

HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS****REASONS FOR DECISION**

In the matter of: Mrs Kirsty Allen

Heard on: Thursday, 30 April 2026

Location: Remotely via MS Teams

Committee: Mr Andrew Gell (Chair)
Mr Kalwant Grewal (Accountant)
Dr Louise Wallace (Lay)

Legal Adviser: Mr Alastair McFarlane

**Persons present
and capacity:** Mr Kamran Khan (Case presenter on behalf of ACCA)
Miss Mary Okunowo (Hearings Officer)

Summary: Removal from student register with immediate effect

Costs: Awarded to ACCA in the sum of £8,500.00

1. ACCA was represented by Mr Khan. Mrs Allen did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 298, a tabled additional bundle (1) numbered pages 1 to 2 a tabled additional bundle (2) numbered pages 1 to 12 and a service bundle numbered page 1-23.

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SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was properly served on Mrs Allen in accordance with the Complaints and Disciplinary Regulations 2014 (“CDR”).

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Khan 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. The Committee noted that following the service of the Notice of Hearing on 31 March 2026, the Hearings Officer then sent chasing emails on 14, 20 and 24 April 2026 asking Mrs Allen to confirm her attendance. There was no response from Mrs Allen. Further, the Hearings Officer made one telephone call to each of the telephone numbers that Mrs Allen had registered with ACCA on 27 April 2026. Neither phone call was answered, and a voicemail was left. The Hearings Officer sent a further chasing email on 27 April 2026.
5. Finally, there was a response from Mrs Allen by an email dated 28 April 2026. The Committee noted Mrs Allen's response to the Hearings Officer, dated 28 April 2026, in which she stated:

“I confirm that I will not be attending the Disciplinary Committee Hearing scheduled for 30 April 2026. [REDACTED] do not feel able to participate in a hearing.”

6. [PRIVATE]. It specifically considered 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 Mrs Allen 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. In all the circumstances it was satisfied that Mrs Allen 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, including an allegation of dishonesty and, if proven, present a risk to the public.

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

ALLEGATIONS

1. On dates between 16 June 2022 and 5 January 2023 Mrs Kirsty Allen, a Foundations in Accountancy student, offered services to Person A that fell within ACCA's definition of public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations.
2. On dates since 25 February 2019 Mrs Allen, who is ineligible for an ACCA practising certificate, has breached the Membership Regulations with regards to any or all of the following, in that she:
 - a) Has been or has held herself out to be in public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations;
 - b) Has been a Director of Company A, a company in and holding itself out to be in public practice, contrary to 8(2)(iii) of the Membership Regulations;
 - c) Has held shares in Company A, a company in and holding itself out to be in public practice, that in effect put her in the position of Principal, contrary to 8(2)(iv) of the Membership Regulations.
3. The conduct alleged at Allegation 1 and/or 2 was:
 - a) Dishonest, in that Mrs Allen had made a declaration that she would not engage in public practice activities until authorised by ACCA to

do so but from 25 February 2019 was in public practice; or, in the alternative,

- b) Demonstrates a failure to act with integrity from 25 February 2019; or, in the alternative,
 - c) Reckless, in that she failed to have any or sufficient regard for the need to comply with ACCA's rules or update ACCA about her actions.
4. On dates since 25 February 2019 Mrs Allen omitted to register with a supervisory authority for Anti-Money Laundering (AML) purposes, although she would have needed to do so in order to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017.
5. Contrary to Complaints and Disciplinary Regulations 3(1), Mrs Allen has failed to co-operate fully with an investigation into a complaint, in that she has failed to provide a complete response to any or all of ACCA's correspondence dated:
- a. 20 September 2023
 - b. 13 October 2023
 - c. 14 November 2023
 - d. 21 December 2023.
6. By reason of the conduct as set out above, Mrs Allen is:
- a. Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative;
 - b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

BACKGROUND

8. Mrs Allen became an ACCA student on 22 February 2017. ACCA records show her as a Foundations in Accountancy student. The text of the ACCA/FIA

qualification declaration made by students registering in 2017 included the following text:

“I understand that I am not permitted to engage in any public practice activities (as defined by The Chartered Certified Accountants Global Practising Regulations 3 and 4). I confirm that I have read and understood the factsheet “Do I need a practising certificate? ... I confirm that I am not currently in public practice and will not engage in such activities until authorised by ACCA to do so”.

9. Mrs Allen passed the FBT Business and Technology exam in July 2017. The most recent ACCA exam attempted by Mrs Allen was FFA Financial Accounting on 16 February 2019.
10. There was a complaint from Person A about Mrs Allen’s failure to attend to their accounts properly. Initially this was sent to a conciliation process but was then referred to ACCA to investigate. ACCA’s Investigating Officer’s statement describes the information that shows that Company A was incorporated on 25 February 2019 and names Mrs Kirsty Irene Allen as a director and sole shareholder since that date. The Companies House information gives her occupation as accountant and the company’s activities as “69201 – Accounting and auditing activities” and “69202 - Bookkeeping activities.” The Investigating Officer’s statement also describes the information obtained from the Institute of Accountants and Bookkeepers (“IAB”). The IAB said that HMRC provided AML supervision for Mrs Allen, but the Investigating Officer has found no entry on HMRC’s Supervised Business Register to confirm her AML supervision.
11. Person A’s statement describes their dealings with Mrs Allen through Mrs Allen’s company, Company A, from 2020 onwards.
12. On 19 September 2023, a Facebook page for Company A said the firm offered monthly bookkeeping, CIS returns, VAT returns, and sole trader self-assessment.
13. In 2023, Person A handled their self-assessment tax return for themselves, because they were unable to reach Mrs Allen by telephone or email. On 24 February 2023, Person A completed the ACCA complaint form with their complaint about

Mrs Allen. The situation as they understood it, based on information from HMRC, was that they owed HMRC £1,660.09 in penalties for not submitting a return on income for their property in 2019-20, although they were still living there and were not renting it out. They owed a further £1,330.85 and £300 in penalties for not submitting a return for 2020-21, which was the return they had asked Mrs Allen to complete.

14. On 26 July 2023 the Investigating Officer contacted Mrs Allen. On 28 July 2023 the Investigating Officer accepted Mrs Allen's request to wait for her response about Person A's complaint until after 04 September 2023 for Mrs Allen to [PRIVATE]. On 13 September 2023, Mrs Allen stated, in reply to ACCA's query, that she had sent her response to ACCA's conciliation enquiry on 08 September 2023. She said she would resend it. Nothing reached ACCA. On 22 September 2023, Mrs Allen replied by email to the Investigating Officer's further query. She said:

"I have put what I have emailed you in the post I would expect it to arrive with you Monday am. Also I have not been an active member of the ACCA student or otherwise for at least 3 years. Agreed the membership was paid inform that was in error I didn't sit any exams nor did I access any training and I did try and initiate a refund on both occasions but was unsuccessful as I was told once membership dues are paid. They are non-refundable. I was thinking I was paying the fees to the IAB, which was for my bookkeeping practice license, which got me in trouble with them, because I thought I was paying you them I was paying you".

15. On 20 September 2023, the Investigating Officer sent Mrs Allen a separate enquiry about the investigation relating to her being in public practice. [PRIVATE]. On 13 October 2023, ACCA received no substantive response to the enquiry of 20 September 2023, although Mrs Allen said she had sent a response, the Investigating Officer sent Mrs Allen a letter reminding her that a failure or partial failure to co-operate fully with the investigation might render her liable to disciplinary action.
16. On 16 October 2023, the Investigating Officer emailed Mrs Allen to say that, without a response to her conciliation enquiry, the conciliation would need to become an investigation. Mrs Allen replied on the same day:

“I have sent over all the documents twice now and email multiple times. I have not received any missed calls from you before it escalated can we have a conversation I am at work tomorrow morning would 9:15 be a good time to discuss this?”

17. On 17 October 2023, the Investigating Officer attempted to telephone Mrs Allen as arranged. Mrs Allen replied by email to say that her telephone had received the voicemail but not the call. She said she would call the Investigating Officer. However, the Investigating Officer did not receive a telephone call.
18. On 31 October 2023, the Investigating Officer sent Mrs Allen and Person A a decision that the conciliation had been unsuccessful, and the quality of work issues would be part of the separate investigation.
19. On 14 November 2023, the Investigating Officer sent Mrs Allen a further letter reminding her that a failure or partial failure to co-operate fully with the investigation might render her liable to disciplinary action. On 20 November 2023, the Investigating Officer emailed Mrs Allen about the best way to reach her by telephone.
20. On 27 November 2023, Mrs Allen emailed the Investigating Officer. They arranged a telephone call. On 28 November 2023, the Investigating Officer spoke to Mrs Allen. [PRIVATE]. [PRIVATE], but no further information was provided to ACCA. The document emailed on 28 November was the first and only supporting document received by the Investigating Officer from Mrs Allen.
21. On 29 November and 13 December 2023, the Investigating Officer emailed Mrs Allen. On 15 and 19 December 2023 the Investigating Officer and Mrs Allen spoke briefly by telephone. Mrs Allen said she had written to Person A. Person A said no correspondence has reached her.
22. On 21 December 2023, the Investigating Officer, having attempted to reach Mrs Allen by telephone, sent her a further reminder that a failure or partial failure to co-operate fully with the investigation might render her liable to disciplinary action.

23. On 05 January 2024, Mrs Allen sent an email saying she had sent the information requested.
24. On 02 May 2024 the Investigating Officer emailed Mrs Allen. They asked Mrs Allen for the dates of her AML supervision. They said they understood that Mrs Allen had supervision from HMRC (rather than the IAB) but they were unable to find Mrs Allen or her firm in HMRC's published register. As of 14 May 2024, the Investigating Officer had received no reply from Mrs Allen and no information from Mrs Allen said to have been sent by post had reached ACCA's Investigating Officer. All information received from Mrs Allen by email or by telephone is included in this report.

ACCA'S SUBMISSIONS

Allegation 1

On dates between 16 June 2022 and 05 January 2023 Mrs Kirsty Allen, a Foundations in Accountancy student, offered services to Person A that fell within ACCA's definition of public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations.

25. ACCA rely on the evidence provided by Person A. ACCA submitted that the email correspondence provided by Person A and Mrs Allen's initial willingness to respond to ACCA about Person A's complaint confirm that Mrs Allen was providing public practice services to Person A from 16 June 2022 to 05 January 2023.

Allegations (2)(a) to 2(c)

On dates since 25 February 2019 Mrs Allen, who is ineligible for an ACCA practising certificate, has breached the Membership Regulations with regards to any or all of the following, in that she:

- a) **Has been or has held herself out to be in public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations;**

- b) Has been a Director of Company A, a company in and holding itself out to be in public practice, contrary to 8(2)(iii) of the Membership Regulations;**
 - c) Has held shares in Company A, a company in and holding itself out to be in public practice, that in effect put her in the position of Principal, contrary to 8(2)(iv) of the Membership Regulations.**
26. ACCA's Membership Regulation 8(2)(a)(ii) bars ACCA students from offering services that fall within ACCA's definition of public practice or holding out to offer such services.
27. Membership Regulations 8(2)(a)(iii) and 8(2)(a)(iv) bar students from being, or holding themselves out to be, a director of a firm where public practice is carried on in the name of the firm and from holding rights in a firm in public practice which in effect put them in the position of a principal.
28. ACCA submitted that the information published by Companies House, the evidence of Company A's Facebook pages and the information provided by Person A, confirm that Mrs Allen has been, from 25 February 2019 in breach of Membership Regulations 8(2)(a)(ii), 8(2)(a)(iii) and 8(2)(a)(iv).

Allegation (3)(a) to 3(c)

The conduct alleged at Allegation 1 and/or 2 was:

- a) Dishonest, in that Mrs Allen had made a declaration that she would not engage in public practice activities until authorised by ACCA to do so but from 25 February 2019 was in public practice; or, in the alternative,**
- b) Demonstrates a failure to act with integrity from 25 February 2019; or, in the alternative,**
- c) Reckless, in that she failed to have any or sufficient regard for the need to comply with ACCA's rules or update ACCA about her actions.**

29. In relation to Allegation (3)(a) ACCA submitted that Mrs Allen, by signing a declaration that she would not offer public practice services until ACCA authorised her to do so, was dishonest by continuing to be registered with ACCA as a student when she set up a firm to provide accountancy services and undertook to provide tax services for Person A. Her conduct, in failing to end her registration with ACCA, would be regarded as dishonest by the standards of ordinary decent people.
30. If the Committee was not satisfied that dishonesty was established, ACCA contended the conduct mounted to a want of integrity under Allegation 3 b and if that was not established was reckless conduct as particularised under Allegation 3 c.

Allegation 4

On dates since 25 February 2019 Mrs Allen omitted to register with a supervisory authority for Anti-Money Laundering (AML) purposes, although she would have needed to do so in order to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017.

31. ACCA submitted that, in the absence of a reply from Mrs Allen, the lack of an entry for Company A on the HMRC Supervised Business Register and the IAB response confirming that Mrs Allen was not supervised for AML by the IAB are sufficient to show that Mrs Allen has failed to obtain AML supervision and, because of that, has breached Global Practising Regulation (Annex 1) Regulation (3)(2).

Allegation 5

Contrary to Complaints and Disciplinary Regulations 3(1), Mrs Allen has failed to co-operate fully with an investigation into a complaint, in that she has failed to provide a complete response to any or all of ACCA's correspondence dated:

- a. **20 September 2023**
- b. **13 October 2023**

c. **14 November 2023**

d. **21 December 2023**

32. ACCA submitted that it has given Mrs Allen sufficient time and opportunity to ensure that the information sought by ACCA reached the Investigating Officer. ACCA submitted that the gaps in the information received from Mrs Allen are such that they amounted to a breach of the duty to co-operate fully with the investigation of the complaint.

Allegation 6 – Misconduct / Liability to disciplinary action

33. ACCA submitted that Mrs Allen’s conduct whether dishonest or lacking integrity or reckless and her failure to cooperate was sufficiently serious to reach the threshold for misconduct. The alternative for failing to cooperate only was liability to disciplinary action.

MRS ALLEN’S SUBMISSIONS

34. Mrs Allen sent a number of emails to ACCA during the investigation in which she asserted that she had attempted to cooperate with ACCA and that she had emailed and posted to ACCA the written responses and supporting evidence requested. Her responses included:

13 September 2023 – when she said she had sent a response on 08 of September from a different email address and the assertion of sending a secure email on the same day. She stated *"If nothing reaches you, even in your junk folder, or if you have any concerns, please contact me using the details below"*

22 September 2023 - when she stated:

"I have put what I have emailed you in the post I would expect it to arrive with you Monday am.

Also I have not been an active member of the ACCA student or otherwise for at least 3 years.

Agreed the membership was paid inform that was in error I didn't sit any exams nor did I access any training and I did try and initiate a refund on both occasions

but was unsuccessful as I was told once membership dues are paid. They are non-refundable.

I was thinking I was paying the fees to the IAb, which was for my bookkeeping practice license, which got me in trouble with them, because I thought I was paying you them I was paying you

Any you see in my emails etc that I have posted many thanks

09 October 2023 - when she stated:

"I am so sorry I have posted I will re send via track and sign for

Thank you again

Kirsty"

16 October 2023 - when she stated:

"Good afternoon,

I have sent over all the documents twice now and email multiple times. I have not received any missed calls from you before it escalated can we have a conversation I am at work tomorrow morning would 9: 15 be a good time to discuss this?

Many thanks

Kirsty"

17 October 2023 - when she stated:

"Hi-

I will call you later as I received your voice mail but no phone call it maybe where I am so if I call you I may get through.

Many thanks

Kirsty"

27 November 2023 - when she stated:

Good afternoon,

Apologies for the non contact I have been away from work [REDACTED] but I am Back at my desk tomorrow and have had a look through my emails today.

As the deadline is tomorrow i fear i am to late to prove that I wasn't knowing still registered with the ACCA while I worked with [REDACTED].

I have explained in an email that my assistant payed my fees in error I did attempt to reclaim but I wasn't to concerned as I assumed it wasn't active it would cause a problem.

I am aware that this doesn't look well on me and I am devastated about the whole situation

Thank you for you assistance Many thanks Kirsty Allen”

28 November 2023 - when she enclosed a letter detailing [PRIVATE].

05 January 2024 - when she stated:

“Good afternoon,

Happy New Year. Thank you for your email hi again and perplexed as I have sent over:

[REDACTED]

Letter from colleague who is witnessed to me working under nails with taxation agents

Correspondence for the IAB and HMRC which confirm the mishap in membership – which with the timelines show that was never intentionally a student of ACA while in practice.

And a copy of the email I sent [Person A]

I will email again and contact you next to confirm receipt”

In her email to ACCA dated 05 February 2026 Mrs Allen stated

“Good evening

Yes I have just received your emails today - however I am very confused by them – I thought this matter had been delt with as I maintain I never have claimed to

be a ACCA accountant - and I never have had an indication that I was even afflicted with you after I let my membership lapse.

[REDACTED] I was not uncooperative [REDACTED] was not actually working. I am very worried about all this as your letter is unclear of the consequences for something I feel is a miss understanding as I am not and was not an intentional member of the ACCA.

Many thanks

Kirsty Allen”

35. Further, in her email to the Hearings Officer, dated 28 April 2026, Mrs Allen stated:

“However, I would like to ensure that my position is clearly set out for the Committee’s consideration.

By way of background, I was originally enrolled with ACCA for approximately one year. I subsequently exited when I left my placement under an accountant and moved into a bookkeeping role working under alternative supervision. It appears that my ACCA status was not correctly updated following this transition, and I remained on record in a way that does not reflect my actual position at the time.

At no point have I represented to any client that I was supervised by ACCA or acting under its authority.

In relation to the client complaint, I acknowledge that the service provided did not meet the standard expected, and I take responsibility for that. However, I did not charge for incomplete work, and all client paperwork was returned. This was not a case of dishonesty or misconduct, but rather an issue of performance during a period where I was experiencing personal difficulties, including [REDACTED]-related challenges.

I would also like to note that I am no longer working in practice and have taken a step back from work entirely as a result of this situation.

I respectfully maintain that this matter arises from a misunderstanding and administrative discrepancy, rather than any intentional wrongdoing.

I request that all documentation and correspondence I have previously submitted is fully considered by the Committee.

Please proceed with the review in my absence, and I would appreciate confirmation that all materials provided will be taken into account.”

36. It is therefore apparent that Mrs Allen denies that her conduct was dishonest and maintains, in effect, that she had not intentionally remained a member of ACCA. Her fees have been paid administratively in error, and she contended therefore that ACCA has no jurisdiction over her as she had left after one year.

DECISION ON ALLEGATIONS AND REASONS

37. 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. It reminded itself of Collins J's observations in *Lawrance v. GMC [2015] EWHC 581(Admin)* to the effect that in cases of dishonesty, cogent evidence was required to reach the civil standard of proof.
38. The Committee heard that there had been no previous findings against Mrs Allen and accepted that it was relevant to put her good character into the balance in her favour.

JURISDICTION

39. The Committee first considered the jurisdictional issue. The committee noted that Mrs Allen has consistently maintained that she thought that she had ceased her ACCA student membership after one year and was unaware that it had been renewed. She asserted that her assistant had erroneously sent fees to ACCA that were intended for the IAB. However, it is clear that Mrs Allen accepts that her ACCA student membership was renewed irrespective of her intention. Mrs Allen had not resigned and therefore, the Committee was satisfied that it had jurisdiction in this case.

DECISION ON FACTS

40. The Committee noted the submissions of Mr Khan for ACCA. It reminded itself that the burden of proof was on ACCA alone and that Mrs Allen's absence added nothing to ACCA's case.

Allegation 1

On dates between 16 June 2022 and 05 January 2023 Mrs Kirsty Allen, a Foundations in Accountancy student, offered services to Person A that fell within ACCA's definition of public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations.

41. The definition of public practice under Global Practising Regulation 4 (as applicable 2019-2024) includes "*signing or producing any accounts or report or certificate or tax return concerning any person's financial affairs*". The Committee was satisfied on the evidence of Person A, and also Mrs Allen's acceptance of the services that she provided to Person A, that these services fell within ACCA's definition of public practice. This constituted a breach of Regulation 8(2)(ii) of the Membership Regulations which prohibits students engaging in public practice. Accordingly, Allegation 1 was proved.

Allegations (2)(a) to 2(c)

On dates since 25 February 2019 Mrs Allen, who is ineligible for an ACCA practising certificate, has breached the Membership Regulations with regards to any or all of the following, in that she:

- a) Has been or has held herself out to be in public practice, contrary to Regulation 8(2)(ii) of the Membership Regulations;**
- b) Has been a Director of Company A, a company in and holding itself out to be in public practice, contrary to 8(2)(iii) of the Membership Regulations;**

c) Has held shares in Company A, a company in and holding itself out to be in public practice, that in effect put her in the position of Principal, contrary to 8(2)(iv) of the Membership Regulations.

42. The Committee noted that Membership Regulations 8(2)(a)(iii) and 8(2)(a)(iv) prohibit students from being, or holding themselves out to be, a director of a firm where public practice is carried on in the name of the firm and from holding rights in a firm in public practice which in effect put them in the position of a principal.

43. The Committee was satisfied for reasons set out above that Mrs Allen was engaged in public practice. Further, it was satisfied on the information published by Companies House; the evidence of Company A's Facebook pages; the evidence of Person A; that Mrs Allen has been a director of Company A which was holding itself out to be in public practice and that Mrs Allen was by virtue of her shareholding the principal of Company A. The documentation showed Mrs Allen held over 75% of the shareholding of Company A. Accordingly, for these reasons the Committee was satisfied that Mrs Allen had breached, Membership Regulations 8(2)(a)(ii), 8(2)(a)(iii) and 8(2)(a)(iv). Accordingly, Allegation 2 a to c was proved.

Allegation (3)(a) to 3(c)

The conduct alleged at Allegation 1 and/or 2 was:

a) Dishonest, in that Mrs Allen had made a declaration that she would not engage in public practice activities until authorised by ACCA to do so but from 25 February 2019 was in public practice; or, in the alternative,

b) Demonstrates a failure to act with integrity from 25 February 2019; or, in the alternative,

c) Reckless, in that she failed to have any or sufficient regard for the need to comply with ACCA's rules or update ACCA about her actions.

44. The Committee next asked itself whether the proven conduct in Allegation 1 and/or 2 was dishonest.

45. In accordance with the case of *Ivey v Genting Casinos (UK) Ltd T/A Crockfords [2017] UKSC67* the Committee first considered what Mrs Allen's belief was, as to the facts.
46. Although Mrs Allen had not attended and her account had not been tested, the Committee noted that it was one that she has consistently maintained. Mrs Allen's case was that she was not dishonest because she believed that her ACCA student membership had not been renewed and therefore her state of mind was that the declaration that she had signed not to offer public practice services no longer covered her. The Committee considered that Mrs Allen's account was credible. She set up a firm to provide accountancy services and undertook to provide tax services to Person A, but the Committee was not satisfied that she knew she was still registered with ACCA. The Committee was not persuaded that this state of mind would be regarded as dishonest by the standards of ordinary decent people. Accordingly, Allegation 3 a) was not proved.

b. Integrity

47. The Committee then considered the alternative of a lack of integrity. It was not persuaded that her failure to ensure she was no longer a member of ACCA when she genuinely believed that she wasn't reached the threshold for a failure to act with integrity. Accordingly, allegation 3 b) was not proved.

Allegation 3 c) Recklessness

48. The Committee then considered the alternative of recklessness on the basis that Mrs Allen failed to have any or sufficient regard for the need to comply with ACCA's rules or update ACCA about her actions. The Committee considered that the lack of any checking by Mrs Allen as to her status did amount to unreasonable risk taking and was reckless conduct in the circumstances. Given the declaration she had made, the Committee was of the view that she failed to take sufficient steps to confirm that she was no longer a student member of ACCA. Accordingly, Allegation 3 c) was proved.

Allegation 4

On dates since 25 February 2019 Mrs Allen omitted to register with a supervisory authority for Anti-Money Laundering (AML) purposes, although she would have needed to do so in order to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017.

49. The Committee was satisfied that Mrs Allen was required to have registration for AML under Membership Regulation 8(2) (j). The lack of an entry for Company A on the HMRC Supervised Business Register and the IAB response confirming that Mrs Allen was not supervised for AML by the IAB established, on the balance of probabilities, that Mrs Allen has not obtained AML supervision and, because of that, has breached Global Practising Regulation (Annex 1) Regulation(3)(2). Accordingly, Allegation 4 was proved.

Allegation 5

Contrary to Complaints and Disciplinary Regulations 3(1), Mrs Allen has failed to co-operate fully with an investigation into a complaint, in that she has failed to provide a complete response to any or all of ACCA's correspondence dated:

- a. 20 September 2023**
- b. 13 October 2023**
- c. 14 November 2023**
- d. 21 December 2023**

50. The Committee was satisfied that under paragraph 3(1) of the Complaints and Disciplinary Regulations 2014; there was an obligation on Mrs Allen to cooperate fully with ACCA in the investigation of any complaint. The Committee had careful regard to the correspondence from ACCA and the responses that were obtained from Mrs Allen. In its judgment, there was a repeated history of Mrs Allen failing to achieve successful communication with ACCA. ACCA maintained that the documents were not received. On balance, the Committee was not persuaded where Mrs Allen maintained that she did send responses, that these were sent to ACCA. Her repeated assertions as to the failures were, in the Committee's

judgment, not credible. The Committee was satisfied on the documentation provided that these emails were delivered. It considered that sustained attempts were made by ACCA to contact Mrs Allen. However, Mrs Allen made no complete response to ACCA's correspondence requesting her cooperation on 20 September 2023, 13 October 2023, 14 November 2023 and 21 December 2023. It was satisfied that Mrs Allen had a duty to respond and that her lack of response amounted to a breach of the duty on her to cooperate fully with ACCA and was therefore a failure. Accordingly, Allegation 5 was proved.

Allegation 6 – Misconduct / Liability to disciplinary action

51. The Committee then considered whether Mrs Allen's reckless conduct in not having sufficient regard to ensure she was no longer a student of ACCA and to update ACCA was sufficiently serious to reach the threshold for misconduct. Further, it also considered whether omitting to register with a supervisory authority for Anti-Money Laundering (AML) and her failure to cooperate were sufficiently serious to reach the threshold for misconduct.
52. The Committee had regard to the definition of misconduct in bye-law 8(c) and the assistance provided by the case law on misconduct. To dishonestly gain membership, was, in the Committee's judgment, deplorable conduct. It was satisfied that Mrs Allen's actions brought discredit on herself, ACCA and the accountancy profession. It was satisfied that her reckless conduct in relation to her ACCA status was sufficiently serious and it undermined the reputation of the profession. It enabled her to provide public practice when she did not have the status and loss was caused to a client. Therefore, the Committee was satisfied that Mrs Allen's conduct had reached the threshold for misconduct.
53. Further, the Committee was satisfied that Mrs Allen'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. It was satisfied that Mrs Allen's actions brought discredit on her, the Association and the accountancy profession. For these reasons the Committee was satisfied that Mrs Allen's failure to cooperate was sufficiently serious to amount to misconduct. Finally, the Committee was satisfied that the importance of registering with a supervisory authority for Anti-Money Laundering (AML) was

self-evidently serious and omitting to do so was serious enough to amount to misconduct on its own.

54. 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

55. The Committee noted its powers on sanction were those set out in Regulation 13(4). 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 Khan's submissions.

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

57. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. The reckless conduct, the failure to cooperate and the AML breach were all, in the Committee's judgment, serious and undermined the reputation of the profession.

58. The aggravating factors the Committee identified were:

- Lack of evidence of insight and remorse
- Prolonged unauthorised public practice
- A pattern of non-engagement
- The serious impact on the reputation of the profession

59. The only mitigating factors the Committee identified were:

- A previous good character with no disciplinary record
- Mrs Allen's submissions regarding [PRIVATE]

60. 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 reflect the seriousness of the conduct or to

highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that whilst a previous good record and reckless conduct were present, a majority of the factors listed in the guidance were not present. There was insufficient evidence of insight and cooperation during the investigation. It also considered the factors listed at C5 of the Guidance that may justify removal. There was an abuse of trust and the conduct occurred over a prolonged period. The Committee also noted Section H of the Guidance in relation to the seriousness of the AML breach. Mrs Allen had in addition failed to cooperate with her regulator, which was a fundamental obligation on any professional.

61. The Committee was satisfied that the reckless conduct regarding offering public practice, the AML breach and the non-cooperation were fundamentally incompatible with Mrs Allen remaining on the register of ACCA and considered that the only appropriate and proportionate sanction was that she be removed from membership.

COSTS AND REASONS

62. ACCA claimed costs of £8,980 and provided a detailed schedule of costs. The Committee noted Mrs Allen had not provided any 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. Accordingly, the Committee concluded that the sum of £8,500 was appropriate and proportionate. It ordered that Mrs Allen pay ACCA's costs in the amount of £8,500.

EFFECTIVE DATE OF ORDER

63. The Committee was satisfied that, given the seriousness of the conduct and the potential for harm, there was a risk to the public and profession. Therefore, an immediate order was in the interests of the public in the circumstances of this case.

Andrew Gell
Chair
30 April 2026