

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Miss Tanzida Faruk
Heard on:	Thursday, 22 August 2024
Location:	Held Remotely via Microsoft Teams
Committee:	Mr Martin Winter (Chair) Mr George Wood (Accountant) Mr Roger Woods (Lay)
Legal Adviser:	Mr Ashraf Khan (Legal Adviser)
Persons present and Capacity:	Mr Alex Mills (ACCA Case Presenter) Miss Mary Okunowo (Hearings Officer)
Summary	Removed from the student register.
Costs:	£6,359.50

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) met to hear allegations against Miss Tanzida Faruk. Miss Faruk did not attend nor was she was represented. ACCA was represented by Mr Mills.

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

2. The papers before the Committee consisted of a service bundle of 28 pages, the Disciplinary Committee hearing bundle of 71 pages and a Tabled Additional bundle of 5 pages.

ALLEGATIONS

Miss Tanzida Faruk, an ACCA student:

1. *On or around 15 December 2021, submitted, or allowed to be submitted, one or more of the certificates listed in Schedule A to Company A and/or Company B, which were purported to have been issued by ACCA, when in fact they had not been.*
2. *Miss Faruk's conduct in respect of Allegation 1:*
 - a) *Was dishonest in that she knew that she submitted or allowed to be submitted, false documents to Company A and/or Company B as referred to in paragraph 1 above; or in the alternative*
 - b) *Demonstrates a failure to act with integrity.*
3. *On or around 27 September 2021, submitted, or allowed to be submitted, one or more emails to Company A and/or Company B, which were purported to have been sent from ACCA, verifying the certificates listed in Schedule A, when in fact the emails had not been sent from ACCA.*
4. *Miss Faruk's conduct in respect of Allegation 3:*
 - a) *Was dishonest in that she knew or ought to have known that the emails were not genuine and/or had not been sent from ACCA; or in the alternative*
 - b) *Demonstrates a failure to act with integrity.*
5. *Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014, Miss Faruk failed to co-operate fully with the investigation of a complaint in that she failed to respond fully to any or all of ACCA's correspondence dated:*

- a) 25 February 2022;
- b) 21 March 2022;
- c) 11 April 2022;
- d) 08 December 2022;
- e) 10 February 2023.

6. *By reason of any or all of the above, Miss Faruk is:*

- a) *Guilty of misconduct pursuant to Bye-law 8(a)(i), in relation to any or all of the conduct alleged at allegations 1 to 5; or in the alternative*
- b) *Liable to disciplinary action, pursuant to Bye-law 8(a)(iii) in relation to any or all of the conduct alleged at allegation 5.*

PRELIMINARY APPLICATIONS

Service of Papers

- 3. The Committee was informed that Miss Faruk had been served with a notice of today's hearing, together with the necessary papers via electronic mail on 24 July 2024.
- 4. The Committee was satisfied that notice had been sent to Miss Faruk's registered email address in accordance with regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee noted that the email had been delivered successfully. CDR 22(8) stipulates that, when a notice has been sent by email, it is deemed to have been served on the day it was sent. Accordingly, the Committee was satisfied that Miss Faruk has been given 28 days' notice with the necessary information required in accordance with CDR 10.
- 5. The Committee decided that Miss Faruk had been properly served with Notice of Proceedings.

Proceeding in absence

6. The Committee noted a series of communications from ACCA to Miss Faruk. On 02 August 2024, ACCA emailed Miss Faruk asking whether she intended to attend the remote hearing. She was also asked whether she would need an interpreter and informed the cost of providing an interpreter would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.
7. On 13 August 2024, ACCA emailed Miss Faruk again asking whether she was intending to attend the remote hearing. She was also asked whether she would need an interpreter and informed the cost of providing an interpreter would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.
8. At 10:46 and 12:29 on 19 August 204 ACCA attempted to contact Miss Faruk via her registered telephone number to confirm receipt of the hearing papers and ascertain whether she was intending to attend the remote hearing. The call rang out and subsequently ended. There was no opportunity to leave a voice message.
9. At 12:34 on 19 August 2024, ACCA emailed Miss Faruk again asking whether she was intending to attend the remote hearing. She was also asked whether she would need an interpreter and informed the cost of providing an interpreter would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.
10. At 13:03 and 13:10 on 20 August 204 attempted to contact Miss Faruk via her registered telephone number to confirm receipt of the hearing papers and ascertain whether she was intending to attend the remote hearing. The call rang out and subsequently ended. There was no opportunity to leave a voice message.
11. At 13:16 on 20 August 2024, ACCA emailed Miss Faruk again asking whether she was intending to attend the remote hearing. She was also asked whether she would need an interpreter and informed the cost of providing an interpreter

would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.

12. At 09:05 and 09:20 on 21 August 2024 ACCA attempted to contact Miss Faruk via her registered telephone number to confirm receipt of the hearing papers and ascertain whether she was intending to attend the remote hearing. The call rang out and subsequently ended. There was no opportunity to leave a voice message.
13. At 09:24 on 21 August 2024, ACCA emailed Miss Faruk again asking whether she was intending to attend the remote hearing. She was also asked whether she would need an interpreter and informed the cost of providing an interpreter would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.
14. At 09:29 on 21 August 2024, ACCA emailed Miss Faruk the Microsoft Teams link for the hearing and asked her to confirm whether she was intending to attend the remote hearing. She was asked to confirm receipt of the hearing papers. She was asked whether she would need an interpreter and informed the cost of providing an interpreter would be met by ACCA if she did require assistance. She was asked to confirm if she did not wish to attend, whether she would be content for the hearing to proceed in her absence. Miss Faruk did not respond.
15. The Committee considered that ACCA had taken reasonable steps to facilitate Miss Faruk to attend the hearing. The Committee was satisfied that the emails had been sent to the address on the ACCA's register and that there was a record of the emails having been delivered successfully. The Committee was satisfied that calls had been made to the phone number on the ACCA's register. The Committee concluded that Miss Faruk had disengaged with ACCA. The Committee determined Miss Faruk was aware of today's hearing and had voluntarily absented herself.
16. The Committee was also satisfied that taking the seriousness of the allegations into account, it was in the public interest to proceed. The Committee did not consider that any benefit would be derived in adjourning the hearing and no such application had been made.

Application to amend Allegation 1

17. ACCA made an application to amend Allegation 1 which currently reads as follows:

1. On or around 15 December 2021, submitted, or allowed to be submitted, one or more of the certificates listed in Schedule A to Company A and/or Company B, which were purported to have been issued by ACCA, when in fact they had not been.

18. ACCA applied to amend Allegation 1 of the allegation to read as follows:

1. On or around 25 September 2021 to 15 December 2021, submitted, or allowed to be submitted, one or more of the certificates listed in Schedule A to Company A and/or Company B, which were purported to have been issued by ACCA, when in fact they had not been.

19. ACCA stated the date was not the issue in this case, but an amendment was being sought to expand the date range of Allegation 1 to more accurately reflect the evidence. ACCA submitted the proposed amendment has no impact on the defence raised by Miss Faruk in earlier correspondence and therefore no prejudice would be caused to her.

20. The Committee decided this was a minor amendment which caused Miss Faruk no prejudice. Accordingly, pursuant to CDR 10 (5) (a), the Committee allowed the application to amend.

BACKGROUND

21. The allegations in this matter arise out of ACCA Bangladesh contacting ACCA UK on 13 December 2021. ACCA Bangladesh provided ACCA UK with copies of purported ACCA certificates that Miss Faruk submitted, or allowed to be submitted, to Company A and/or Company B during her employment application and vetting process by Company B. ACCA UK was also provided with copies of emails, which were purported to have been sent from ACCA, verifying the authenticity of the certificates Miss Faruk had submitted.

22. The background to this matter is as follows:

23. Miss Faruk registered as an ACCA student on 25 November 2021.
24. On or around 27 September 2021, Miss Faruk submitted an employment application to Company B, which included certificates as listed in Schedule A, which had purportedly been issued by ACCA. Following receipt of Miss Faruk's application, Company B commenced their employment vetting process.
25. On 26 September 2021, Miss Faruk purportedly emailed ACCA at students@accaonline.com and query@accaonline.com requesting verification of the certificates listed in Schedule A. She stated that:

"I have completed all the papers of Fundamental and Professional level of ACCA and have received my certificates in 2020 as well. However, while my fundamental certificate looks right, my professional certificate seems to be having an error. In the professional certificate, it says Tanzida Faruk has completed the 'fundamental' level, which is not clear to me and therefore, arising questions from a reputed organisation that I'm about to join soon.

It would be great if I could get a clarification on this from your end, the reason behind 'fundamental' being written on the professional certificate. Please kindly let me know if this is supposed to be this way, because from my understanding, I believe, it should be written 'professional' in the professional certificate. Please let me know if I need to reapply for my certificates or what's the process."

26. On 27 September 2021 Miss Faruk forwarded an email to Company B, dated 26 September 2021, that she purportedly received from ACCA from the following email addresses haley.evans@accaonline.com, students@accaonline.com and query@accaonline.com confirming the authenticity of the certificates listed in Schedule A. The email stated that:

"We have gone through your raised concern and after a quick investigation, we are extremely disappointed to inform you that, indeed, it was an honest mistake from our end. The ACCA Fundamental certification will always say Fundamental and the Professional certification will always say Professional. It is a matter of embarrassment, that after completing 14 papers of ACCA, you've received your professional certificates with a major error causing you inconvenience. We are extremely saddened by the incident and deeply apologise for any kind of inconvenience that it may have caused you.

We are willing to reapply and resend your certificates without you having to pay any additional fees! However, we wish you had reached out to us sooner to avoid the hassle.

Please note that it might take 2-3 months for you to receive your new certificates since there's a lot of processing that needs to be done and also depending on the current shipping situation to your residing country. Upon your confirmation on this matter, we'll notify the concerned department to get started on the reapplying process and you'll be receiving updates about all the steps on your email."

27. On 12 December 2021, Company A emailed ACCA Bangladesh requesting verification of the certificates, listed in Schedule A, which Miss Faruk submitted to Company B as part of her employment application (pgs 27 -29).

28. On 13 December 2021, ACCA Bangladesh provided a response and advised that Miss Faruk was:

...a Foundation Diploma [FIA] Level Student of ACCA with no attendance record yet".

29. They also stated that Miss Faruk,

"...registered with the ACCA under the Foundation Level Diploma route very recently in November 2021 so technically it is not possible in any manner for her to complete a total of 17 ACCA exams within this short period of time. We clearly confirm and declare that the provided certificates are fraudulent documents with falsified information and never issued/awarded/authenticated by ACCA in any manner".

30. On 15 December 2021, Company A emailed Company B and advised that Miss Faruk's certificates were "fake".

31. On 17 January 2022, Company A emailed ACCA Bangladesh and requested verification of the email addresses from which Company B had received emails forwarded to them by Miss Faruk, dated 26 September 2021, and detailed at paragraphs 8-9 above, verifying Miss Faruk's certificates listed in Schedule A and stated that:

"We have been doing background screening for our clients since Long. Recently we received an email from ACCA Students regarding Certificate Verification. We need to verify the authentication of some email address, which are given below:

<haley.evans@accaonline.com>

<students@accaonline.com>

<query@accaonline.com>

Please let us know at your earliest convenience. Thank you"

32. On the same day, ACCA Bangladesh replied and confirmed that the three email addresses provided were *"neither associated/authenticated with-nor ever used by ACCA or any ACCA national offices or staffs in any manner"*.
33. On 20 January 2022 Company A contacted ACCA Students (UK) requesting a further verification of the certificates Miss Faruk submitted, as listed in Schedule A. On the same day, ACCA Students (UK) replied and advised that they were unable to complete the verification request because they did not have a copy of Miss Faruk's signature on file, which would allow them to compare it with the signature on Miss Faruk's signed disclosure release form that Company A had provided. They also advised that Miss Faruk could contact ACCA directly and provide a copy of a signed form of ID or in the absence of that, a form of ID with an attachment of her wet signature.
34. On 01 February 2022, ACCA Bangladesh replied and stated that:

"I have checked with the CHQ team and I can confirm that the student you mentioned is not in any position to claim any certification/ completion of any subject of ACCA. We also can confirm that the certificates you have shared are not issued by ACCA in any manner and also ACCA does not issue certificates in the formats you have shared. We can also confirm that 'accaglobal.com' is the only official domain used by ACCA personnels".
35. ACCA wrote to Miss Faruk at her registered email address for her comments in relation to the investigation on 25 February 2022 and no response has been received to date until 13 November 2022 which ACCA state did not adequately address the issues raised by ACCA.

36. ACCA subsequently sent the first and second chaser emails to Miss Faruk on 21 March 2022 and 11 April 2022, requesting a response to the initial correspondence of 25 February 2022 and further correspondence on 08 December 2022 and 10 February 2023 seeking her response to further questions.
37. To date ACCA state no full response has been received answering all of the questions put to Miss Faruk has been received to the correspondence sent to her. The Investigations Officer confirmed the e-mail address the correspondence was sent to matched Miss Faruk's registered e-mail address as it appeared in ACCA's member's databases on the dates the letters were sent.

ACCA submissions

38. ACCA submitted that the allegations referred to above are capable of proof by reference to the evidence and the documents in the bundle of documents, as referenced in the evidence table.
39. ACCA submit that it is reasonable to infer that the ACCA certificates submitted to Company A and/or Company B, by Miss Faruk or in her name, were not issued by the ACCA. Furthermore, it is also reasonable to infer that the emails that were provided to Company A and/or Company B, which were purportedly sent by ACCA, verifying the authenticity of the certificates, were false.
40. ACCA submit that the conduct set out at Allegations 1 and 3 clearly amounts to dishonesty on the basis that Miss Faruk knew, or ought to have known, that ACCA documents submitted to Company A and/or Company B were false and that they were submitted by her (or on her behalf) with the intent to obtain a benefit, namely: employment with Company B. ACCA further submit such conduct would be regarded as dishonest by the ordinary standards of reasonable and honest people.
41. ACCA submit that if the Committee does not make a finding of dishonesty against Miss Faruk, then it must go on to find that Miss Faruk's conduct demonstrated a failure to act with integrity.

42. As to Allegation 5, ACCA submit that in failing to respond to the requests of the investigating officer, Miss Faruk has breached CDR 3(1). ACCA submit Miss Faruk was under a duty to co-operate and therefore respond fully to the investigating officer's correspondence in which she was asked for an explanation of the allegations raised against her and further queries following her November 2022 response.
43. ACCA submit that failure to co-operate fully with the regulator is a serious matter, demonstrating a lack of professional responsibility and a disregard for ACCA's regulatory process. A failure to adequately respond to questions asked by ACCA during an investigation into one's conduct prevents ACCA from fully investigating and, if necessary, taking action upon, what might be a serious matter.
44. In respect of Allegation 6, misconduct, ACCA submit that if any or all of the facts set out at Allegations 1 to 5 are found proved, Miss Faruk has acted in a manner which brings discredit to herself, ACCA and to the accountancy profession and her conduct amounts to misconduct pursuant to bye-law 8(a)(i).
45. ACCA submit if it is accepted that CDR 3(1) has been breached by virtue of the facts and submissions stated above, then bye-law 8(a)(iii) is automatically engaged and Miss Faruk is liable to disciplinary action.

Submissions by/on behalf of Miss Faruk

46. On 07 November 2022, the Investigations Officer wrote to Miss Faruk and notified her that this matter will be referred to the Independent Assessor and Miss Faruk was invited to provide her response.
47. The Committee noted Miss Faruk provided a response on 13 November 2022 in which she stated she had been '*scammed*' by a third party. ACCA sought to obtain further information from her in relation to this account and raised questions which were put to her for her response on 08 December 2023. This was chased on 10 February 2023. No response was received.
48. On 11 April 2023, a further copy of the updated report and bundle was sent to Miss Faruk's registered email address for her response.

49. On 17 May 2023, ACCA informed Miss Faruk of the Independent Assessor's decision to refer her case to the Disciplinary Committee and on 19 May 2023 provided the Assessors decision.
50. On 25 April 2024, ACCA contacted Miss Faruk asking her to return the completed Case Management Form.
51. The Committee noted there has been no response from Miss Faruk, since 13 November 2022.

DECISION ON FACTS/ALLEGATIONS AND REASONS

52. The Committee took into account ACCA's written representations which were supplemented by Mr Mills orally. The Committee took into account the written response from Miss Faruk. The Committee considered legal advice from the Legal Adviser, which it accepted.
53. The Committee considered Allegation 1. The Committee was satisfied that the certificates listed in Schedule A were false. The Committee noted that Miss Faruk admitted she submitted these certificates in support of her application for employment. The Committee determined that this allegation is proved on the balance of probabilities.
54. The Committee considered Allegation 2 a). The Committee noted that Miss Faruk denied she knew the certificates were fake in her written representation dated 13 November 2022. The Committee noted Miss Faruk's explanation about the circumstances in which she came into contact with *'a guy online who claimed to be associated with ACCA and was offering courses'* but concluded it had not seen any supporting documentation or evidence which corroborates this account and finds the explanation given implausible. In all the circumstances, the Committee determined Miss Faruk must have known she was dishonestly submitting false documents to Company A and/or Company B. The Committee also concluded this conduct would be regarded as dishonest by standards of reasonable and honest people. Accordingly, the Committee determined this allegation is proved on the balance of probabilities.
55. Given the Committee's findings in relation to Allegation 2 a), the Committee did not need to consider Allegation 2 b).

56. The Committee considered Allegation 3. The Committee determined the emails were not genuine from ACCA. The Committee concluded that these emails were sent by Miss Faruk or on her behalf. The Committee determined on the balance of probabilities this allegation is proved.
57. The Committee considered Allegation 4 a). The Committee concluded Miss Faruk must have known or ought to have known that the emails were not genuine. The Committee also concluded this conduct would be regarded as dishonest by standards of reasonable and honest people. Accordingly, the Committee determined this allegation is proved on the balance of probabilities.
58. Given the Committee's findings in relation to Allegation 4 a), it did not need to consider Allegation 4 b).
59. The Committee considered Allegation 5 and all its particulars. The Committee concluded that there was a failure to respond adequately to correspondence on 25 February 2022, 21 March 2022 and 11 April 2022. The Committee determined there was no response at all to correspondence dated 08 December 2022 and 10 February 2023. Accordingly, the Committee found this allegation proved.
60. The Committee considered Allegation 6. The Committee determined this was deliberate dishonesty and failure to co-operate. In the Committee's judgement, this act falls short of proper professional standards and would be considered deplorable conduct by fellow professionals. Accordingly, in the Committee's judgement, Miss Faruk is guilty of serious professional misconduct in respect of Allegations 1 to 5.
61. Given the Committee's findings in relation to Allegation 6, it did not consider Allegation 6 b).

SANCTION AND REASONS

62. The Committee considered the available sanctions starting with the least serious. In reaching a decision on sanction, the Committee took into account the public interest and Miss Faruk's own interests. It noted that the purpose of sanction was not punitive but to protect members of the public, maintain public confidence in the profession and in the ACCA, and to declare and uphold proper standards of conduct and performance.

63. The Committee determined that dishonesty and failing to cooperate with an investigation is very serious misconduct.
64. The Committee considered whether any aggravating or mitigating factors featured in this case.
65. ACCA did not advance any aggravating factors. The Committee noted there was no evidence of insight, remorse or reflection. There was also a pattern of misconduct over a period of time and Miss Faruk has not demonstrated any real understanding of the seriousness of her conduct.
66. The Committee accepted that there were no previous findings against Miss Faruk, although it determined this feature was of limited assistance given the date of admission included the period of the misconduct. There was no evidence of any other mitigating factors in this case. The Committee had not heard from Miss Faruk, nor had it received any references or testimonials.
67. The Committee determined Miss Faruk's misconduct was very serious therefore taking no further action, admonishment, reprimand or a severe reprimand would be wholly insufficient and inappropriate. The Committee was particularly mindful this case involved dishonesty, there was no early admission, no evidence of understanding or insight, reflection, remorse or apology from Miss Faruk. The Committee determined there was an abuse of trust in that the prospective employer is entitled to expect her to be honest and truthful about her qualifications. Had Miss Faruk successfully gained employment, she would have presented a risk to the public. The Committee also determined Miss Faruk attempted to cover up her misconduct by sending emails purporting to be from ACCA. Given the serious nature of the misconduct, the Committee determined Miss Faruk's behaviour was a serious departure from relevant professional standards and fundamentally incompatible with being a member. The Committee determined the only appropriate and proportionate sanction available is to order the removal of Miss Faruk from the student register.
68. The Committee noted that the default period of exclusion is 12 months. The Committee decided not to extend this period, given the mechanisms in place at ACCA for readmission.

EFFECTIVE DATE OF ORDER

69. The Committee noted that ACCA have not made an application for an immediate order. The Committee determined it was not in the public interest to impose an immediate order. The order will take effect after the expiry of the appeal period or after any appeal has been determined.

COSTS AND REASON(S)

70. The Committee has been provided with a detailed costs schedule and noted ACCA's guidance on costs orders.
71. The Committee concluded that ACCA was entitled to be awarded costs against Miss Faruk. The amount of costs for which ACCA applied was six thousand three hundred and fifty-nine pounds and 50 pence (£6,359.50). The Committee carefully scrutinised the schedule and determined the costs incurred were reasonable.
72. The Committee took into account written representations made by Miss Faruk as to her general financial circumstances as of November 2022. However, in the absence of updated and detailed information as to her means, the Committee was unable make any adjustment to the amount claimed by ACCA.
73. Accordingly, the Committee decided it would be reasonable and proportionate to award ACCA costs in full.

Mr Martin Winter
Chair
22 August 2024