HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mrs Ernestina Essilfie Oppong**
Heard on:	**Wednesday, 19 August 2026**
Location:	**Held Remotely by Microsoft Teams**
Committee:	**Ms Avril O'Meara (Chair)** **Ms Morenike Asaju (Accountant)** **Ms Deborah Fajoye (Lay)**
Legal Adviser:	**Ms Tope Adeyemi**
Persons present and capacity:	**Mrs Ernestina Essilfie Oppong (ACCA Fellow)** **Mr Matthew Kerruish – Jones (Case Presenter)** **Miss Sofia Tumburi (Hearings Officer)**
Summary:	**Severe Reprimand**
Costs:	**£4,000.00**

INTRODUCTION

1. The Disciplinary Committee ("the Committee") met to hear allegations against Mrs Ernestina Essilfie Oppong (Ms Oppong). Ms Oppong was present at the

hearing and not represented. ACCA was represented by Mr Kerruish - Jones. The papers before the Committee included a main bundle numbered 1 – 391, and a Service Bundle numbered 1 - 19.

BACKGROUND

2. Ms Oppong was admitted as a Member of ACCA in 2004, becoming a Fellow in 2009. She has held an ACCA Practising Certificate since 2009, and has been authorised by ACCA to undertake audit work since 2010. Following a desktop monitoring review conducted by ACCA's Compliance Officer on 15 November 2021, Ms Oppong was referred for investigation in relation to matters surrounding failures to obtain professional indemnity insurance (PII).

3. During the course of the investigation, ACCA state that it found that Mrs Oppong had not obtained PII in around 2020/2021.Mrs Oppong was authorised to perform audit and public practice work by ACCA and has confirmed that she provided accountancy services as a sole proprietor through her practice *'Firm A'* (the firm). Between 13 December 2019 and 12 February 2021, Mrs Oppong was required to hold PII covering the liabilities that met the limits set out by Global Practising Regulation (GPR) 9.

4. Mrs Oppong responded to the concerns raised, providing details of the total income she earnt between 13 December 2019 and 12 February 2021. The period spans two accounting years ending 05 April 2020 and 05 April 2021. The information Ms Oppong provided confirmed that her firm's income in the year ending 05 April 2020 was [PRIVATE], and for the year ending 05 April 2021, was [PRIVATE]. ACCA assert that she has provided no evidence that she held PII for the work provided by her firm for nearly 14 months in the months spanning those two accounting years. A claim that her employer at the time advised her that their PII would cover her work, is said to be unsupported by evidence.

5. ACCA also allege that Mrs Oppong had insufficient cover between 13 February 2021 and 28 November 2021. During this period ACCA state that she was required to hold [PRIVATE] for each and every claim on the basis of the single largest fee for the year ending 05 April 2020. The sum was calculated according to Mrs Oppong's confirmation that her highest cumulative fees in each of the

two accounting years spanning 13 February 2021 and 28 November 2021, was [PRIVATE]. Mrs Oppong provided a copy of the PII documents issued to her on 13 February 2021 which confirmed the cover provided by her policy was up to [PRIVATE]. She obtained the correct level of cover on 29 November 2021.

6. Mrs Oppong provided further responses to the allegations in a case management form dated 17 March 2024. There, she explained that she used her practising certificate only part-time. While being employed by an accountancy firm, she understood that she was covered by the firm's PII. After leaving the firm in [PRIVATE], she inadvertently failed to obtain replacement cover amid the disruption caused by Covid-19. In February 2021, she obtained [PRIVATE] cover but mistakenly overlooked the [PRIVATE] minimum. Mrs Oppong maintained that these omissions were unintentional and did not amount to misconduct.

ALLEGATIONS

7. Mrs Oppong faces the following allegations as amended:

Mrs Ernestina Essilfie Oppong, an ACCA Fellow, who at all material times was an ACCA Practising Certificate holder:

Allegation One

Failed to hold Professional Indemnity Insurance (PII) between 13 December 2019 and 12 February 2021 contrary to Regulation 9(1)(a) of the Global Practising Regulations (GPRs).

Allegation Two

Failed to hold the required level of PII cover between 13 February 2021 and 28 November 2021, contrary to Regulation 9(3)(a(i)) of the GPRs.

Allegation Three

By reason of her conduct in respect of the matters set out in Allegations 1 and or 2 above, is

a) Guilty of misconduct pursuant to bye-law 8(a)(i); and/or in the alternative.

b) Liable to disciplinary action pursuant to bye-law 8(a)(iii).

DECISION ON FACTS AND REASONS

8. The Committee considered with care all the evidence presented, which included the oral evidence and submission of Ms Oppong and the submissions of Mr Kerruish - Jones. It also 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 1 - Proved

9. In evidence Mrs Oppong explained that between 13 December 2019 and March 2020 she was employed by an accountancy firm, who assured her she was covered under the firm's PII policy. As a result of their assurance, Mrs Oppong states she did not see the need to obtain PII cover during that period. This was particularly the case because upon joining the firm she made them aware she undertook part – time work and had her own clients. She told the Committee that this was a requirement in order to address any conflicts of interest.

10. Mrs Oppong admitted that after leaving the firm, she did not have PII cover in place from 05 March 2020 to 12 February 2021. She explained that, although she had routinely obtained the necessary cover in previous years, the turbulence caused by the COVID-19 pandemic led her to overlook the requirement during that period.

11. In determining the allegation, the Committee was mindful that ACCA had confirmed that no previous disciplinary findings had been made against Mrs Oppong. Further, there was evidence that apart from the periods set out in Allegations 1 and 2, since becoming an ACCA Member in 2004, she had always held the appropriate PII. The Committee considered these factors relevant when assessing her oral evidence that she believed she was covered by her employer's insurance, finding it credible that she had been informed that the part- time work she was undertaking was covered.

12. The Committee also took into account that Mrs Oppong had provided no corroborating evidence that insurance cover had been provided by her

employer, notwithstanding her belief that such cover was in place. No insurance note was provided or email from her employer and Mrs Oppong stated in evidence that she had not made any inquiry to verify the position during ACCA's investigation. With those points in mind the Committee found that although Mrs Oppong may have had a belief that she was covered by her firm's PII policy she had not provided any supporting evidence that in fact she had been covered and in the circumstances the Committee concluded that she had failed to hold PII between 13 December 2019 and March 2020. The Committee also found that Mrs Oppong failed to hold PII from March 2020 onwards to 12 February 2021. Mrs Oppong had admitted to not having insurance in place during that period due to the disruption caused by the Covid-19 pandemic. While the Committee accepted that her actions in not obtaining PII insurance were not deliberate, it remained the case that she was required by GPR 9(1)(a) to obtain such insurance as she held a Practising Certificate and did not. It follows therefore that the Committee found allegation 1, proved in its entirety.

Allegation 2 – Proved

13. Mrs Oppong entered an admission to Allegation 2, and it was therefore found proved by reason of her admission.

Allegation 3 (a) – Proved

14. The Committee turned to consider whether the matters found proved amounted to misconduct.

15. The matters found proved concerning Mrs Oppong relate to a failure to have any PII insurance in place for 14 months and then inadequate levels of PII cover for a further 8 months. The Committee noted that if any of Mrs Oppong's clients at the material times (i.e. between 13 December 2019 and 28 November 2021) wished to make a claim during that period or subsequently for work undertaken, there would be no cover or potentially insufficient cover in place to meet those claims. The Committee bore in mind Mrs Oppong's evidence relating to correspondence with ACCA's investigator about obtaining a PII waiver from ACCA for the relevant period and her concerns that it was not relayed to her by ACCA that a waiver would correct the issue. Mrs Oppong however went on to state that she did not believe that she had applied for waiver and therefore the Committee did not consider the point took matters much further. Given the

submissions of Mr Kerruish – Jones it also appeared to the Committee that any application made by Mrs Oppong in 2021 for a waiver regarding PII cover would have been prospective and not retrospective. Additionally, such an application would have had to be determined by an Admissions & Licensing Committee and would not have automatically been granted.

16. Overall, the Committee considered the conduct found proved in Allegations 1 and 2 fell far short of what was expected of an ACCA Fellow and were very serious. Mrs Oppong was personally responsible for ensuring she had adequate PII cover in place and did not ensure this. Her behaviour exposed her clients to risk and had the potential to cause harm in the event a claim was made. Harm could still be caused in the event a claim is brought subsequently by a client who Mrs Oppong provided services to during the period of the allegations. In all the circumstances the Committee found Mrs Oppong's actions to amounted to misconduct and therefore found allegation 3(a) proved.

Allegation 3 (b)

17. As Allegation 3(a) was found proved, the Committee did not go on to consider Allegation 3(b) which was drafted in the alternative.

SANCTION AND REASONS

18. In reaching its decision on sanction, the Committee took into account the submissions of Mrs Oppong and ACCA. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind that the purpose of sanctions was not to punish Mrs Oppong but to protect the public. Furthermore, any sanction must be proportionate. The Committee accepted the advice of the Legal Adviser and considered the sanctions, starting with the least serious sanction first.

19. The Committee turned first to consideration of the aggravating and mitigating features in this case. The Committee accepted that Mrs Oppong had no previous disciplinary history, with evidence of there being good practice before and after the period of the allegations. It also found the failings were not deliberate and that Mrs Oppong demonstrated some insight into what had gone wrong. Mrs Oppong had co-operated with ACCA's investigation throughout. The misconduct occurred during the Covid-19 pandemic and the Committee

accepted Mrs Oppong's evidence that this was a difficult or 'turbulent' period. All these factors were considered to amount to mitigation.

20. The following aggravating factors were identified by the Committee. Mrs Oppong's actions did expose her clients to a real risk of harm due to the absence of cover and due to her subsequently not having adequate cover in place. Furthermore, the misconduct persisted over a period of time – approximately 2 years in total.

21. Taking into account all the circumstances of the case and bearing in mind the seriousness of the matters found proved, the Committee did not think it was appropriate, nor in the public interest, to take no further action. Neither did it consider it would be appropriate to order an admonishment, in a case such as this as the misconduct was not minor and where there was a real risk of harm arising from the misconduct.

22. The Committee then considered whether to reprimand Mrs Oppong. The guidance indicates that a reprimand would be appropriate in cases where the conduct is of a minor nature and there is no continuing risk to the public. The guidance goes on to state that a reprimand may be appropriate where the period over which misconduct took place was short and it was stopped as soon as possible. The Committee did not find those factors to be present. Mrs Oppong's actions were not minor and represented a pattern of behaviour lasting approximately two years. The Committee also found it relevant that while Mrs Oppong did correct the position regarding her PII cover or the level of cover she held, this followed the prompting of ACCA in November 2021. Further, there was a continuing risk to the public in that no cover or inadequate cover is in place for the periods in Allegation 1 and Allegation 2 respectively, should any of her clients make a claim for work conducted by Mrs Oppong during these periods.

23. The Committee moved on to consider whether a severe reprimand would adequately reflect the seriousness of the case and maintain public confidence in the profession and regulator. In considering the propriety of a severe reprimand the took into account that while the matters found proved were serious, Mrs Oppong had fully co-operated during the investigation stage, and that the misconduct was not intentional. The Committee accepted Mrs Oppong's evidence had made mistakes during the Covid-19 pandemic and

failed to ensure that she had PII cover in place or sufficient cover in place but it accepted that she is now vigilant regarding this, that since November 2021 she has had appropriate PII cover in place and it concluded that there is a low risk of repetition. The Committee has already noted that Mrs Oppong had also been a Member of ACCA since 2004 and a Fellow from 2009, maintaining appropriate PII cover at all other times and otherwise had a good record. In all the circumstances the Committee considered a severe reprimand to be the most appropriate and proportionate sanction.

24. The Committee considered that to exclude Mrs Oppong from membership would be disproportionate as the misconduct was not so serious that it was fundamentally incompatible with her being a member.

COSTS AND REASONS

25. ACCA applied for costs in the sum of £7606.00. The application was supported by a schedule providing a detailed breakdown of the costs incurred by ACCA in connection with the hearing. A Simple Costs Schedule was also provided. No information had been provided by Mrs Oppong about her current financial circumstances.

26. The Committee was satisfied ACCA were entitled to recover costs. However, it considered that some of the costs incurred were attributable to the length of time ACCA had taken to conduct its investigation. During that investigation period, there were apparent periods of inaction for no clear reason, resulting in Mrs Oppong having to chase ACCA for an update. The Committee also noted that the hearing concluded in half a day as opposed to one day, which was less time than originally estimated.

27. In all the circumstances, the Committee exercised its discretion to award ACCA costs in the sum of £4,000, which it considered to be appropriate and proportionate.

EFFECTIVE DATE OF ORDER

28. In accordance with Regulation 20(1)(a) of the Regulations, the order relating to Mrs Oppong’s severe reprimand will take effect at the expiry of the appeal period.

Ms Avril O’Meara
Chair
19 August 2026