

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Zohra Kazi

Heard on: Thursday, 05 September 2024

Location: Remotely via Microsoft Teams

Committee: Mr Martin Winter (Chair)
Mr George Wood (Accountant)
Ms Deborah Fajoye (Lay)

Legal Adviser: Miss Juliet Gibbon

**Persons present
and capacity:** Mr Matthew Kerruish-Jones (ACCA Case Presenter)
Miss Nicole Boateng (Hearings Officer)

Summary Allegations 1, 2(a) and 2(b) admitted and found proved
Allegation 3 (misconduct) found proved
Sanction: Severe Reprimand and a declaration that Miss
Kazi is ineligible to sit any ACCA examinations for a
period of four years

Costs: Miss Kazi shall pay a contribution towards ACCA's costs
in the sum of £240.00

PRELIMINARY

1. The Disciplinary Committee ("the Committee") convened to hear allegations of misconduct against Miss Zohra Kazi. The hearing was conducted remotely

through Microsoft Teams. The Committee had a Bundle of papers numbered pages 1-113, an Additional bundle, numbered pages 1-9, and a Service Bundle, numbered pages 1 to 16. During the course of the hearing, it was provided with a Detailed and a Simple Schedule of costs.

2. Mr Matthew Kerruish-Jones represented ACCA. Miss Kazi did not attend the hearing and was not represented.

SERVICE AND PROCEEDING IN ABSENCE

3. The Notice of Hearing, containing all the requisite information about the hearing, was sent by email on 06 August 2024 to Miss Kazi's registered email address. ACCA produced a receipt confirming delivery of the email to that address. Miss Kazi responded to the email on 07 August 2024. The link for the hearing was sent to Miss Kazi on 03 September 2024.
4. The Committee was satisfied that the requirements of Regulations 10(1) and 22(1) of The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014, as amended ('the Regulations') as to service had been complied with.
5. Having satisfied itself that service had been effected in accordance with the Regulations, the Committee went on to consider whether to proceed in the absence of Miss Kazi. It accepted the advice of the Legal Adviser.
6. The Committee noted Miss Kazi's email, dated 07 August 2024, in which she stated that due to [PRIVATE] she was unable to attend the hearing. She further stated: *"I trust in the integrity and fairness of the ACCA committee to adjudicate this matter impartially in my absence. I am fully committed to cooperating with ACCA in resolving this issue and will abide by any decision made by the committee. If you have any questions or require further information, please do not hesitate to contact me via email"*.
7. The Committee also noted that Miss Kazi had completed a Case Management Form ("CMF") in which she indicated that she would not be attending the

hearing but consented to the Committee dealing with the case in her absence. In the CMF Miss Kazi stated:

“[PRIVATE] I respectfully request to be excused from attending the disciplinary hearing. I trust in the integrity and fairness of the ACCA committee to adjudicate the matter impartially in my absence ...”.

8. The Committee bore in mind that whilst it had a discretion to conduct a hearing in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of *Hayward & Others* [2001] 3 WLR 125 and *R v Jones* [2002] UKHL 5.
9. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously. It noted that Miss Kazi had not asked for an adjournment and that in the CMF she had consented to the Committee dealing with the case in her absence.
10. The Committee determined that it was in the public interest to proceed in the absence of Miss Kazi.

APPLICATION FOR HEARING TO BE HELD IN PRIVATE

11. In the CMF Miss Kazi had requested that the hearing be held in private. She stated: *“due to the sensitive and confidential nature of the allegations against me. Public disclosure of this information could harm my reputation and certain details could compromise the privacy and security of myself and my previous employer. While I understand the importance of transparency, in this case, the potential harm and privacy concerns outweigh the public interest in an open hearing. I am fully committed to cooperating with the investigation and am willing to provide any necessary information in confidence. Therefore, I kindly request that the Committee consider my request please”.* The application was made pursuant to Regulation 11(1) of the Regulations.

12. Mr Kerruish-Jones, on behalf of ACCA opposed Miss Kazi's application for the whole hearing to be held in private but supported those matters that related to Miss Kazi's health and private life being heard in private.
13. The Legal Adviser reminded the Committee that whilst Regulation 11(1) provides that hearings of the Disciplinary Committee shall be conducted in public, hearings or parts of hearings may be conducted in private if the Committee is satisfied, having heard from the parties and the legal adviser, that the particular circumstances of the case outweigh the public interest in holding the hearing in public, which may include but are not limited to, prejudice to any of the parties.
14. The Committee accepted the advice of the Legal Adviser. It noted that the general rule is that hearings are held in public so that there is transparency and open justice. It further noted that Miss Kazi's previous employer would not be named in the public reasons. The Committee was not satisfied that the particular circumstances of the case were such that they outweighed the public interest in holding the hearing in public. It determined, however, that matters relating to Miss Kazi's health should be in private.

ALLEGATIONS

Miss Zohra Kazi, an ACCA student:

1. On 5 September 2023, caused or permitted to be sent to her then employer, [PRIVATE] what purported to be an ACCA exam transcript ("the Transcript") which purported to show that she achieved an 89% pass mark for the Business and Technology ("BT") exam (formerly known as the AB exam) that she allegedly sat in June 2023.
2. Miss Kazi's conduct referred to in Allegation 1 was:-
 - a. Dishonest, in that the Transcript was false because she had not sat the BT exam as alleged or at all because she had been granted an exemption from ACCA for the same and/or:

- b. Dishonest in that she caused or permitted the genuine ACCA exam transcript showing the exemption to be altered to appear that she sat the BT exam in June 2023 and passed it with a mark of 89%, in the alternative
 - c. Demonstrates a failure to act with integrity
- 3. By reason of any or all of the conduct above, Miss Kazi is guilty of misconduct pursuant to bye-law 8(a)(i).

ADMISSIONS

- 15. The Committee was satisfied that in an email to ACCA, dated 29 January 2024 and in her completed Case Management Form (“CMF”), dated 11 May 2024, Miss Kazi had made full and unequivocal admissions to all of the allegations. The Chair, therefore, announced the facts of Allegations 1 and 2(a) and 2(b) proved in accordance with Rule 12(3)(c) of the Regulations.

BACKGROUND

- 16. Miss Kazi registered as a student of ACCA on 24 December 2019. On 22 January 2020 ACCA advised Miss Kazi that she had been awarded an exemption for the Accountant in Business (“AB”) module (now the BT module) based on her award of Bachelor of Arts Honours in Marketing Communications from [PRIVATE].
- 17. On 15 September 2023 Miss Kazi’s previous employer [PRIVATE] sent an email to ACCA asking for confirmation that the Transcript, dated 05 September 2023, was an original document. The employer was informed that there should not be an exemption and an exam pass listed on the same ACCA exam transcript. There were also formatting issues on the Transcript. The employer was also advised that if a student had obtained a pass mark of 85% or over then they would have been awarded a Certificate of Achievement. ACCA asked for the employee’s details and for a copy of the Transcript, dated 05 September 2023, which were provided to ACCA after Miss Kazi had provided her consent for this to be done.

18. In an email, dated 29 January 2024, responding to ACCA's email requesting information, Miss Kazi stated:

"I had submitted the transcript dated 5 September 2023 to my previous employer. This was a wrong decision from my part and it shouldn't have been done and I deeply regret this. I had taken 2 days study leave from work and told them it was for an exam (there was no exam) and they asked for proof of the exam so I got scared and didn't know who to talk to or what to do. Wrongfully I made the decision to submit an amended transcript which I shouldn't have done and just said the truth. There was no malicious intent behind this, I was stupidly trying not to get into trouble for taking study leave. FYI I had some [PRIVATE] issues hence why I wasn't able to speak up or say the truth so this escalated it further as it was something that I wouldn't have done. The transcript was sent to my manager who then sent it to the HR team ... Yes I did make some amendments to the transcript. As I mentioned above this was a mistake I had made which I regret. To cover up taking study leave, I edited the transcript so I don't get into trouble as I was scared. Not the best decision I had made as [PRIVATE] when I could have been more truthful".

19. In answer to the question whether she admitted that she had acted dishonestly and/or in breach of ACCA's Fundamental Principle of Integrity principle, Miss Kazi stated:

"Yes I acted out of proportion and this was a mistake that I take full responsibility for. I deeply apologise for going against the ACCA principles and I should have never done this as it goes against what I believe for".

20. In the CMF, dated 11 May 2024, Miss Kazi stated:

"I, Zohra Kazi, hereby admit to all the allegations brought forth by ACCA against me. I acknowledge that my actions were in violation of ACCA regulations and constituted misconduct. I deeply regret my actions and sincerely apologise for any harm or inconvenience caused as a result. I take full responsibility for my actions.

The circumstances leading to the submission of the falsified ACCA exam transcript were a result of a grave error on my part, motivated by a misguided attempt to obtain study leave. I panicked when questioned about the purpose of the leave and falsely claimed to have completed the ACCA BT exam. This was a lapse in judgment for which I take full responsibility. It is important to note that dishonesty goes against my fundamental principles and work ethic. However, during the period in question [PRIVATE] that clouded my judgment and hindered my ability to address the situation appropriately. While this does not excuse my actions, I want to emphasise that this behaviour is not reflective of my character as a hardworking and dedicated individual ... I provide this statement as an earnest expression of accountability and remorse for my actions,

I am fully committed to cooperating with ACCA in resolving this matter and will abide by any decision made by the committee. I assure you that I have learned from this experience and am dedicated to upholding the highest standards of integrity and professionalism in the future”.

21. In response to the question on the CMF “please say which allegations you admit”, Miss Kazi stated: “All of them”.

SUBMISSIONS ON MISCONDUCT

22. Mr Kerruish-Jones took the Committee through the background of the case. He submitted that the conduct admitted by Miss Kazi in relation to Allegations 1, 2(a) and 2(b) taken together effectively amounted to misconduct. He submitted that Miss Kazi knew the transcript was false as she had ‘doctored’ a genuine ACCA document to make it appear that she had sat and passed an ACCA exam in a deliberate attempt to mislead her employer after taking two days study leave for an exam that she did not take.
23. Mr Kerruish-Jones submitted that Miss Kazi’s dishonest conduct in falsifying an ACCA document and submitting it to her employer, in an attempt to make the employer believe that she had sat and passed an ACCA exam, when she had not, fell far short of the standards expected of an ACCA member. He submitted

that Miss Kazi's dishonest conduct clearly amounted to misconduct, as defined by bye-law 8(c).

DECISION ON FACTS AND MISCONDUCT

24. The Committee considered all of the documentary evidence before it, including the falsified ACCA exam transcript that Miss Kazi had sent to her previous employer.
25. The Committee noted the submissions made by Mr Kerruish-Jones on misconduct and it accepted the advice of the Legal Adviser. It bore in mind that Miss Kazi had admitted Allegations 1, 2(a) and 2(b) and that the Chair had announced the facts of these allegations proved.

Allegation 2(c) – not considered

26. As Miss Kazi had admitted Allegations 2(a) and 2(b) (dishonesty), it was not necessary for the Committee to consider whether her conduct demonstrated a failure to act with integrity, since this was alleged in the alternative.

Allegation 3 – Misconduct found

27. The Committee next considered whether the facts of Allegations 1, 2(a) and 2(b), which had been proved by admission, amounted to misconduct.
28. In the Committee's view Miss Kazi had falsified an ACCA exam transcript and provided it to her employer in a deliberate attempt to persuade her employer that she had sat and passed the BT exam, when she had not. It also noted that Miss Kazi had done this to cover up the fact that she had taken two study days which she would not have been entitled to have as she had not taken any exam. The Committee was satisfied that Miss Kazi's dishonest conduct was premeditated and a breach of trust, both in the employer/employee relationship and the student/regulator relationship. The Committee considered that such dishonest conduct undermined the reputation of the profession and ACCA as the regulator.

29. The Committee determined that Miss Kazi's conduct had brought discredit to her, the accountancy profession and ACCA. The Committee determined that Miss Kazi's dishonest conduct was very serious and clearly amounted to misconduct.

SUBMISSIONS ON SANCTION AND COSTS

30. The Committee was informed that Miss Kazi had no previous findings recorded against her.
31. Mr Kerruish-Jones referred the Committee to ACCA's 'Guidance for Disciplinary Sanctions' and, in particular, section E2 which provides guidance on dishonesty cases and E3 which deals with seriousness. He submitted that the dishonest conduct had been premeditated as Miss Kazi had deliberately sent a false document to her employer in an attempt to deceive it that she had sat and passed the BT professional exams when she had not.
32. Mr Kerruish-Jones submitted that the Committee may consider that the appropriate and proportionate sanction was either some form of exclusion or a severe reprimand. He reminded the Committee that there was no power to award a financial penalty because Miss Kazi was a student of ACCA.
33. In respect of costs, Mr Kerruish-Jones referred the Committee to the Detailed and Simple Costs Schedules. He accepted that the costs claimed by ACCA should be reduced as the hearing had taken less than the time allowed for in the schedules.

SANCTION AND REASONS

34. In reaching its decision on sanction, the Committee considered Regulation 13(4) in determining what, if any, sanction to impose on Miss Kazi. It took into account the submissions made by Mr Kerruish-Jones and it referred to the Guidance for Disciplinary Sanctions issued by ACCA (updated 14 February 2024). The Committee had in mind the fact that the purpose of a sanction was not to punish Miss Kazi, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction

it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.

35. When deciding on the appropriate sanction, the Committee considered that Miss Kazi's dishonest misconduct was very serious.
36. The Committee carefully considered the aggravating and mitigating features of the case.
37. The Committee considered that the mitigating features in the case were:
 - a. That Miss Kazi had no previous disciplinary findings recorded against her.
 - b. Miss Kazi had made admissions to the allegations at the earliest opportunity.
 - c. Miss Kazi has shown insight into her failings.
 - d. Miss Kazi had demonstrated genuine remorse and regret for her actions.
 - e. [PRIVATE]
 - f. [PRIVATE]
38. The Committee considered that the misconduct involved the following aggravating features:
 - a. Miss Kazi had involved ACCA in her dishonest conduct by falsifying a genuine ACCA document in order to make her employer believe that she has sat the BT exam when she had not.
 - b. Damage had been caused to the reputation of the profession and ACCA by Miss Kazi's use of the forged transcript.
 - c. Miss Kazi's actions in attempting to deceive her employer was a breach of the trust between employer and employee and a breach of trust between her and her regulator as she had falsified a genuine ACCA document.
39. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not think it appropriate, or

in the public interest, to take no further action or to order an admonishment in a case where a student of ACCA had sent a forged document to her employer in order to make it believe that she had sat and passed an ACCA exam when she had not.

40. The Committee then considered whether to reprimand Miss Kazi. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature; there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding; together with genuine insight into the misconduct found proved. Although Miss Kazi had shown insight into her misconduct, the Committee did not consider that the misconduct was of a minor nature. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the dishonest conduct in this case.

41. The Committee went on to consider whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case, or mitigation advanced, which satisfies the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The guidance suggests that this sanction may be appropriate where most of the following factors are present:
 - a. The misconduct was not intentional and no longer continuing;
 - b. Evidence that the conduct would not have caused direct or indirect harm;
 - c. Insight into failings;
 - d. Genuine expression of regret/apologies;
 - e. Previous good record;
 - f. No repetition of failure/conduct since the matters alleged;
 - g. Rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur;
 - h. Relevant and appropriate references;
 - i. Co-operation during the investigation stage.

42. The Committee noted that the following factors were applicable in Miss Kazi's case:
- a. Miss Kazi had shown insight into her failings;
 - b. Miss Kazi has shown genuine remorse and regret for her misconduct.
 - c. There is no evidence to suggest that the misconduct had been repeated and the Committee is satisfied that the likelihood of repetition is low;
 - d. Miss Kazi has a previous good record;
 - e. Miss Kazi fully co-operated during the investigations stage.
43. The Committee noted that ACCA provides specific guidance on the approach to be taken in cases of dishonesty, which is regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions where there has been a lack of probity and honesty and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than exclusion. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a professional accountant to do the right thing in difficult circumstances. It is 'a cornerstone of the public value which an accountant brings'.
44. The Committee bore these factors in mind when considering whether there was anything remarkable or exceptional in Miss Kazi's case that warranted anything other than removal from the student register of ACCA. The Committee was of the view that taking into account Miss Kazi's mitigation, including [PRIVATE] there were exceptional circumstances that would allow it to consider a lesser sanction and it concluded that the appropriate and proportionate sanction was a severe reprimand. It also considered, however, that in order to properly mark the seriousness of the misconduct it should make a declaration, in accordance with Regulation 13(4)(c) that Miss Kazi is declared ineligible to sit any ACCA examination for a period of four years.

45. The Committee therefore ordered that Miss Kazi be severely reprimanded. It also made a declaration that Miss Kazi is declared ineligible to sit any ACCA examination for a period of four years.

DECISION ON COSTS AND REASONS

46. The Committee was provided with two Schedules of costs and Miss Kazi's completed Statement of Financial Position. ACCA applied for costs in the sum of £6,900.00 in respect of the investigation against Miss Kazi and the hearing.

47. The Committee noted that in her email to the Hearings Officer of 11 August 2024 Miss Kazi stated:

"In my statement of financial position, [PRIVATE]

Given my financial position [PRIVATE].

48. The Committee was satisfied that the costs sought by ACCA were appropriate and had been reasonably incurred. It determined, however, that the costs claimed should be reduced to reflect the fact that the hearing had taken less time than accounted for in the schedules of costs.

49. The Committee also considered Miss Kazi's completed Statement of Financial Position, and the financial information provided in her email to the Hearings Officer, dated 07 August 2024. It determined that there should be a large reduction to reflect Miss Kazi's current financial circumstances.

50. The Committee determined that, in all the circumstances, it would be fair and proportionate to order Miss Kazi to pay a contribution towards ACCA's costs in the sum of £240.00.

ORDER

- i. Miss Zohra Kazi shall be severely reprimanded.

- ii. It is declared that Miss Kazi is ineligible to sit any ACCA examination for a period of four years.
- iii. Miss Zohra Kazi shall pay a contribution towards ACCA's costs in the sum of £240.00.

EFFECTIVE DATE OF ORDER

- 51. In accordance with Regulation 20(1)(a) of the Regulations, the order that Miss Kazi shall be severely reprimanded and declared ineligible to sit any ACCA examination for a period of four years shall take effect at the expiry of the appeal period referred to in the Appeal Regulations.
- 52. In accordance with Regulation 20(2) the order for Miss Kazi to pay a contribution towards ACCA's costs in the sum of £240.00 shall have immediate effect.

Mr Martin Winter
Chair
05 September 2024