

HEARING

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

In the matter of:	Mr Weiquan Wan
Heard on:	Wednesday, 23 October 2024
Location:	Remotely via Microsoft Teams
Committee:	Mr David Tyme (Chair), Ms Joanne Royden-Turner (Accountant), Dr Louise Wallace (Lay)
Legal Adviser:	Mr Andrew Granville Stafford
Persons present and capacity:	Mr Leonard Wigg (ACCA Case Presenter) Miss Sofia Tumburi (Hearings Officer)
Observers:	None
Summary:	Allegations 1, 2(a), 4 and 5(a) proved Excluded from membership Costs of £500

PRELIMINARY

ACCA



+44 (0)20 7059 5000



info@accaglobal.com

www.accaglobal.com

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

1. The Disciplinary Committee of ACCA ('the Committee') convened to consider a report concerning Mr Weiquan Wan.
2. The Committee had before it a Report and Bundle (246 pages), an Additional Bundle (9 pages), a Supplementary Bundle (94 pages), a Tabled Additional Bundle (18 pages) and a Service Bundle (28 pages).
3. Mr Wan, who is resident in China, did not attend the hearing and was not represented.

PROCEEDING IN ABSENCE

4. The Notice of Hearing was sent by email on 25 September 2024 to Mr Wan's registered email address. The Committee was provided with a delivery receipt showing the email had been received by the addressee and a screenshot from the membership database showing Mr Wan's registered contact details.
5. There was no response to that Notice and so, on 15 October 2024, the Hearings Officer attempted to contact Mr Wan by telephone on the number recorded for him on the database. The call was not answered and there was no opportunity to leave a message. The Hearings Officer also emailed Mr Wan, on 15 and 16 October 2024, asking him if he intended to attend the hearing.
6. Mr Wan replied on 16 October 2024, saying:

'I may not available on that day. What is gonna happen if i am not attending?'
7. The Hearings Officer informed him that the hearing may proceed in his absence, and also that he could apply for an adjournment if he had good reason to do so.
8. On 19 October 2024, Mr Wan returned his Case Management Form ('CMF'). He ticked the boxes to say that he did not intend to attend the hearing and was content for it to proceed in his absence. He provided his response to the allegations and supplied with the completed CMF some information regarding his financial circumstances.

9. He also emailed the Hearings Officer the same day saying:

‘I’m sure I won’t participate. I have already filled out the documents you sent me, please check them’.
10. The Committee was satisfied that the requirements of regulations 10(1) and 22(1) of the Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014 (‘CDR’) as to service had been complied with.
11. Having satisfied itself that service had been effected in accordance with the regulations, the Committee went on consider whether to proceed in the absence of Mr Wan. The Committee bore in mind that the discretion to do so must be exercised with care and in light of the public interest in dealing with matters such as this fairly, economically and expeditiously.
12. The Committee was satisfied that Mr Wan is aware of the hearing. The email correspondence between him and the Hearings Officer makes that clear. Further, he stated in the CMF that he did not intend to attend the hearing and was content for it to proceed in his absence. He was made aware that he could apply for an adjournment if he had reason to do so, but he has not made any such application.
13. The Committee therefore considered that no useful purpose would be served by adjourning this hearing. There was no reason to think that he would attend if this case were to be relisted on a future date. Mr Wan has provided some explanation in the CMF as to his position in respect of the allegations, which the Committee can consider in making its findings in this case.
14. In all the circumstances, the Committee considered that it was both in the interests of justice and the public interest that the hearing should proceed in Mr Wan’s absence.

ALLEGATIONS AND BRIEF BACKGROUND

15. The allegations against Mr Wan are as follows:

Weiquan Wan (‘Mr Wan’), at all material times an ACCA trainee:

1. Whether by himself or through a third party applied for membership to ACCA on or about 27 February 2022 and in doing so purported to confirm in relation to his ACCA Practical Experience training record he had achieved the following Performance Objectives:
 - Performance Objective 1: Ethics and professionalism
 - Performance Objective 2: Stakeholder relationship management
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 4: Governance, risk and control
 - Performance Objective 5: Leadership and management
 - Performance Objective 6: Record and process transactions and events
 - Performance Objective 7: Prepare external financial reports
 - Performance Objective 9: Evaluate investment and financing decisions
 - Performance Objective 13: Plan and control performance

2. Mr Wan's conduct in respect of the matters described in Allegation 1 above was:
 - a) Dishonest in that Mr Wan knew he had not achieved all or any of the performance objectives referred to in paragraph 1 above as described in the corresponding performance objective statements or at all.

 - b) 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) and 2b) above, such conduct was reckless in that Mr Wan paid no or insufficient regard to ACCA's requirements to ensure that the statements corresponding with the performance objectives referred to in Allegation 1 accurately set out how each 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 he failed to respond fully or at all to any or all of ACCA's correspondence dated:
 - a) 22 March 2024

 - b) 08 April 2024

- c) 23 April 2024
5. By reason of his conduct, Mr Wan 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)
16. Mr Wan was admitted as a full member of ACCA on 3 March 2022, following an application for membership submitted on or about 27 February 2022.
17. Part of the requirements of becoming an ACCA member, in addition to passing the relevant exams, is the completion of practical experience. ACCA's practical experience requirement ('PER') is a key component of the ACCA qualification.
18. ACCA's PER is designed to develop the skills needed to become a professionally qualified accountant. There are two components to the PER:
- Completion of nine performance objectives ('POs'). Each PO includes a statement of 200 to 500 words, in which the student explains how they have achieved the objective. They should, therefore, be unique to that student. The PO must be signed off by a practical experience supervisor ('PES'), who must be a qualified accountant recognised by law in the relevant country and/or a member of an IFAC body. They must have knowledge of the student's work in order to act as a PES. The PES is typically the student's line manager, though if their line manager is not suitably qualified, they can nominate an external supervisor provided the external supervisor has sufficient connection with the trainee's place of work.
 - Completion of 36 months practical experience in accounting or finance related roles. The period of practical experience must be verified by a PES.

19. Those undertaking the PER are known as trainees. The trainee's progress towards the PER is recorded online in their PER Training Record.
20. In support of his application for membership, Mr Wan submitted his PER Training Record to ACCA on or around 27 February 2022. He stated he had worked for Company C from 19 January 2019 to 24 February 2022 in the role of 'treasurer', and therefore had practical experience of over three years.
21. Mr Wan's PER Training Record names Person A as his 'IFAC qualified line manager'. Person A acted as Mr Wan's PES and approved his POs and his time experience.
22. During 2023 it came to the attention of ACCA's Professional Development Team that the PES registered to 91 ACCA trainees shared three email addresses, despite the names of such supervisors being different. It would not be expected for a supervisor to share an email address with any other supervisor. The email address given for Person A on Mr Wan's PER was one of these three addresses.
23. Further, a number of the PES were said to be members of the Chinese Institute of Certified Public Accountants, but the membership number given for them was invalid.
24. Most of these 91 candidates, including Mr Wan, were resident in China. Further analysis showed that many of the PO statements submitted by these candidates had been copied from one another.
25. ACCA's case, supported by evidence from Ms Linda Calder, Manager of ACCA's Professional Development Team, was that it would not be expected that a PES had more than two to three trainees at any one time. All PO statements would be expected to be unique, as they are drawn from the trainees' own experiences.
26. A review was carried out by ACCA's Professional Development Team. It noted that a number of POs submitted by the trainees Person A had allegedly supervised were the same. In relation to Mr Wan, the review showed that his POs 1, 3, 4, 5, 6, 7, 9 and 13 were identical or strikingly similar to those

submitted by five other of the 91 trainees. For example, the opening sentences of Mr Wan's PO3 were:

'Especially in the work of the initial public offering and listing enterprises, we need to have a deeper understanding of the industry positioning of the enterprises, the upstream and downstream environment as well as the overall industry and development trend of the market. We usually use public information search, paid software search and visits to customers and suppliers to sort out the overall situation of the industry as well as upstream and downstream industry information.'

Trainee NC3 wrote in their PO3:

'Especially in the work of the initial public offering and listing enterprises, we need to have a deeper understanding of the industry positioning of the enterprises, the upstream and downstream environment as well as the overall industry and development trend of the market. We usually use public information search, paid software search and visits to customers and suppliers to sort out the overall situation of the industry as well as upstream and downstream industry information.'

27. In addition, Mr Wan's PO2 was identical or strikingly similar to those of four other trainees.
28. None of Mr Wan's POs were first in time, meaning that the date on which they were submitted was after the date on which one or more of the similar POs was submitted by another of the trainees. ACCA's case, therefore, was that this was evidence that Mr Wan's POs were copied and did not actually reflect his practical experience.
29. The matter was referred to ACCA's Investigations Team. A member of that team sent an encrypted email to Mr Wan's registered email address on 22 March 2024. Attached to the email was a letter which set out the complaint and requested that Mr Wan respond to a number of questions by 05 April 2024. The letter also referred to CDR 3(1), which requires a member to cooperate with an ACCA investigation. A further email was sent the same day, unencrypted, to inform Mr Wan that the encrypted email had been sent.

30. Mr Wan emailed ACCA's Complaint Assessment mailbox on the same day, saying 'I can not open the link that sent by ACCA', by which it was understood he meant he could not open ACCA's password protected letter. ACCA's investigating officer emailed Mr Wan the same day asking him to retry the password, and invited him to let the investigating officer know if he still could not get access.
31. No further communication was received from Mr Wan, so chaser emails were sent on 08 and 23 April 2024. These emails stated that, should he fail to reply, an allegation of failing to co-operate in breach of CDR 3(1) may be brought against him. There has been no response from Mr Wan to any of this correspondence.
32. ACCA's investigations officer attempted to telephone Mr Wan on 25 April 2024 on his registered telephone number. A person picked up, but the call then disconnected. A further attempt was made, but no one answered. An automated message stated the line was busy.
33. ACCA submitted that, more likely than not, the above emails came to Mr Wan's attention and, in not responding to any of these emails, he has made a conscious decision not to cooperate with ACCA's investigation.

DECISIONS ON ALLEGATIONS AND REASONS

34. The Committee considered the documents before it, the submissions of Mr Wigg on behalf of ACCA and the advice of the Legal Adviser. It took into account the explanations given by Mr Wan on his CMF. 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.

Allegation 1

35. The issue for the Committee to determine in respect of this allegation was whether Mr Wan or someone on his behalf had submitted the PER, and whether he thereby purported to confirm he had achieved POs 1 to 7, 9 and 13.

36. On the CMF, Mr Wan ticked the relevant box to indicate that he admitted this allegation. He gave the following explanation:

'I admit this issue, but I would like to take this opportunity to explain it to ACCA again. Due to my carelessness, I did not check ACCA's policies. I thought applying for membership was just a procedural matter, so I entrusted a third party to help me handle it. The third party did not tell me how he did it, he only told me that it was done through official channels. Therefore, I sent him my resume and work experience. At that time, I didn't know that I needed to write a PO and make the approval.'

37. The Committee had sight of Mr Wan's PER Training Record, which contains the above POs. In order to submit that to ACCA, he must have used a log in and password.

38. The Committee noted that Mr Wan stated that a third party had helped him, but he did not say he had provided his log in details to that person. Further, Mr Wan would have had to submit a declaration confirming the details provided in support of his application for membership were true.

39. It was unnecessary for the Committee to determine whether Mr Wan submitted the application himself or whether it was done on his behalf by a third party. The Committee was satisfied that the membership application was submitted with his authority. The Committee therefore found Allegation 1 proved.

Allegation 2(a)

40. Mr Wan disputed this allegation in his CMF. He gave the following reason:

'In the document sent to me by ACCA, I saw that there are many people who have similar situations, and I believe that their situations are very similar to mine.'

But I want to take this opportunity to make it clear to ACCA that our exams are all hard-earned, and we have no motivation to take risks in the final step. When applying for membership, we made mistakes due to negligence. If we were to

be described as dishonest, I think it would be unfair to us. ACCA can consider us to have negligence or even errors.

For an accountant, I cannot tolerate the word 'dishonesty' because I have never deceived ACCA. In other words, if I had known at the beginning that applying for membership required these steps, I would have done them myself instead of seeking help from a third party'.

41. Of significance, in the Committee's view, was the last sentence of this submission. It amounted to an admission that Mr Wan had not completed the POs himself, but had got someone else to do them.
42. The Committee was provided with, and had checked, Mr Wan's POs against those of the other candidates. It noted that the wording of these accounts was very generic. There was little if anything of a personalised nature in the submissions. Of even greater significance was the fact that many of them were word-for-word identical, even down to typographical errors.
43. The similarities in the POs across the cohort of these candidates could not possibly be based on coincidence. The only explanation, in the Committee's view, was that they had been copied from one another. Importantly, Mr Wan's submissions were not first-in-time in respect of any of the nine POs submitted. This evidence, coupled with the admission he made regarding 'seeking help', led inevitably to the conclusion that the POs submitted by Mr Wan were not an accurate reflection of the way in which Mr Wan had achieved the POs, if he had achieved them at all.
44. The Committee further noted that, if Mr Wan had a reasonable and honest explanation for any of these matters, he had had plenty of opportunity to provide it. He had not done so.
45. The Committee was therefore satisfied, as alleged in Allegation 2(a), that Mr Wan knew he had not achieved the POs that he submitted in support of his application for membership.
46. The Committee considered the test for dishonesty, as set out in the case of *Ivey v Genting Casinos*.

47. The public would not expect a person to submit false evidence in order to obtain membership of a professional body. The Committee was satisfied that, having found Mr Wan submitted his PER Training Record knowing that he had not achieved the POs in question as stated, this conduct would be regarded as dishonest by the standards of ordinary and honest people.

48. The Committee therefore found Allegation 2(a) proved.

Allegation 2(b)

49. As Allegation 2(b) was put in the alternative, there was no need for the Committee to consider it.

Allegation 3

50. As Allegation 3 was an alternative to Allegation 2, there was no need for the Committee to consider it.

Allegation 4

51. CDR 3(1) reads:

(1) *Duty to co-operate*

a) *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.*

b) *The duty to co-operate includes providing promptly such information, books, papers or records as the investigating officer or assessor may from time to time require.*

52. Mr Wan disputed this allegation in the CMF and said:

'I am not uncooperative with ACCA

I would like to take this opportunity to share a current situation with ACCA:

In China, personal information leakage is very serious, and I receive many harassing phone calls and spam emails every day. ACCA also frequently sends spam emails, many of which are meaningless. I believe that few people would take these emails seriously. I provided a screenshot of my email as a record, and within just two weeks, ACCA sent me 5 emails’.

53. Mr Wan provided a screenshot of his inbox, which showed five emails being received from ACCA. These appeared to be generic emails. It also showed two emails being received from the Hearings Officer which specifically related to this case.
54. The Committee did not accept the suggestion that, because Mr Wan receives emails from ACCA which are generic, that excuses him from replying to other correspondence. Of significance, Mr Wan had replied to the first of these emails, sent on 22 March 2023, to say that he had been unable to open the attached letter. However, he had not followed that up to find out what the letter was about, and nor had he replied to the subsequent correspondence.
55. All these emails were sent to the email address used by Mr Wan. The Committee therefore found that ACCA had sent Mr Wan requests for information by email on the dates set out in this allegation; that those emails had been received by him; and that he had not responded to any of them. The Committee was satisfied that he was under a duty to do so and, by failing to do so, was in breach of CDR 3(1).
56. Accordingly, it found Allegation 4 proved in its entirety.

Allegation 5(a)

57. Having found allegations 1, 2(a) and 4 proved, the Committee considered whether this conduct amounted to misconduct. The Committee reminded itself that it had, in allegation 2(a), found Mr Wan had been dishonest in his application for membership of ACCA. In respect of allegation 4, Mr Wan had failed to co-operate with his regulator.
58. Such conduct clearly brings discredit to Mr Wan, the Association and the profession of accountancy. It would be regarded as deplorable by fellow

practitioners. It was therefore misconduct, rendering him liable to disciplinary action under Bye-law 8(a)(i).

59. The Committee therefore found Allegations 5(a) proved.

Allegation 5(b)

60. As Allegation 5(b) was in the alternative, it was not necessary for the Committee to consider it.

SANCTION AND REASONS

61. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour.
62. In mitigation, the Committee took into account that Mr Wan had no previous disciplinary record.
63. The Committee considered the following to be aggravating factors. The conduct in question, both in terms of the dishonesty and the failure to co-operate, was deliberate. Further, apart from his admission to Allegation 1, Mr Wan had disputed the allegations made against him and had demonstrated no insight into his misconduct.
64. Having found that Mr Wan's actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.
65. The Committee considered the guidance in the GDS in relation to admonishment and reprimand. It considered that none of the reasons potentially justifying an admonishment were present in this case. Further, this was not misconduct of a minor nature and therefore a reprimand was not appropriate.

66. The Committee considered whether a severe reprimand would be an appropriate sanction. This case involves deliberate dishonest conduct. There is, in the circumstances, a continuing risk to the public. There is a clear potential for harm where membership of a professional body is obtained by a person who does not satisfy the qualification requirements.
67. The Committee concluded that Mr Wan's actions in this case were fundamentally incompatible with being a member of a professional association. They constituted a serious departure from relevant standards. The Committee did not feel that any order which allowed Mr Wan to retain his membership of ACCA would provide the appropriate degree of protection for the public.
68. Therefore, the Committee made an order under CDR 13(1)(c) of the Disciplinary Regulations excluding Mr Wan from membership of ACCA.
69. The Committee did not consider that the public interest in this case required it to additionally make an order under CDR 13(1)(c) restricting Mr Wan's ability to apply for readmission beyond the normal minimum period of 12 months.

COSTS AND REASONS

70. ACCA applied for costs against Mr Wan in the sum of £6,473. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the investigation and hearing.
71. The Committee found that there was no reason in principle not to make an order for costs in ACCA's favour. Nor did it consider that the application was for an unreasonable amount, taking into account the costs that it would expect to be incurred in a case of this nature.
72. The Committee had regard to the information provided by Mr Wan about his financial circumstances. It accepted the information he provided as to his income, which was supported by certification from his employer. In light of that, and [PRIVATE], the Committee considered it was disproportionate to make an award of anything close to the sum that was sought.

73. The Committee considered that, in light of Mr Wan's financial circumstances, it was appropriate to order him to pay costs to ACCA in the sum of £500.

EFFECTIVE DATE OF ORDER

74. The Committee was not satisfied that there was a public interest in making the order of exclusion immediate. In reaching that conclusion, the Committee noted that no interim order has been in place suspending Mr Wan's membership prior to this final hearing. It was not satisfied that ACCA had identified any particular risk to the public, if the order were not made immediate.
75. Therefore, pursuant to CDR 20, the order will come into effect from the date of expiry of the appeal period, namely after 21 days from service of this written statement of the Committee's reasons for its decision, unless Mr Wan gives notice of appeal in accordance with the Appeal Regulations prior to that.

Mr David Tyme
Chair
23 October 2024