Think Ahead ACCA

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Miss Ruotong Zhao**
Heard on:	**Tuesday, 09 September 2025**
Location:	**Remotely via MS Teams**
Committee:	**HH Suzan Matthews KC (Chair)** **Mr Ryan Moore (Accountant)** **Professor Roger Woods (Lay)**
Legal Adviser:	**Mr Alastair McFarlane**
Persons present and capacity:	**Mr Mazharul Mustafa (ACCA Case Presenter)** **Miss Mary Okunowo (Hearings Officer)**
Summary:	**Removal from (Affiliate) Student register with immediate effect.**
Costs:	**Awarded in favour of ACCA in the sum of £6,000.00**

1. Mr Mustafa represented ACCA. Miss Zhao did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 235, an Additionals bundle, numbered pages 1-5, an Additionals bundle, numbered pages 1-4 and a service bundle numbered pages 1-21.

SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was served on Miss Zhao in accordance with the Complaints and Disciplinary Regulations 2014 ("CDR").

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Mustafa and accepted the advice of the Legal Adviser.

4. The Committee reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution.

5. The Committee noted that following the service of the Notice of Hearing on 12 August 2025, the Hearings Officer sent chasing emails to Miss Zhao's e-mail address on 01 and 04 September 2025 in attempts to ascertain if Miss Zhao would be attending. Miss Zhao responded to the Hearings Officer in an email dated 05 September 2025, which in part stated:

"*Sorry for the late reply to your message.*
Due to personal reasons, unfortunately, I will not be able to attend the Hearing on September 9.
I apologize for allegation 1, but there are valid reasons behind it. However, I cannot accept allegation 2 as there were no improper actions taken. I am providing the following document, which I hope can serve as explanations if the hearing must proceed.
thanks for your email
Hope you have a nice day.
Best Regards,
Ruotong Zhao"

6. The Committee was mindful of the observations of Sir Brian Leveson in *Adeogba v. General Medical Council [2016] EWCA Civ 162* as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made against them. The Committee specifically considered the issue of fairness to

Miss Zhao of proceeding in her absence, but also fairness to the ACCA and the wider public interest in the expeditious discharge of the Committee's function. The Committee was satisfied that Miss Zhao had voluntarily waived her right to attend the hearing. The Committee was not persuaded that any adjournment was likely to secure her attendance at a future date. The allegations were serious, and, if proven, involved a risk to the public.

7. The Committee was satisfied that Miss Zhao has been given every opportunity to engage and participate in the proceedings and has decided not to do so for vague and unspecified reasons. Accordingly, in all the circumstances the Committee was satisfied that it was in the public interest to proceed in the absence of Miss Zhao.

ALLEGATIONS

Ruotong Zhao ('Miss Zhao'), at all material times an ACCA affiliate,

1. 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) 24 June 2024

    b) 15 July 2024

    c) 23 July 2024

    d) 03 December 2024

2. By reason of her conduct, Miss Zhao 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 above; or in the alternative;

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

BACKGROUND

8. Miss Zhao became an ACCA student on 21 June 2016 and an affiliate on 14 October 2019.

9. This case concerns Miss Zhao's alleged non-responses to an ACCA investigation into her supervision of an ACCA trainee and whether this amounted to a failure to co-operate by Miss Zhao.

10. An investigation had been raised into Person A for whom Miss Zhao was recorded as their non IFAC qualified supervisor. The attempts to communicate with Miss Zhao by ACCA were in respect of this.

11. As an ACCA affiliate Miss Zhao was permitted to supervise Person A in relation to approving their time records only.

12. Before a complaint was opened against Miss Zhao, ACCA's Investigating Officer emailed Miss Zhao to her registered email on 29 February 2024, as part of ACCA's investigation into Person A, requesting that she respond to questions about her apparent supervision of Person A. These questions included asking her to confirm whether she had supervised Person A and, if so, the name of the firm and period of supervision. The email also asked her to provide evidence of her supervision of Person A. Miss Zhao did not respond to this email.

13. ACCA's Investigating Officer therefore emailed Miss Zhao on 08 May 2024 reminding her that her response remained outstanding. She was advised if she did not respond ACCA would open a complaint against her which would be referred to the investigations team. Miss Zhao again did not respond.

14. Both emails were sent to Ruotong Zhao's ACCA registered email address, being the same email address, she used when registering as supervisor for Person A.

15. Given Miss Zhao's failure to respond, the matter was opened as a complaint and referred to ACCA's Investigations Team. A member of that team sent an encrypted email to Miss Zhao on 24 June 2024 which set out the complaint and requested Miss Zhao respond to a number of questions by 08 July 2024, being similar to the questions raised in the previous emails.

16. In relation to this email of 24 June 2024, an extract taken from ACCA's records for Miss Zhao on the day the email was sent records that the email address for Miss Zhao used for this email was the email address on ACCA's system that day – being the same email address used for the earlier emails sent by ACCA on 29 February and 08 May and the same email address she used for registering as Person A's non-IFAC qualified line manager.

17. Given Miss Zhao did not respond by the deadline of 08 July, a further encrypted email was sent on 15 July 2024 (the first reminder) with a copy of the email of 24 June 2024. In the covering email, Miss Zhao was reminded of her obligation to cooperate by responding to the questions in the email and to do so by 22 July 2024.

18. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Zhao on the same day asking her to check if she had received the encrypted email and if not to let ACCA know. A delivery receipt confirmed the email was delivered successfully.

19. In relation to this first reminder, an extract taken from ACCA's records for Miss Zhao on the day the email was sent records that the email address for Miss Zhao used for these emails was the email address on ACCA's system that day.

20. No response was received to this first reminder and therefore a second reminder email was sent to Miss Zhao on 23 July 2024 with a copy of the email attached to the initial email. In the covering email Miss Zhao was again reminded of her obligation to cooperate by responding to the questions by 30 July 2024 and that if she failed to do so ACCA would raise an allegation of failure to cooperate against her. Shortly after this encrypted email was sent, an Outlook email was sent to Miss Zhao on the same day asking her to check if she had received the encrypted email and if not to let ACCA know. A delivery receipt confirmed the email was delivered successfully.

21. ACCA's Investigating Officer sent Miss Zhao another email on 03 December 2024, attaching all of the above emails and giving Miss Zhao a final opportunity to co-operate with the investigation by answering the questions contained in the Investigating Officer's email of 24 June 2024. Shortly after this email was sent, an Outlook email was sent to Miss Zhao on the same day advising her of the

encrypted email sent on the same day and that the deadline for a response was 17 December. A delivery receipt confirmed the email was delivered successfully.

22. All the above encrypted emails were sent through ACCA's Case management system. On this system a 'clasped hand' icon appears next to the email if the email has been opened. The date and time the email was opened is revealed by hovering the mouse cursor over the icon. A screenshot has been taken showing that the email of 03 December was opened.

23. On 06 December 2024, ACCA's China office sent a mobile message to Miss Zhao to her ACCA registered mobile number. The message was sent on 06 December 2024 and was successfully delivered to Miss Zhao's mobile number that day. No response was received from the affiliate following this message.

24. ACCA's Investigations Officer attempted to telephone Miss Zhao on 10 December 2024. However, the call went through to an automated message.

25. On 10 April 2025, ACCA's Investigating Officer sent an Outlook email to Miss Zhao, having been informed by ACCA's customer services team that she had recently applied for membership. In that email, the Investigating Officer listed all the emails which had been sent to Miss Zhao, as referred above, and asked her why she had not responded to any of these. The email also referred to the text message of 06 December and that ACCA's records showed Miss Zhao had opened ACCA's email of 03 December 2024 on the same day as the text message and therefore the text message appeared to have prompted her to open that email – although she still had not responded. ACCA's email went on to advise that the passwords for all the previous emails would have likely expired and, that being so, that she responds by confirming and that a further encrypted email would be sent to her. She was asked to respond by 17 April 2025.

26. Miss Zhao responded to the Investigating Officer in an email of 13 April 2025 stating:

'…I just understand that the email you mentioned which sent to me on December 2024 was needed to be replied.

There was a short introduction with a link in that email you mentioned, there was

no reasons what is this link for, and just let me use the password from another email to login. I was not sure whether the link was safe or not.
And I didn't know what happened and what this email wants me to do, as my account still works. So I did not do anything about it.
Now I received your email and ask me to respond it. That's the reason.
Maybe I missed any early emails which told me the reason but I can't find the earlier one. So could you tell me the reason and what should I do now?...'

27. The Investigating Officer then sent an encrypted email to Miss Zhao on 14 April 2025 attaching a further copy of ACCA's initial email of 24 June 2024. Miss Zhao was asked to respond to the questions in this email by 28 April 2025. This was followed on the same day by an Outlook email advising Miss Zhao of the encrypted email and that a response was due by the above deadline. A delivery receipt confirmed the email was delivered successfully.

28. In relation to ACCA's email of 14 April 2025, ACCA overlooked obtaining an extract taken from its records to confirm that the email address was that recorded in Miss Zhao's ACCA's records for that day.

29. However, given the email was in response to Miss Zhao's of the previous day, using that same email address and being the same email address registered to Miss Zhao's account for a number of years, it showed consistency of her registered email address

ACCA SUBMISSIONS

Allegation 1 - Failure To Co-operate

30. In terms of the correspondence referred to in Allegation 1, being emails dated 24 June, 15 July, 23 July and 03 December 2024, no response was received from Miss Zhao. This was despite the Investigating Officer sending these emails to Miss Zhao's ACCA registered email address. Each email was sent via ACCA's case management system as an encrypted email. On the same day as each encrypted email, an Outlook email was also sent to Miss Zhao advising her of the encrypted email and asking her to confirm receipt. For each Outlook email a successful delivery receipt was received.

31. Although there is no clasped hand for those encrypted emails dated 24 June, 15 July and 23 July 2024 which would have indicated they had been opened, these emails would all have been sent using the email address [PRIVATE]. Given reference to 'professional conduct' in this address email, ACCA submitted that these were clearly not emails that it was reasonable for Miss Zhao to ignore. Furthermore, the two reminder emails of 15 July and 23 July were backed up on the same day by Outlook emails to Miss Zhao from the Investigating Officer's own ACCA email address for which a successful delivery receipt was obtained. Both these emails made it clear that she had not responded to the previous encrypted emails for which the deadline to respond had passed and advising her of the new deadline to respond. Both emails asked her to confirm safe receipt of the corresponding encrypted email send the same day.

32. Based on this evidence, it is therefore submitted that, more likely than not, the three emails dated 24 June, 15 July and 23 July came to Miss Zhao's attention and in choosing not to respond to any of these emails, Miss Zhao made a conscious decision not to cooperate with ACCA's investigation.

33. In relation to the encrypted email from ACCA of 03 December 2024, Miss Zhao subsequently admitted she accessed this email a few days later on 06 December (prompted by the text message from ACCA's China office sent on 06 December) but claims she was not sure if the password link was safe or not and admits she *'did not do anything about it'.*

34. However, ACCA does not accept this explanation as credible. In addition to the encrypted email of 03 December 2024, on the same day Miss Zhao would have received an outlook email from the Investigating Officer in which she was asked to confirm safe receipt of the encrypted email (or to advise if she could not access it) as well as the fact that she was required to respond to that encrypted email by 17 December 2024. Furthermore, if Miss Zhao remained unsure, she could have emailed ACCA's complaint assessment team using the email address contained in the text message. It is therefore submitted that Miss Zhao chose not to respond to this email and in doing so made a conscious decision not to cooperate.

35. The only occasion Miss Zhao did respond to ACCA's Investigations Officer was following the officer's email to Miss Zhao on 10 April 2025, which was prompted

by the fact that Miss Zhao had recently applied for membership. It is submitted that the reason she responded was because she realised the email was connected to her application.

36. Following Miss Zhao's response, the Investigating Officer promptly responded by asking her to provide her reply to the questions as contained in the initial email sent to her on 24 June 2024 – and in doing so provided a further copy of that email. However, she never did so.

Allegation 2 – Misconduct / Liability to Disciplinary Action

37. ACCA submitted that Miss Zhao's conduct by her failure to cooperate was sufficiently serious to reach the threshold for misconduct. The alternative for failing to co-operate was liability to disciplinary action.

38. ACCA reminded the Committee that it acts in the public interest by ensuring its students, affiliates and members uphold proper standards, thereby maintaining public confidence in the accountancy profession. It is submitted the failure by Miss Zhao to cooperate with this investigation has undermined ACCA's ability to act in the public interest, preventing a fully investigation into Person A, who made a successful application for membership.

MISS ZHAO'SUBMISSIONS

39. Miss Zhao provided a written document entitled "Explanation" with her email to the Hearings Officer of 05 September 2025. That stated as follows:

"Explanation

First of all, I apologize for not responding to your inquiry about [Person A] *in a timely manner. Initially, I thought it was an unsafe link and didn't open it. Later, when applying for membership, you mentioned it again. I did look into the matter. However, it took place during 2021, and you needed a response by 2025, I needed time to recall and find relevant evidence. Unfortunately, I have left the company for almost two years, and my colleague* [Person A] *has also moved on. Due to audit confidentiality requirements, I tried to figure out any relevant evidence that can be provided, and might be interrupted by various things during*

this process, coupled with the [REDACTED].

Due to being [REDACTED]*, I provided relevant evidence when applying for the* [REDACTED]*. Moreover, prolonged* [REDACTED]*.* [REDACTED]*. This two-years period has been a very tough period for me, Sorry for no more private details due to privacy concerns. and due to being* [REDACTED]*, the situation became more difficult.* [REDACTED] *are the main reason I didn't reply, not because of making any false confirmations. Additionally, this email address is not my main email address, I rarely check messages through it, so I sincerely apologize for forgetting to reply.*

Secondly, regarding [Person A]*'s membership certification,* [their] *working hours are completely genuine, and my cooperation and supervision with* [them] *during my employment were also authentic.*

As a colleague of [Person A]*, we participated in many projects together during our tenure, including internal control audits and annual report audits for comprehensive listed companies, special audits, internal control audits and annual report projects for listed company subsidiaries. For instance, one project was a special fund audit for a listed company's annual report audit project. Due to the large amount involved, the monetary fund project was classified as a* [REDACTED]*. While* [Person A] *was responsible for the fund audit of nearly 40 subsidiaries, I was responsible for the final parent company's consolidated audit. Throughout this process, we maintained close communication regarding the audit situation. When encountering difficulties, we explored solutions together. I reviewed* [Person A]*'s subsidiary audits results and process during my consolidated audit process, and prepared review records*. [Person A] *performed* [their] *duties diligently, and I fulfilled my obligations accordingly. Moreover,* [their] *employment duration at this firm is completely genuine and valid, with no significant doubts.* [Person A]*'s working hours are all recorded in the firm's system. If there are any doubts, you can definitely ask* [Person A] *to issue an official proof with the company's seal. I believe it will be accurate, so I have not made any false confirmations in this regard. However, due to the confidentiality of audit projects and my resignation, I am unable to provide any relevant working papers or data from that time. I believe this will certainly be understood.*

I cherish all the efforts I have made for ACCA exam, and I also cherish the results

I have achieved through my hard work. I respect and understand any decisions made by the association. I sincerely apologize for not responding to this matter promptly. However, I cannot accept the allegation of misconduct, and the resulting hefty fine is unreasonable. Therefore, I earnestly request to withdraw the allegation of misconduct and confirm that I have not engaged in any improper conduct, and based on my current special circumstances, please cancel the fines.

Due to my inability to attend this hearing, I hope the aforementioned reasons can serve as appropriate explanations.

Sincerely
Ruotong Zhao"

DECISION ON ALLEGATIONS AND REASONS

40. The Committee accepted the advice of the Legal Adviser. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the balance of probabilities.

41. The Committee heard that there had been no previous findings against Miss Zhao and accepted that it was relevant to put her good character into the balance in her favour.

DECISION ON FACTS

42. The Committee noted the submissions of Mr Mustafa for ACCA. It reminded itself that the burden of proof was on ACCA alone and that Miss Zhao's absence added nothing to ACCA's case.

1. 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) 24 June 2024

b) 15 July 2024

c) 23 July 2024

d) 03 December 2024

43. The Committee was satisfied that under paragraph 3(1) of the Complaints and Disciplinary Regulations 2014, there was an obligation on Miss Zhao to cooperate fully with ACCA in the investigation of any complaint. It considered that attempts were made by ACCA to contact Miss Zhao. However, Miss Zhao made no response to ACCA's correspondence requesting her cooperation on 24 June 2024, 15 July 2024, 23 July 2024 and 03 December 2024. It was satisfied that Miss Zhao had a duty to respond and that her lack of response amounted to a breach of the duty on her and was therefore a failure. The Committee noted her subsequent explanations as detailed in the document accompanying her email of 05 September 2025. There was no medical evidence or other documents to substantiate Miss Zhao's assertions. These unsubstantiated assertions did not, in the Committee's judgment, explain or assist her or negate the duty upon her in any way. Accordingly, Allegation 1 was proved.

2. By reason of her conduct, Miss Zhao 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 above; or in the alternative;

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

44. The Committee next asked itself whether Miss Zhao was guilty of misconduct.

45. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. The Committee was satisfied that Miss Zhao's duty to cooperate with her regulator is an important one, both to enable the regulator to properly and fairly discharge its regulatory function and to uphold public confidence in the regulatory system. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Miss Zhao's actions brought discredit on her, the Association and the accountancy

profession. For these reasons the Committee was satisfied that Miss Zhao's failure to cooperate was sufficiently serious to amount to misconduct.

46. Given the Committee's judgment that the failure amounted to misconduct, the Committee did not need to consider the alternative of liability to disciplinary action.

SANCTIONS AND REASONS

47. The Committee noted its powers on sanction were those set out in Regulation 13(5). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It took account of Mr Mustafa's submissions and Miss Zhao's document headed "Explanation".

48. The Committee accepted the advice of the Legal Adviser.

49. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Failure to co-operate with the regulator was serious as it hindered the regulator from discharging its duty.

50. The aggravating factors the Committee identified were:

- The non-co-operation was deliberate and repeated conduct
- Prolonged period of misconduct
- The serious impact on the reputation of the profession
- No evidence of insight shown into the impact on the profession and public of such conduct despite an expressed apology

51. The only mitigating factors the Committee identified were:

- A previous good character with no disciplinary record

52. There was no independent evidence of any [PRIVATE] and but in the Committee's judgment, [PRIVATE], the Committee does not accept that this

excuses such prolonged and repeated non-co-operation. Given the Committee's view of the seriousness of the misconduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present. It also considered the factors listed at C5 of the Guidance that may justify exclusion. The Committee noted that among other factors, those that were present here included the potential to adversely affect a number of clients or members of the public. Miss Zhao had failed to co-operate with her regulator, which was a fundamental obligation on any professional.

53. The Committee was satisfied that her non-co-operation was fundamentally incompatible with Miss Zhao remaining on the register of ACCA and considered that the only appropriate and proportionate sanction was that she be removed from the affiliate register.

COSTS AND REASONS

54. ACCA claimed costs of £6,596 and provided a detailed schedule of costs. The Committee noted Miss Zhao has not provided a statement of means. The Committee decided that it was appropriate to award costs to ACCA in this case and considered that the sum claimed by them was a reasonable one in relation to the work undertaken but made a reduction as the hearing lasted less time than anticipated. ACCA is entitled to its costs. Accordingly, the Committee considered that the sum of £6,000 was appropriate and proportionate. It ordered that Miss Zhao pay ACCA’s costs in the amount of £6,000.

EFFECTIVE DATE OF ORDER

55. The Committee was satisfied that an immediate order was necessary in the interests of the public.

HH Suzan Matthews KC
Chair
09 September 2025