

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Yu Yan

Heard on: Friday, 06 March 2026

Location: Remotely via Microsoft Teams

Committee: Mr David Tyme (Chair)
Dr Beth Picton (Accountant)
Mr Colin Childs (Lay)

Legal Adviser: Miss Juliet Gibbon

**Persons present
and capacity:** Ms Joanna La Roche (ACCA Case Presenter)
Miss Sofia Tumburi (Hearings Officer)

Outcome: Allegations 1a, 1b, 2a, 2b, 4a, 4b, 4c and 5a (Misconduct)
proved
Exclusion from membership of ACCA with immediate effect

Costs: Order to pay ACCA's costs in the sum of £6,418.50

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PRELIMINARY

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Miss Yu Yan. The hearing was conducted remotely through Microsoft Teams. The Committee had a bundle of papers numbered pages 1-229, a Separate Bundle, numbered pages 1-59, and a Tabled Additional Bundle, numbered pages 1-5. It also had a Service Bundle, numbered pages 1 to 22. At the sanctions stage the Committee was provided with a Detailed and Simple Costs Schedule.
2. Ms Joanna La Roche represented ACCA. Miss Yan did not attend the hearing and was not represented.

SERVICE AND PROCEEDING IN ABSENCE

3. The Notice of Hearing, containing all the requisite information about the hearing, was sent to Miss Yan by email on 05 February 2026 using Miss Yan’s registered email address. ACCA produced a receipt confirming delivery of the email to that address.
4. The Committee was satisfied that the requirements of Regulations 10(1) and 22(1) of the Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014, as amended (‘the Regulations’) as to service had been complied with.
5. Having satisfied itself that service had been effected in accordance with the Regulations, the Committee went on to consider whether to proceed in the absence of Miss Yan. It accepted the advice of the Legal Adviser. The Committee bore in mind that whilst it had a discretion to conduct a hearing in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of *Hayward & Others* [2001] 3 WLR 125 and *R v Jones* [2002] UKHL 5 and to the case of *The General Medical Council v Adeogba and Visvardis* [2016] EWCA Civ 162.

6. The Committee noted that the Hearings Officer had sent emails to Miss Yan on 16 and 27 February 2026 and on 04 March 2026 but Miss Yan had failed to respond to the emails. It also noted that the Hearings Officer had attempted to telephone Miss Yan on 27 February 2026 and 04 March 2026 but the calls were not answered and there was no opportunity to leave a message. Miss Yan was sent the link to the hearing on 05 March 2026.
7. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously. It noted that Miss Yan had not requested an adjournment and that there was no evidence before it to suggest that an adjournment of today's hearing would result in her attendance on a future date.
8. The Committee determined that it was in the public interest to proceed in Miss Yan's absence.

APPLICATION TO AMEND ALLEGATIONS

9. Ms La Roche made an application to amend Allegation 1a to change the word 'his' to 'her' and Allegation 1b to change the word 'he' to 'she'. She submitted these were simple corrections to the allegations and that Miss Yan would not be prejudiced by the proposed amendments.
10. The panel determined that there would be no prejudice to Miss Yan in making the proposed amendments and it allowed Ms La Roche's application.

AMENDED ALLEGATIONS

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

1. Applied for membership to ACCA on or about 13 July 2022 and in doing so purported to confirm in relation to her ACCA Practical Experience training record:

- a. Her Practical Experience Supervisor in respect of her practical experience training in the period from 01 July 2019 to 29 June 2022 was Person 'A' when Person 'A' did not supervise that practical experience training in accordance with ACCA's requirements as published from time to time by ACCA or at all.
 - b. She had achieved the following Performance Objectives:
 - Performance Objective 1: Ethics and professionalism
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 4: Governance, risk and control
 - Performance Objective 5: Leadership and management
 - Performance Objective 8: Analyse and interpret financial reports
 - Performance Objective 9: Evaluate investment and financing decisions
 - Performance Objective 11: Identify and manage financial risk
 - Performance Objective 13: Plan and control performance.
2. Miss Yan's conduct in respect of the matters described in Allegation 1 above was:
- a. In respect of Allegation 1a), dishonest in that Miss Yan sought to confirm her Practical Experience Supervisor did supervise her practical experience training in accordance with ACCA's requirements or otherwise which she knew to be untrue.
 - b. In respect of Allegation 1b), dishonest in that Miss Yan knew she had not achieved all or any of the performance objectives referred to in Allegation 1b) above as described in the corresponding performance objective statements.
 - c. 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), 2b) and 2c) above, such conduct was reckless in that Miss Yan paid no or insufficient regard to ACCA's requirements to ensure:
 - a. Her practical experience was supervised.
 - b. Her Practical Experience Supervisor was able to personally verify the achievement of the performance objectives she claimed and/or verify they had been achieved in the manner claimed.
 - c. That the performance objective statements referred to in paragraph 1b) accurately set out how the corresponding 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. 10 October 2023
 - b. 02 November 2023
 - c. 17 November 2023
5. By reason of her conduct, Miss Yan 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).

BACKGROUND

11. Miss Yan was admitted as a student of ACCA on 15 May 2017. She became an affiliate of ACCA on 08 February 2022. She applied for membership of ACCA on 30 June 2022. ACCA advised Miss Yan on 01 July 2022 that it was unable to

accept all but one of her Performance Objectives (“POs”) as the corresponding PO statements were *‘not sufficient’* for ACCA membership. Miss Yan uploaded revised PO statements and requested that these be approved by a different Practical Experience Supervisor (“PES”) on 13 July 2022. Person A registered as Miss Yan’s PES and approved her PO statements on the same day. Miss Yan emailed ACCA on 13 July 2022 stating that her revised PO statements had been verified by her PES and, as a result, she was admitted as a member of ACCA on 14 July 2022.

12. Once an ACCA student has completed all their ACCA examinations, they become an ACCA affiliate. Regulation 3(a)(ii) of ACCA’s Membership Regulations 2014 provides that an affiliate cannot become a member of ACCA until they have completed 36 months practical experience in a relevant role, in accordance with ACCA’s Practical Experience Requirement (“PER”). A person undertaking practical experience is often referred to as an ACCA trainee.
13. An ACCA trainee’s practical experience is recorded in that trainee’s PER training record, which is completed using an online tool called ‘MyExperience’ which is accessed via the trainee’s MyACCA portal.
14. ACCA’s PER is based on the International Federation of Accountants’ (“IFAC”) International Education Standard 5, PER. ACCA’s PER develops the professional knowledge, values, ethics and behaviours required to become a professionally qualified accountant.
15. ACCA’s PER has three components: First, to achieve five ‘Essential’ POs and any four ‘Technical’ POs by gaining the experience required to achieve the necessary elements and to complete a statement for each PO, which is signed off by the trainee’s PES. Secondly, to complete 36 months’ work experience in one or more accounting or finance-related roles, which must be verified by the trainee’s PES. Thirdly, to regularly record their PER progress in the online ‘MyExperience’ recording tool.
16. Once a trainee has completed a PO, they are required to provide a statement in their PER training record describing the experience they have gained to meet the

PO. This statement should be unique to the trainee as it is recording their own experience. The trainee will then request that the PES approves the PO through the portal.

17. Once all nine POs have been approved by the trainee's PES and their minimum of 36 months of practical experience has been signed off by their PES, the trainee is eligible to apply for ACCA membership.
18. A PES has the personal responsibility of approving the trainee's POs if the trainee has met the required standard. A qualified supervisor means a qualified accountant who has worked closely with the trainee and who knows the trainee's work. A qualified accountant means a member of an International Federation of Accountants ("IFAC") body and/or a body recognised by law in the trainee's country. If a trainee's line manager is not a qualified accountant, they can sign off or approve the trainee's practical experience time in their relevant role, but the trainee must nominate a qualified PES to sign off their POs. If a PES is not a trainee's line manager, then the PES should consult with the trainee's line manager to validate their experience.
19. Trainees must enter the PES's details into the MyExperience recording tool and send their PES an invitation to register as their PES. If the PES accepts the invitation, then they are required to record their details using the same recording tool. Trainees cannot submit anything to their PES until the PES is registered with ACCA.
20. POs are designed to set the minimum standard of work that a trainee is expected to achieve and the level of competence they will need to demonstrate to their qualified supervisor. They set out the kind of work activities a trainee may carry out and highlight the values and attitudes ACCA trainees are expected to possess and to demonstrate as a trainee accountant.
21. Each PO is comprised of three parts. First, a summary of what the PO relates to. Secondly, five elements outlining the tasks and behaviours that a trainee must demonstrate to be able to achieve the objective. Thirdly, a 200 to 500-word concise

personal statement in which the trainee must summarise how they have achieved the PO. Trainees must provide examples of tasks they have been involved with to illustrate their personal statement. Trainees' statements should be unique to their own work experience.

22. As an ACCA trainee residing in [PRIVATE], Miss Yan would have received the following support in respect of ACCA's PER and membership processes:

a. ACCA's Customer Services Team in [PRIVATE] emails all ACCA affiliates in [PRIVATE] inviting them to regular webinars provided by ACCA staff who can advise on the PER process. A webinar that took place on 20 May 2019 and advised that affiliates should '*... Record 26 months of accounting-related work experience in myACCA, and complete 9 Performance Objectives, which will be confirmed online by your Supervisor ...*'.

b. WeChat is a social media app available globally but used extensively in [PRIVATE]. ACCA trainees can ask ACCA [PRIVATE] staff questions on this group, including about the PER process. The webinar details sent to the affiliates encourage affiliates to join the ACCA WeChat group of their regional service group and provides details of how to join.

c. ACCA [PRIVATE] uploads articles in relation to the membership process to its WeChat platform. These include '*How to become an ACCA Member Series 1 / Practical Experience Requirement (PER) Quick Guide*', dated 15 January 2020. The article refers to a mentor, which is the same as a supervisor. Under the heading '*Find a Mentor*' it is stated:

"Your experience must be under the supervision of a mentor to count towards PER. You must find a mentor with real work experience to monitor and confirm your work hours and performance goals ..."

Under the heading '*Determine performance goals*' it is stated:

'You have to choose which performance goals to accomplish, here are some points to keep in mind:

- *You need to complete 9 performance goals, including all 5 core goals and any 4 technical goals.*
- *Work with your practical experience mentor to develop a plan to achieve performance goals.*
- *Choose technical goals that are relevant to your day-to-day work, as they are easier to achieve ...'.*

23. The PER training records of 15 ACCA trainees were reviewed by ACCA's Professional Development Team. The review revealed that the majority of the 15 trainees shared the same PO statements and the same PESs.

24. The 15 trainees, which included Miss Yan, were referred to ACCA's Investigation Team for investigation.

25. Miss Yan's PER training record shows that she commenced her employment with Firm A on 01 July 2019. No end date has been recorded on the record suggesting that Miss Yan remained employed there on the date that her practical experience was approved on 29 June 2022. Miss Yan claimed 36 months of relevant practical experience in relation to this employment.

26. It is recorded on the PER training record that Miss Yan had three supervisors, namely:

- a. Person A, who was a member of ACCA and, as such, registered as Miss Yan's IFAC qualified external supervisor on 13 July 2022. Person A was also registered as the PES for 11 other trainees in the cohort of 15.
- b. Person B, who registered also as Miss Yan's IFAC qualified external supervisor on 29 June 2022.

- c. Person C, who registered as Miss Yan's non-IFAC qualified line manager on 29 June 2022.
27. As Miss Yan's IFAC qualified external supervisors, Person A and Person B were only authorised to approve her POs. It is recorded in Miss Yan's PER training record that she requested that Person B approve all nine of her POs on 29 June 2022 and the record shows that Person B did so the same day. Miss Yan was informed by email on 01 July 2022 that all but one of her PO statements had been declined by ACCA as not being sufficiently detailed.
28. As Miss Yan's non IFAC qualified line manager, Person C was authorised to approve Miss Yan's practical experience. It is recorded in the training record that Miss Yan requested that Person C approve her practical experience of 36 months on 29 June 2022 and that they did so on the same day.
29. On 13 July 2022 Miss Yan uploaded revised PO statements (with the exception of PO2 which ACCA had considered satisfactory and PO17, which she chose to replace with PO8). On this occasion, however, Miss Yan requested that Person A approve her POs as her PES. It is recorded in Miss Yan's training record that Person A approved her POs on the same day, 13 July 2022, which is also the date it is recorded that Person A registered as Miss Yan's IFAC qualified external supervisor.
30. ACCA contacted Person A at the email address recorded for them in Miss Yan's PER training record on 29 November 2023. They were asked to confirm that they had supervised 12 ACCA trainees, including Miss Yan. They responded to ACCA on 30 November 2023 confirming that they had done so. There was further correspondence between ACCA and Person A in relation to the two firms that they were recorded as working at. Person A initially confirmed that they had been employed by both firms. ACCA then indicated that it wished to approach the two firms for verification and Person A responded on 22 December 2023 advising that they wished to resign from ACCA.

31. On 12 January 2024 Person A sent a further email to the Investigating Officer stating:

“...After careful consideration, I would like to be honest with you:

(1) I did not have any supervision over those trainees, as they were all recommended by acquaintances or contacted through other channels.

(2) I have not worked in any company either, as I am still unemployed to this day. The two companies mentioned in earlier emails are indeed unofficially-registered private organizations that I orally created with a few friends a long time ago, but are no longer exist for a long time and have no relation to this PER experience supervision. (I don't know if they happen to have the same name as real organizations in English or [PRIVATE] language, but considering that they were only established orally long long ago and have no connection to the outside and have no longer existed for a very long time, I can make sure that they have no influence on others.)

(3) Therefore, the whole thing is actually that those trainees or their representors contacted me through acquaintances or other channels, but I did not supervise their work. In the previous investigation phase, all the materials I provided to you were untrue, and I deeply apologize for this behavior.

As I mentioned in my previous email, I voluntarily give up my ACCA membership in order to protect the public interest ... I hope you can draw a conclusion and inform me as soon as possible based on my truthful statement above. Appreciate much and look forward to your reply” (sic).

32. ACCA sent further emails to Person A, but they failed to respond to them and disengaged with ACCA. Person A was subsequently the subject of disciplinary proceedings which they failed to engage with. The Disciplinary Committee found that Person A had acted dishonestly in knowingly holding themself out to be the supervisor of twelve ACCA trainees when they knew that they had not supervised them and the Disciplinary Committee excluded them from membership of ACCA.

33. ACCA also attempted to contact Person B at the email address recorded on Miss Yan's PER training record, but the email was returned as 'undeliverable'.
34. ACCA attempted to contact Person C at the email address recorded on Miss Yan's PER training record on 01 March 2024. The email requested Person C to contact ACCA to confirm whether or not they had acted as Miss Yan's non IFAC qualified line manager and, as such, had approved her experience of 36-months as set out in Miss Yan's PER training record. Person C was also asked to provide the start and end dates relating to the 36-month period and to provide the name of the firm at which they and Miss Yan had been employed. Person C was also asked to provide evidence that they were employed by the firm and had supervised Miss Yan at the firm. Person C, however, failed to respond to the email.
35. ACCA carried out an analysis comparing the POs of each of the 15 trainees. In relation to Miss Yan, the analysis revealed that only one of her nine PO statements, PO2, was the first in time. ACCA therefore did not include PO2 in the allegations. The other eight POs were either identical or significantly similar to the PO statements previously submitted by two other trainees in the cohort of 15.
36. In particular, Miss Yan's PO1, PO3, PO4, PO5, PO8, PO9, PO11 and PO13 statements were either identical or significantly similar to those of two other trainees in the cohort of 15.
37. ACCA sent an encrypted email attaching a letter to Miss Yan on 10 October 2023 setting out the complaint and attaching the relevant documents. Miss Yan was asked to respond to the questions asked of her within two weeks. The letter set out the requirement for Miss Yan to co-operate with the investigation under Regulation 3(1) of the Regulations. The letter was wrongly dated 27 September 2023, but ACCA sent a further email to Miss Yan the same day asking her to check that she had received the encrypted email and informing her that the deadline for her response was 24 October 2023.
38. On 25 October 2023 ACCA sent an email to Miss Yan giving her a further week to respond to the letter sent by email on 10 October 2023.

39. A first reminder email was sent to Miss Yan on 02 November 2023 with a copy of the letter that had been attached to the previous email. She was reminded of her obligation to cooperate and asked to respond to the questions previously asked by 16 November 2023.
40. ACCA's Investigations Officer attempted to telephone Miss Yan on 02 November 2023 using her registered telephone number. The call was not answered and an automated message stated that the line was busy.
41. A second and final reminder email was sent to Miss Yan on 17 November 2023 with a copy of the letter attached to the previous email. She was again reminded of her obligation to cooperate and asked to respond to the questions previously asked by 01 December 2023.
42. ACCA's Investigations Officer again attempted to telephone Miss Yan on 17 November 2023 using her registered telephone number. The call was not answered and an automated message stated that the line was busy.
43. On 17 January 2024 at 16:18 hours ACCA's [PRIVATE] office successfully sent a mobile text message to Miss Yan's registered telephone number informing her that ACCA had sent her a password protected email on 10 October 2023 that required a response, and that reminder emails had been sent to her on 02 and 17 November 2023. Miss Yan was advised to contact ACCA if she had not received the email and an email address was provided. Miss Yan did not, however, contact ACCA following this communication.

SUBMISSIONS

44. Ms La Roche took the Committee through the background of the case and ACCA's PER requirements.
45. Ms La Roche invited the Committee to find that Miss Yan had falsely registered Person A as her PES. She referred the Committee to Person A's email to ACCA, dated 16 January 2024 in which they had admitted that they did not supervise Miss

Yan, or any of the other students in the cohort, as they had claimed in their PER training records.

46. Ms La Roche submitted that, in the circumstances, the Committee could be satisfied that, on the balance of probabilities, Person A had not acted as Miss Yan's IFAC qualified PES and they had not supervised her or worked closely with her line manager in order to approve her POs.
47. In relation to Allegation 1b, Ms La Roche reminded the Committee that eight of Miss Yan's nine PO statements were either identical or significantly similar to those submitted by two of the other trainees in the cohort of 15. She submitted that Miss Yan knew that the PO statements had been copied from the two other trainees and were not statements relating to her own work experience when she submitted them to ACCA.
48. Ms La Roche submitted that Person A had approved eight of Miss Yan's POs when they knew that they had not supervised Miss Yan. She further submitted that Miss Yan would have known that Person A had not supervised her and was not, therefore, able to approve her POs.
49. Ms La Roche invited the Committee to find that Miss Yan had not achieved the eight POs set out in Allegation 1b because she had copied the PO statements of two other ACCA trainees and had never been supervised by Person A as she had claimed.
50. In relation to Allegations 2a, Ms La Roche submitted that the evidence before the Committee showed that Miss Yan would have known that Person A had not supervised her practical experience training.
51. In relation to Allegation 2b, Ms La Roche submitted that Miss Yan would have known that she had not achieved the eight POs in the manner described because they had been copied from the PO statements of two other trainees.

52. Ms La Roche invited the Committee to find that Miss Yan's conduct in relation to Allegations 2a and 2b had been dishonest with reference to the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67* ("*Ivey*"). She submitted that Miss Yan had attempted to deceive her regulator by her premeditated conduct and that she would have known that she was acting dishonestly in doing so. Ms La Roche further submitted that such conduct would clearly be regarded as dishonest by the standards of ordinary decent people.
53. In relation to Allegation 2c, which is drafted in the alternative, Ms La Roche submitted that if the Committee was not satisfied that Miss Yan had acted dishonestly, then her conduct demonstrated a failure to act with integrity.
54. In relation to Allegation 3a, 3b and 3c, which are also drafted in the alternative to Allegations 2a, 2b and 2c, she submitted that Miss Yan's conduct was reckless in that she paid no, or insufficient, regard to ACCA's PER requirements.
55. In respect of Allegation 4a, 4b and 4c, Ms La Roche referred the Committee to the relevant correspondence sent by email to Miss Yan by ACCA and to the confirmation of delivery for each email. Ms La Roche also referred to the Case Management System icon which showed that Miss Yan had opened the emails. She reminded the Committee that Miss Yan had not responded to any of ACCA's correspondence during the investigation. Ms La Roche submitted that, in failing to respond to the correspondence sent to her by ACCA, Miss Yan had breached Regulation 3(1) of the Regulations, that provides that every relevant person is under a duty to co-operate with any investigating officer and any assessor in relation to the consideration and investigation of any complaint.
56. Ms La Roche further submitted that the failure of a member to co-operate with her professional body was a very serious matter, demonstrating a lack of professional responsibility and a complete disregard for ACCA's regulatory process. She submitted that Miss Yan had an obligation to co-operate with her professional body and to engage with it when a complaint was raised.

57. In respect of Allegation 5, Ms La Roche submitted that Miss Yan's dishonest conduct in submitting eight false PO statements to ACCA in order to improperly gain membership of ACCA fell far short of the standards expected of a member of ACCA and had the potential to undermine public confidence in ACCA's membership qualification process. Further, as she had become a member of ACCA when she was not qualified to do so there was an ongoing risk of harm to members of the public who may instruct her as an accountant. Ms La Roche submitted that Miss Yan's dishonest conduct and her failure to co-operate with ACCA's investigation had brought discredit to her, ACCA and the accountancy profession.
58. Ms La Roche submitted that misconduct, as defined by bye-law 8(c), was clearly made out in respect of Miss Yan's dishonest conduct and her failure to co-operate with ACCA's investigation.

DECISION ON FACTS

59. The Committee carefully considered all of the documentary evidence presented to it, including the witness statement made by a Professional Development Co-ordinator in ACCA's Professional Development Team and the witness statement made by a Senior Administrator in ACCA's Member Support Team. It also considered the submissions made by Ms La Roche. The Committee accepted the advice of the Legal Adviser and bore in mind that it was for ACCA to prove each of the disputed allegations made against Miss Yan and that the standard of proof to be applied was the balance of probabilities.

Allegation 1a - Proved

60. The Committee considered all of the evidence before it. It noted that Miss Yan had registered Person A as her IFAC-qualified PES on 13 July 2022 and that they had approved her POs on the same day. It took account of the email from Person A to ACCA on 16 January 2024 in which they admitted that they had not, in fact, supervised Miss Yan or any of the other trainees who had registered their name as their PES. The Committee was, therefore, satisfied that Person A had not

supervised Miss Yan's practical experience training in accordance with ACCA's PER requirements.

61. The Committee was, therefore, satisfied that Miss Yan had applied for membership to ACCA on or about 13 July 2022 and in doing so she had purported to confirm in relation to her ACCA Practical Experience training record that her PES in respect of her practical experience training in the period from 01 July 2019 to 29 June 2022 was Person 'A' when Person 'A' had not supervised her practical experience training in accordance with ACCA's requirements or at all. It found Allegation 1a proved on the balance of probabilities.

Allegation 1b - Proved

62. The Committee noted that eight of Miss Yan's nine PO statements had been the same as or significantly similar to those of two other trainees in the cohort and had clearly been copied from one or both of them. It reminded itself that the PO statement of each trainee should be 'unique' to their own practical experience.
63. Having carefully considered all of the evidence before it, the Committee was satisfied, on the balance of probabilities, that when Miss Yan applied for membership of ACCA on 13 July 2022, she had purported to confirm that she had achieved eight of her POs when she knew that was not true. It found Allegation 1b proved on the balance of probabilities.

Allegations 2a and 2b - Proved

64. The Committee considered whether the conduct found proved in Allegations 1a and 1b was dishonest, applying the test set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*.
65. The Committee was satisfied that Miss Yan was aware that Person A had not supervised her practical experience training and was not, therefore, able to approve her POs. It was also satisfied that she was aware that she had not achieved POs 1, 3, 4, 5, 8, 9, 11 and 13, as described in the corresponding PO

statements as they had been copied from the PO statements of at least one of the other two trainees. The Committee therefore found that Miss Yan had submitted the POs to ACCA in the knowledge that she had not completed the PO statements herself.

66. The Committee considered that the only reason for Miss Yan's conduct was to gain membership of ACCA when she knew that she was not properly qualified to be a member. The Committee determined that such conduct would clearly be considered dishonest in accordance with the test for dishonesty as set out in the case of *Ivey*. The Committee therefore found Allegations 2a and 2b proved on the balance of probabilities.
67. Having found Allegation 2a and 2b proved, the Committee did not go on to consider Allegation 2c or Allegation 3a, 3b and 3c, which were pleaded in the alternative.

Allegation 4a, 4b and 4c – Proved

68. The Committee was satisfied on the evidence before it that ACCA had written to Miss Yan on three occasions, being 10 October 2023, 02 November 2023 and 17 November 2023, asking her to respond to the complaint against her. It was further satisfied that each of the emails had been successfully delivered to Miss Yan's email address. On each occasion Miss Yan had been reminded by ACCA of her duty to co-operate with the investigation in accordance with Regulation 3(1) of the Regulations. Miss Yan, however, had not responded to any of ACCA's correspondence relating to the investigation. The Committee was of the view that Miss Yan would have been aware of ACCA's investigation, in particular because ACCA [PRIVATE] had successfully sent her a text message informing her that she had been sent an email by ACCA and also because the case management system showed that the emails had been successfully opened. The Committee, therefore, found Allegations 4a, 4b and 4c proved on the balance of probabilities.

Allegation 5 - Misconduct Found

69. Having found Allegations 1a, 1b, 2a, 2b, 4a, 4b and 4c proved, the Committee then considered whether the facts found proved amounted to misconduct.
70. In the Committee's view, Miss Yan's dishonest conduct demonstrated a clear disregard for ACCA's PER. It also considered that such dishonest conduct had the potential to undermine the integrity of ACCA's membership process and the good standing of ACCA. In the Committee's view, there was a potential risk of harm to the public as Miss Yan had been admitted as a member of ACCA when she was not properly qualified to be a member.
71. The Committee also determined that Miss Yan's conduct, in failing to co-operate with the investigation against her, fell far below the standards expected of a member of ACCA.
72. In the Committee's view, Miss Yan's dishonest conduct and her failure to co-operate with the investigation undermined the integrity of ACCA's PER and investigatory processes and had brought discredit to her, the Association and the accountancy profession.
73. Accordingly, the Committee found that Miss Yan's conduct fell far below the standards expected of a member of ACCA and amounted to misconduct.
74. The Committee, having found Allegation 5a proved in relation to Allegation 4a, 4b and 4c, did not go on to consider Allegation 5b, which was pleaded in the alternative.

SUBMISSIONS ON SANCTION AND COSTS

75. Ms La Roche informed the Committee that Miss Yan had no previous findings recorded against her. Ms La Roche submitted that dishonesty lies at the top of the spectrum of misconduct. She further submitted that Miss Yan's dishonesty involved

an element of premeditation and planning and that the conduct was solely for her own gain.

76. Ms La Roche referred the Committee to ACCA's 'Guidance for Disciplinary Sanctions' and, in particular, section E2 which provides guidance on dishonesty cases. She submitted that Miss Yan became a member of ACCA when she was not properly qualified to do so and the only appropriate sanction would be to exclude her from membership of ACCA with immediate effect.
77. In respect of costs, Ms La Roche referred the Committee to the two costs schedules. She submitted that the costs claimed by ACCA of £6,938.50 had been reasonably incurred but that there should be some adjustment as the hearing had taken less than the time allowed for in the schedules.

SANCTION AND REASONS

78. In reaching its decision on sanction, the Committee considered the submissions made by Ms La Roche. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and bore in mind the fact that the purpose of a sanction was not to punish Miss Yan, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct and that any sanction it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.
79. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features of the case.
80. The Committee considered that the only mitigating feature in the case was that Miss Yan had no previous disciplinary findings recorded against her.
81. The Committee considered that Miss Yan's misconduct involved the following aggravating features:

- a. this was dishonest conduct that involved a degree of planning and collusion with a third party for personal gain.
 - b. There was no evidence of any insight or remorse on the part of Miss Yan.
 - c. Miss Yan's dishonest conduct had the potential to undermine the integrity of, and public confidence in, ACCA's PER and membership processes.
 - d. Miss Yan's failure to co-operate with ACCA's investigation had the potential to undermine ACCA's investigatory process.
 - e. Miss Yan's dishonest conduct had placed members of the public at risk of harm as she had gained membership of ACCA when she was not properly qualified to act as a professional accountant.
82. The Committee noted that when addressing factors relevant to seriousness in specific case types, ACCA's guidance indicates that misleading ACCA and failing to co-operate in an investigation are both considered to be very serious.
83. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not consider that it would be appropriate, or in the public interest, to take no further action or to order an admonishment in a case where a member of ACCA had deliberately disregarded ACCA's PER and investigation requirements and had acted dishonestly.
84. The Committee then considered whether to reprimand Miss Yan. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature; there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding; together with genuine insight into the misconduct found proved. The Committee did not consider that Miss Yan's misconduct was of a minor nature and there was no evidence of insight into her dishonest behaviour or the impact thereof on the reputation of the profession and ACCA, as the regulator. Accordingly, the

Committee concluded that a reprimand would not adequately reflect the seriousness of the conduct in this case.

85. The Committee next considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case, or mitigation advanced, which satisfies the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The guidance suggests that this sanction may be appropriate where most of the following factors are present:

- a. The misconduct was not intentional and no longer continuing.
- b. Evidence that the conduct would not have caused direct or indirect harm.
- c. Insight into failings.
- d. Genuine expression of regret/apologies.
- e. Previous good record.
- f. No repetition of failure/conduct since the matters alleged.
- g. Rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur.
- h. Relevant and appropriate references.
- i. co-operation during the investigation stage.

86. The Committee considered that apart from Miss Yan's previous good record none of the other factors was present. Accordingly, the Committee considered that a

severe reprimand would not adequately reflect the seriousness of Miss Yan's dishonest misconduct and her failure to co-operate with ACCA's investigation.

87. The Committee noted that ACCA provides specific guidance on the approach to be taken in cases of dishonesty, which is regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions where there has been a lack of probity and honesty and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than exclusion. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a professional accountant to do the right thing in difficult circumstances. It is '*a cornerstone of the public value which an accountant brings*'.
88. The Committee bore in mind these factors when considering whether there was anything remarkable or exceptional in Miss Yan's case that warranted anything other than exclusion from membership of ACCA. The Committee was of the view that there were no exceptional circumstances that would allow it to consider a lesser sanction and concluded that the only appropriate and proportionate sanction was to exclude Miss Yan from membership of ACCA.
89. Miss Yan had falsely submitted to ACCA that Person A had supervised her PER training and she had submitted eight POs that had been copied from the PO statements of other trainees. Miss Yan had subsequently failed to co-operate in ACCA's investigation into her conduct. In the Committee's determination, Miss Yan's conduct was fundamentally incompatible with her being a member of ACCA. In the Committee's view the PER is a very important part of becoming a properly qualified member of ACCA, and the requirements of the PER must be strictly adhered to by those who aspire to become members of ACCA.
90. The Committee was mindful that the sanction of exclusion from ACCA membership was the most serious sanction that could be imposed. The Committee considered

the guidance that this sanction was likely to be appropriate when the behaviour of the member was fundamentally incompatible with them being a member of ACCA. The Committee was satisfied that Miss Yan's dishonest conduct had reached that high threshold.

91. The Committee also considered that a failure to remove a member who had behaved in this way would seriously undermine public confidence in the profession and in ACCA as its regulator. The public needs to know that it can rely on the integrity, ability and professionalism of those who achieve membership of ACCA.
92. The Committee therefore ordered that Miss Yan be excluded from ACCA membership and it directed that it was in the interests of the public for this to have immediate effect.
93. The Committee did not deem it necessary to impose a specified period before which Miss Yan can make an application for readmission as a member of ACCA.

DECISION ON COSTS AND REASONS

94. The Committee was provided with two schedules of costs. ACCA applied for costs in the sum of £6,938.50 in respect of the investigation against Miss Yan and the hearing. Ms La Roche, however, submitted that there should be a small reduction because the hearing had concluded earlier than anticipated in the cost schedules.
95. The Committee did not have a statement of financial information from Miss Yan. It reminded itself of ACCA's Guidance for Costs Orders that states: *'if a relevant person does not provide proof of financial means, the Committee is entitled to infer that the relevant person is able to meet the costs that it orders'*.
96. The Committee was satisfied that the costs sought by ACCA were appropriate and had been reasonably incurred. It determined, however, that the costs claimed should be reduced slightly to reflect the fact that the hearing had taken less time than accounted for in the schedules of costs.

97. The Committee determined that, in all the circumstances, it would be fair and proportionate to order Miss Yan to pay ACCA's costs in the sum of £6,418.50.

ORDER

- i. Miss Yu Yan shall be excluded from membership of ACCA with immediate effect.
- ii. Miss Yu Yan shall pay ACCA's costs in the sum of £6,418.50.

Mr David Tyme
Chair
06 March 2026