Valerie Paterson
Chair
15 May 2025