

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Jieli Yu

Heard on: Tuesday, 20 May 2025

Location: Held remotely, via MS Teams

Committee: Ms Wendy Yeadon (Chair)
Mr Trevor Faulkner (Accountant)
Mr Roger Woods (Lay)

Legal Adviser: Ms Jane Kilgannon

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

Summary: Allegations 1(a), 1(b), 2(a), 2(b), 2(c), 3, 4(a), 4(b), 4(c), 4(d)
and 6 proved
Exclusion from membership with immediate effect

Costs: Miss Yu to pay £1,500.00 towards ACCA's costs

1. The Disciplinary Committee (the Committee) convened to consider the case of Miss Jieli Yu (Miss Yu).
2. Ms Michelle Terry (Ms Terry) represented the Association of Chartered Certified Accountants (ACCA). Miss Yu did not attend and was not represented.
3. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
4. 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.
5. The hearing was conducted remotely through Microsoft Teams.
6. The Committee had considered in advance the following documents:
 - a. a hearing bundle (pages 1 to 344);
 - b. a bundle 'relating to complaint against' Miss Yu (pages 1 to 38);
 - c. an 'Additional's' bundle (pages 1 to 79); and
 - d. a service bundle (pages 1 to 18).

SERVICE OF PAPERS

7. The Committee considered whether the appropriate documents had been served on Miss Yu in accordance with the Regulations.
8. The Committee accepted the advice of the Legal Adviser, who referred it to Regulations 10 and 22 of the Regulations, and in particular the requirement that notice of the hearing must be served no later than 28 days before the date of the hearing unless there are exceptional circumstances.
9. The Committee noted the written notice of the hearing scheduled for today, 20 May 2025, that had been sent by electronic mail (email) to Miss Yu's registered email address on 22 April 2025. It also noted the subsequent emails sent to her

with the necessary link and password to enable her to gain access to the letter and the documents relating to this hearing.

10. As the notice of hearing was sent by email, the Committee noted that service may be proved by confirmation of delivery of the notice, which had been provided to the Committee, and that the notice would be deemed as having been served on the day that it was sent, that is, 22 April 2025. On the basis of that documentation, the Committee was satisfied that the notice of hearing had been served on Miss Yu on 22 April 2025, 28 days before the date of today's hearing.
11. The Committee noted the contents of the notice of hearing and was satisfied that it contained all of the information required by Regulation 10 of the Regulations.
12. The Committee concluded that service of the notice of hearing had been effected in accordance with Regulations 10 and 22 of the Regulations.

PROCEEDING IN ABSENCE / ADJOURNMENT

13. Ms Terry made an application that the hearing proceed today in the absence of Miss Yu.
14. The Committee, having satisfied itself that the requirements of Regulations 10 and 22 of the Regulations had been complied with, went on to consider whether to proceed in the absence of Miss Yu or whether to adjourn today's hearing.
15. The Committee took into account the submissions of Ms Terry and took into account all of the relevant correspondence received from Miss Yu.
16. The Committee accepted and took into account the advice of the Legal Adviser, who referred it to:
 - a. the Committee's discretion to proceed in the absence of Miss Yu (Regulation 10(7) of the Regulations), the ACCA document 'Guidance for Disciplinary

Committee hearings' and the relevant principles from the case of *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162; and

- b. the Committee's discretion to adjourn the hearing (Regulation 10(8) of the Regulations), the ACCA document 'Guidance on requests for adjournments of ACCA's Regulatory and Disciplinary Committees' and the relevant principles from the case of *CPS v Picton* [2006] EWHC 1108.
17. The Committee bore in mind that its discretion to proceed in the absence of Miss Yu must be exercised with the utmost care and caution. It also bore in mind that Miss Yu is entitled to a fair hearing, but the convenience of the parties is not a sufficient reason for an adjournment.
18. The Committee noted that Miss Yu's position in relation to her planned attendance at the hearing or otherwise had changed over time:
- a. On each of the three occasions when she returned her Case Management Form dated 23 November 2024, Miss Yu had clearly indicated on the form that she did not intend to attend or be represented at the hearing and that she consented to the hearing going ahead in her absence;
 - b. On 2 January 2025 Miss Yu sent an email to ACCA stating "*I'm currently living in china. I'm wondering if I cannot attend the hearing, which date will you arrange the hearing? 3rd of January? And if I change my mind that decide to attend the hearing. Could you arrange the hearing to the end of March 2025?*". ACCA responded the following day stating "*Irrespective of whether you will attend, it appears your hearing could take place between March and June this year*";
 - c. On 16 January 2025, Miss Yu replied to ACCA, stating "*After deep consideration, I have decided not to attend the hearing*"; and
 - d. Following receipt of the notice of hearing dated 22 April 2025, on 12 May 2025 Miss Yu sent an email to ACCA stating "*I would be available on July or August. so I'm wondering if the hearing can be extended to July or August if I want to attend the hearing. Sorry for the last-minute notice*". On the

following day, ACCA replied to Miss Yu acknowledging her email and asking her to provide *“more details on why you seek an adjournment of your Disciplinary Committee hearing listed to be heard on 20 May 2025”*. However, no reply was received from Miss Yu.

19. The Committee noted that ACCA had made an attempt to contact Miss Yu by telephone on 19 May 2025, but that the call had not been answered and a voicemail message had been left. The Committee noted that ACCA followed up with further email correspondence to Miss Yu asking her to confirm whether or not she planned to attend today’s hearing, but it had received no response.
20. On the basis of the evidence set out above, the Committee was satisfied that ACCA had made reasonable efforts to notify Miss Yu about today’s hearing and, on the basis of Miss Yu’s responses to that correspondence, it was clear that Miss Yu knew about the hearing.
21. The Committee considered that Miss Yu’s email dated 12 May 2025 may have been intended as an application for an adjournment, but it was not clearly set out as so. The Committee also considered that no good reason had been provided for moving the hearing date to July or August 2025, other than the convenience of Miss Yu. Indeed, she had not provided any reason or other explanation for the enquiry. Furthermore, the Committee noted that Miss Yu had been aware of the hearing scheduled for 20 May 2025 for some time, so she had been given an opportunity to make arrangements of her own in order to be able to attend the remote hearing. Lastly, the Committee took into account that an adjournment to July or August would mean a delay of approximately two to three months in the hearing of this case. Taking all of those matters into account, the Committee was not persuaded that an adjournment was justified in the circumstances.
22. The Committee decided that it would be appropriate to proceed in Miss Yu’s absence today. The Committee considered that any disadvantage to Miss Yu in not being present at the hearing to provide her account of the relevant events directly to the Committee could be addressed by the Committee’s thorough assessment of the evidence presented by ACCA and the opportunity for

Committee questions to test the evidence presented by ACCA. The Committee noted that Miss Yu had provided extensive accounts to ACCA of what had happened and why within the documents provided, so her position was quite clear. The Committee was also mindful that there is a public interest in dealing with regulatory matters expeditiously.

23. Having balanced the public interest with Miss Yu's own interests, the Committee decided that it was fair, appropriate and in the interests of justice to proceed in Miss Yu's absence.

ALLEGATIONS

Jieli Yu ('Miss Yu'), at all material times an ACCA trainee,

- 1. On or about 14 September 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 24 months of qualifying experience.*
- 2. On or about 14 September 2021 in relation to her ACCA Practical Experience Training Record caused or permitted a third party,*
 - a. to register Person B as her practical experience supervisor and further,*
 - b. to approve in Person B's name 14 months of qualifying experience and further,*
 - c. to approve in Person B's name her nine performance objectives.*
- 3. Whether by herself or through a third party applied for membership to ACCA on or about 20 September 2021 and in doing purported to confirm in relation to her ACCA Practical Experience Training Record that she had achieved all or any of the following Performance Objectives:*

- ***Performance Objective 1: Ethics and professionalism***
- ***Performance Objective 2: Stakeholder relationship management***
- ***Performance Objective 3: Strategy and innovation***
- ***Performance Objective 4: Governance, risk and control***
- ***Performance Objective 5: Leadership and management***
- ***Performance Objective 6: Record and process transactions and events***
- ***Performance Objective 7: Prepare external financial reports***
- ***Performance Objective 9: Evaluate investment and financing decisions***

4. Miss Yu's conduct in respect of the matters described above was:

- a. In relation to Allegations 1a) and /or 2a), dishonest in that Miss Yu knew her supervisors, Person A and/ or Person B, had been falsely registered as her practical experience supervisors.***
- b. In relation to Allegations 1b) and / or 2b), dishonest in that Miss Yu knew her supervisors, Person A and/ or Person B, had not approved her qualifying experience.***
- c. In relation to Allegation 2 c), dishonest in that Person B had not approved her nine performance objectives.***
- d. In relation to Allegation 3, dishonest in that Miss Yu knew that she had not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all.***
- e. In the alternative, any or all of the conduct referred to in Allegations 1, 2 and 3 above demonstrates a failure to act with Integrity.***

5. In the further alternative any or all of the conduct referred to in Allegations 1, 2 and 3 above was reckless in that:

- a. Miss Yu failed to ensure that her Practical Experience Training Record was approved in all material respects by her practical experience supervisors.***

b. Miss Yu paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 3 accurately set out how each objective had been met.

6. By reason of her conduct, Miss Yu is guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 5 above.

BRIEF BACKGROUND

24. Upon an ACCA student completing all of their ACCA exams, they become an ACCA affiliate (also known as an ACCA trainee). 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.
25. The practical experience involves the completion of nine performance objectives (POs) under the supervision of a qualified accountant, which are recorded in a Practical Experience Requirement (PER) training record. In addition to approval of their POs, a trainee must ensure that their employment where they have gained relevant practical experience has been confirmed by the trainee's line manager who is usually also the trainee's practical experience supervisor (PES). This means that the same person can and often does approve both the trainee's time and achievement of POs.
26. If the trainee's line manager is not a qualified accountant, 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.
27. Once all nine POs have been approved by the trainee's PES (whether internal or external) and their minimum 36 months of practical experience has been signed off, the trainee is eligible to apply for membership of ACCA.

28. During 2023, ACCA became aware that the PESs of 91 ACCA trainees shared one of only three email addresses, even though the names of the supervisors were all different. Miss Yu was one of those 91 ACCA trainees.
29. As it would not be expected for a PES to share an email address with any other supervisor, ACCA undertook some analysis of the data available to it in relation to the 91 ACCA trainees. The analysis indicated that:
- a. Most of the trainees were registered with ACCA as resident in China;
 - b. Many of the PO statements of the trainees were identical or similar; and
 - c. All of the PER training record approvals occurred between August 2021 and March 2023.
30. Miss Yu became an ACCA affiliate on 12 April 2021. Following submission of her application for membership on 20 September 2021, Miss Yu became an ACCA member on 23 September 2021.
31. Miss Yu's PER training record included the following information:
- a. Employment by Company A, with an address in New Zealand, as an Accounting Administrator from 1 April 2018 to 31 March 2020, gaining 24 months of relevant practical experience;
 - b. Person A registering as Miss Yu's 'non-IFAC qualified line manager' on 13 September 2021; and
 - c. Person A approving Miss Yu's 24 months employment at Company A on 14 September 2021.
 - d. Employment by Company B, with an address in China, as an Accountant from 1 April 2020 to 30 May 2021, gaining 14 months of relevant practical experience;
 - e. Person B registering as Miss Yu's 'IFAC qualified line manager' on 14 September 2021; and
 - f. Person B approving Miss Yu's 14 months employment at Company A on 14 September 2021, along with all nine of her PO statements.

32. In respect of Miss Yu's nine PO statements, ACCA's analysis indicated that:

- a. one of the PO statements (PO18) was the 'first in time' to be used in an ACCA membership application; and
 - b. the content of eight of the PO statements was identical or significantly similar to the POs contained in the PER training records of other ACCA trainees.
33. ACCA sent a letter to Miss Yu by encrypted email on 8 March 2024 asking Miss Yu to respond by 22 March 2024 to a number of questions related to the concern about her PER training record. On the same day ACCA sent an unencrypted email alerting Miss Yu to the encrypted email and asking her to check if she had received it.
34. Miss Yu responded by email on 14 March 2024, providing a response to the ACCA questions and supporting documentation. There was further correspondence between ACCA and Miss Yu in the following weeks.
35. In outline, Miss Yu stated that:
- a. She passed the ACCA examinations in April 2021;
 - b. She did work for Company A for the period stated and Person A was her supervisor for that period;
 - c. She did work for Company B for the period stated and Person B was her supervisor for that period;
 - d. As Person A was too busy and Person B's English was not good, she found a "*service provider*" (through a shopping platform) to assist her with her ACCA membership application. She thought that using this service would save her time and "*increase efficiency*" in completing the ACCA membership application;
 - e. She contacted Person A and Person B by telephone in 2021 and each of them indicated that they "*could approve my time and performance objectives, and allow a third party to assist with my membership application on the ACCA website on their behalf*";
 - f. She provided the service provider with her ACCA online account details and password, the details of her employment periods and PESs, and her draft PO statements;

- g. For a fee, the service provider offered to “*optimize the format and content*” of her PO statements, “*making them more standardized*” and submit her ACCA membership application on her behalf;
 - h. It appears that the service provider did not simply “*optimize the format and content*” her own PO statements but, without her knowledge, replaced most of them with PO statements written by others which do not describe her practical experience;
 - i. It appears that the service provider did not use the email addresses of her supervisors but, without her knowledge, replaced them with other email addresses;
 - j. She does not know the name of the person operating the service provider and she is now unable to contact them to seek an explanation for this because the previous website link is now invalid, the relevant chat history can no longer be retrieved on the chat software of the shopping platform, and she has since changed her mobile phone and computer; and
 - k. Person A and Person B remain content to approve her time and her PO statements, which she has now re-written.
36. The supporting documentation provided by Miss Yu included the following:
- a. Text message exchanges from 2019 - in Mandarin, with commentary, but no translation in English;
 - b. Text message exchanges from 2021 - in Mandarin, with commentary, but no translation in English;
 - c. Photographs of a desk space with a monitor, a laptop and various papers laid around them;
 - d. A letter in English dated 27 October 2020 from Person C, Managing Director of Company A, confirming that Miss Yu was employed as an Accountant with Company A from 11 April 2018 to 16 March 2020;
 - e. A letter in Mandarin and translated into English, undated, from Person D, confirming that Miss Yu was employed as an Accountant with Company B from April 2020 to May 2021;
 - f. A copy of a certificate for Person D passing the “*National Uniform CPA [Certified Public Accountant] Examination of P.R. China*”, issued on 21 December 2020 by the “*Committee of The Ministry of Finance, P.R. China*”;

- g. New Zealand income tax records relating to Miss Yu and Company A, referencing the “*date*” 31 March 2020 and the “*start date*” 11 April 2018;
 - h. Copies of some of the PO statements that Miss Yu says that she prepared and sent to the service provider;
 - i. An undated document signed by Person B and Person D confirming that Miss Yu was employed by Company B from April 2020 to May 2021 and, during that time, completed POs 1, 2, 3, 4, 5, 6, 7, 9 and 18;
 - j. An undated document signed by Person A and Person E confirming that Miss Yu was employed by Company A from 11 April 2018 to 16 March 2020 and, during that time, completed POs 1, 2, 3, 4, 5, 6, 8, 10 and 15; and
 - k. A text message exchange from September 2021 between Miss Yu and the service provider (in Mandarin but translated into English by ACCA).
37. On 8 August 2024 Miss Yu sent a statement for consideration by the ACCA's Independent Assessor who was reviewing the ACCA allegations made against Miss Yu. Miss Yu expressed her sincere apologies for “*my previous misconduct of reckless and inappropriate behavior regarding my PER submissions*”. She re-iterated her explanations provided in previous correspondence. She also added “*I acknowledge I paid insufficient regard to ACCA's requirements to ensure my supervisors registered on ACCA's platform and ensure the statements corresponding with the performance objectives accurately set out how each objective had been met. I shouldn't give my ACCA account information to any of other agent or person, I should complete the PER statement and upload it by myself. Once again, I apologize for any disappointment that I may have contributed to. I want to assure that I am committed to learning from this mistake*”.
38. In relation to Allegations 4(b), 4(c) and 4(d), Miss Yu stated:
- “*According to documents I provided, my supervisors person A and person B had signed a document to confirm that my working experience is genuine (Although they didn't register as my supervisors on the website, but they did these by other ways: person-in-person; phone; signed documents). They also confirmed that I have achieved performance objectives requested by ACCA which can be further proved by the chat records between my manager and me and other evidences I submitted (like sheets and reports I've done). Although*

the performance objectives completed by myself are different to the statement submitted by the third party, but I didn't know the mistake in advance".

39. In relation to Allegation 4(e), Miss Yu stated:

"I think my previous actual work experience meets ACCA practical experience requirements, so I didn't intend to get membership by distorting the facts of my work".

ADMISSIONS

40. Miss Yu had returned a completed Case Management Form to ACCA in November 2024 but following correspondence with ACCA, the form was re-submitted two times. When the form was first submitted, Miss Yu indicated that she admitted Allegations 1(a), 1(b), 2(a), 2(b), 2(c), 4(a) and 5(b). The second time that the form was submitted, Miss Yu indicated that she admitted Allegations 1(a), 1(b), 2(a), 2(b), 2(c), 5(a) and 5(b). The third time that the form was submitted, Miss Yu indicated that she admitted Allegations 1(a), 1(b), 2(a), 2(b), 2(c), 3, 5(a) and 5(b).
41. The Committee considered the submissions of Ms Terry and accepted the advice of the Legal Adviser who referred it to Regulation 12(3)(b) and (c) of the Regulations and the guidance at paragraphs 59 to 64 of the ACCA document 'Guidance for Disciplinary Committee hearings'. The Committee bore in mind that admissions must be clear, unqualified, and unequivocal.
42. The Committee noted that Miss Yu's admission to Allegations 1(a), 1(b), 2(a), 2(b) and 2(c) had been set out clearly and repeated in each of the three submissions of the Case Management Form. The Committee also found that those admissions were consistent with Miss Yu's other written correspondence to ACCA, and there was no evidence that Miss Yu had failed to understand the nature of those allegations or that she was seeking to provide any caveats to her admissions to those allegations. In that sense, the Committee was satisfied that those admissions were therefore unqualified and unequivocal.

43. The Committee noted that, in relation to Allegations 3, 4(a), 4(b), 4(c), 4(d), 4(e), 5(a) and 5(b), Miss Yu's position had changed across the different submissions of the Case Management Form. Given the lack of consistency, and because Miss Yu was not in attendance at the hearing to give her clear confirmation that the most recent Case Management Form should be preferred, the Committee was not satisfied that clear, unqualified, and unequivocal admissions had been made in relation to those allegations.
44. Therefore, in accordance with Regulation 12(3)(c) of the Regulations, it was announced that Allegations 1(a), 1(b), 2(a), 2(b) and 2(c) had been admitted and found proved.
45. ACCA was required to prove its case in relation to the remaining allegations - Allegations 3, 4(a), 4(b), 4(c), 4(d), 4(e), 5(a), 5(b) and 6.

EVIDENCE AND SUBMISSIONS

ACCA

46. Ms Terry provided oral submissions on behalf of ACCA. She took the Committee through the documentary evidence and submitted that the evidence available was sufficient to prove the matters set out in the allegations.

Miss Yu

47. Miss Yu did not attend the hearing to give oral evidence but the Committee took note of the written submissions that she had provided to ACCA during the investigation and disciplinary process.

DECISION ON FACTS AND REASONS

48. The Committee considered with care all of the evidence presented, the submissions made by Ms Terry on behalf of ACCA, and the written submissions received from Miss Yu.

49. The Committee accepted the advice of the Legal Adviser and bore in mind that it was for ACCA to prove its case and to do so on the balance of probabilities.

Allegation 3 – Proved

50. The Committee noted that ACCA had received Miss Yu's PER training record on 20 September 2022, submitted to ACCA as part of her application for ACCA membership. It included completion of nine POs, all approved by Person B.
51. The Committee noted that the nine POs set out in Miss Yu's PER training record included those set out at Allegation 3, namely POs 1, 2, 3, 4, 5, 6, 7 and 9.
52. The Committee also noted that Miss Yu had indicated in her correspondence with ACCA that she had paid a third-party service provider to submit her membership application documentation, including her PO statements, to ACCA on her behalf. Therefore, to that extent, the Committee understood that Miss Yu admitted that she had applied for membership through a third party and in doing so had purported to confirm that she had achieved the POs set out in the PO statements submitted.
53. Taking all of those matters into account, the Committee was satisfied that when she applied for membership of ACCA, Miss Yu had claimed to have achieved POs 1, 2, 3, 4, 5, 6, 7 and 9.
54. Accordingly, Allegation 3 was found proved.

Allegation 4(a) – Proved

55. The Committee considered whether Miss Yu had acted dishonestly when she caused or permitted Person A and Person B to be registered as her PESs.
56. The Committee noted the wording of the allegation – that Miss Yu was dishonest in that she "*knew*" that Person A and Person B had been "*falsely registered as*" her PESs.

57. The Committee noted that Miss Yu appeared to deny this allegation and had stated that Person A and Person B had both agreed to be her PESs and had agreed for their registration as her PES to be administered by a third-party agent on their behalf.
58. The Committee noted the text message exchange from 2021 between Miss Yu and the service provider, which appeared to show Miss Yu providing the names and other details of Person A and Person B to the service provider.
59. On the basis of the evidence available, the Committee accepted that (a) Person A had been Miss Yu's supervisor at Company A; and (b) that Person B had been Miss Yu's supervisor at Company B. However, the Committee was not satisfied that Person A and Person B had given Miss Yu permission to provide their names and contact details to a third party, and for that third party to register them as Miss Yu's PESs via the ACCA online system. In coming to this conclusion, the Committee had particular regard to the fact that there was no witness statement or direct evidence from either Person A or Person B to ACCA confirming such details. Furthermore, the Committee considered that Miss Yu's explanation that Person A and Person B had been content for their registration as PESs to be handled by an unnamed third-party service provider to be improbable. Taking on the responsibility to approve an ACCA trainee's time and PO statements as part of an ACCA membership application is a serious one. The Committee considered it unlikely that Person A and Person B would have agreed to provide these approvals without being involved directly with the process of registration and uploading of relevant documentation.
60. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Yu's subjective state of mind was at the relevant time. The Committee noted that Miss Yu was of previous good character and took this into account.
61. The Committee considered that, at the time that Miss Yu provided Person A and Person B's details to the third party and allowed them to register Person A and Person B as her PESs, she would have been aware that neither Person A or Person B had consented to that happening. Therefore, when she allowed

Person A and Person B to be registered as her PESs, Miss Yu would have been aware that she was causing or permitting false information to be provided to ACCA. She would have also been aware that the false information could mislead ACCA into believing that Person A and Person B were her PESs, when they were not.

62. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Yu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of their conduct, in particular in the course of their professional communications. For that reason, the Committee found that Miss Yu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.
63. Accordingly, Allegation 4(a) was found proved.

Allegation 4(b) – Proved

64. The Committee considered whether Miss Yu had acted dishonestly when she caused or permitted the third-party service provider to record that Person A and Person B had approved her qualifying experience at Company A and Company B, respectively.
65. The Committee noted the wording of the allegation – that Miss Yu was dishonest in that she "*knew*" that Person A and Person B had "*not approved her qualifying experience*".
66. The Committee noted that Miss Yu appeared to deny this allegation and had stated that Person A and Person B had both agreed for their approval of her qualifying experience to be registered on the ACCA online system by a third-party agent acting on their behalf.
67. On the basis of the evidence available, the Committee accepted that Miss Yu had worked at Company A and Company B for the periods stated. However, the Committee was not satisfied that Person A and Person B had given Miss Yu permission to a third-party service provider to convey their approval of the

relevant qualifying experience to ACCA. In coming to this conclusion, the Committee had particular regard to the fact that there was no witness statement or direct evidence from either Person A or Person B to ACCA confirming such details. Furthermore, the Committee considered that Miss Yu's explanation that Person A and Person B had been content for their approval of her time spent employed at Company A and Company B to be handled by an unnamed third-party service provider to be improbable. Taking on the responsibility to approve an ACCA trainee's time and PO statements as part of an ACCA membership application is a serious one. The Committee considered it unlikely that Person A and Person B would have agreed to provide these approvals without being involved directly with the process of registration and uploading of relevant documentation.

68. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Yu's subjective state of mind was at the relevant time. The Committee noted that Miss Yu was of previous good character and took this into account.
69. The Committee considered that, at the time that Miss Yu provided the relevant information to the third-party service provider, she would have been aware that neither Person A or Person B had consented to that happening. Therefore, when she allowed the relevant approvals to be registered on the ACCA online system, Miss Yu would have been aware that she was causing or permitting false information to be provided to ACCA. She would have also been aware that the false information could mislead ACCA into believing that Person A and Person B had approved her qualifying experience when they had not.
70. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Yu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of their conduct, in particular in the course of their professional communications. For that reason, the Committee found that Miss Yu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.
71. Accordingly, Allegation 4(b) was found proved.

Allegation 4(c) – Proved

72. The Committee considered whether Miss Yu had acted dishonestly when she caused or permitted the third-party service provider to record that Person B had approved all nine of her POs (POs 1, 2, 3, 4, 5, 6, 7, 9 and 18).
73. The Committee noted the wording of the allegation – that Miss Yu was dishonest in that Person B had “*not approved her nine performance objectives*”.
74. The Committee noted that Miss Yu appeared to deny this allegation. She had stated that Person B had approved her performance objectives. She had drawn the Committee’s attention to the additional documents that she had provided, in particular, the undated statement recording Person B and Person D confirming that Miss Yu had completed POs 1, 2, 3, 4, 5, 6, 7, 9 and 18.
75. The Committee was not persuaded that Person B had approved those PO statements uploaded to the ACCA online system. In coming to that conclusion, the Committee had particular regard to the following:
 - a. The statement from Person B stating that Miss Yu had completed POs 1, 2, 3, 4, 5, 6, 7, 9 and 18 was undated and appeared to have been provided to ACCA by Miss Yu, rather than directly by Person B;
 - b. Despite Miss Yu asserting that Person B had provided the approvals at the relevant time (in person, by telephone, or via signed documentation), she had not provided any evidence of a contemporaneous record of those approvals taking place; and
 - c. Miss Yu had acknowledged that most of the wording of the PO statements that were submitted with her ACCA membership application was not her own, therefore the wording could not have accurately described her unique work experience in completing the POs in question.
76. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Yu’s subjective state of mind was at the relevant time. The Committee noted that Miss Yu was of previous good character and took this into account.

77. The Committee noted that the relevant documentation had been submitted to ACCA via Miss Yu's 'My ACCA' online account. The Committee accepted that Miss Yu had provided her log on details and password to a third-party service provider, but that she also retained access to her own ACCA account. The Committee was therefore satisfied that Miss Yu would have been aware of the documentation being submitted to ACCA in support of her ACCA membership application on her behalf. Miss Yu was also in a position to be fully aware of whether the PO statements listed on the ACCA documentation were a true reflection of her unique training experience or not. The Committee considered that, at the time that Miss Yu's PER training record was submitted to ACCA, it was likely that she would have checked her ACCA account and so would have been aware that most of the wording used in her nine POs was not her own wording, and therefore did not amount to an accurate description of her own unique practical experience. The Committee was also satisfied that, at that time, Miss Yu would have been aware that Person B had not approved the PO statements as worded when they were submitted to ACCA. Therefore, when her PER training record was submitted, Miss Yu would have been aware that the training record contained false information (the approval to those PO statements by Person B) and that the false information could mislead ACCA into believing that she had achieved the PO statements as set out in the training record, when she had not.
78. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Yu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of their conduct, in particular in the course of their professional communications. For that reason, the Committee found that Miss Yu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.
79. Accordingly, Allegation 4(c) was found proved.

Allegation 4(d) – Proved

80. The Committee noted the advice set out for ACCA trainees in the ACCA guidance document 'PER – Practical experience requirements'. In particular, the Committee noted the following statement in that document "*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*".
81. The Committee considered whether Miss Yu would have been aware that she was required to submit her own objectives and could not use those of others, even as templates or precedents. Copies of the documents that would have been available to Miss Yu prior to submission of her PER training record were reviewed. These documents included the 'PER – Practical experience requirements,' referenced above. Having reviewed those documents, the Committee was satisfied that it would have been clear to Miss Yu, if she had read those guidance documents, that the PO statements provided must be her own. The Committee also noted that Miss Yu had not asserted in any of her correspondence with ACCA ahead of this hearing that she had been under any misapprehension that the PO statements had to be in her own words. Lastly, the Committee had regard to the fact that Miss Yu appeared to have a good command of English (she would have sat ACCA examinations in English, had worked for a period in New Zealand, and had been able to communicate with ACCA in English throughout its investigation). Therefore, there was no language barrier preventing Miss Yu in having access to the relevant ACCA guidance.
82. The Committee next considered the actual content of the PO statements that had been submitted to ACCA on Miss Yu's behalf.
83. The Committee was provided with analysis by ACCA showing that eight of Miss Yu's nine PO statements were the same or significantly similar to the POs of a number of other of those other ACCA trainees and were not 'first in time.' The Committee reviewed Miss Yu's PO statements and those of the other ACCA trainees and found that eight of Miss Yu's nine PO statements (namely, in relation to POs 1, 2, 3, 4, 5, 6, 7 and 9) were the same or significantly similar to the PO statements of a number of those other ACCA trainees.

84. The Committee noted that Miss Yu had acknowledged that most of the wording used in the PO statements uploaded was not her own work, but that of the third-party service provider who appeared to have re-used the PO statements of other ACCA trainees. On that basis, the Committee found that the content of eight of the nine PO statements provided by Miss Yu was not a true reflection of her experience.
85. The Committee then considered whether Miss Yu had acted dishonestly when she applied for membership purporting to confirm that she had achieved POs 1, 2, 3, 4, 5, 6, 7, and 9.
86. The Committee noted the wording of Allegations 4(d) – that Miss Yu was dishonest in that she knew that she had *“not achieved all or any of the performance objectives as described in the corresponding performance objective statements or at all”*.
87. The Committee noted that Miss Yu appeared to deny this allegation. She had stated that she had achieved the POs whilst working at Company A and Company B. She had drawn the Committee’s attention to the additional documents that she had provided. In particular, the undated document recording Person B and Person D confirming that Miss Yu completed POs 1, 2, 3, 4, 5, 6, 7, 9 and 18. The Committee noted that Miss Yu had acknowledged that the PO statements submitted to ACCA by the third party service provider on her behalf were not based on her own wording and experience, but that she was not aware of that difference at the relevant time.
88. The Committee was not persuaded that the PO statements submitted on the ACCA online system reflected Miss Yu’s actual experience. In coming to that conclusion, the Committee had particular regard to the following:
- a. The statement from Person B stating that Miss Yu had completed POs 1, 2, 3, 4, 5, 6, 7, 9 and 18 was undated and appeared to have been provided to ACCA by Miss Yu, rather than directly by Person B;
 - b. Despite Miss Yu asserting that Person B had provided the approvals at the relevant time (in person, by telephone, or via signed documentation), she

had not provided any evidence of a contemporaneous record of those approvals taking place; and

- c. Miss Yu had acknowledged that most of the wording of the PO statements that was submitted with her ACCA membership application was not her own, therefore the wording could not have accurately described her unique work experience in completing the POs in question.
89. Applying the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Limited* [2017] UKSC 67, the Committee first considered what Miss Yu's subjective state of mind was at the relevant time. The Committee noted that Miss Yu was of previous good character and took this into account.
90. The Committee noted that the relevant documentation had been submitted to ACCA via Miss Yu's 'My ACCA' online account. The Committee accepted that Miss Yu had provided her log on details and password to a third-party service provider, but that she also retained access to her own ACCA account. The Committee was therefore satisfied that Miss Yu would have been aware of the documentation being submitted to ACCA in support of her ACCA membership application on her behalf. Miss Yu was also in a position to be fully aware of whether the PO statements listed on the ACCA documentation were a true reflection of her unique practical experience or not. The Committee considered that, at the time that Miss Yu's PER training record was submitted to ACCA, it was likely that she would have checked her ACCA account and so would have been aware that most of the wording used in her nine POs was not her own wording, and therefore did not amount to an accurate description of her own unique practical experience. Therefore, when her PER training record was submitted, Miss Yu would have been aware that the training record contained false information and that the false information could mislead ACCA into believing that she had achieved the PO statements as set out in the training record, when she had not.
91. Applying the second stage of the test for dishonesty, the Committee considered whether an ordinary decent member of the public would find Miss Yu's conduct to be dishonest by objective standards. The Committee considered that the public expected members of the accountancy profession to be truthful in all of

their conduct, in particular in the course of their professional communications. For that reason, the Committee found that Miss Yu's conduct, in knowingly providing her regulator with misleading information, was objectively dishonest.

92. Accordingly, Allegation 4(d) was found proved.
93. Given the Committee's finding in relation to Allegation 4(a), 4(b), 4(c) and 4(d), it was not necessary for it to consider the matters alleged in the alternative, namely Allegations 4(e), 5(a) and 5(b).

Allegation 6 – Proved

94. The Committee found that, in dishonestly submitting false information to ACCA in her PER training record, Miss Yu's conduct had fallen far short of what would be expected of an ACCA member and was serious enough to amount to misconduct. Miss Yu's dishonest behaviour enabled her to obtain ACCA membership without completing the requisite approved practical experience. As such, the conduct had put members of the public, employers, and clients at risk of harm and had the potential to undermine public confidence in ACCA qualifications and membership, and to bring the profession into disrepute.
95. Accordingly, Allegation 6 was found proved in respect of Allegations 1(a), 1(b), 2(a), 2(b), 2(c), 3, 4(a), 4(b), 4(c) and 4(d).

SANCTION AND REASONS

96. In reaching its decision on sanction, the Committee took into account the submissions made by Ms Terry on behalf of ACCA. The Committee also referred to the ACCA document 'Guidance for Disciplinary Sanctions'. The Committee accepted the advice of the Legal Adviser including the following principles:
 - a. The purpose of a sanction is not to punish, but to protect the public, maintain public confidence in the profession and to maintain proper standards of conduct;

- b. Any sanction must be proportionate, so the Committee must balance the interests of the member with the interests of wider ACCA membership and the public; and
 - c. The Committee must consider the available sanctions in order of severity, starting with the least severe first.
- 97. The Committee considered the following to be aggravating features of this case:
 - a. Miss Yu's PER training record contained multiple pieces of false and misleading information;
 - b. Miss Yu derived a personal benefit from her dishonest conduct (ACCA membership);
 - c. Miss Yu had failed to demonstrate any insight into the seriousness and impact of her conduct;
 - d. Miss Yu's conduct had the potential to cause harm to the public, since she was able to hold herself out as an ACCA member, without the requisite approved practical experience; and
 - e. Miss Yu's conduct had the potential to cause harm to the reputation of ACCA and the accountancy profession as a whole.
- 98. The Committee considered the following to be mitigating features of this case:
 - a. the absence of any previous regulatory findings against Miss Yu; and
 - b. Positive testimonial statements from Persons A and E, and from Persons B and D.
- 99. The Committee considered taking no action against Miss Yu. However, given the seriousness of her conduct, including dishonesty, the Committee considered that it would be inappropriate to take no action.
- 100. The Committee considered imposing an admonishment on Miss Yu. The Committee noted that the guidance indicated that an admonishment would be appropriate in cases where most of the following are present: evidence of no loss or adverse effect on client / members of the public; early admission of the facts alleged; insight into failings; isolated incident; not deliberate; genuine

expression of remorse/apology; corrective steps have been taken promptly; subsequent work satisfactory; and relevant and appropriate testimonials and references. The Committee considered that this was not a case where most of these factors were present. It was not an isolated incident because the matters found proved included a dishonest act to obtain ACCA membership which Miss Yu had not drawn to ACCA's attention until ACCA contacted her. Miss Yu had provided an apology, but no evidence of any meaningful insight, corrective steps, or satisfactory work and conduct since. Despite the two positive references (which were undated and not provided to ACCA directly), there was also no independent evidence indicating that Miss Yu had acted unwittingly. Taking these matters into account, together with the seriousness of the misconduct found, the Committee concluded that an admonishment would be an inappropriate response.

101. The Committee considered imposing a reprimand on Miss Yu. The Committee noted that the guidance indicated that a reprimand would be appropriate in cases where the misconduct is of a minor nature, there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding, together with genuine insight into the conduct found proved. None of these features were present in this case. The misconduct was of a serious nature, insufficient insight had been demonstrated by Miss Yu and so there remained a continuing risk to the public. For those reasons, the Committee concluded that a reprimand would be inappropriate.
102. The Committee considered imposing a severe reprimand on Miss Yu. The Committee noted that the guidance indicated that a severe reprimand would be appropriate in cases where the conduct is of a serious nature but where the circumstances of the case or mitigation advanced satisfies the Committee that there is no continuing risk to the public. The Committee considered that the conduct was of a serious nature but that there was no relevant mitigation or circumstances that removed the continuing risk to the public. On that basis, the Committee concluded that a severe reprimand would be inappropriate because it would not provide adequate protection for the public, and nor would it adequately address public confidence and the need to maintain proper professional standards.

103. The Committee considered whether to exclude Miss Yu from membership. The Committee noted that Miss Yu's misconduct included dishonest conduct which had deceived / misled ACCA, which the Committee assessed to be a very serious matter. The Committee referred to section C5.1 of the guidance document and considered that many of the factors listed appeared to be present in this case, including:
- a. Serious departure from relevant professional standards; s
 - b. Abuse of trust/position;
 - c. Dishonesty;
 - d. Lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof;
 - e. Conduct continued over a period of time; and
 - f. Affected or had the potential to affect a substantial number of clients/members of the public.
104. Taking into account the seriousness of the conduct and the resultant ongoing risk to the public, the Committee concluded that the most appropriate sanction was exclusion from membership. With reference to section E2.3 of the guidance document (which relates to sanctions appropriate in cases of dishonesty), the Committee considered that the mitigating circumstances in this case were not so exceptional as to warrant anything other than exclusion from membership. The Committee considered Miss Yu's conduct found proved to be so serious as to be fundamentally incompatible with being an ACCA member.
105. The Committee considered that Miss Yu's misconduct represented a significant and immediate risk to the public, in that Miss Yu was currently able to present herself as an ACCA Member with all of the requisite approved experience, when she did not, in fact, possess such approved experience. As such, potential employers could be misled, and Miss Yu may also have the opportunity to supervise ACCA trainees herself.
106. The Committee acknowledged that exclusion from membership was the most severe sanction available and had the potential to cause professional and financial hardship to Miss Yu. However, in the circumstances of this case, the

Committee considered that the public interest (both in terms of public protection and in maintaining standards and confidence in the profession) outweighed Miss Yu's own interests, and therefore exclusion from membership was the only appropriate and proportionate sanction available.

107. The Committee decided that, given the circumstances of the case and the significant and immediate risk to the public, it was in the interests of the public that the order for exclusion from membership should have immediate effect.
108. The Committee considered that the circumstances of the case did not require an order restricting Miss Yu's right to apply for re-admission beyond the normal minimum period.

COSTS AND REASONS

109. Ms Terry, on behalf of ACCA, applied for Miss Yu to make a contribution to the costs of ACCA in bringing this case. The application was supported by a schedule breaking down the costs incurred by ACCA in connection with the hearing. The schedule showed total costs in the sum of £6,872.00 but Ms Terry highlighted that those costs included a sum that had had to be estimated in relation to the length of today's hearing, and which could be reduced to reflect the fact that the hearing had taken less time than estimated.
110. Miss Yu had provided the Committee with a completed Statement of Financial Position and provided further information about her financial position via email.
111. The Committee accepted the advice of the Legal Adviser who referred the Committee to Regulation 15(1) of the Regulations and the ACCA document 'Guidance for Costs Orders' (September 2023).
112. The Committee was satisfied that ACCA was entitled to costs in principle and had been justified in investigating these matters. Having reviewed the schedule, the Committee considered that the costs claimed appeared to have been reasonably and proportionately incurred.

113. With reference to Miss Yu's Statement of Financial Position and other supporting documentation, the Committee decided to reduce the amount of costs claimed on the basis of Miss Yu's ability to pay.
114. In light of the fact that the hearing today had taken slightly less time than had been estimated in the ACCA schedule, the Committee determined that it would be appropriate to reduce the amount of costs awarded accordingly.
115. Taking all of the circumstances into account, the Committee decided that Miss Yu should be ordered to make a contribution to the costs of ACCA in the sum of £1,500.00. Based on the information available to the Committee, it was satisfied that being required to make such a contribution would not cause Miss Yu undue financial hardship.

ORDER

116. The Committee made the following order:
- a. Miss Yu shall be excluded from ACCA membership; and
 - b. Miss Yu shall make a contribution to ACCA's costs in the sum of £1,500.00.

EFFECTIVE DATE OF ORDER

117. In accordance with Regulation 20(1)(b) of the Regulations, the Committee decided that, in the interests of the public, the order relating to exclusion from ACCA membership shall take effect immediately.
118. In accordance with Regulation 20(2) of the Regulations, the order relating to costs shall take effect immediately.

Ms Wendy Yeadon
Chair
20 May 2025