

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Ms Jemy Susan Abraham

Heard on: Tuesday, 21 November 2023

Location: Virtual hearing via Microsoft Teams

Committee: Mr Andrew Popat CBE (Chair)
Ms Samantha Lipkowska (Lay)
Mr Peter Brown (Accountant)

Legal Adviser: Ms Jane Kilgannon

**Persons present
and Capacity:** Mr Alex Mills (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Severe reprimand

Costs: £2,000

1. The Disciplinary Committee (the Committee) convened to consider the case of Ms Jemy Susan Abraham (Ms Abraham).

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2. Mr Alex Mills (Mr Mills) represented the Association of Chartered Certified Accountants (ACCA). Ms Abraham did not attend the hearing and was not represented.
3. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
4. In accordance with Regulation 11(1)(a) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
5. The hearing was conducted remotely through Microsoft Teams.
6. The Committee had considered in advance the following documents:
 - a. Memorandum and Agenda (pages 1 to 2);
 - b. Hearing Bundle (pages 1 to 79);
 - c. A completed Case Management Form (pages 1 to 21); and
 - d. Service Bundle relating to today's hearing (pages 1 to 30).
7. The Committee had also been sent and had viewed a copy of video footage of an examination dated 06 November 2021 (1 hour 17 minutes and 48 seconds in duration).

SERVICE OF PAPERS

8. The Committee considered whether the appropriate documents had been served on Ms Abraham in accordance with the Regulations.
9. The Committee accepted the advice of the Legal Adviser, who referred it to Regulations 10 and 22 of the Regulations, and in particular the requirement

that notice of the hearing must be served no later than 28 days before the date of the hearing unless there are exceptional circumstances.

10. The Committee noted the written notice of the hearing scheduled for today, 21 November 2023, that had been sent by electronic mail (email) to Ms Abraham's registered email address on 24 October 2023. It also noted the subsequent emails sent to her with the necessary link and password to enable her to gain access to the letter and the documents relating to this hearing.
11. As the notice of hearing was sent by email, the Committee noted that service may be proved by confirmation of delivery of the notice, which had been provided to the Committee, and that the notice would be deemed as having been served on the day that it was sent, that is, 24 October 2023. On the basis of that documentation, the Committee was satisfied that the notice of hearing had been served on Ms Abraham on 24 October 2023, 28 days before the date of today's hearing.
12. The Committee noted the contents of the notice of hearing and was satisfied that it contained all of the information required by Regulation 10 of the Regulations.
13. The Committee concluded that service of the notice of hearing had been effected in accordance with Regulations 10 and 22 of the Regulations.

PROCEEDING IN ABSENCE

14. Mr Mills made an application for the hearing to proceed in the absence of Ms Abraham.
15. The Committee, having satisfied itself that the requirements of Regulations 10 and 22 of the Regulations had been complied with, went on to consider whether to proceed in the absence of Ms Abraham.
16. The Committee took into account the submissions of Mr Mills. The Committee accepted and took into account the advice of the Legal Adviser, who referred it

to Regulation 10(7) of the Regulations, the ACCA document 'Guidance for Disciplinary Committee hearings' and the relevant principles from the cases of *R v Jones* [2002] UKHL 5, and *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162.

17. The Committee bore in mind that its discretion to proceed in the absence of Ms Abraham must be exercised with the utmost care and caution.
18. The Committee noted that ACCA had sent a notice of hearing and further correspondence to Ms Abraham at her registered email address. It also noted that ACCA had made an attempt to contact Ms Abraham by telephone on 31 October 2023, 08 November 2023, 14 November 2023, 17 November 2023 and 20 November 2023 but that the calls had not been answered and there was no opportunity to leave a message.
19. On the basis of the evidence set out above, the Committee was satisfied that ACCA had made reasonable efforts to notify Ms Abraham about today's hearing and that Ms Abraham knew or ought to know about the hearing. The Committee noted that Ms Abraham had not applied for an adjournment of today's hearing and there was no indication that such an adjournment would secure her attendance on another date. Furthermore, there was no evidence that Ms Abraham was absent due to incapacity or illness. The Committee therefore concluded that Ms Abraham had voluntarily absented herself from the hearing. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously.
20. Having balanced the public interest with Ms Abraham's own interests, the Committee decided that it was fair and in the interests of justice to proceed in Ms Abraham's absence.

BRIEF BACKGROUND

21. Ms Abraham became a student member of ACCA on 03 November 2020.

22. On 06 November 2021 Ms Abraham sat an ACCA FMA Management Accounting remotely invigilated examination. According to the examination chat log, the intervention specialist terminated the examination for the following reason:

“I am here to inform you that we have terminated the exam due to a breach in academic integrity in accordance with ACCA policy [...] Due to the events of this session, we will not be proceeding at this time. Please refer back to your exam provider organization or instructor for further direction on how to complete your exam” (page 39 of the Hearing Bundle).

23. The remote Invigilator and the intervention specialist referred the matter to ACCA. Ms Abraham was informed of this on 09 November 2021.

24. On 11 November 2021 Ms Abraham contacted ACCA’s Administration team. She stated:

“I am writing this to report the unfair practice that I had to face in the remote exam [...] I have a humble request, I am a student pursuing ACCA and I do acknowledge the ethical practices that an accountant should possess. I had prepared with sincere hard work and effort to master the subject and to pass with flying colors but now its all dull, because I was imposed on a mistake that I didn’t do by myself and also the reason for auto-submission. I assure you that throughout the exams no kind of mistakes from my part was done and I even didn’t do it in my mocks, I believe not to commit these kind of deliberate fraud to win exam and if I didn’t know the answer I be happy to submit the things of my knowledge and never by cheating. This experience has resulted in a bad impression of remote exams and hurts when I was wrongly accused for a breach that I didn’t commit” (page 20 of the Hearing Bundle).

25. The ACCA Investigations Officer reviewed the video footage of the examination and identified two potential irregularities:

- a. At approximately 1 hour 6 minutes and 28 seconds to 1 hour 6 minutes and 34 seconds, they considered that whispering could be heard and that Ms Abraham could be seen nodding her head; and
 - b. At approximately 1 hour 7 minutes and 56 seconds to 1 hour 8 minutes and 4 seconds, they considered that whispering could be heard and that Ms Abraham could be seen nodding and shaking her head.
26. ACCA wrote to Ms Abraham at her registered email address on 28 February 2022, requesting her comments and observations on this matter by 21 March 2022. As no response was received, further letters were sent to Ms Abraham by email on 23 March 2022, 20 April 2022, 05 May 2022 and 16 August 2022. None of these letters elicited a response from Ms Abraham.

ALLEGATIONS

Ms Jemy Susan Abraham, an ACCA student in respect of her FMA Management Accounting exam on 06 November 2021 (the exam):

- 1. Was whispering, speaking aloud and communicating with another person or any one of them during the exam, contrary to Exam Regulation 16.***
- 2. Caused or permitted someone else to be in the room whilst she sat the exam, contrary to Exam Regulation 20.***
- 3. Ms Jemy Susan Abraham's conduct in respect of 1 and 2 above,***
 - i. Was dishonest, in that she intended to gain an unfair advantage; or in the alternative,***
 - ii. Demonstrates a failure to act with integrity.***
- 4. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Ms Jemy Susan Abraham failed to***

co-operate with the investigation of a complaint, in that she did not respond to any or all of ACCA's correspondence sent on:

- a. 28 February 2022;***
- b. 23 March 2022; and***
- c. 20 April 2022.***

5. *By reason of her conduct described at 1 to 4 above, Ms Jemy Susan Abraham is:*

- a. Guilty of misconduct pursuant to bye-law 8(a)(i) or, in the alternative,***
- b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).***

DECISION ON ALLEGATIONS AND REASONS

ADMISSIONS

27. There were no admissions and so ACCA was required to prove all of the matters alleged.

EVIDENCE AND SUBMISSIONS OF ACCA

28. Mr Mills provided written and oral submissions on behalf of ACCA.
29. Mr Mills took the Committee through the documentary and video evidence relied upon by ACCA. In particular, Mr Mills highlighted the video footage of the examination which he said showed evidence from which the Committee could infer the presence of another person in the room with Ms Abraham, and Ms Abraham communicating with that person during the examination.
30. Mr Mills submitted that whispering could be heard on at least two occasions during the examination and that, on each occasion, it appeared to be followed by Ms Abraham nodding her head and/or moving her mouth.

31. Mr Mills also submitted that there were a number of occasions before the examination started and also during the examination when Ms Abraham was looking off-screen. He submitted that these supported ACCA's assertion that there was someone else in the examination room with Ms Abraham and that she was communicating with that person during the examination.
32. In relation to Allegation 1, Mr Mills stated that Regulation 16 of the Exam Regulations prohibits whispering, speaking out loud, communicating or attempting to communicate with any person during the examination, other than the examination supervisor, invigilator or proctor. Mr Mills submitted that the video footage of the examination showed Ms Abraham speaking aloud. Mr Mills also submitted that Ms Abraham's nodding and shaking of the head coinciding with or immediately following what he described as the sounds of whispering, make it likely that Ms Abraham was communicating with another person during her examination at those times.
33. In relation to Allegation 2, Mr Mills stated that Regulation 20 of the Exam Regulations prohibits the presence of anyone else in the examination room whilst the examination is being taken. Mr Mills submitted that, as whispering can be heard on at least two occasions during the examination, and that Ms Abraham did not open her mouth or appear to speak at those times, it is likely that there was another person in the examination room with Ms Abraham at those times. Mr Mills submitted that the coincidence of Ms Abraham's looking off-screen, mouth movements and head movements around the times of the alleged whispering, also make it more likely that there was another person in the examination room with Ms Abraham. Mr Mills submitted that the visible opening and closing of the main door in the examination room provided an opportunity for another person to enter the examination room. He invited the Committee to infer that another person was either in the examination room before the main door opened and closed or entered it at that point.
34. In relation to Allegation 3, Mr Mills submitted that Ms Abraham's purpose in communicating with another person during her examination must have been an intention to obtain an unfair advantage by gaining assistance from that person.

He submitted that, given that Ms Abraham was aware that she was not permitted to have another person in the room with her during the examination, and she had not brought the Invigilator's attention to the presence of the other person, there was no alternative innocent explanation for that person's presence in the examination room. Mr Mills submitted that seeking to cheat in a professional examination in this way was dishonest conduct or, in the alternative, demonstrated a failure to act with integrity.

35. In relation to Allegation 4, Mr Mills submitted that Ms Abraham's failure to respond to the three letters from ACCA amounted to a failure to fully cooperate with an ACCA investigation. He submitted that the failure risked frustrating the ACCA's investigation into her conduct and undermining public confidence in the ACCA's ability to regulate its members.
36. In relation to Allegation 5a, Mr Mills submitted that Ms Abraham's conduct has brought discredit to Ms Abraham, ACCA and the accountancy profession, and that, as such, it amounted to serious professional misconduct. In the alternative, in relation to Allegation 5b, Mr Mills submitted that Ms Abraham's conduct rendered her liable to disciplinary action.

EVIDENCE AND SUBMISSIONS OF MS ABRAHAM

37. Ms Abraham did not attend to make oral representations and nor did she submit any written representations.
38. The Committee had regard to Ms Abraham's email to ACCA on 11 November 2021, which included her denial of any cheating or other wrongdoing.

DECISIONS AND REASONS OF THE COMMITTEE

39. The Committee considered all of the documentary and video evidence before it and the submissions of Mr Mills. The Committee accepted the advice of the Legal Adviser, which included reference to the applicable burden and standard of proof, and the interpretation of the terms dishonesty, a failure to act with integrity, and misconduct.

Allegation 1 – not proved

40. In relation to Allegation 1, the Committee noted that Regulation 16 of the Exam Regulations prohibits candidates whispering or speaking aloud during the examination or communicating or attempting to communicate with another person during the examination (other than the exam supervisor, remote Invigilator, or Proctor).
41. The Committee noted that Ms Abraham had not responded to this allegation and therefore had provided neither an admission nor a denial.
42. Having carefully reviewed the video footage of the examination, the Committee found that it could not be satisfied, on the balance of probabilities, that it was more likely than not that Ms Abraham was whispering, speaking aloud and communicating with another person during the examination. In coming to that conclusion, the Committee had particular regard to the following matters:
 - a. The Committee noted that there was no direct evidence of another person in the examination room with Ms Abraham. It considered the fact that the main door to the room had opened and closed before the examination began did not indicate that a person had entered the room, only that a person may have had the opportunity to enter the room at that point. The Committee noted that the examination room had been searched four times within a relatively short period of time by the examination Proctor/Invigilator. Acknowledging that Ms Abraham was holding the laptop and in control of what the camera showed during those searches, it was evident that the whole room from ceiling to floor had been checked a number of times and the examination Proctor/Invigilator had been satisfied that there was no other person in the examination room. All of the searches shown on the video footage appeared to show a room containing only one person, and that was Ms Abraham.
 - b. There were a number of occasions during the examination when Ms Abraham can be seen on the video footage looking off-screen. However,

the Committee noted that looking off-screen was not an element of the allegation charged rather it had been invited to consider those moments as further evidence that Ms Abraham had been communicating with another person in the examination room. The Committee considered that there were a number of potential innocent reasons for Ms Abraham to have looked off-screen, even acknowledging that she had been told not to during the examination. For example, it may have been an unconscious mannerism of Ms Abraham to look to the side when thinking, she may have been looking at her calculator and the paper upon which she was making notes (which was permitted), or her attention may have been drawn to a noise from something in the room, such as the ceiling fan. Given these clear possibilities, and the absence of any direct evidence showing that Ms Abraham's glances off-screen were actually towards another person, the Committee was not satisfied that it was more likely than not that Ms Abraham's occasional glances off-screen were sufficient to warrant an inference that there was another person in the examination room.

- c. There were a number of occasions during the examination when Ms Abraham can be seen on the video footage to be moving her mouth and speaking quietly. However, the Committee considered that there were a number of potential innocent reasons for Ms Abraham to have done so, even acknowledging that she had been told not to speak aloud during the examination. For example, it may have been an unconscious mannerism of Ms Abraham to mouth words or speak to herself when reading examination questions and when considering possible answers. The Committee noted that Ms Abraham's grasp of the English language may not be advanced, in that she asked the examination Proctor/Invigilator to communicate with her via the chat function because she could not always understand their verbal requests and questions. Where a person's grasp of the language in use is less than advanced, the Committee considered it would be more likely that the person attempting to read and understand instructions in that language might take time to reflect on what is being asked and repeat the words used to themselves, even out loud. Given this clear possibility, and the absence of any direct evidence showing that

Ms Abraham was actually speaking to another person at the relevant times, the Committee was not satisfied that it was more likely than not that Ms Abraham's occasional movements of her mouth and speaking quietly were sufficient to warrant an inference that there was another person in the examination room.

- d. The Committee was not satisfied that there was audible whispering on the video footage at the two specific times that ACCA had highlighted. The Committee noted that, at those times, there was a significant amount of background noise – possibly from the ceiling fan which the video footage had shown was in operation in the examination room, possibly also from Ms Abraham's movement of her scrap paper. Amongst that background noise, the Committee was not able to decipher specific sounds such as to be satisfied, on the balance of probabilities, that there was whispering in the examination room.
43. The Committee noted that Ms Abraham had denied any wrongdoing during the examination, stating that she had prepared for the examination and did not believe in cheating in examinations.
44. Insofar as Allegation 1 included an allegation of a deliberate act on Ms Abraham's part, the Committee took into account her previous good character, making it less likely that she would have acted as alleged and more likely that she would tell the truth about her conduct.
45. Taking all of these findings and matters into account, the Committee concluded that Ms Abraham had not, on the balance of probabilities, acted as alleged contrary to Exam Regulation 16.
46. Accordingly, the Committee found Allegation 1 not proved.

Allegation 2 – not proved

47. In relation to Allegation 2, the Committee noted that Regulation 20 of the Exam Regulations prohibits the presence of any other person in the room with the candidate during the examination.
48. The Committee noted that Ms Abraham had not responded to this allegation and therefore had provided neither an admission nor a denial.
49. In light of its findings in relation to Allegation 1 above, the Committee considered that it would not be reasonable for it to infer from the video footage that it had seen that there was another person in the examination room with Ms Abraham.
50. The Committee noted that Ms Abraham had denied any wrongdoing during the examination, stating that she had prepared for the examination and did not believe in cheating in examinations.
51. Insofar as Allegation 2 included an allegation of a deliberate act on Ms Abraham's part, the Committee took into account her previous good character, making it less likely that she would have acted as alleged and more likely that she would tell the truth about her conduct.
52. Taking all of these findings and matters into account, the Committee concluded that Ms Abraham had not, on the balance of probabilities, acted as alleged contrary to Exam Regulation 20.
53. Accordingly, the Committee found Allegation 2 not proved.
54. Given the Committee's findings in relation to Allegations 1 and 2, it was not necessary for the Committee to consider Allegations 3a and 3b.

Allegation 4 - proved

55. Copies of the letters sent by email to Ms Abraham following the referral of the matter to ACCA's Investigation team were provided. The first letter dated 28 February 2022 set out the nature of the complaint and requested that Ms

Abraham respond to a series of questions by 21 March 2022. Reference is made in the letter to the part of the Regulations that require ACCA members to cooperate fully with ACCA investigations.

56. ACCA's records show that the letters were sent to the email address that Ms Abraham had provided to ACCA.
57. The Committee noted that some of the emails sent to Ms Abraham had been encrypted, requiring a password to open them. However, the Committee considered that it would be reasonable to expect an ACCA member receiving correspondence from ACCA and having any difficulty opening it, to contact ACCA and ask for assistance. The Committee noted that no such communication had been received by ACCA from Ms Abraham.
58. The Committee noted that Ms Abraham had not responded to this allegation and therefore had provided neither an admission nor a denial.
59. The Committee noted that Ms Abraham was under a duty to cooperate fully with the ACCA investigation into her conduct and found that, by not responding to the letters sent to her in any way, she had failed to discharge that duty.
60. Accordingly, Allegation 4 was found proved.

Allegation 5a – proved

61. In relation to Allegation 5a, the Committee considered the seriousness of Ms Abraham's conduct set out at Allegation 4. The Committee referred back to the evidence that it had seen and heard and its findings in relation to Allegation 4.
62. The Committee found that, in failing to fully co-operate with ACCA's investigation into her alleged conduct, Ms Abraham's conduct had fallen far short of what would be expected of an ACCA student member and was serious enough to amount to misconduct. Ms Abraham's failure had the potential to undermine ACCA's ability to function effectively as a regulator and therefore risked bringing both ACCA and the profession into disrepute.

63. For those reasons, the Committee concluded that Ms Abraham's conduct at Allegation 4 was serious enough to amount to misconduct.
64. Given the Committee's finding in relation to Allegation 5a, it was not necessary for it to consider the alternative matter set out at Allegation 5b.

SANCTION AND REASONS

65. In reaching its decision on sanction, the Committee took into account the evidence that it had already heard, its earlier findings and the further submissions made by Mr Mills.
66. Mr Mills submitted that the Committee may consider that an aggravating feature of the case was that Ms Abraham failed to respond to a single letter three times.
67. Mr Mills submitted that the Committee may consider that a mitigating feature of the case is that there are no previous regulatory findings against Ms Abraham.
68. Ms Abraham had not provided any written submissions in relation to the sanction stage of proceedings.
69. The Committee accepted the advice of the Legal Adviser, who referred it to Regulation 13(4) of the Regulations, relevant caselaw and the ACCA document 'Guidance for Disciplinary Sanctions'. The Committee bore in mind that the purpose of any sanction was not to punish Ms Abraham, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate.
70. When deciding on the appropriate sanction, the Committee carefully considered whether there were any aggravating and mitigating features in this case.
71. The Committee considered the following matters to be aggravating features of the case:

- a. The repeated and continuing nature of Ms Abraham's failure to fully cooperate with ACCA's investigation, potentially frustrating that investigation; and
 - b. Ms Abraham's failure to engage with the ACCA disciplinary proceedings, indicating a lack of insight.
72. The Committee considered the following to be a mitigating feature in this case: Ms Abraham has had no previous regulatory findings made against her.
73. As Ms Abraham had not engaged with the disciplinary process, she had not provided any evidence of remorse or insight into her failure to cooperate with the ACCA investigation into her conduct.
74. No professional or character testimonials were presented for the consideration of the Committee.
75. The Committee noted Section F of the 'Guidance for Disciplinary Sanctions' document, which categorised a "*Failure to cooperate with a disciplinary investigation*" as "*Very serious*" conduct.
76. The Committee considered the available sanctions in increasing order of severity.
77. The Committee first considered whether to take no further action but considered that such an approach was not appropriate given the seriousness of the misconduct.
78. The Committee considered imposing an admonishment on Ms Abraham. The Committee noted that the guidance indicated that an admonishment would be appropriate in cases where most of the following are present: evidence of no loss or adverse effect on client / members of the public; early admission of the facts alleged; insight into failings; isolated incident; not deliberate; genuine expression of remorse/apology; corrective steps have been taken promptly;

subsequent work satisfactory; and relevant and appropriate testimonials and references. The Committee considered that this was not a case where most of these factors were present. It was not an isolated incident because the failure to cooperate was repeated. As Ms Abraham had not engaged, there had been no admissions and neither had she provided any evidence of remorse/apology, insight, corrective steps, or satisfactory work and conduct since. There was no evidence that Ms Abraham had acted unwittingly and there were no positive testimonials or references provided. Taking these matters into account, together with the seriousness of the misconduct found, the Committee concluded that an admonishment would be an inappropriate and inadequate response.

79. The Committee considered imposing a reprimand on Ms Abraham. The Committee noted that the guidance indicated 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 conduct found proved. None of these features were present in this case. The misconduct was of a serious nature and no understanding or insight had been demonstrated by Ms Abraham. For those reasons, the Committee concluded that a reprimand would be inappropriate.
80. The Committee considered imposing a serious reprimand on Ms Abraham. The Committee noted that the guidance indicated that a severe reprimand would usually be appropriate in cases where the conduct is of a serious nature but where the circumstances of the case or mitigation advanced satisfies the Committee that there is no continuing risk to the public. The Committee considered the non-exhaustive list of factors set out in the guidance, that indicate when a severe reprimand may be appropriate. The Committee noted that although Ms Abraham had failed to cooperate at the investigations stage and there was no evidence of remorse or insight on her part, Ms Abraham was of previous good character, there was no direct evidence that her conduct had been deliberate, there was no evidence of dishonesty or deliberate concealment, and there was no evidence that members of the public had been put at risk of harm as a result of her conduct. Taking into account the

seriousness of the conduct, together with these other factors, the Committee considered that a severe reprimand was the appropriate and proportionate action to take.

81. In order to check its reasoning, the Committee also considered the next sanction up in terms of severity - removal from the student register. The Committee noted that removal from the student register is likely to be appropriate when the behaviour is fundamentally incompatible with being a member. The Committee noted that the guidance indicated that removal from the student register may be appropriate where the following factors are present: serious departure from professional standards; actual loss or adverse impact on clients or members of the public; abuse of trust/position; dishonesty; lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof; conduct continued over a period of time; affected or had the potential to affect a substantial number of clients / members of the public; attempted to cover up the misconduct; persistent denial of the misconduct; breach of regulatory order; convictions or cautions involving any of the conduct set out above; and collusion to cover up conduct. The Committee considered that although some of the factors listed were present, the conduct was not so serious as to be fundamentally incompatible with being a student member. This was because Ms Abraham was of previous good character, there was no direct evidence that her conduct had been deliberate, there was no evidence of dishonesty or deliberate concealment, and there was no evidence that members of the public had been put at risk of harm as a result of her conduct.
82. The Committee therefore determined that the appropriate and proportionate sanction to impose was a severe reprimand.

COSTS AND REASONS

83. Mr Mills made an application for Ms Abraham to make a contribution to the costs of ACCA. Mr Mills applied for costs totalling £4,837.50. The Committee was provided with a Schedule of Costs providing a breakdown of the activity undertaken by ACCA and the associated costs. Mr Mills submitted that the costs claimed were appropriate and reasonable.

84. Ms Abraham did not provide the Committee with a Statement of Financial Position, nor did she provide any written representations specifically in relation to the costs stage of the proceedings.
85. The Committee accepted the advice of the Legal Adviser who referred the Committee to Regulation 15(1) of the Regulations and the ACCA document 'Guidance for Cost Orders'.
86. The Committee was satisfied that ACCA was entitled to costs in principle and had been justified in investigating these matters. Having reviewed the schedule, the Committee considered that the costs claimed appeared to have been reasonably and proportionately incurred. Furthermore, without any information about Ms Abraham's financial and personal circumstances, the Committee found no basis for reducing the costs payable on the grounds of Ms Abraham's ability to pay or other personal circumstances.
87. In light of the fact that the hearing today had taken less time than had been estimated in the ACCA schedule, the Committee determined that it would be appropriate to reduce the amount of costs awarded accordingly.
88. In light of the fact that three out of the five allegations made by ACCA had been found not proved, and taking into account reasonableness, proportionality and natural justice, the Committee determined that it would also be appropriate to reduce the amount of costs awarded by a further amount.
89. Taking all of the circumstances into account, the Committee decided that Ms Abraham should be ordered to make a contribution to the costs of ACCA in the sum of £2,000.00.

ORDER

90. The Committee made the following order:
 - a. Ms Abraham shall be severely reprimanded; and

- b. Ms Abraham shall make a contribution to ACCA's costs in the sum of £2,000.00.

EFFECTIVE DATE OF ORDER

91. In accordance with Regulation 20(1) of the Regulations, the order relating to removal from the ACCA student register will take effect at the expiry of the appeal period.
92. In accordance with Regulation 20(2) of the Regulations, the order relating to costs will take effect immediately.

Mr Andrew Popat CBE
Chair
21 November 2023