

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Miss Zi Mei Lu
Heard on:	Tuesday, 11 February 2025
Location:	Remotely via Microsoft Teams
Committee:	Mr Martin Winter (Chair) Mr David Horne (Accountant) Ms Alison Sansome (Lay)
Legal Adviser:	Mr Robin Havard (Legal Adviser)
Persons present and capacity:	Mr Stuart Brady (Case Presenter on behalf of ACCA) Miss Mary Okunowo (Hearings Officer)
Summary:	Allegations 1(a) & (b), 2(a) & (b), & 4 were found proved.
Sanction:	Exclusion from membership of ACCA with immediate effect.
Costs:	£5,000.00

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PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

1. The Committee had considered the following documents: a Report and Evidence Bundle (pages 1 to 232); an Additional Bundles 1 (pages 1 to 151); a bundle of Performance Objectives relating to the complaint against Miss Lu (pages 1 to 108); a Further Additional Bundles bundle (pages 1 to 13), and a Service Bundle (pages 1 to 23). The Committee had listened carefully to the submissions made by Mr Brady and also considered legal advice, which it had accepted.
2. The Committee had read the Notice of Hearing dated 14 January 2025 sent by ACCA by email to the solicitor acting on behalf of Miss Lu, Mr Roberts of Richard Nelson LLP, who was instructed to accept service on behalf of Miss Lu. The Committee observed that the Notice of Hearing had also been sent by ACCA to Miss Lu personally at the email address on ACCA's register. It had noted the subsequent emails sent to both Mr Roberts and Miss Lu with the necessary link and password to enable them to gain access to the letter and the documents relating to this hearing.
3. The Committee was satisfied that such emails had been sent to Mr Roberts in accordance with regulation 22(2) of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"), as well as Miss Lu personally. The Committee had noted that the emails had been delivered successfully. CDR22(8) stipulated that, when a notice has been sent by email, it is deemed to have been served on the day it was sent.
4. The emails and the documents to which Mr Roberts and Miss Lu had access also contained the necessary information in accordance with CDR10.
5. Consequently, the Committee decided that Miss Lu had been properly served with the Notice of the hearing.

PROCEEDING IN ABSENCE

6. On 17 January 2025, Mr Roberts wrote to ACCA requesting an adjournment for the reasons outlined.

7. On 20 January 2025, ACCA responded, confirming that it did not consent to an adjournment, indicating that, if Mr Roberts wished to maintain his request, he would have to make a formal application to the Committee.
8. On 31 January 2025, Miss Lu sent an email to ACCA to which was attached a statement in response to the allegations and also a statement of financial means. She confirmed that Mr Roberts was no longer acting on her behalf.
9. On 03 February 2025, ACCA sent an email to Miss Lu. The email included the date of hearing and asked her once again to indicate whether she intended to attend. Miss Lu was reminded of her ability to join the hearing via telephone or video link which would be provided by ACCA. She was also asked whether she would need the assistance of an interpreter which would have been provided at ACCA's expense.
10. In the absence of any response, ACCA sent a further email to Miss Lu on 05 February 2025, reminding her once again of the date of hearing and of her ability to attend by phone or video, as well as reminding her of the assistance of an interpreter.
11. On 06 February 2025, Miss Lu sent an email to ACCA saying, *"I'm unavailable on those days. Please proceed with my absence."*(sic)
12. The Committee considered that ACCA had done everything possible to enable Miss Lu to attend the hearing. The Committee was satisfied that the emails had been sent to the address on ACCA's register and there was a record of the emails having been delivered successfully.
13. Miss Lu had been legally represented at the time that ACCA informed her representative, and Miss Lu, of the date of hearing and the options available to her to enable her to participate.
14. The Committee concluded, on the balance of probabilities, that Miss Lu was aware of today's hearing, which she could have joined by telephone or video link, and that she had voluntarily absented herself. Whilst Miss Lu had indicated that she was not available to attend, she had not provided any reasons for saying so, nor had she requested an adjournment, even though her legal

representative had been informed that a formal application should be lodged if Miss Lu wished the matter to be adjourned.

15. In the absence of any more information from Miss Lu, and in the absence of an application to adjourn, the Committee did not consider that an adjournment would make it any more likely that Miss Lu would attend the adjourned hearing.
16. The Committee was also satisfied that, taking account of the seriousness of the allegations, it was in the public interest to proceed.
17. Finally, the Committee considered that it was in a position to reach proper findings of fact on the written evidence presented to it by ACCA, together with the written evidence provided by Miss Lu, to include her admissions to the allegations.
18. The Committee ordered that the hearing should proceed in the absence of Miss Lu.

AMENDMENT TO ALLEGATION 1

19. In the course of the hearing, it was identified that when the allegations were initially framed and served on Miss Lu, allegation 1 alleged that it was Miss Lu who had submitted her application for membership.
20. In the case management form ("CMF") initially submitted, all allegations were denied.
21. Subsequently, and following written representations made by Mr Roberts on behalf of Miss Lu, allegation 1 was amended such that it was alleged that Miss Lu had caused or permitted a third party to submit Miss Lu's application for membership. On that basis, allegations 1(a) and (b) and allegations 2(a) and (b) were admitted.
22. However, when the report and bundle were served on Miss Lu on 14 January 2025 in advance of this hearing, allegation 1 had reverted to its original form.
23. Having considered the matter, the Committee concluded that it would be appropriate to amend allegation 1 to include the basis on which Miss Lu had admitted that allegation in the CMF dated 15 August 2024. In doing so, the

Committee was satisfied that this would not cause any prejudice to Miss Lu. Indeed, it amounted effectively to the inclusion of the amendment that she originally sought.

ALLEGATIONS as amended

Miss Zi Mei Lu ('Miss Lu'), at all material times an ACCA trainee,

1. Applied, or caused or permitted a third party ('the third party') to apply on her behalf, for membership to ACCA on or about 23 June 2020 and, in doing so, confirmed, or caused or permitted the third party to confirm, in relation to her ACCA Practical Experience training record:
 - a) Her Practical Experience Supervisor in respect of her practical experience training in the period from 03 July 2017 to 26 July 2020 was Person 'A' when Person 'A' did not supervise that practical experience training in accordance with ACCA's requirements as published from time to time by ACCA or at all
 - b) She had achieved the following Performance Objectives which was not true:
 - Performance Objective 1: Ethics and professionalism
 - Performance Objective 2: Stakeholder relationship management
 - Performance Objective 3: Strategy and innovation
 - Performance Objective 5: Leadership and management
 - Performance Objective 9: Evaluate investment and financing decisions
 - Performance Objective 11: Identify and manage financial risk
 - Performance Objective 21: Business advisory
 - Performance Objective 22: Data analysis and decision support
2. Miss Lu's conduct in respect of the matters described in Allegation 1 above was:
 - a) In respect of Allegation 1a), dishonest, in that Miss Lu sought to confirm her Practical Experience Supervisor did supervise her

practical experience training in accordance with ACCA's requirements or otherwise which she knew to be untrue.

b) In respect of allegation 1b) dishonest, in that Miss Lu knew she had not achieved all or any of the performance objectives referred to in paragraph 1b) above as described in the corresponding performance objective statements or at all.

c) 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), 2b) and or 2c) above, such conduct was reckless in that Miss Lu paid no or insufficient regard to ACCA's requirements to ensure:

a) Her practical experience was supervised;

b) Her Practical Experience Supervisor was able to personally verify the achievement of the performance objectives she claimed and/or verify they had been achieved in the manner claimed;

c) That the performance objective statements referred to in paragraph 1b) accurately set out how the corresponding objective had been met.

4. By reason of her conduct, Miss Lu is guilty of misconduct pursuant to ACCA bye-law 8(a)(i) in respect of any or all the matters set out at 1 to 3 above.

DECISION ON FACTS, ALLEGATIONS AND REASONS

24. In reaching its decisions with regard to the allegations, the Committee had considered the following documents: a Report and Evidence Bundle (pages 1 to 232); an Additional Bundle (pages 1 to 151); a Bundle of Performance Objectives relating to the complaint against Miss Lu (pages 1 to 108); a Further Additional bundle (pages 1 to 13), and a Service Bundle (pages 1 to 23). The Committee had listened carefully to the submissions made by Mr Brady and also considered legal advice, which it had accepted.

Allegations 1(a) & (b)

25. In her case management form (“CMF”) signed on her behalf by her solicitor and dated 15 August 2024, Miss Lu indicated that she admitted allegations 1(a) and (b). However, the Committee had considered carefully the response provided by Miss Lu in her email of 07 September 2022, the subsequent correspondence from her solicitor, and her more recent submission on 31 January 2025. Having detected certain inconsistencies between those responses, and in the absence of Miss Lu, the Committee concluded that it would be appropriate to approach its findings on the basis that the allegations were denied.
26. In order to understand the background to the allegations, the Committee made the following findings of fact.
27. On 15 January 2018, Miss Lu was admitted as an affiliate.
28. On 26 June 2020, Miss Lu was admitted as a member.
29. Allegation 1 concerns the conduct on the part of Miss Lu in relation to the completion of her practical experience training which is a prerequisite to applying for full membership of ACCA.
30. It is alleged that Miss Lu sought to mislead ACCA in respect of the identity of her Practical Experience Supervisor and also the content of her Performance Objectives.
31. In reaching its findings of fact in respect of allegations 1(a) and (b), the Committee had considered carefully, and accepted, the evidence of the following witnesses:
 - (i) Person A as contained in a statement dated 18 October 2022;
 - (ii) Karen Watson, a Senior Administrator in ACCA's Member Support Team as contained in a statement dated 20 October 2022, and
 - (iii) Linda Calder, Manager of ACCA's Professional Development Team, as contained in a statement dated 13 October 2022.

32. None of the above evidence had been challenged by Miss Lu.
33. The Committee had 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.

The process to acquire relevant practical experience

34. The following sets out the process Miss Lu would have been required to follow, as detailed by Ms Calder in her statement.
35. The following abbreviations have been used:

PER – Practical Experience Requirement;
PES – Practical Experience Supervisor;
PO – Performance Objective.
36. 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.
37. A person undertaking practical experience is often referred to as an ACCA trainee.
38. 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.
39. As part of their practical experience, each trainee is required to complete nine performance objectives (POs) under the supervision of a qualified accountant, who is their Practical Experience Supervisor (PES). A PES means a qualified accountant who has worked closely with the trainee and who knows the trainee's work. It is the trainees' responsibility to ensure that the PES is qualified to hold such a position.

40. Trainees must enter their PES's details using the 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.
41. 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. 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 must be unique to them.
42. Through the online tool, the trainee then requests that their PES approves that PO.
43. In addition to approval of their POs, the trainee must ensure their employment where they have gained relevant practical experience has been confirmed by the trainee's line manager who is usually also the trainee's PES. This means the same person can, and often does, approve both the trainee's time and achievement of POs. The PES must have worked closely with the trainee and must know the trainee's work.
44. If the trainee's line manager is not qualified, the trainee can nominate a PES who is external to the firm to supervise their work and approve their POs. This external PES must have some connection with the trainee's firm, for example as an external accountant or auditor.
45. ACCA's PER guide states:

'If your organisation does not employ a professionally qualified accountant who can sign-off your performance objectives then you could ask an external accountant or auditor who knows your work, to be your practical experience supervisor and work with your line manager to sign off your objectives.'
46. Once all nine POs have been approved by the trainee's PES (whether internal or external) and their minimum 36 months of practical experience has been signed off, the trainee is eligible to apply for membership.

47. 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.
48. Each PO comprises 3 parts: (i) a summary of what the PO relates to, (ii) 5 elements outlining the tasks and behaviours a trainee must demonstrate to be able to achieve the PO and (iii) a 200 to 500-word concise personal statement in which a trainee must summarise how they achieved the PO.
49. In total, a trainee is, and was at the material time, 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 four. 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. In that regard the ACCA's requirements as published in the 2019 guide, and subsequently, explain the following:

'The performance objectives you choose should be agreed with your practical experience supervisor. You should consider the following points when selecting which performance objectives to target Match any business objectives you have been set at work with the performance objectives. This will allow you to work towards your business objectives and your PER at the same time.'

50. 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.
51. A trainee's personal statement for each PO must be their own personal statement that is unique to them and their own experience. Trainees must not, therefore, use a precedent or template or another trainee's personal statement, which would undermine the PER 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."

52. ACCA's PER guides are, and were at the material time, available online in China. Although the Guides are printed in English, all Chinese trainees will have taken their exams in English. They are also available in Mandarin.
53. Trainees must enter their PES's details using the 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.
54. On the dates Person A was allegedly appointed supervisor for Miss Lu, there was no requirement for the supervisor to provide the name of their employer. Instead, they were only required to register their job title and provide their email address.
55. All PESs have to be registered with ACCA and, as part of that registration process, have to provide evidence that they are a qualified accountant. A person purporting to be Person A apparently provided evidence to ACCA in the form of a registration card from the Chinese Institute of Certified Public Accountants (CICPA). As such, they were, from ACCA's point of view, a 'qualified accountant'.
56. One of ACCA's China offices provided the following information about the support given to ACCA trainees in China.
57. ACCA's Customer Services Team in China emails all ACCA affiliates in China inviting them to regular webinars provided by ACCA staff who can advise on the PER process.
58. The Committee had noted a list of webinars (translated using Google translate) relating to ACCA's membership application process dated from 14 December 2016 to 27 August 2022. There are a number dated in 2019 including one dated 30 May 2019. The details include reference to:

'...Record 36 months of accounting-related work experience in myACCA, and complete 9 Performance Objectives, which will be confirmed online by your Supervisor...'

59. These are live webinars and therefore trainees are able to ask ACCA China staff questions.
60. The webinar details refer to encouraging trainees to join the ACCA WeChat group of their regional service group and provides details how to join. All the webinars listed include the same details about these WeChat groups. 'WeChat' is a social media app available globally but used extensively in China. In these WeChat groups, ACCA trainees can ask ACCA China staff questions including about the PER process.
61. In addition to the WeChat groups, ACCA China uploads to its WeChat platform articles relevant to the ACCA membership process, to include one entitled '*How to become an ACCA Member Series 1/ Practical Experience Requirement (PER) Quick Guide*', dated 15 January 2020. The article refers to a mentor, which is the same as a supervisor. Under the heading '*Find a mentor*' the article states in particular: '*Your experience must be under the supervision of a mentor to count towards PER. You must find a mentor with real work experience to monitor and confirm your work hours and performance goals...*'
62. Under the heading '*Determine performance goals*' the article states in particular:
- "You have to choose which performance goals to accomplish, here are some points to keep in mind:*
- You need to complete 9 performance goals, including all 5 core goals and any 4 technical goals;*
 - Work with your practical experience mentor to develop a plan to achieve performance goals;*
 - Choose technical goals that are relevant to your day-to-day work, as they are easier to achieve;...."*
63. The Committee was satisfied, therefore, that there was significant information available to Miss Lu to enable her to understand fully the process relating to ACCA's PER and the training that was involved.

ACCA's investigation

64. During 2021, it came to the attention of ACCA's Professional Development team that between 16 December 2019 and 29 January 2021, 100 ACCA trainees, including Miss Lu, had completed their PER training record in which they claimed their POs had been approved by a particular supervisor, namely Person A.
65. A person purporting to be Person A registered as each trainee's supervisor on the basis of their membership of the Chinese Institute of Certified Public Accountants (CICPA), being an IFAC registered body. As stated, they were, from ACCA's point of view, a 'qualified accountant'.
66. Linda Calder states, and the Committee found, that a supervisor would not be expected to have more than 2 to 3 trainees at any one time. All of the 100 trainees referenced above had different periods of training and some periods overlapped, and ACCA was unable to produce precise figures as to how many trainees Person A allegedly supervised at any one time. However, the Committee was satisfied that a person claiming to be Person A had purported to have supervised a very significant number of ACCA trainees, including Miss Lu, at or about the same time.
67. A review was also carried out by the Professional Development Team which showed that the PO statements had been copied amongst a large number of these 100 trainees, including Miss Lu, who had all claimed to have been supervised by the same supervisor, namely someone purporting to be Person A.
68. ACCA contacted Person A via the Chinese Institute of Certified Public Accountants (CICPA). Person A has been a member of the CICPA since 03 April 2019. Therefore, it is only from that date that Person A would be entitled to supervise an ACCA trainee. In any event, Person A initially denied having supervised any ACCA trainees. During this contact, Person A provided ACCA with their email address.
69. Although initially Person A advised ACCA they had never supervised any ACCA trainees, they subsequently recalled having supervised a single ACCA trainee.

70. Person A provided ACCA with the name of the trainee. ACCA's records confirm they did act as a supervisor for this one trainee. However, that one trainee was not one of the 100 cases under investigation. In addition, they acted as supervisor for this trainee only to the limited extent of approving one of their nine performance objectives.
71. The reason this ACCA trainee was not included in these 100 cases under investigation was because Person A had been issued with a different supervisor registration number by ACCA, and their details were different to the 'Person A' who purportedly supervised the 100 other trainees, including Miss Lu. This included their email address. The email address registered by 'Person A' in connection with these 100 trainees was "[REDACTED]", which was totally different to the email address provided by Person A to ACCA. Person A stated, and the Committee found, that they have never had an email address containing '[REDACTED]'.
72. The Person A who was purportedly registered as supervisor for the 100 trainees under investigation provided a copy of a CICPA registration card to ACCA. The real Person A had confirmed in their statement, and the Committee found, that this was their genuine registration card, but they had not provided this to ACCA.

The Practical Experience Requirement (PER) training record for Miss Lu

73. The PER training record submitted by Miss Lu referred to her practical experience being undertaken at two firms at which she was employed consecutively.

Firm A

74. Miss Lu stated that, between 01 February 2017 and 31 July 2017, she was employed by Firm A as an "Accounting Intern".
75. The PER training record records this as '5 months claimed on 20 June 2020' of relevant practical experience, which corresponds, in whole months, with the period referred to above.

76. In this role, the PER training record refers to a single supervisor, Person B, who was recorded as authorised to approve Miss Lu's experience / time claim only which they did on 20 June 2020.
77. The Supervisor details for Miss Lu record that Person B was a 'non IFAC qualified line manager' and hence why Person B did not approve Miss Lu's POs in her PER.
78. No IFAC qualified accountant was connected with Miss Lu's employment with this firm and according to the training record, no performance objectives were associated with this period of Miss Lu's training.

Firm B

79. The PER training record recorded the second firm where Miss Lu trained was at Firm B where she was employed from 01 November 2017 in the role of 'Internal Auditor'. No end date had been recorded. This suggested she remained employed at least up to the date her time/ experience was approved on 20 June 2020.
80. In Miss Lu's PER training record, in red text, it was confirmed that 31 months of relevant practical experience had been claimed, which related, in full months, to the period of employment referred to in the paragraph immediately above. There was reference to a period of 45 months. However, this corresponded with the period the training commenced i.e. 01 November 2017 to the date the record was downloaded by staff i.e. August 2021, but the Committee had not taken this evidence into account.
81. In this role, the training record referred to two supervisors, Person A, who was authorised to approve her PO's only, and Person C, who was authorised to approve her experience / time claim only.
82. In relation to the POs, the PER training record recorded that Miss Lu requested Person A to approve all nine POs on 21 June 2020 and Person A apparently approved all nine POs on that same day.
83. The Supervisor details for Miss Lu recorded that Person A was an IFAC qualified external supervisor hence why Person A only approved Miss Lu's

achievement of her POs and not the period of her employment in the firm referred to.

84. Person C approved Miss Lu's period of employment at the firm on 20 June 2020.
85. The Supervisor details for Miss Lu recorded that Person C was a 'non IFAC qualified line manager' and hence why Person C only approved Miss Lu's time / experience claim.

Miss Lu's response

86. In her response dated 07 September 2022, Miss Lu accepted that she had not been supervised by Person A in relation to her practical experience. Miss Lu said that Person A, "*was recommended to her by an agent as a qualified PER supervisor who was said to be able to give guidance on PER and sign off PO's.*"
87. In a statement sent to ACCA on 31 January 2025, Miss Lu provided the following responses to the questions posed in ACCA's letter of 01 September 2022 regarding the person purporting to be Person A acting as her PES:

"1. I didn't have a qualified supervisor at my workplace. I searched online how other students with similar situation deal with it, I came across someone who stated they are qualified supervisor, and could provide guidance for the PER training. Which I believed ... was [Person A]."

2. I thought that signing off the PER could be in the middle of or by the end of the relevant experience, as long as the training records are reviewed and verified by both line manager and supervisor. During my 36-month work experience, neither my line managers were qualified supervisor, and I didn't intend to apply for membership at that time, so I didn't try to approach a qualified supervisor earlier. I thought this could be done remotely as the official website has a remote supervisor program.

3. This person told me that they have a valid CPA license with many years of experience, I trusted them without verifying the true identity. I didn't know the true identity of the person I interacted with."

88. With regard to her POs, in her response dated 07 September 2022, Miss Lu also accepted that her PO statements were not in her own words. Miss Lu stated that she, *“had been provided with some templates and I did not change much before I recorded.”*

89. In her statement sent to ACCA as an attachment to her email of 31 January 2025, Miss Lu provided the following responses to the questions posed in ACCA’s letter of 01 September 2022 regarding the submission of her POs and her PO statements, certain of which conflicted with the account she gave in her response of 07 September 2022:

“4. The PER training records were not written by me. I drafted my PER records based of my work experience and achievements. However, the version uploaded was not the one I prepared.

5. What happened here was that I haven’t received any templates. I said that because at that time, I thought it was too silly to say I gave my log in details to someone else. In fact, I falsely trusted ‘[Person A]’, and they uploaded the records that doesn’t represent my experience.

6. As I mentioned in #4, I drafted my PER records and was hoping ‘[Person A]’ would review them and give feedback by online meetings.

7. There were lots of emails from acca, including ads or promotions and so on, some went to junk mails, some went to other folders that I wasn’t pay attention to. I became aware I had been admitted to membership a couple of weeks later, can’t remember the date.

8.

9. I told ‘[Person A]’ about my general work experience, work contents and title. Unfortunately, I also revealed my log in details. I thought next step was ‘[Person A]’ to set up some online meetings to discuss my work and performance, but I never hear back from [Person A].”

90. Miss Lu provided the following summary in her statement sent on 31 January 2025:

91. *“I didn’t read the rules about the PER process carefully, although there are plenty of guidance on the website. I’m sorry that I recklessly provided my password to someone I didn’t know well. I apologize that I didn’t speak up when I became aware that I was admitted to membership. I should have contacted acca immediately to explain the situation and to seek advice as to how to rectify the situation. However, I kept silent as I [REDACTED] at that time. Due to frequent quarantines during covid, I felt isolated and [REDACTED]. When this happened, I did nothing. I know this shouldn’t be an excuse, but if I wasn’t in that situation, I would have done it differently.”*

The Committee's decision in respect of allegations 1(a) & (b)

92. In the absence of any evidence to the contrary, the Committee found, on the balance of probabilities, that a third party, namely someone purporting to be Person A, had submitted to ACCA Miss Lu’s application for membership.
93. However, it had been suggested by Miss Lu that, in effect, the application had been submitted without her knowledge, and that any wrongdoing centred around her failure to notify ACCA when she realised she had become a member.
94. The Committee found such an account to be wholly implausible. To suggest that she had provided her login details to include her password to her ACCA account to someone who was effectively unknown to her and that her reason for doing so was because she then expected Person A to set up some online meetings to discuss her work was simply not credible.
95. The Committee was satisfied that Miss Lu provided the person purporting to be Person A with her login details and password to enable her application for membership to be submitted.

Allegation 1(a)

96. The Committee was satisfied, on the balance of probabilities, that Person A had not acted as her PES, and Miss Lu knew this. Indeed, this had been admitted by her.

97. There was no evidence at all of any contact taking place between Miss Lu and Person A throughout Miss Lu's training as would be expected if Person A had been acting as her supervisor as shown on Miss Lu's PER.
98. The Committee found that Person A did not provide the necessary supervision of Miss Lu's work during any of the period that she worked at Firms A and B. As stated in the PER booklet, one of the three components of PER is to, *"regularly record your PER progress in your online My Experience record, which can be accessed via myACCA."* As stated, there was no such evidence.
99. To summarise, in reaching its finding, the Committee had taken account of the following:
- (a) Person A has stated that they did not act as PES to Miss Lu;
 - (b) There was no documentary evidence at all of any contact between Miss Lu and Person A, such as supervision notes, meeting notes, file reviews, text messages, appointments, or emails concerning work undertaken by Miss Lu when at Firms A and B;
 - (c) Based on the unchallenged evidence, and on the admissions made by Miss Lu, the Committee found that Miss Lu knew that Person A had not been acting as her PES during the relevant period.
100. On this basis, the Committee found the facts of allegation 1(a) proved.

Allegation 1(b)

Analysis of Miss Lu's POs as contained in her PER training record with other ACCA trainees

101. 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 undermines the PER element of the ACCA qualification.
102. The Committee had considered the careful analysis carried out by ACCA on the basis of information supplied by the company which provided ACCA with the online PER tool, providing an Excel spreadsheet with all the POs

downloaded from the 100 trainees. The purpose of this analysis was to determine if the PO statements of any one trainee were identical or significantly similar to the POs of one or more other trainees who claimed to have been supervised by Person A, including Miss Lu.

103. The Committee was satisfied that, where PO statements of Miss Lu were the same or significantly similar to the POs of any other trainees, it was a reasonable inference that Miss Lu 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 almost identical, terminology and wording to describe that work experience.

104. 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.

105. 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.

106. In relation to Miss Lu, the analysis revealed, and the Committee found:

- Eight of her nine PO statements were not first in time.
- The same eight of her nine PO statements were identical or significantly similar to the POs contained in the PERs of many other ACCA trainees who claimed to have been supervised by Person A.

107. The following statements submitted by Miss Lu were the same, or effectively the same, as the trainees identified below:

PO1 – Trainees 1, 2, 3, 4;

PO2 - Trainees 5, 6, 7, 8;

PO3 – Trainees 9, 10, 11;

PO4 - Trainees 1, 3, 4, 7;

PO5 – Trainees 3, 5, 7, 12, 13;

PO8 – Trainees 6, 7, 14;

PO14 – Trainees 11, 13;

PO22 – Trainee 13.

108. The Committee noted that the wording itself was almost identical.
109. The following is an example of this approach. The example selected by the Committee was a statement submitted by Miss Lu which was effectively identical to those of the other trainees listed above.

PO5

110. The Committee found that the words used by Miss Lu in her "Leadership and management" PO statement ("PO5"), and which was submitted to Person A for approval on 21 June 2020 and purportedly approved by Person A on 21 June 2020, were identical, or practically identical, to the words used by those trainees listed above for the same PO.

"This is an important skill, especially when leading a team to complete an important project within a set time frame. Through the practice work, summarized several methods. First, make a plan. Before the implementation of the same goal (task) , the leader should, after thorough and effective investigation and analysis, draw up a number of plans, which fully reflect any situation that may occur in the course of the implementation of the goal, and adopt the method, this allows each person on the team to have a clear idea of their task or goal. Secondly, the sharing of planning information. All the planning information is communicated to everyone, and each person can contribute their own ideas to the plan, while giving the team members a sense of the importance of their work, which can motivate them to work better. For example, when I lead a project, the first thing I do is to have a meeting with the team and let them figure out what's most important, and we focus on what's most important. Second, supervise. Timely grasp the work of the dynamic, is conducive to improving the efficiency of work. Finally, understand the needs of customers, so that we can more effectively know what we should do to avoid unnecessary work"

111. The statement below is that of Trainee 7 for PO5, submitted on 29 March 2020 to Person A and approved by Person A on 29 March 2020:

"This is an important skill, especially when leading a team to complete an important project within a set time frame. Through the practice work, summarized several methods. First, make a plan. Before the implementation of the same goal (task) , the leader should, after thorough and effective investigation and analysis, draw up a number of plans, which fully reflect any situation that may occur in the course of the implementation of the goal, and adopt the method, this allows each person on the team to have a clear idea of their task or goal. Secondly, the sharing of planning information. All the planning information is communicated to everyone, and each person can contribute their own ideas to the plan, while giving the team members a sense of the importance of their work, which can motivate them to work better. For example, when I lead a project, the first thing I do is to have a meeting with the team and let them figure out what's most important, and we focus on what's most important. Second, supervise. Timely grasp the work of the dynamic, is conducive to improving the efficiency of work. Finally, understand the needs of customers, so that we can more effectively know what we should do to avoid unnecessary work"

112. The Committee found that the similarities in the description of the work experience described by Miss Lu and the other trainees meant that it was not credible that trainees would have undergone exactly the same work experience and then expressed it in effectively identical terms. 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 all eight of Miss Lu's POs which were particularised in this allegation.
113. As outlined above, in her initial response dated 07 September 2022, Miss Lu suggested that she, *"had been provided with some templates and I did not change much before I recorded."*
114. In subsequent responses, Miss Lu attempted to resile from that version of events, saying that she had drafted PER records based on her own experience and achievements, but the versions uploaded were not the ones she had prepared. She denied that she had been provided with any templates. The Committee rejected Miss Lu's evidence. Had she provided Person A with her own PO statements, Miss Lu had had ample opportunity to provide them to ACCA. The Committee found that her earlier account, given some 17 months before, was more plausible.

115. 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 gained as described in the statements.
116. The Committee found that Miss Lu had known that the PO statements which were submitted in support of her application for membership were not her words.
117. No evidence had been provided to support the description of the work allegedly carried out by Miss Lu to satisfy POs 1, 2, 3, 4, 5, 8, 14 and 22 when working at Firms A and B. The Committee found, on the balance of probabilities, that it was not true that she had achieved the POs in the manner, or based on the description of the work, alleged.
118. On this basis, the Committee found the facts of allegation 1(b) proved.

Allegations 2(a) and (b)

119. Whilst the Committee noted that Miss Lu had admitted that she had acted dishonestly as alleged, it was considered appropriate for the Committee to assess the basis of the allegations having applied the test for dishonesty in these proceedings as prescribed by the Supreme Court in the case of *Ivey v Genting Casinos t/a Crockfords* [2017] UKSC 67.
120. The Committee relied upon its findings of fact under allegations 1(a) and 1(b) above.
121. The Committee had found that Miss Lu knew that Person A had not supervised her practical training but that she had held out that she had been supervised by Person A during that period.
122. The Committee had also found that Miss Lu had failed to write the statements in support of POs 1, 2, 3, 4, 5, 8, 14 and 22 in her own words. She therefore knew that she had not achieved the performance objectives in respect of POs 1, 2, 3, 4, 5, 8, 14 and 22 in the manner described in the statements she had submitted or at all.

123. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.
124. Consequently, the Committee found allegations 2(a) and 2(b) proved.

Allegation 2(c)

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

Allegations 3(a), (b) and (c)

126. On the basis that these allegations were pleaded in the alternative to allegations 2(a) and 2(b), the Committee made no finding in respect of them. In doing so, it had taken account, first, of Miss Lu's admission to the allegation of dishonesty in the CMF, and secondly, its findings of fact, on the basis of which the Committee was satisfied that Miss Lu had acted dishonestly.
127. For the reasons set out above, the Committee rejected the submission in Miss Lu's statement that she had acted recklessly.

Allegation 4

128. Taking account of its findings that Miss Lu had acted dishonestly, the Committee was satisfied that she 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 Miss Lu, the Association and the accountancy profession.
129. The Committee found allegation 4 proved.

SANCTION AND REASONS

130. 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 Brady, and to legal advice from the Legal Adviser, which it accepted.

131. The Committee considered the available sanctions in increasing order of severity having decided that it was not appropriate to conclude the case with no order.
132. 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.
133. The Committee considered whether any mitigating or aggravating factors featured in this case.
134. The Committee accepted that there were no previous findings against Miss Lu. There was no evidence of any other mitigating factors in this case. The Committee had before it a one-paragraph statement of rehabilitation from Miss Lu. It had not received any references or testimonials.
135. As for aggravating features, on the basis of the Committee's findings, it had been established that Miss Lu's behaviour had been dishonest and the steps Miss Lu had taken involved a level of sophistication, planning and probable collusion with others. Her actions were designed to deceive her regulator. The Committee was concerned that Miss Lu's dishonest conduct was to enable her to derive a personal benefit.
136. Miss Lu had also held herself out as a member since 26 June 2020, a period of some four and a half years. As her membership had been obtained via dishonest means, there was a risk that Miss Lu was acting as an ACCA member without the necessary competence or experience to do so. This represented a risk to clients and the public.
137. Whilst there had been a level of engagement with these proceedings, and although Miss Lu had provided certain admissions, the Committee remained concerned that Miss Lu had not fully recognised the seriousness of her misconduct and had therefore shown insufficient insight. However, the Committee noted the fact that Miss Lu had apologised for her behaviour.
138. The Committee concluded that neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings.

139. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
140. Miss Lu had been found to have acted dishonestly in her conduct. The Committee was also concerned that, based on its findings, the objective of her dishonest conduct was to gain an unfair advantage over those who had approached their practical training in an honest way. Due to the lack of legitimate evidence regarding her training, she had become a member when she may not have been competent to hold such a position. Therefore, this was conduct on Miss Lu's part which had led to her achieving a level of success to which she was not entitled, and which was not merited. In this way, as stated, she presented a risk to the accountancy profession and the public.
141. In the Committee's judgement, Miss Lu'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, including a student member, to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings.
142. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to exclude Miss Lu as a member of ACCA but could find none.
143. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Miss Lu shall be excluded from membership of ACCA.

COSTS AND REASONS

144. The Committee had been provided with a simple cost schedule (page 1) and a detailed cost schedule (pages 1 to 3). It had taken account of the document entitled Guidance for Costs Orders 2023.
145. The Committee concluded that ACCA was entitled to be awarded costs against Miss Lu, all allegations, including dishonesty, having been found proved. The

amount of costs for which ACCA applied was £8,155.50. Taking account of the complexity of the case, the Committee did not consider that the costs incurred were unreasonable.

146. Miss Lu had provided the Committee with details of her means in a financial statement attached to her email of 31 January 2025. Mr Brady did not challenge the information provided by Miss Lu even though she had not provided any documentary evidence in support.
147. The Committee noted that the amount of estimated time claimed in respect of today's hearing was greater than the time the hearing had actually taken. The Committee considered it was appropriate to deduct an amount equivalent to five hours in respect of both the Case Presenter and Hearings Officer.
148. In all the circumstances, the Committee exercised its discretion when determining the amount Miss Lu should be expected to pay. Combining the deduction represented by the reduced hearing time, together with consideration of Miss Lu's means, the Committee considered that it was reasonable and proportionate to award ACCA costs in the reduced amount of £5,000.

EFFECTIVE DATE OF ORDER

149. On the application of Mr Brady, the Committee decided that it was necessary, and in the interests of the public, for this order to take immediate effect.
150. In reaching its decision, the Committee took account of the fact that Miss Lu had obtained her ACCA membership by dishonest means, and there was no clear evidence of her current circumstances. As a consequence, the Committee had no way of knowing if Miss Lu is continuing to hold herself out as a member of ACCA.

Mr Martin Winter
Chair
11 February 2025