

HEARING

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

In the matter of: Mr Bin Deng

Heard on: Thursday, 31 October 2024

Location: Remotely via Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Ms Fiona MacNamara (Accountant)
Ms Alison Sansome (Lay)

Legal Adviser: Ms Helen Gower

**Persons present
and capacity:** Mr James Halliday (ACCA Case Presenter)
Ms Sofia Tumburi (Hearings Officer)

Summary Allegations 1, 2(a), 4, 5(a) proved
Misconduct found proved
Excluded from membership of ACCA

Costs: £5,688

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1. The Disciplinary Committee (“the Committee”) convened to consider an Allegation against Mr Deng. Mr Deng did not participate in the hearing and he was not represented.
2. The Committee had before it the following papers: A Disciplinary Committee Report and Bundle (numbering 1- 242 pages), a Service Bundle (numbering 1- 32 pages), an Additional Bundle (numbering 1-9 pages), a Separate Bundle (numbering 1-74 pages), and a two-page Memorandum and Agenda.
3. The Committee considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations (“CDR”). The Committee took into account the submissions made by Mr Halliday and also took into account the advice of the Legal Adviser.
4. Included within the Service Bundle was the Notice of Hearing dated 24 September 2024, thereby satisfying the 28-day notice requirement, which had been sent to Mr Deng’s email address as it appears in the ACCA Register. The Notice included the time, date, and remote venue for the hearing and also Mr Deng’s right to attend the hearing and to be represented, if he so wished. In addition, the Notice provided details about applying for an adjournment and the Committee’s power to proceed in Mr Deng’s absence, if considered appropriate. There was a receipt confirming the email had been delivered to Mr Deng’s registered email address.
5. The Committee was satisfied that Notice of the hearing had been served in accordance with the Regulations, which require ACCA to prove that the documents were sent, not that they were received.

PROCEEDING IN ABSENCE

6. The Committee heard submissions from Mr Halliday inviting the Committee to proceed in Mr Deng’s absence. He referred the Committee to the documents in the Service Bundle which included a follow up e-mail to Mr Deng dated 08 October 2024, attempted telephone call on 14 October 2024, and a further e-mail dated 14 October 2024.

7. The Service Bundle also included a telephone attendance note of a successful call from the Hearings Officer to Mr Deng on 21 October 2024. In the call Mr Deng was asked if he would be attending the disciplinary hearing and he was referred to the e-mail containing the Notice of Hearing. Mr Deng searched for the email, but the call then ended. The same day Mr Deng sent an e-mail to the Hearings Officer stating "*Sorry, I have no time to attend*". On 21 October 2024 the Hearings Officer sent an e-mail to Mr Deng attaching her telephone note and acknowledging receipt of Mr Deng's e-mail advising that he would not be attending the hearing. The Hearings Officer asked if Mr Deng could let her know if he was happy for the Committee to proceed in his absence and invited Mr Deng to send any evidence he wished the Committee to consider. The response to this e-mail was an automatic reply from Mr Deng which stated "*this is an automatic reply, confirming that your e-mail was received. Thank you*".
8. The Hearings Officer sent a further e-mail to Mr Deng on 30 October with the link to enable him to join the hearing. In response to this email an identical automatic receipt message was received from Mr Deng.
9. The Committee accepted the advice of the Legal Adviser. It bore in mind that although it had a discretion to proceed in the absence of Mr Deng, it should exercise that discretion with the utmost care and caution.
10. The Committee noted that Mr Deng's e-mail dated 21 October 2024 was sent from his registered e-mail address. The Committee was therefore satisfied that Mr Deng had received ACCA correspondence sent to his registered address and that he was or should be aware of today's hearing.
11. The Committee was of the view that Mr Deng faced serious allegations and that there was a clear public interest in the matter being dealt with expeditiously. The Committee considered an adjournment would serve no useful purpose because it was unlikely that Mr Deng would attend on any other occasion, and he had not applied for an adjournment.
12. The Committee considered Mr Deng's e-mail dated 21 October 2024 and concluded that Mr Deng had voluntarily absented himself from the hearing. In all the circumstances, the Committee decided that it was in the interests of

justice and in the public interest that the matter should proceed. No inference would be drawn from Mr Deng's non-attendance.

ALLEGATIONS

The Committee convened to consider the following allegations:

Bin Deng ('Mr Deng'), at all material times an ACCA trainee,

1. Whether by himself or through a third party, applied for membership to ACCA on or about 23 September 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 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 Deng's conduct in respect of the matters described in Allegation 1 above was:
 - a) Dishonest in that Mr Deng 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 Deng 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) 05 April 2024
 - b) 22 April 2024
 - c) 07 May 2024
5. By reason of his conduct, Mr Deng 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).

DECISION ON FACTS, ALLEGATIONS AND REASONS

13. The Committee had listened carefully to the submissions made by Mr Halliday and also considered legal advice, which it had accepted.

ALLEGATION 1

14. On 18 July 2022, Mr Deng was admitted to ACCA as an affiliate and on 29 September 2022 he was admitted as a member.
15. Allegation 1 concerns the conduct on the part of Mr Deng in relation to the completion of his practical experience training which is a prerequisite to applying for full membership of ACCA. It is alleged that Mr Deng sought to mislead ACCA in respect of the content of his Performance Objectives.
16. In reaching its findings of fact in respect of Allegation 1, the Committee had considered carefully, and accepted, the evidence of the following witnesses:

- (i) Ms Karen Watson, a Senior Administrator in ACCA's Member Support Team as contained in a statement dated 20 October 2022, and
 - (ii) Ms Linda Calder, Manager of ACCA's Professional Development Team, as contained in statements dated 21 May 2024 and 08 August 2024.
17. None of the witness evidence had been challenged by Mr Deng.
18. The Committee also considered the content of the documents provided by ACCA in support of its case, all of which were consistent with the written evidence of the witnesses.
19. Mr Deng was required to follow a process to apply for ACCA membership as detailed by Miss Calder in her statement. Upon an ACCA student completing all their ACCA exams, they become an ACCA affiliate. However, in order to apply for membership, they are required to obtain at least 36 months' practical experience in a relevant role ('practical experience'). It is permissible for some or all of that practical experience to be obtained before completion of ACCA's written exams. A person undertaking practical experience is often referred to as an ACCA trainee being the term used to describe Mr Deng's status in the allegations, the report and the supporting evidence bundle.
20. An ACCA trainee's practical experience is recorded in that trainee's Practical Experience Requirement ('PER') training record, which is completed using an online tool called 'MyExperience' which is accessed via the student's MyACCA portal. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant. An accountant is recognised by ACCA as a qualified accountant if they are a qualified accountant recognised by law in the trainee's country and or a member of an IFAC body (International Federation of Accountants). Once a trainee believes they have completed a PO, they are required to provide a statement in their PER training record describing the experience they have gained in order to meet the objective. Given this is a description of their own experience, the statement should be unique to them. Through the online tool, the trainee then requests that their practical experience supervisor approves that PO.

21. In addition to approval of their POs, the trainee must ensure their employment while they have gained relevant practical experience (being a minimum of 36 months) has been confirmed by the trainee's line manager who is usually also the trainee's qualified supervisor. This means the same person can and often does approve both the trainee's time and achievement of POs.
22. If the trainee's line manager is not qualified, the trainee can nominate a supervisor who is external to the firm to supervise their work and approve their POs. This external supervisor must have some connection with the trainee's firm, for example as an external accountant or auditor who has knowledge of the trainee's work.
23. Once all nine POs have been approved by the trainee's practical experience supervisor (whether internal or external) and their minimum 36 months of practical experience has been approved, the trainee is eligible to apply for membership, assuming they have also completed all other requirements for membership.
24. The POs and ACCA's exams are closely linked so that the knowledge and techniques the trainee develops through their studies, are relevant in their workplace. The tasks and activities a trainee will be asked to demonstrate in the POs are also closely related to the type of work they will undertake on a regular basis in an accounting or finance role. In total, a trainee is required to complete nine POs. The POs numbered 1 to 5 are compulsory. There are then a number of optional 'Technical' POs from which the trainee needs to choose 4. ACCA recommends to trainees that they choose the technical POs that best align to their role so that it is easier to achieve the PO.
25. In their personal statement for each PO, a trainee needs to provide a summary of the practical experience they gained. They must explain what they did, giving an example of a task. They must describe the skills they gained which helped them achieve the PO and they must reflect on what they have learned including what went well or what they would have done differently. A trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. This has been consistently referred to in ACCA's published guides which Ms Calder exhibits to her statement. Trainees must not therefore use a precedent or template or another trainee's personal

statement, which would undermine the PER training record element of the ACCA qualification. The 2019 published guide concludes: *'Your situation and experience are unique to you, so we do not expect to see duplicated wording, whether from statement to statement, or from other trainees. If such duplication occurs, then it may be referred to ACCA's Disciplinary Committee.'*

26. ACCA's PER guides are available online in China. Although the Guides are printed in English, all Chinese trainees will have taken their exams in English and therefore it would follow that they have a reasonable command of the English language.
27. Trainees must enter their practical experience supervisor's details using their ACCA MyExperience online recording tool which generates an invitation to their nominated supervisor to act as their supervisor. If the supervisor accepts that invitation, the supervisor is required to record their details using the same recording tool. All practical experience supervisors have to be qualified accountants registered with ACCA.
28. Information has been obtained from one of ACCA's China offices about the support given to ACCA trainees in China with guidance about ACCA's requirements for membership. The support included live webinars, WeChat groups and WeChat platform articles. The Committee was satisfied, therefore, that there was significant information available to Mr Deng to enable him to understand fully the process relating to ACCA's PER and the training that was involved.
29. During 2023 it came to the attention of ACCA's Professional Development Team that the practical experience supervisors registered to 91 ACCA trainees, shared one of 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 or person.
30. Further analysis of this cohort of 91 trainees confirmed the following:
 - Most of these trainees were registered with ACCA as resident in China.
 - Although each statement supporting a PO should be a description of a trainee's experience and therefore unique, many of such statements

within this cohort of 91 trainees were the same. These ACCA trainees had therefore copied their PO statements from others.

- Of these 91 trainees, the earliest date a supervisor with one of these three email addresses is recorded as approving a trainee's PER training record was August 2021 with the latest date being March 2023.
31. In the period the practical experience supervisors (most of whom claimed to be IFAC qualified line managers) approved the POs for these 91 trainees, (being between August 2021 and March 2023), the requirement was for IFAC qualified supervisors to record the name of their IFAC member body, and their membership number issued by that body. Most of the IFAC qualified line managers within this cohort of 91 trainees claimed to be members of the Chinese Institute of Certified Public Accountants (CICPA), an IFAC body, and, as required, went on to provide their membership number. Most of these supervisors also went on to upload what they claimed was their CICPA membership registration card and the vast majority uploaded the same registration card with membership number ending in 0276. However, this membership number did not match with any of the CICPA membership numbers provided by the supervisors. Furthermore, the name recorded in this CICPA membership registration card, and the photograph, are pixelated and therefore unidentifiable.
32. Consequently, all 91 trainees were referred to ACCA's Investigations Team. Mr Deng is one such trainee.
33. The Committee had considered a copy of the PER training record for Mr Deng which recorded that he was employed by 'Firm A'. In particular, it recorded the following:
- Mr Deng was employed from 03 June 2013 in the role of 'Chief Finance Officer'. No end date was recorded which suggests that he remained employed by Firm A at least until the date his time/experience was approved on 22 September 2022.
 - 124 months of relevant practical experience has been claimed, which relates to the period of employment referred to in the paragraph

immediately above. This is therefore in excess of the minimum requirement of 36 months.

- The Supervisor details for Mr Deng record that Person A registered on 22 September 2022 as his 'IFAC qualified line manager'.
 - The Supervisor details also record that Person A registered with one of the three common email addresses shared amongst this cohort of 91 cases.
 - As Mr Deng's IFAC qualified line manager, Person A was authorised to approve both Mr Deng's time/ experience and all his POs and did so, as recorded in Mr Deng's PER. In that regard, Mr Deng requested that Person A approve his time/experience of 124 months on 22 September 2022 and Person A did so on the same day. On 22 September 2022, Mr Deng requested that Person A approve all his nine POs and Person A did so on the same day, 22 September 2022.
34. The Committee found that, in order to comply with the PER, all of a trainee's PO statements should be unique to them and must not be copied from other trainees or from templates as this would undermine the PER element of the ACCA qualification.
35. Following referral to ACCA's Investigations Team, a careful analysis was carried out on the PER training records of those trainees recorded as being supervised by Person A. The Committee was satisfied that this analysis revealed many of their PO statements were identical or similar to the PO statements of other ACCA trainees. As stated, these 'other trainees' were part of a cohort of 91 trainees all of whom had previously been referred to ACCA's investigations team given their PO statements within this cohort were also identical or significantly the same.
36. The Committee was satisfied that, where PO statements of Mr Deng were the same or significantly similar to the POs of any other trainees, it was a reasonable inference that Mr Deng had not met the objective in the way claimed or possibly at all. There was no basis on which, if the PO statements were the same or significantly similar, more than one trainee would, first, have had

exactly the same training experience and, secondly, they would then use effectively the exact same, or significantly the same, terminology and wording to describe that work experience.

37. The Committee was satisfied that the wording was taken from some sort of template and that it represented a pattern of behaviour, repeated in respect of eight of Mr Deng's POs which were particularised in this allegation.
38. In carrying out this analysis, the Committee noted that ACCA had been careful to record the PO statement for any one PO which was first in time, on the basis this statement may be original and therefore written by the trainee based on their actual experience, unless there was evidence suggesting otherwise.
39. The 'first in time date' was the date the trainee requested that Person A approve the PO in question within their PER. This was on the basis that, as soon as the PO narrative had been uploaded to the PER, the trainee would have then requested approval from Person A. In relation to Mr Deng, the analysis revealed, and the Committee found:
 - One of his POs was first in time, being PO1, and
 - Eight of his PO statements were identical or significantly similar to the POs contained in the PERs of other ACCA trainees from this cohort.
40. The Committee was satisfied that this was a clear abuse of the process of validation and no weight could be placed on the description of the experience claimed to have been gained as described in the statements. The Committee found that Mr Deng had deliberately submitted PO statements which were identical, or significantly the same, to the PO statements of other trainees who had purported to be supervised by Person A, when Mr Deng knew they did not accurately reflect the work that he had undertaken. No evidence had been provided by Mr Deng during the investigation to support the description of the work allegedly carried out by Mr Deng as described in the POs identified in Allegation 1. The Committee found, on the balance of probabilities, that, on the basis and in the manner outlined above, Mr Deng had applied for membership to ACCA on or about 23 September 2022 and, in doing so, claimed in his ACCA

Practical Experience training record that he had achieved Performance Objectives 2, 3, 4, 5, 6, 7, 9 and 13.

41. On this basis, the Committee found the facts of Allegation 1 proved.

ALLEGATION 2(A)

42. The Committee relied upon its findings of fact under Allegation 1 above.
43. In reaching its decision in respect of this allegation, the Committee applied the test for dishonesty as set out and prescribed in the decision of the Supreme Court in the case of *Ivey v Genting Casinos Ltd t/a Crockfords* [2017] UKSC 67.
44. The Committee had found that Mr Deng had failed to write the statements in support of POs 2, 3, 4, 5, 6, 7, 9, and 13 in his own words. He had knowingly adopted words used by others and therefore the Committee was satisfied that he knew he had not achieved all or any of the POs in the manner claimed, nor that the description would match in any way his actual practical experience, if any. He therefore knew that he had not achieved the performance objectives in the manner described in the statements he had submitted.
45. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest. Consequently, the Committee found Allegation 2(a) proved.

ALLEGATION 2(B)

46. On the basis that this allegation was pleaded in the alternative to Allegation 2(a), the Committee made no finding in respect of it.

ALLEGATION 3

47. On the basis that this allegation was pleaded in the alternative to Allegations 2(a) and 2(b), the Committee made no finding in respect of it.

ALLEGATION 4

48. On 05 April 2024, following referral of this matter to ACCA's Investigations Team, a member of that team sent an encrypted email to Mr Deng at his registered e-mail address attached to which was a letter which clearly set out the complaint and requested that Mr Deng respond to a number of questions by 19 April 2024. Mr Deng was sent an email containing a password enabling him to gain access to the letter.
49. The letter also referred to Complaints and Disciplinary Regulation 3(1) informing Mr Deng of his obligation to cooperate with the investigation by responding to the questions by the deadline.
50. On the same day, an unencrypted email was sent to Mr Deng asking him to check if he had received an encrypted email from ACCA and, if not, to let ACCA know. The Committee noted that ACCA, based on evidence from its case management system, had found that the unencrypted email of 22 March 2024 had been delivered successfully. ACCA received responses to all emails sent to Mr Deng containing the same wording which confirmed receipt of the email, and the Committee inferred that these responses were automatic. The Committee found, on the balance of probabilities, that the email had been received by Mr Deng.
51. Mr Deng failed to respond to either the encrypted or unencrypted emails.
52. On 22 April 2024, ACCA sent another encrypted email to Mr Deng's registered e-mail address and attached the letter sent on 05 April 2024. Mr Deng was again reminded of his duty to cooperate and was given until 06 May 2024 to respond. This email was also delivered successfully. As before, an unencrypted email was also sent on the same day, notifying Mr Deng of the fact that the encrypted email had been sent. Mr Deng failed to respond.
53. On 07 May 2024, ACCA sent a further encrypted email to Mr Deng's registered e-mail address, again attaching the letter sent with the original email of 05 April 2024, and again reminding him of his duty to cooperate. He was warned that, if he did not respond by 08 May 2024, his failure to cooperate may form a separate allegation against him. Once again, ACCA sent an unencrypted email to Mr Deng, informing him that an encrypted email had been sent to him. The

Committee was also satisfied that the email had been delivered successfully. Mr Deng failed to respond.

54. The Committee noted that, on 08 May 2024, ACCA's investigating officer attempted to phone Mr Deng, using the number registered with ACCA. A file note of the call records that the person who answered the call advised he was Mr Deng, but when the investigations officer asked for verification, such as ACCA ID, the person hung up. The investigations officer called back immediately but the call was not answered.
55. The Committee was satisfied that the correspondence from ACCA to Mr Deng was sent to his correct email address. Mr Deng failed to respond to ACCA's correspondence of 05 April 2024, 22 April 2024 and 07 May 2024. On this basis, the Committee found that he had failed to cooperate with ACCA's Investigating Officer. Consequently, the Committee found Allegations 4(a), (b) and (c) proved.

ALLEGATION 5(A)

56. Taking account of its findings that Mr Deng had acted dishonestly, the Committee was satisfied that he was guilty of misconduct. Such conduct fell far below the standards expected of an accountant and member of ACCA, and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Mr Deng, the Association and the accountancy profession.
57. In respect of Allegation 4, the Committee had found that, despite ACCA providing a number of reminders of his obligation to cooperate and warnings of potential consequences of his failure to do so, Mr Deng had failed to cooperate with ACCA and to respond to correspondence.
58. The Committee had taken into consideration that the email of 05 April 2024 contained a substantial amount of information and a significant number of detailed questions which Mr Deng was required to answer. The emails of 08 April 2024 and 25 April 2024 were designed to encourage Mr Deng to provide the information requested in the first email to enable ACCA to continue with its investigation.

59. The need for members to engage and cooperate with their regulator was fundamental. A failure by members to do so meant that ACCA's ability to regulate its members was seriously compromised.
60. The Committee found that the failure of Mr Deng to cooperate with his regulator also amounted to misconduct in that such failure brought discredit to himself, ACCA and the accountancy profession.
61. The Committee found Allegation 5(a) proved.

ALLEGATION 5(B)

62. On the basis that this allegation was pleaded in the alternative to Allegation 5(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

63. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions, and the principle of proportionality. It had listened to submissions from Mr Halliday, and to legal advice from the Legal Adviser, which it accepted.
64. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
65. The Committee considered whether any mitigating or aggravating factors featured in this case.
66. The Committee accepted that there were no previous findings against Mr Deng. There was no evidence of any other mitigating factors in this case.
67. As for aggravating features, on the basis of the Committee's findings, it had been established that Mr Deng's behaviour had been dishonest. His actions were designed to deceive his regulator. There was also a risk that Mr Deng would have gained qualification as an accountant without the necessary

competence or experience. Mr Deng therefore presented a risk to the reputation of the profession and could have caused harm or had an adverse impact on members of the public.

68. The Committee noted that, in failing to engage with the process, Mr Deng had shown neither insight nor remorse. When ACCA then corresponded with him in the course of its investigation, Mr Deng failed over a period of time to cooperate with his regulator by failing to respond to correspondence regarding a very serious set of allegations.
69. The Committee considered the sanctions in ascending order. It concluded that taking no action, or imposing an admonishment or a reprimand, would not adequately reflect the seriousness of the Committee's findings.
70. The Committee then considered whether a severe reprimand would be an appropriate sanction. The Committee considered the Guidance for disciplinary sanctions paragraph C4.1. The Committee did not consider that there were particular circumstances of the case or mitigation advanced which satisfied the Committee that there was no continuing risk to the public. There was also no evidence of Mr Deng's understanding and appreciation of the conduct found proved. The majority of the factors listed in paragraph C41 were not present.
71. Taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate. Mr Deng had been found to have acted dishonestly in his conduct. Due to the lack of legitimate evidence regarding his training, he had become a member when he may not have been competent to hold such a position. Therefore, this was conduct on Mr Deng's part which had led to his achieving a level of success to which he was not entitled and which was not merited. In this way, as stated, he presented a risk to the accountancy profession and the public.
72. In the Committee's judgement, Mr Deng's overall conduct was fundamentally incompatible with being a member of ACCA and risked undermining the integrity of ACCA membership. The Committee adopted the Guidance which stated that the reputation of ACCA and the accountancy profession was built upon the public being able to rely on a member to do the right thing in difficult

circumstances. It noted this was a cornerstone of the public value which an accountant brings.

73. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to exclude Mr Deng as a member of ACCA but could find none.
74. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Deng shall be excluded from membership of ACCA.

COSTS AND REASONS

75. ACCA applied for costs in the sum of £6,468.50. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable. However, the costs of the Case Presenter and Hearings Officer included in the sum quoted were based upon a full day when in fact the hearing took less than a whole day. Accordingly, the figure would be reduced to reflect this.
76. Despite being given the opportunity to do so, Mr Deng did not provide any details of his means or provide any representations about the costs requested by ACCA. There was, therefore, no evidential basis upon which the Committee could make any reduction on this ground.
77. The Committee had in mind the principle that members against whom an allegation has been proven should pay the reasonable and proportionate cost of ACCA in bringing the case. This was because the majority of members should not be required to subsidise the minority who, through their own failings, have found themselves subject to disciplinary proceedings.
78. In light of its observations above, the Committee reduced the amount requested to reflect the actual costs more likely to have been incurred and made an order in the sum of £5,688.

EFFECTIVE DATE OF ORDER

79. In light of its decision and reasons to exclude Mr Deng and the seriousness of his misconduct, the Committee decided it was in the interests of the public to order that the sanction have immediate effect. The Committee noted that Mr Deng had not been previously subject to an interim order, but it was of the view that there was a risk to the public. If no immediate order were to be imposed Mr Deng might hold himself out as an ACCA member when he may not be competent to do so.

Ilana Tessler
Chair
31 October 2024