

HEARING

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

REASONS FOR DECISION

In the matter of: Ms Xue Xu

Heard on: Thursday, 29 May 2025

Location: Remotely via Microsoft Teams

Committee: HH Suzan Matthews KC (Chair)
Mr George Wood (Accountant)
Dr Jackie Alexander (Lay)

Legal Advisor: Mr Charles Apthorp

**Persons present
and capacity:** Mr Richard Ive (ACCA Case Presenter)
Miss Sofia Tumburi (Hearings Officer)

Summary: Allegations 1, 2(a), 4 and 5(a) found proved
Excluded from Members Register, order to take
immediate effect

Costs: Ms Xu ordered to pay £6,000 towards ACCA costs

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1. The Committee heard an allegation of misconduct against Ms Xue Xu ("Ms Xu"). Mr Richard Ive appeared for ACCA, Ms Xu was not present and was not represented.
2. The hearing was conducted remotely by Microsoft Teams.

SERVICE OF PAPERS

3. The Committee considered the Service Bundle with pages numbered 1- 24 in order to determine whether the Notice of Hearing ("the Notice") dated 30 April 2025 had been served in accordance with the provisions of the Complaints and Disciplinary Regulations 2014 (amended 2020) ("the Regulations")
4. The Notice had been sent to Ms Xu's registered email address held on file by ACCA and in the Committee's view complied with the other requirements of the Regulations.
5. The Committee was satisfied that this was effective service under the Regulations.

PROCEEDING IN ABSENCE

6. The Committee considered whether it should proceed in Ms Xu's absence and recognised it could only do so with care and caution.
7. The Committee noted that Ms Xu had not responded to the case management form and to the emails sent by ACCA to her since April 2024. No application had been made by her to adjourn the hearing to another date. The Committee noted there had been an attempt to telephone her on the number provided to ACCA on 15 May 2025 when there was no answer and it was not possible to leave a message. The call was followed up by an email to the email address provided to ACCA on the same date and a further attempt at contact was made on 21 May 2025. The link to the hearing was provided to Ms Xu by email to the same address on 28 May 2025 to which there has been no response.
8. The Committee recognised that there was a strong public interest in regulatory proceedings being considered and concluded expeditiously, particularly given

the serious nature of the allegations. The Committee concluded that Ms Xu was aware of the date and place of the hearing and had voluntarily absented herself.

9. The Committee determined that it was fair and just to proceed in Ms Xu's absence in accordance with its discretionary power at regulation 10(7) and that a fair hearing could take place in her absence.
10. The Committee were provided with the following bundles: Hearing Bundle [1-258], Additional Bundles (1-6), Service Bundle (1-24) and a Separate Bundle (1-88).
11. The Committee had read the papers prior to the hearing.

BRIEF BACKGROUND

12. Ms Xu was registered as an ACCA member, referred to here and in the allegations as a trainee, on the 17 November 2022.
13. Ms Xu after completing her exams was required to obtain at least 36 months of practical experience, which is recorded in her Personal Experience Requirement ("PER") training record. The record is completed using an online tool, 'MyExperience'.
14. Each PO comprises three parts; (i) a summary of what the PO relates to; (ii) 5 elements outlining the tasks and behaviours a trainee must demonstrate to be able to achieve the PO; and (iii) a 200 to 500 word concise personal statement in which a trainee must summarise how they achieved the PO. In total a trainee is required to complete nine POs of which five are compulsory and four are optional.
15. The ACCA PER guide states:

'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.'

16. Therefore the description of the experience in the trainee's record should be unique to each trainee providing a summary of the experience they have gained in order to meet the performance objectives ("POs"). This includes explaining what they did, describing the skills they have gained and reflecting on their learning. Ms Xu's PER was compared to other trainees and a number of POs were found to be similar or identical to other trainees.
17. It is a requirement that the relevant practical experience is signed off by a supervisor, who is required to be a qualified accountant recognised by law in the trainee's country and/or a member of an IFAC body (International Federation of Accountants).
18. In addition to approval of their POs, the trainee must ensure their employment where they have gained relevant practical experience (being a minimum of 36 months) has been confirmed by the trainee's line manager who is usually also the trainee's qualified practical experience supervisor.
19. Once all nine POs have been approved by the trainee's practical experience supervisor (whether internal or external) and their minimum 36 months of practical experience has been approved, the trainee is eligible to apply for membership. This is subject to having passed all their ACCA exams and successfully completed ACCA's Ethics module.
20. During 2023 it came to the attention of ACCA's Professional Development Team that the practical experience supervisors registered to 91 ACCA trainees, shared one of three email addresses despite the names of such supervisors being different. It would not be expected for a supervisor to share an email address with any other supervisor or person.
21. The three email addresses were as follows:
 - Email 1
 - Email 2
 - Email 3
22. Further analysis of this cohort of 91 trainees confirmed the following:

- Most of these trainees were registered with ACCA as resident in China.
 - Although each statement supporting a PO should be a description of a trainee's experience and therefore unique, many of such statements within this cohort of 91 trainees were the same. These POs were therefore copied and not the original work of Ms Xu.
 - Of these 91 trainees, the earliest date a supervisor with one of these three email addresses is recorded as approving a trainee's PER training record was August 2021 with the latest date being March 2023.
23. Consequently, all 91 trainees were referred to ACCA's Investigations Team. Ms Xu is one such trainee.
24. Ms Xu was notified of the allegations on 15 April 2024 and was requested to respond to the questions sent to her by ACCA's Investigations team by 29 April 2024. An email was also sent requesting she acknowledge receipt of the encrypted documents.
25. Ms Xu responded on 29 April 2024 providing contracts of employment and copies of emails from her employer, the firm referred to in her PER. In Ms Xu's response to ACCA's questions she stated,
- It has been such a long time since the PO uploaded that I can merely remember the situation at that time clearly. But the fact is that I do work in Company A from 2021.09 until now and Person A as my line manager until 2023.09 and Person B as my new supervisor from 2023.09 until now. I will upload new PO if it is needed. Thank you...."*
26. The ACCA investigations team sent a further series of questions which raised issues about the date Ms Xu commenced employment with Company A, why her POs were the same as others, why the person registered as her supervisor was not her supervisor and there was a difference in their CICPA registration card number and whether log in details had been provided to a third party. No response to these further questions was received by the deadline of 02 July 2024 and Ms Xu was reminded of her obligation to cooperate with the investigation and to do so by 18 July 2024.

27. ACCA made further attempts to obtain a response from Ms Xu on 05 September 2024 by email and by telephone on 26 September 2024. All the emails were sent via ACCA's Case Management System and an icon is shown next to an email which is able to identify the date and time the email sent to Ms Xu was opened by her. The email sent to Ms Xu on the 22 July 2024, which was the second and final reminder, was opened by her on that date at 16:06 hours.

28. Ms Xu faced the following allegations:

ALLEGATIONS

Ms Xue Xu ("Ms Xu"), at all material times an ACCA trainee,

1) Whether by herself or through a third party applied for membership to ACCA on or about 13 November 2022 and in doing so purported to confirm in relation to her ACCA Practical Experience Training Record she had achieved all or any of the following Performance Objectives:

- Performance Objective 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
- Performance Objective 13: Plan and control performance

2) Ms Xu's conduct in respect of the matters described in Allegation 1 above was:

- a) Dishonest in that Miss Xu knew she had not achieved all or any of the performance objectives referred to in Allegation 1 above as described in the corresponding performance objective statements

or at all.

- b) In the alternative, any or all of the conduct referred to in Allegation 1 above demonstrates a failure to act with Integrity.
- 3) In the further alternative to Allegations 2a) and 2b) above, such conduct was reckless in that Miss Xu paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 1 accurately set out how each objective had been met.
- 4) Failed to co-operate with ACCA's Investigating Officer in breach of Complaints and Disciplinary Regulation 3(1) in that she failed to respond fully or at all to any or all of ACCA's correspondence dated:
- a) 18 June 2024
 - b) 04 July 2024
 - c) 22 July 2024
- 5) By reason of her conduct, Miss Xu is:
- a) Guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 4 above; in the alternative in respect of Allegation 4 only;
 - b) Liable to disciplinary action pursuant to bye-law 8(a)(iii)

DECISION ON FACTS/ALLEGATION(S) AND REASONS

29. Mr Ive in his submissions referred the committee to the relevant bye-laws and regulations. He relied on the unchallenged evidence in the witness statements from a senior Administrator in the ACCA member support team, the professional development manager and documentary evidence exhibited in the bundle. Ms Xu had not requested that any witnesses should attend to provide oral evidence and had not served any evidence.
30. The Committee accepted the evidence of Linda Calder, Manager of ACCA's

Professional Development Team, and Karen Watson, a senior administrator in ACCA's Member support team. Linda Calder provided an overview of the PER process and that each PO should be unique and must not be copied from other trainees or sources and be supervised by a practical experience supervisor. As part of the investigation ACCA identified which of the identical or similar POs was first in time, that being the date it was approved by the supervisor.

31. Linda Calder in her evidence referred to an analysis carried out by ACCA which identified that none of Ms Xu's POs were first in time and nine of the POs were identical or similar to other PER's of other ACCA trainees from the 91 cohort.
32. The Committee were provided with a separate bundle of the PO statements from the other trainees and schedule which cross linked Ms Xu's POs with the other trainees. The Committee noted the similarity of Ms Xu's PO statements with the other trainees, which included a number of POs being identical to five other trainees.
33. The Committee accepted the advice of the Legal Adviser.

ALLEGATION 1

34. Allegation 1 found proved.
35. The Committee determined that there was clear evidence that the nine PO statements contained within Ms Xu's PER did not reflect her practical experience and on the balance of probabilities it was either completed and submitted by her or completed for her and submitted by a third party.
36. The Committee determined that Ms Xu was fully aware of the obligations that she should submit to ACCA POs which reflected her own experience. In addition, the Committee were satisfied that Ms Xu was aware of her obligation that the POs should be signed off by a suitably qualified person who had supervised her work.
37. The Committee determined that in either eventuality Ms Xu was aware that the submission in support of her application did not reflect her practical experience.

ALLEGATION 2A)

38. The Committee found allegation 2a) proved.
39. The Committee concluded that Ms Xu at the date of submission of her PER was aware that the POs contained within it did not reflect her work and this was done in the knowledge that she was submitting or causing to be submitted false POs in her PER.
40. The Committee also found that the public would expect an accountant at the beginning of their career to provide evidence in support of their application which properly reflected their experience. It is the Committee's view that a member of the public would consider the conduct of Ms Xu in submitting false Performance Objective statements to obtain membership to be dishonest.

ALLEGATION 2B) AND 3

41. The Committee having found allegation 2a) proved did not go on to consider allegation 2b), whether there was a lack of integrity in her conduct and Allegation 3 as they were put in the alternative in the event Allegation 2a) was found not proved.

ALLEGATION 4A), B) AND C)

42. The Committee found Allegation 4a), b), and c) proved.
43. The Committee noted that there was a limited response by Ms Xu in April 2024 but noted that she had not responded fully to the questions put to her by ACCA in the emails 15 April 2024 and the follow up emails on 18 June, 04 July and 22 July 2024. The Committee noted that there was evidence that the email of the 22 July 2024, which contained the second and final reminder, was opened at 16.06 by Ms Xu. The Committee determined that Ms Xu had not made a detailed response to the questions put to her and it noted that ACCA had made it clear to Ms Xu that there was a duty to cooperate with the investigation. It therefore concluded that Ms Xu was in breach of her obligation to cooperate with an investigation and the Allegations 4a), b) and c) were found proved.

MISCONDUCT AND LIABILITY TO DISCIPLINARY ACTION

44. The Committee went on to consider misconduct and liability to disciplinary action. Mr Ive made submissions on the issue of misconduct and referred the Committee to the case of Roylance and byelaw 8(a).
45. In relation to Allegations 1 and 2a) the Committee considered that Ms Xu's dishonest conduct undermined the process of the qualification to become a member of ACCA. In addition, Ms Xu had become a member of the accountancy profession by dishonest means. This was in the Committee's view a serious breach of the regulations striking at the core role of the Regulator, to maintain standards and public confidence in the profession. In addition, this conduct brought discredit upon Ms Xu, the profession and undermined public confidence in ACCA. The Committee noted that Ms Xu was working for a company holding herself out, based on her qualifications, as an ACCA member which in the Committee's view was a risk to the public and engaged public protection.
46. The Committee determined that copying the POs of other members, submitting it to ACCA purporting to be her own work to obtain membership, was an act of serious dishonesty. In the Committee's view it was a breach of a fundamental expectation of the profession to be open and honest and undermined the protections put in place to protect the public.
47. The Committee found that allegations 1 and 2a) taken together amounted to serious misconduct.
48. The Committee also found that Allegation 4, the failure to cooperate with an investigation undermined the role of ACCA as a regulator and prevented a full investigation of the circumstances surrounding the misconduct. This conduct was also found separately to be serious misconduct.
49. The Committee concluded that Ms Xu was liable to disciplinary action pursuant to bye-law 8(a)(i) in respect of allegations 1 2a) and 4.

SANCTION(S) AND REASONS

50. Mr Ive, the case presenter, made submissions on the appropriate and proportionate sanction. The Committee received advice from the Legal Adviser and in determining the appropriate and proportionate sanction considered the least restrictive sanctions first before moving onto the more serious ones.

ALLEGATIONS 1, 2 A) AND 4

51. The Committee considered what sanction, if any, to impose in light of its findings, having regard to ACCA's Guidance for Disciplinary Sanctions (2024). It first sought to identify aggravating and mitigating factors.
52. In respect of mitigating factors Ms Xu had no previous disciplinary findings against her. That was a mitigating factor, although not a strong one given her status as an ACCA member of less than two years standing. It also took account of her previous good character. In the Committee's view there was limited mitigation.
53. The Committee considered the aggravating factors in relation to these allegations. In the Committee's view it was an aggravating factor that there was limited evidence of remorse or insight into what the Committee considered to be serious breaches. It took into account that the dishonesty was a one off over a short period of time, but it was not a spur of the moment breach, as the conduct was premeditated. In addition, it was an aggravating factor that Ms Xu had sought to undermine the integrity of the application process to be a member and a deliberate course of conduct for personal benefit and has deceived her regulator to work as a professional accountant.
54. The Committee considered that the dishonesty was at the more serious end of the scale of dishonest conduct and that there was a continuing risk to the public.
55. It took into account section E2 of the ACCA Guidance for Disciplinary Sanctions regarding findings of dishonesty.
56. The Committee considered that taking no further action or imposing an admonishment did not reflect the seriousness of the conduct and noted that

there was no evidence of insight by Ms Xu into her dishonest conduct.

57. In respect of a reprimand the Committee considered the dishonest conduct to be serious and not minor. Given the lack of any significant insight the Committee considered that a Severe Reprimand was not a sufficient sanction as there was a continuing risk to public confidence, the potential risk of harm and the risk to the validity of the ACCA qualification process.
58. The Committee considered the factors listed at C5.1 in the guidance. It noted that in addition to a lack of evidence of insight or remorse there was no reflection.
59. The Committee took account of the guidance at E2.3 and concluded that there was no remarkable or exceptional mitigation presented by Ms Xu which would warrant anything less than exclusion from membership. It also took into account the importance of protecting the integrity of the profession's qualification process and therefore determined that the only proportionate sanction was to direct that Ms Xu be excluded from membership.

COSTS AND REASONS

60. Mr Ive applied for costs totalling £6,516.50.
61. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs. The Committee also recognised that it needed to consider the principle that the majority of those paying ACCA's fees should not be required to subsidise the minority who, through their own misconduct, have found themselves subject to disciplinary proceedings. The Committee considered that the time spent, and the sums claimed were reasonable. It was appropriate to make a small reduction as the hearing had not run for a full day. Therefore, the reasonable costs are assessed to be £6,000.
62. The Committee took account of paragraph 27 of the Guidance on Costs Orders and noted there was no information before the Committee about Ms Xu's means as she had not provided a statement of Financial Position. The Committee having been provided with no evidential basis to justify a reduction

directed that Ms Xu should pay £6,000 towards ACCA's costs.

IMMEDIATE ORDER

63. Mr Ive invited the Committee to direct that the order come into effect immediately. He submitted it was necessary to protect the public and in the public interest and referred to the findings of the Committee in support.
64. The Committee directed that the order should come into effect immediately as it was necessary to protect the public. The Committee concluded that there was an identified and continuing risk to the public and to the validity of ACCA's process due to Ms Xu's ability to continue holding herself out as member of ACCA.

ORDER

65. The Committee ordered as follows:
 - (a) Ms Xu shall be excluded from the ACCA Register.
 - (b) The order is directed to come into effect immediately.
 - (c) Ms Xu shall make a contribution to ACCA's costs of £6,000.

HH Suzan Matthews KC
Chair
29 May 2025