

HEARING
DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Sayed Hussain Aqeel Jawad

Heard on: Wednesday, 24 July 2024

Location: Remotely via Microsoft Teams

Committee: Mr Martin Winter (Chair),
Dr David Horne (Accountant),
Mr Roger Woods (Lay) and

Legal Adviser: Ms Giovanna Palmiero

**Persons present
and capacity:** Mr Samuel Irving – Case Presenter
Ms Lauren Clayton– Hearings Officer

Summary Removed from the student register

Costs: £6,546.50

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Mr Sayed Hussain Aqeel Jawad (Mr Jawad).
2. Mr Samuel Irving (Mr Irving) presented the case on behalf of ACCA.

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3. Mr Jawad did not attend and was not represented. Mr Jawad had acknowledged service of ACCA's hearing bundle and confirmed that he would not be attending and was happy for the hearing to proceed in his absence.
4. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
5. In accordance with Regulation 11(1)(a) of the Chartered Certificate Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
6. The hearing was conducted remotely via Microsoft Teams.
7. The Committee was provided with, and considered in advance of the following documents:
 - (i) Report & hearing bundle with pages numbered 1-82;
 - (ii) A Memorandum & Agenda 1-2;
 - (iii) Service bundle numbered 1-20;
 - (iv) At the sanction stage the Committee was provided with a cost schedule.

PRELIMINARY MATTERS

SERVICE OF PAPERS

8. The Committee first considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations ('the Regulations'). The Committee considered the submissions made by Mr Irving on behalf of ACCA and it also took into account the advice of the Legal Adviser.
9. The service bundle included the Notice of Hearing dated 25 June 2024, thereby satisfying the 28-day notice requirement, which had been sent to Mr Jawad's email address as it appears on the ACCA register. The Notice included correct details about the time, date, and remote venue of the hearing, it also notified Mr Jawad of the option to attend the hearing. Additionally, the Notice provided details about applying for an adjournment and the Committee's power to proceed in his absence if considered appropriate.

10. Mr Jawad had contacted ACCA's Hearings Officer by email on the 06 July 2024 and acknowledged service of the papers.
11. The Committee, having considered the relevant documents, was satisfied that Notice had been served in compliance with the Regulations.

PROCEEDING IN ABSENCE

12. Having concluded that proper notice had been served in accordance with the Regulations, the Committee went on to consider whether to exercise its discretion to proceed in the absence of Mr Jawad. Regulation 10(7).
13. The service bundle shows that Mr Jawad responded on 06 July 2024 to acknowledge service of the ACCA bundle, in an email and stated:

"Hi mary

This is email to confirm and acknowledge that i will not ables to attend hearing set

Due to some personal circumstances .

Feel free to contact if any documents or information is needed.

Regards"(Sic)

14. On the 19 July 2024 ACCA's Hearings Officer sent a further email to Mr Jawad asking him to confirm if he was happy for the Committee to proceed with the hearing in his absence and confirming that any evidence or documentation he would wish to place before the Committee should be sent to the Hearings Officer in advance of the hearing.
15. On the 21 July 2024, Mr Jawad sent a further email simply stating, "confirm".
16. On the 23 July a further email was sent to Mr Jawad by the Hearings Officer, which confirmed his response to agreeing that the Committee could proceed in his absence and further asking him to send his financial statement.
17. The Committee also took into account the fact that Mr Jawad had completed the Case Management Form (CMF) and had previously engaged with ACCA's investigation, indicating admissions to the allegations against him.

18. The Committee was of the view that Mr Jawad, was fully aware of the hearing and had voluntarily absented himself and had consented in writing to the hearing being dealt with in his absence. He had not requested an adjournment and it was not clear if he would attend at a further date.
19. The Committee carefully balanced Mr Jawad's interests against the wider public interest and concluded that it was in the interests of justice that the matter proceed expeditiously notwithstanding the absence of Mr Jawad.

PUBLIC HEARING

20. The committee had regard to the CMF which had been submitted by Mr Jawad on the 04 May 2024. Mr Jawad had ticked the box requesting that he wished for the hearing to be held entirely in private. There were no reasons for this request in the CMF.
21. Mr Irving submitted that under Regulation 11(1)(a) the starting point was that all hearings should be held in public, unless the particular circumstances of the case outweigh the public interest in holding the hearing in public.
22. Mr Irving surmised that the reasons that Mr Jawad may have, for not wanting the hearing to be in public were due to personal circumstances and not wanting adverse publicity which may render him liable to legal action due to the allegations.
23. The Committee was aware that they must be satisfied that there should be exceptional circumstances which outweigh the public interest in the hearing being open to the public before acceding to any application for a hearing to proceed in private. There is a non-exhaustive list of examples which would amount to exceptional circumstances which it had regard to. None of the examples in this list applied to the circumstances of this case.
24. The Committee found that, in the absence of any reasoning by Mr Jawad, there were no exceptional circumstances which outweigh the public interest in the hearing being open to the public or would lead the Committee to consider holding the proceedings in private or depart from the starting point of the hearing being in public.
25. However, the Committee was mindful that Mr Jawad, had mentioned in correspondence circumstances which may be considered to be personal and would be vigilant to make the appropriate directions if required.

ACCEPTED ADMISSIONS

26. The committee had regard to Regulation 12(3)(b): “If the relevant person is not in attendance, the Disciplinary Committee shall consider any written response to the notice referred to in Regulation 10(1) or any correspondence or note of conversation and determine whether it establishes the relevant person’s wish to make any admissions.”.
27. In the ACCA written submissions, it was stated that the previous engagement and correspondence with Mr Jawad was an indication of his admissions to all the allegations pleaded against him.
28. Mr Irving referred to the relevant written correspondence and to the CMF submitted by Mr Jawad, where he had ticked the box confirming that he admitted the allegations but then stated, “I have my reasons and clarification” and refers to his previous email. Mr Jawad’s email from July 2023 admits that the two documents were false and that they were sent to Company A, purporting that he was an ACCA affiliate. However, he goes on and gives a reason as to why he sent the documents.
29. ACCA conceded that there was no explicit reference to the dishonesty alleged in the allegations but that this could be inferred from the admission to the acts.
30. The Committee was reminded that they must exercise caution in finding allegations proven by admission where any admissions appear to be equivocal or qualified as *admissions have to be unequivocal and unqualified and the admission in the written statement should also be taken as a whole and not in part.*
31. The Committee was reminded that the meaning of equivocal means ambiguous, not clear and open to interpretations. Qualified meant that it admitted in part and not fully.
32. The Committee considered the contents of the email from Mr Jawad and the comment within it that he was aware that the documents were “unreal documents”. Mr Jawad gave an explanation for his actions in sending these documents but confirms that this was not proper or professional behaviour.
33. The Committee considered the fact that Mr Jawad was not present or represented and therefore had to proceed with caution and be fair to all parties.

34. The Committee formally found that Mr Jawad's comments in his correspondence regarding his actions were not equivocal or qualified and were sufficient in detail that they would amount to admissions in relation to Allegations 1, 2 and 3. This was confirmed by the CMF completed by Mr Jawad and could not be viewed as controversial. The Committee formally found these allegations proved by way of admission.
35. However, the Committee found that there was a lack of direct comment by Mr Jawad in relation to allegations 4 and 5 and were not ratified in the circumstances that these allegations were unequivocally admitted.

ALLEGATIONS

Mr Jawad, an ACCA Student:

1. On or about 9 November 2022, submitted or caused to be submitted to company A, an exam transcript, dated July 2019, which was false, in support of an application for employment.
2. On or about 13 February 2023, submitted or caused to be submitted to company A, a Professional Level Certificate, dated 13 August 2016 which was false, in support of an application for employment.
3. In respect of allegations 1 and/or 2 above by submitting this documentation sought to represent that
 - a. He had achieved the status of ACCA Affiliate, when he had not.
4. Mr Jawad's conduct at allegation 1 and/or 2 above:
 - a. Was dishonest in that he knew that the documents he submitted, or caused to be submitted to company A as part of his application for employment at allegations 1 and/or 2 above were false, or in the alternative;
 - b. Failed to demonstrate integrity.
5. By reason of his conduct Mr Jawad is:

- a. Guilty of Misconduct pursuant to bye-law 8(a)(i) in respect of any or all the matters set out above.

BRIEF BACKGROUND

36. Mr Jawad has been a student with ACCA since 26 March 2013. His student number is [Private].
37. On the 09 November 2022 Mr Jawad submitted a document purporting to be an ACCA Examination Transcript in the name of Sayed Hussain Aqeel Jawad dated 13 August 2016 in support of an application to work for Company A.
38. On the 13 February 2023 Mr Jawad submitted a document purporting to be an ACCA Professional Level Certificate in the name of Sayed Hussain Aqeel Jawad dated July 2019 in support of an application to work for Company A.
39. On 28 February 2023 ACCA was contacted by Company A providing copies of the certificates submitted by Mr Jawad in support of his application for employment and requesting verification of the same.
40. On consideration of the documents submitted ACCA became aware that while showing Mr Jawad's name these certificates did not reflect qualifications achieved by or examinations passed by Mr Jawad.
41. Mr Jawad was referred for investigation on 10 March 2023.
42. On 01 and 02 May 2023 ACCA received emails from Mr Jawad stating that Company A needed information. Requesting that ACCA contact Company A and confirm, 'The client is active and the client is in good standing only.'
43. On the 18 May 2023 a Senior Investigator for ACCA sent a request to a Connect Team Manager asking for clarification on the difference between the documentation submitted to Company A and the actual achievement of Mr Jawad.

44. On the 23 May 2023 clarification was obtained via email which stated that for all intents and purposes, Mr Jawad was claiming to have achieved the status of an ACCA Affiliate having completed all required examinations within the ACCA qualification. This being supported by his submission of a Professional Level Completion Certificate as well as a transcript showing all required examinations.
45. Mr Jawad had not completed these examinations, nor could he have. The transcript submitted to Company A showed P1, P2, P3, P4 and P7 examinations having been passed by the July 2019 exam session. However, by July 2019 P1 and P3 examinations had been merged to become Strategic Business Leader (SBL), this change would have been reflected in any genuine certificate printed at this time. Similarly, the P2 paper shown on the certificate submitted to Company A had been converted to Strategic Business Reporting (SBR) and would likewise have been reflected in certificates issued.
46. The transcript provided to company A shows papers F1, F2 and F3 all being within the March 2017 session. There is no recorded attempt on Mr Jawad's account [Private] of the F1 paper having been attempted and in relation to the F2 paper he sat it twice and failed. There is no record of Mr Jawad having passed these examinations.
47. The difference in the qualifications obtained versus those presented to Company A is the difference between a UK Masters degree (ACCA Qualification Completion) compared to a RQF level 2 qualification. The Connect Team Manager was unable to provide expected salary differentials at a local level, however in the UK, the difference would be approximately £35,000 for an Affiliate compared to a £20,000-£25,0000 expectation for a trainee level employee.
48. The ACCA copy of Mr Jawad's transcript along with a number of certificates issued to Mr Jawad were provided for comparison to those provided to Company A.
49. The connect team also considered the certificate and noted that it bears the correct account number in the bottom left-hand corner, [Private].
50. On the 02 June 2023 a Senior Investigator for ACCA sent a request for information to Mr Jawad.

51. On the 07 June 2023 a Senior Investigator for ACCA requested that Company A disclose copies of the covering emails submitting with the certificates to Company A.
52. On the 11 June 2023 Company A responded providing emails of the 09 November 2022, 13 February 2023 attaching the ACCA Professional Level Certificate and ACCA Transcript respectively. Both emails originate from email address [Private], the address recorded with ACCA by Mr Jawad for correspondence.
53. On the 14 June 2023 Mr Jawad was sent a letter advising of the results of failing to co-operate with an investigating officer.
54. On the 04 July 2023 the Professional Conduct Department received an email from Mr Jawad in response to ACCA's letter of the 02 June 2023. Therein Mr Jawad admitted submitting false/fraudulent documentation to Company A in support of his application for employment. Mr Jawad went on to state that his reasons for submitting false documents rather than his own was that he had cause to believe the offer of work was itself fraudulent. As he was unemployed, he decided that he must apply for the role but made the 'wrong decision. "It was wrong decision but i sent them unreal documents to insure about their intensive first, and if you remembered my first email i wrote "don't share the certificate and transcripts because i am not sure about their intensive of hiring me until that time i wasn't sure yet." [SIC]
55. On discovering that the offer was indeed genuine, and that Company A were making efforts to verify the documentation submitted, Mr Jawad states that he became fearful that his potential new employer would take legal action against him. He therefore withdrew his application. He states that he is, 'ready to take all consequences as I acknowledge that it was not proper and professional behaviour.... I withdraw my job application in Company A and they replied to me as well, but kindly and please if they keep asking from you to share my certificate just send them the real, without mentioning that the old one are not real.'[SIC]
56. Mr Jawad further states that [Private].
57. As a result of his admissions, a decision was made not to continue with allegations of failure to co-operate.

ACCA SUBMISSIONS

58. In light of the admissions made by Mr Jawad, Mr Irving turned his attention to the primary allegation of dishonesty. Mr Irving submitted that if the Committee was not satisfied dishonesty is made out then the alternative of Integrity is put forward.
59. ACCA stated that Mr Jawad accepts submitting the false documents to Company A, however, Mr Jawad has not responded to ACCA's question, nor has there been an explanation, as to how those documents were created or by whom.
60. Mr Irving turned to the explanation that Mr Jawad gave for sending the false documents. Even if there was a concern that there were spoof or spam job advertisements, this is still not a plausible reason for the false documents to be sent. There is no link between the concept of a false job advertisement and how the fake certificates would protect Mr Jawad from this situation. Mr Jawad still had to furnish his full personal details in applying for the role. There is no explanation from Mr Jawad regarding this.
61. The reasons as to why Mr Jawad undertook these actions amounts to mitigation but doesn't provide an explanation for the dishonesty. There can be no suggestion that what he was doing was honest.
62. When Mr Jawad discovered that the job application was genuine, he panicked. This still leaves the question of why submit false documents if he was not certain if the job was real or not.
63. The plain reading of what Mr Jawad has stated, it surely is clear that he accepted that the documents are fake and he sent those documents, submitting that they were from his regulator. This is clearly a dishonest act. There is no good explanation for Mr Jawad to submit false documents, when he knows that they are false.
64. If the Committee were not satisfied that Mr Jawad was dishonest, then ACCA would argue that he acted without Integrity.
65. In relation to dishonesty, ACCA referred to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 at para 74 it was said:

"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The

reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

66. It is asserted that Mr Jawad knowingly submitted documentation to Company A that he himself had fabricated as evidence of his assertion of ACCA qualifications and examination results that he had not obtained. The intention of which was to benefit by gaining employment and a salary that he would not otherwise be qualified for.
67. It is submitted that this behaviour would clearly be regarded as dishonest by the standards of ordinary decent people.
68. In relation to Integrity, it is asserted that Mr Jawad knowingly submitted documentation to Company A that he himself had fabricated as evidence of his assertion of ACCA qualifications and examination results that he had not obtained. The intention of which was to benefit by gaining employment and a salary that he would not otherwise be qualified for.
69. In *Wingate and Evans v The Solicitors Regulation Authority* [2018] EWCA Civ366, the Court of Appeal address what was required in a professional disciplinary context by the standard of integrity. At paras 95-97, Jackson LJ expressed the matter in a way that applied to regulated professions generally and said this:

“Let me now turn to integrity. As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty... Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted. In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. ... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.”

70. In *Roylance v General Medical Council (No 2)* [2000] 1 AC 311 at p330, the Privy Council stated:

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The Standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a medical practitioner in the particular circumstances.”

MR JAWAD’S RESPONSE TO ALLEGATIONS

71. During ACCA’s investigation Mr Jawad’s responds to the allegations in an email dated 04 July 2023 there is little in issue between the parties.

72. Mr Jawad states in his email of the 04 July 2023:

“Hi Person A

Regarding your previous email I would like to answer by “yes” for all of the investigation questions but also i want from you to hear my reasons and clarify some points:

In my country recently we have a phenomenon it’s about receiving huge number of emails from unknown people who pretends that they are working in HR of huge companies and they are offering an opportunity to work there, and asking the candidates to send all of their documents and data, and later on they discover it’s fake direction and they used their information for illegal uses which causes to candidates some legal issues .

In the end of the last year I received one email from a guy his name is saud? and he told me that he’s working in Company A’s HR department and there’s a vacant in accounts

department if i am interesting i can send my information and documents to him, I had the same doubts of above and i scared that it’s unreal announcement.

Usually we are ignoring these kind of emails but in my case am [Private].

It was wrong decision but i sent them unreal documents to insure about their intensive first , and if you remembered my first email i wrote “don’t share the certificate and transcripts because i am not sure about their intensive of hiring me “ until that time i wasn’t sure yet.

Later on I discovered it’s real announcement and they are very serious to know if my certificates are real or fake. The problem now if they discover that it wasn’t real they

will take a legal action against me which maybe causes to me a lot of problem and I can't handle more problems [Private].

I withdraw my job application in Company A and they replied to me as well ,but kindly and

please if they keep asking from you to share my certificate just send them the real ,without mentioning that the old one are not real .

I am ready to take all consequences as i acknowledge that it was not proper and professional behaviour, but am looking forward for your kindness and understanding to help me to pass my current situation and continue my studying journey.

Regards,

Sayed Hussain Khalaf”

DECISION ON FACTS AND REASONS

73. The Committee had found proved by admissions Allegations 1, 2 and 3. The Committee therefore were considering Allegations 4 and 5 only.
74. The Committee considered the documents before it, the submissions of Mr Irving on behalf of ACCA and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities
75. In relation to allegation 4(a), the Committee had to decide on the issue of whether Mr Jawad acted dishonestly in light of the test for dishonesty, as set out in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.
76. The Committee had to firstly decide subjectively, what was Mr Jawad's actual belief. Mr Jawad accepts that he knew that they were “unreal documents” and therefore they were false.
77. He does not explain how he was in possession of those documents and who created them. The documents were convincing, and an element of premeditation and planning was required in obtaining them.
78. The Committee considered that the reasons as to why Mr Jawad had submitted false documents is almost a secondary issue. Mr Jawad's concern as to whether the job offer

was real or not, does not deal with the fact that he obtained and submitted fake documents to apply for a job.

79. Mr Jawad was not qualified to apply for the job and knew this. The fake documents purported that he was qualified and had passed the examinations.
80. It is not conceivable on the facts, and on Mr Jawad's own admissions that he was not aware that his actions were dishonest.
81. Mr Jawad's explanation for the reasons as to why he sent the false documents, in order to verify that the job was credible, was an irrational strategy to approach a job application.
82. In relation to the second limb of the test laid down in *Ivey v Genting Casinos*, the Committee had to consider whether Mr Jawad's conduct would be considered to be dishonest by the standards of ordinary honest people.
83. The answer to this question must surely be that Mr Jawad's behaviour would be judged to be dishonest. The only logical conclusion is that Mr Jawad had obtained or created the fake certificates. There is no explanation as to how these documents came into existence. These documents purported that he had the requisite qualifications for the job, which he did not. Mr Jawad has therefore been dishonest.
84. These documents were convincing fake documents which looked genuine, which showed that Mr Jawad had gone to some lengths to make them convincing. This required an element of planning and pre-mediation.
85. The Committee was satisfied that Mr Jawad must have known that his actions were dishonest.
86. Having found Allegation 4(a) proved it was not necessary for the Committee to consider Allegation 4(b), which was alleged in the alternative
87. In relation to Allegation 5, applying the test for Misconduct in the case of *Roylance V GMC*, the Committee found that Mr Jawad's actions were serious and fundamentally fell short of the standards required of a professional person.

88. The acts were calculated to mislead, and he purported to be qualified for a professional role when he was not. This is a serious act to misrepresent himself as a qualified member when he was not. This undermines the integrity of professional qualifications.
89. The Committee therefore found Allegation 5 proved.

SANCTION AND REASONS

90. In reaching its decision on sanction, the Committee considered the submissions made by Mr Irving on behalf of ACCA. Mr Irving made no submission as to the actual sanction but referred to the Guidance on Sanction and in particular the summary of the general principles. He commented on potential mitigating and aggravating features of the case, referring to Mr Jawad's personal circumstances and that this was a single incident, and that Mr Jawad had no other known disciplinary findings.
93. The Committee accepted the advice of the Legal Adviser who referred it to ACCA's Guidance for Disciplinary Sanctions. In considering what sanction, if any, to impose, the Committee bore in mind the principle of proportionality and the need to balance the public interest against Mr Jawad's own interests.
94. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind the fact that the purpose of sanctions was not to punish Mr Jawad but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate.
95. When considering the appropriate sanction, the Committee considered the aggravating and mitigating features of the case.
96. The Committee considered the misconduct involved the following aggravating features:
- This was a deliberate dishonest act which required an element of planning and sophistication.
 - These were plausible fake documents which were created and were difficult to identify.
 - A forgery was used to seek a position for which he was not qualified.

- Mr Jawad on being discovered asked ACCA to verify his good standing to Company A knowing that he had provided a false document.
- Mr Jawad has shown limited insight as to the impact of his actions on the profession.
- There was limited remorse and or confirmation he would not act in this manner again.
- Serious risk to the reputation of ACCA and professional standards, and thereby undermining public confidence in ACCA's Professional membership.

97. The Committee considered the misconduct involving the following mitigating features:

- The absence of any previous disciplinary history with ACCA
- Some evidence of insight.
- Admissions made to the allegations at an early point.
- Expressions of apology were made to ACCA and to the Committee.
- (PRIVATE)
- Engagement with the investigation process.

98. The Committee did not think it appropriate, or in the public interest, to take no further action in a case where a student member had purported to have been qualified and undertaken exams successfully and used fake documents. The misconduct was at the higher end of the spectrum, there is clearly a potential for an adverse effect on the public confidence if no action is taken.

99. In respect of an Admonishment the Committee considered that there has been an early admission to the allegations. Mr Jawad has shown insight into his failings and expressed limited remorse and apology. There was no indication given by Mr Jawad that there would be any repetition of this incident and no suggestion of profiting from the incident. This was an isolated incident but there were two fake documents submitted. Guidance indicates that dishonest behaviour is considered to be very serious.

100. Taking into account the guidance in the GDS, the Committee decided that an admonishment would not adequately mark the seriousness of the misconduct. The conduct in this case was a deliberate dishonest act even in light of the fact that this was a single incident.
101. The Committee went on to then consider whether a reprimand was the correct sanction. The guidance indicates that a reprimand would be appropriate in cases which were minor in nature, with no risk of repetition, and evidence of understanding and insight. The Committee felt that in the circumstance of this particular incident, the facts did not warrant such a sanction. Mr Jawad was aware of his actions, and the conduct was a deliberate action by himself. Whilst he did cooperate with the investigation, the deliberate acts were too serious.
102. The Committee then considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that a severe reprimand 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 satisfy 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.
103. The Committee considered that none of these criteria were met and that a severe reprimand would not adequately reflect the seriousness of Mr Jawad's behaviour. Whilst it was difficult to say that there is no further risk due to this being an isolated incident, there was no real understanding of the impact of his conduct or expression of remorse. Whilst this was an isolated incident, the conduct was repeated twice by the sending of two fake documents. There is no evidence of rehabilitation and no testimonials. This misconduct was deliberate, and not a reckless act. This conduct would have caused direct harm to the public and the potential employer, and indirect harm to the ACCA.
104. The Committee considered the ACCA guidance on the approach to be taken in cases of dishonesty which is said to be regarded as a particularly serious matter because it undermines trust and confidence in the profession. 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 member to do the right thing

in difficult circumstances.

105. The Committee considered that Mr Jawad's behaviour involved a number of features referenced in ACCA's guidance in relation to exclusion. In particular, the conduct involved dishonesty, an adverse impact on the public and a serious departure from professional standards. The Committee also considered that there was nothing exceptional in Mr Jawad's case that would allow it to consider a lesser sanction than exclusion from student membership. Mr Jawad's dishonesty, coupled with the absence of any evidence demonstrating understanding of the seriousness of his behaviour and any steps taken to remediate his conduct are fundamentally incompatible with his continued membership. The member's interests are subordinate to the public interest. The Committee concluded that the only appropriate and proportionate sanction was exclusion.
106. The Committee also concluded that the removal as a student member from the Register should be immediate under Regulation 20(1)(b) due to the seriousness of the allegations and is in the interests of the public, in order to prevent him from applying for any other position.

COSTS AND REASONS

107. ACCA submitted a schedule of costs and applied for costs against Mr Jawad in the sum of £6996.50. Mr Irving confirmed that there was an overestimate of the time required for the hearing and the costs applied for required adjustment.
108. Mr Irving submitted that there is reference to Mr Jawad's circumstances in his communication [Private].
109. The Committee noted that there was no further information from Mr Jawad regarding his finances in order to assess his ability to meet the costs order requested. Mr Jawad had been asked by the HO to upload a financial statement, but this was not responded to.
110. The Committee was satisfied that ACCA was entitled to claim its costs. The Committee carefully considered the limited information provided by Mr Jawad about his limited means. It had regard to the important principle that in disciplinary proceedings the

majority of 'members' should not subsidise the minority who find themselves within the disciplinary process. Nevertheless, in this case, the Committee considered that it was appropriate to order that Mr Jawad should pay an amount towards the costs in the amount of £6546.50. This had been reduced to take into account the hearing taking less time and it considered that this order was appropriate as it could not speculate as to Mr Jawad's finances.

111. The Committee therefore ordered Mr Jawad to pay ACCA's costs in the sum of £6546.50

Mr Martin Winter
Chair
24 July 2024