

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Ms Ameena Qadri

Heard on: Tuesday, 23 January 2024

Location: Virtual hearing via Microsoft Teams

Committee: Ms Kathryn Douglas (Chair)
Mr Damian Kearney (Lay)
Ms Wanda Rossiter (Accountant)

Legal Adviser: Ms Jane Kilgannon

**Persons present
and capacity:** Mr Ben Jowett (ACCA Case Presenter)
Ms Anna Packowska (Hearings Officer)

Summary: Removal from the student register with immediate effect

Costs: Ms Qadri ordered to pay £6,854.00 towards ACCA's costs

1. The Disciplinary Committee (the Committee) convened to consider the case of Ms Ameena Qadri (Ms Qadri).

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2. Mr Ben Jowett (Mr Jowett) represented the Association of Chartered Certified Accountants (ACCA). Ms Qadri 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. a Memorandum and Agenda (pages 1 to 2);
 - b. a Hearing bundle (pages 1 to 97);
 - c. an Additional bundle (1) (pages 1 to 3);
 - d. a second Additional bundle (2) (pages 1 to 3); and
 - e. a Service bundle relating to today's hearing (pages 1 to 16).

SERVICE OF PAPERS

7. The Committee considered whether the appropriate documents had been served on Ms Qadri in accordance with the Regulations.
8. 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.

9. The Committee noted the written notice of the hearing scheduled for today, 23 January 2024, that had been sent by electronic mail (email) to Ms Qadri's registered email address on 26 December 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.
10. 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, 26 December 2023. On the basis of that documentation, the Committee was satisfied that the notice of hearing had been served on Ms Qadri on 26 December 2023, 28 days before the date of today's hearing.
11. 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.
12. 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

13. Mr Jowett made an application that the hearing proceed in the absence of Ms Qadri.
14. 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 Qadri.
15. The Committee took into account the submissions of Mr Jowett. 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.

16. The Committee bore in mind that its discretion to proceed in the absence of Ms Qadri must be exercised with the utmost care and caution.
17. The Committee noted that ACCA had sent a notice of hearing and further correspondence to Ms Qadri at her registered email address, and that Ms Qadri had not responded. The Committee noted that the last time that Ms Qadri had responded to any ACCA email correspondence was an email from her dated 27 January 2023.
18. The Committee noted that ACCA had attempted to speak to Ms Qadri by telephone, calling her on her registered telephone number on 19 January 2024. However, the call was not answered and there was no opportunity to leave a voicemail message.
19. On the basis of the evidence set out above, the Committee was satisfied that ACCA had made reasonable efforts to notify Ms Qadri about today's hearing and that Ms Qadri knew or ought to know about the hearing.
20. The Committee noted that Ms Qadri had not applied for an adjournment of the hearing. As such, there was no indication that an adjournment would secure Ms Qadri's attendance on another date.
21. The Committee therefore concluded that Ms Qadri had voluntarily absented herself from the hearing and that she had chosen to waive her right to make oral submissions in person at the hearing, preferring instead to rely on the written submissions she had made over a year before the hearing.
22. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously.

23. Having balanced the public interest with Ms Qadri's own interests, the Committee decided that it was fair and in the interests of justice to proceed in Ms Qadri's absence.

PRELIMINARY MATTERS

24. Mr Jowett made an application to amend the allegations against Ms Qadri. He explained that the bulk of the proposed amendments had already been sent to Ms Qadri in an email dated 18 December 2023. However, some further minor changes were proposed. ACCA wrote to Ms Qadri by email yesterday, on 22 January 2024, setting out its proposed amendments and inviting her comments. No response had been received.

25. The proposed amendments were:

- a. the correction of a typographical error to remove a surplus "in that" (Allegation 4(a));
- b. the addition of an allegation of recklessness, as a further alternative should the Committee find that Ms Qadri's conduct at Allegations 1 and 2 were neither dishonest nor lacking in integrity (insertion of a new Allegation 5);
and
- c. the correction of a typographical error in the final allegation, changing "*his*" to "*her*" (new Allegation 6).

26. Mr Jowett submitted that the amendments were required in order to properly put the ACCA case against Ms Qadri, and for accuracy. He also submitted that the amendments would not prejudice Ms Qadri in the conduct of her defence because:

- a. She had been given prior notice of the proposed addition of the alternative allegation of recklessness in the email dated 18 December 2023, and again in the ACCA email yesterday, giving Ms Qadri sufficient opportunity to respond and put forward her defence; and
- b. The correction of the typographical errors was an administrative matter, that could have no bearing on the fairness of the hearing.

27. The Committee accepted the advice of the Legal Adviser who referred it to Regulation 10(5) of the Regulations which provides that the Committee has a discretion to allow allegations to be amended, provided that the relevant person is not prejudiced in the conduct of its defence. The Committee was also referred to the relevant paragraphs of the ACCA guidance document 'Guidance for Disciplinary Committee Hearings'.
28. The Committee decided to grant the application on the basis that:
 - a. The new alternative allegation of recklessness was a significant addition to the allegations, but was an appropriate one given the factual background to the case;
 - b. The new alternative allegation of recklessness had been notified to Ms Qadri, and the Committee was satisfied that she had had an opportunity to respond to it should she wish to and to object to the amendment should she wish to;
 - c. There was no evidence that Ms Qadri had raised any objection to the proposed additional alternative allegation;
 - d. The new alternative allegation of recklessness did not prejudice Ms Qadri in the conduct of her defence because she had been able to address the relevant underlying conduct, her state of mind at the relevant times and the appropriateness (or otherwise) of her conduct when she provided her written representations to ACCA in December 2022 and January 2023; and
 - e. It was clearly in the interests of justice and Ms Qadri that the typographical errors be corrected and no prejudice arose as a result of those amendments.

BRIEF BACKGROUND

29. Ms Qadri became a student member of ACCA on 30 April 2018.
30. On 1 April 2022, Ms Qadri sat ACCA's FFA – Financial Accounting examination.
31. During a random online search on 19 August 2022, Mr Neil Smith (Mr Smith), an Exam Production Technician at ACCA, found online posts on the '[redacted]'

website containing photographs of ACCA examination questions. Seven photographs were observed in total. All appeared to include content from the ACCA's FFA – Financial Accounting examination held on 1 April 2022. Three of the photographs included Ms Qadri's ACCA registration number.

32. On 16 September 2022, ACCA sent a letter to Ms Qadri notifying her of ACCA's investigation into her conduct and asking her some questions. No response was received initially. However, after further email and telephone correspondence between ACCA and Ms Qadri, on 15 December 2022 Ms Qadri responded stating that she had taken the photographs and shared them on the '[redacted]' website, but that she did not do so until the end of the examination and did not seek any unfair advantage in the examination. On 29 December 2022, Ms Qadri responded to specific questions from ACCA, repeating her account that her conduct was not intended to seek any unfair advantage, but accepting that she had made a mistake and providing an apology. On 27 January 2023, Ms Qadri wrote a further short email to ACCA. This included an apology for her conduct.
33. Ms Qadri has provided a screenshot of an email that she sent to the '[redacted]' website on 30 December 2022 requesting that they delete the content that she uploaded to the website.

ALLEGATIONS

Ms Aameena Qadri, an ACCA student on 1 April 2022, during an FFA-Financial Accounting exam:

- 1. Used, an unauthorised item, during the exam, to take photographs of exam questions.***
- 2. Caused or permitted the photographs referred to in allegation 1 to be shared online on a public platform – the [redacted] website.***
- 3. By the reason of the matters referred to above in respect of allegations 1 to 2, Ms Qadri is in breach of one or more of:***

- a. Exam Regulations 5(a) in respect of allegation 1**
- b. Exam Regulation 10 in respect of allegation 2**
- c. Exam Regulation 12 in respect of allegation 2**
- d. Exam Regulation 14 in respect of allegation 2.**

4. Ms Qadri's conduct at allegations 1) and 2) above:

- a. Was dishonest in that she took the photographs to enable herself potentially at a future re-sitting of the exam and/or entrants for the same exam to obtain an unfair advantage, in the alternative,**
- b. Demonstrates a lack of integrity.**

5. In the further alternative Ms Qadri was reckless in that she failed to have any or sufficient regard to the possibility that the sharing of a photograph of an exam question as referred to in allegations 1 and 2 with other ACCA students (whether directly or otherwise) could provide them with an unfair advantage, if they were intending to sit the same exam.

6. By reason of her conduct, Ms Qadri is liable to disciplinary action pursuant to:

- a. bye-law 8(a)(i) or in the alternative**
- b. bye-law 8(a)(iii) in respect of breaches of the exam regulations as set out in allegation 3 above.**

DECISION ON ALLEGATIONS AND REASONS

Admissions

34. There were no formal admissions and so ACCA was required to prove all matters alleged.

Evidence and submissions of ACCA

35. Mr Jowett took the Committee through the documentary evidence relied upon by ACCA. In particular, Mr Jowett highlighted:
- a. The seven photographs; and
 - b. The witness statement of Mr Smith confirming that all seven photographs contained content from the FFA – Financial Accounting examination that Ms Qadri attempted on 1 April 2022 and that three of the photographs contained Ms Qadri’s registration number.
36. Following a question from the Committee about what information about the Exam Regulations is provided to examination candidates sitting ACCA examinations, Mr Jowett applied to adduce further evidence to the Committee – oral witness evidence from Ms Geraldine Murray (Ms Murray), an ACCA employee with knowledge of the procedures used for ACCA examinations. The Committee took into account Mr Jowett’s submissions and the advice from the Legal Adviser, which included reference to Regulation 12 of the Regulations and indicated that the Committee should consider relevance, the interests of justice, and fairness to Ms Qadri. The Committee decided to grant the application on the basis that the evidence was likely to be relevant to its consideration of Ms Qadri’s state of mind at the relevant times. It further considered that there was no prejudice to Ms Qadri in admitting the additional evidence since she had not stated that she had not been provided with the Exam Regulations, only that she had not read them. Lastly, the Committee considered that any prejudice to Ms Qadri by her not being present to challenge the evidence of Ms Murray could be addressed by any necessary questions being put to Ms Murray by the Committee and/or the Legal Adviser.
37. Ms Murray told the Committee that “CBE” stands for Computer Based Exam. She explained that students booking ACCA examinations do so via an online portal. She stated that, at the time of booking, they are required to tick a box to confirm that they have read and understood the Exam Regulations and the relevant Terms and Conditions. She stated that, in addition to this, at the outset of a Computer Based Exam, the first screen that an examination candidate sees is a page displaying the Exam Regulations and the relevant Terms and Conditions. Whilst she could not provide evidence as to what Ms Qadri had

seen when booking her ACCA FFA – Financial Accounting examination or when she sat the examination, Ms Murray’s evidence was that the procedure for all examination candidates is as she has stated.

38. Mr Jowett brought the Committee’s attention to Exam Regulations 5(a), 10, 12 and 14 which provide:

- a. *“You are not permitted to use a dictionary or an electronic device or translator of any kind or have on or at your desk a calculator which can store or display text. You are also not permitted to use in your examination room an electronic communication device, camera, smart watch, any other item with smart technology functionality or mobile phones (unless the exam is being conducted remotely in which case it must only be used in accordance with ACCA’s Exam Guidelines). These are regarded as ‘unauthorised items’ and are taken into the examination room at the candidate’s own risk” (Exam Regulation 5(a));*
- b. *“You may not engage in any improper conduct designed to assist you in your exam attempt or provide any improper assistance to any other exam entrant in their exam attempt” (Exam Regulation 10);*
- c. *“If you are taking a computer-based exam you are not permitted to copy exam content in any manner or take photograph(s) or videos of your screen or permit any other person to do the same” (Exam Regulation 12); and*
- d. *“You must not copy, photograph or reproduce in any manner exam questions. You are also strictly prohibited from distributing or seeking to exploit for commercial gain unauthorised copies of exam questions” (Exam Regulation 14).*

39. Mr Jowett submitted that the evidence provided shows that the seven photographs originated from Ms Qadri’s examination attempt on 1 April 2022. He submitted that they could only have been taken by an item such as a mobile phone, electronic communication device, camera or some other item with smart

technology functionality, and that such items are classed as “*unauthorised items*” under Exam Regulation 5(a).

40. Mr Jowett submitted that the fact that the photographs of Ms Qadri’s examination attempt on 1 April 2022 ended up on the ‘[redacted]’ website means that other people would have had access to the photographs (and the exam content contained within them) from 1 April 2022 until they were removed around 9 September 2022, at the request of ACCA. He asserted that, as Ms Qadri had admitted taking the photographs and uploading them to the ‘[redacted]’ website, she has breached Exam Regulations 5(a), 12 and 14.
41. Mr Jowett asserted that Ms Qadri’s explanation for her conduct – that she did not use the material to assist herself or others in their examination attempts – was improbable. He submitted that the most likely explanation for Ms Qadri taking and sharing the photographs of the examination content was to obtain an unfair advantage either for herself (during the examination attempt or for a potential re-sit) or for others (in their later examination attempts). As such, he submitted that Ms Qadri had breached Exam Regulation 10.
42. ACCA submitted that seeking such an unfair advantage is dishonest conduct. In the alternative, Mr Jowett submitted that the conduct lacked integrity or was reckless.
43. Mr Jowett submitted that Ms Qadri’s conduct had brought discredit to herself, ACCA and the wider accountancy profession. He submitted that it was so serious as to amount to misconduct.

Evidence and submissions of Ms Qadri

44. Ms Qadri provided written submissions during the investigation by ACCA. These were taken into account by the Committee.
45. On 15 December 2022, Ms Qadri had stated:

"I did upload the questions later on in order to know my mistakes as I was really not sure of the answers and as I am pursuing ACCA so I wanted to clear my doubts. But no help was taken during the exam I assure that".

"Moreover, I got the answers later on anyways So that clearly shows I wasn't taking any help. I am pursuing ACCA hence I was just trying to know my mistakes in order to be sure about my doubts to help me clear further topics".

"I did not read the regulations hence I didn't know if we couldn't even take pictures for later purpose".

"I hereby promise to not do this again for any exam. Please accept apologize".

46. On 29 December 2022 Ms Qadri had answered ACCA's written questions as follows:

"Do you admit or deny that you had with you during the exam and/or in the exam room an electronic device, camera or mobile phone with a camera?"

Photos were taken only at the end of the exam. As I found these questions really tricky so I just wanted to clarify later on as F3 is related to F7 so I wanted my doubts to be cleared.

Did you permit a third party to take photographs of your FFA – Financial Accounting exam?"

Answer: No third party was involved.

If so, please tell me the name of the third party and explained their relationship to you and why you allowed them to do this.

Answer: No one was involved.

Please provide details of any persons with whom you shared the exam questions?

Answer: No one

Why did you share the exam questions?

Answer: As I mentioned earlier I found these questions really tricky so I just wanted to clarify later on as F3 is related to F7 so I wanted my doubts to be cleared.

Were you seeking assistance with your exam or seeking to assist others in taking ACCA's FFA – Financial Accounting exam?

Answer: I wasn't seeking any assistance during the exam.

Please provide details of any social media platforms or other communication platforms you used to share the photographs of the exam questions?

Answer: The questions were not shared on any other platform other than [redacted].

Did you pay a third party to assist you with your exam? If so, how was the assistance given?

Answer: No assistance was taken

Please note that you must delete any photographs/images of the exam questions which are in your possession and/or on an item or electronic

Answer: I no longer have access to the [redacted] account but I am attaching the email I have sent to the [redacted] team in order for them to remove the questions from the website.

If you have any other comments in relation to this complaint, please submit them with your response.

Answer: I accept my mistake as I wasn't aware that we cannot seek help about the questions even later after the exam. Therefore I am sorry and would like to apologize for this. I hereby pledge to not repeat this ever again. Thank you so much".

47. On 27 January 2023, Ms Qadri had stated:

"I apologize once again for never repeating this".

Decisions and reasons of the Committee

48. The Committee considered all of the evidence and submissions before it.

49. 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, recklessness and misconduct.

Allegation 1 – proved

50. In relation to Allegation 1, having carefully reviewed the seven photographs, the Committee accepted Mr Smith's assertion that they each related to the ACCA FFA-Financial Accounting examination held on 1 April 2022. The Committee found his evidence credible and reliable because it had been provided via a formal witness statement, was consistent with the available documentary evidence and was not challenged by Ms Qadri. Taking into account Mr Smith's assertion that three of the photographs also contained Ms Qadri's registration number and Ms Qadri's admission that she took the seven photographs in question "*at the end of the exam*", the Committee was satisfied, on the balance of probabilities, that Ms Qadri had used an unauthorised item during the examination to take photographs of examination questions.

51. Accordingly, the Committee found Allegation 1 proved.

Allegation 2 – proved

52. In relation to Allegation 2, the Committee noted Mr Smith’s evidence that he had observed the seven photographs displayed on the ‘[redacted]’ website on 19 August 2022 and Ms Qadri’s admission that she “*did upload*” the photographs taken to the ‘[redacted]’ website “*later on*”. Taking these matters into account, the Committee was satisfied, on the balance of probabilities, that Ms Qadri had caused or permitted the photographs that she had taken of the ACCA FFA-Financial Accounting examination questions to be shared online on a public platform, namely the ‘[redacted]’ website.

53. Accordingly, the Committee found Allegation 2 proved.

Allegation 3(a) – proved

54. In relation to Allegation 3a, the Committee noted the definition of unauthorised items set out at Exam Regulation 5(a). It noted the evidence of Mr Smith. It also considered that, given Ms Qadri’s admission that she took photographs of the screen on which she was taking the ACCA FFA – Financial Accounting examination on 1 April 2022, it was reasonable for it to infer that she had used in the examination room an “*electronic communication device, camera, smart watch [...] or mobile phone [...]*” in order to take the photographs. As such, the Committee was satisfied, on the balance of probabilities, that Ms Qadri’s conduct in taking the photographs had been in breach of Exam Regulation 5(a).

55. Accordingly, the Committee found Allegation 3(a) proved.

Allegation 3(b) – proved

56. In relation to Allegation 3(b), the Committee noted that Exam Regulation 10 prohibited any conduct designed to assist an examination candidate in their examination attempt or to provide any improper assistance to another examination candidate in their examination attempt.

57. The Committee also noted Exam Regulation 6(b), which provided that:

“If you breach exam regulation 5(a) [...], it will be assumed that you intended to use the ‘unauthorised items’ to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, you will have to prove that you did not intend to use the ‘unauthorised items’ to gain an unfair advantage in the exam”.

58. In essence, Exam Regulation 6(b) created a rebuttable presumption that, if Ms Qadri had used an unauthorised item during the examination, her motivation for doing so was to gain an unfair advantage in the examination (either for herself or another person). The Committee considered, therefore, whether Ms Qadri had proved that she did not have such a motivation.

59. The Committee noted Ms Qadri’s explanation that she had not been aware that the taking of photographs of examination questions was prohibited (because she had not read the relevant regulations before her examination attempt) and that her intent in taking the photographs was not to gain an unfair advantage for herself in the examination itself, or for others in their examination attempts, but rather, to use as a learning tool after the examination attempt in order to improve her own understanding of certain parts of the examined material. The Committee also noted that there was some evidence that supported Ms Qadri’s assertion that she was not acting with malintent at the relevant times, in that she had not sought to conceal her registration number when uploading the photographs to the ‘[redacted]’ website.

60. The Committee was not persuaded, however, that Ms Qadri was not aware that taking photographs of examination questions, during the examination, was prohibited.

61. Based on Ms Murray’s evidence (which the Committee had found to be credible, reliable and not inconsistent with any of the available documentary evidence), the Committee was satisfied, on the balance of probabilities, that Ms Qadri had been provided with a copy of the Exam Regulations on numerous occasions previously (when booking for and sitting previous examinations), and when booking for and sitting the ACCA FFA – Financial Accounting

examination in question. As such, the Committee was satisfied that Ms Qadri would have had the opportunity to read the Exam Regulations.

62. The Committee noted that Ms Qadri was required to read the relevant regulations before sitting the examination, and those regulations set out the relevant prohibitions in clear terms. Furthermore, even if she had not read the regulations, the Committee considered it to be common knowledge that one cannot photograph or copy examination content without permission because it creates a risk of that material being used to offer an unfair advantage in that or future examinations. In essence, it creates an opportunity for cheating. It could give the person themselves or others the opportunity to familiarise themselves with the examination question outside of examination conditions and so be able to answer the question with greater accuracy and speed than other examination candidates who have not had the benefit of seeing the examination question in advance.
63. The Committee also took into account that, in her written submissions, Ms Qadri had stated that the reason that she took the photographs was to assist her in understanding questions that she had found “*really tricky*”. The Committee considered this to be an acknowledgement that Ms Qadri had found some of the examination difficult. Given that Ms Qadri could not be certain of passing the examination, the Committee considered it to be reasonable to infer that, by being able to check her knowledge of the parts of the examination that she found difficult after the examination by reference to the photographs that she had taken, Ms Qadri would have understood that she was giving herself an unfair advantage in any possible re-sit of the examination. This is because the same examination questions, or questions very similar to them, may be used in the future.
64. Taking all of these matters into account, the Committee was satisfied, on the balance of probabilities, that Ms Qadri had not rebutted the presumption that her conduct in taking the photographs was intended to gain an unfair advantage for herself or another person. In turn, it followed that the Committee considered that Ms Qadri had engaged in conduct designed to assist her in her examination attempt in breach of Exam Regulation 10.

65. Accordingly, the Committee found Allegation 3(b) proved.

Allegations 3(c) and 3(d) – proved

66. In relation to Allegations 3(c) and 3(d), the Committee noted that Exam Regulation 12 prohibited the taking of photographs of the examination candidate's computer screen when taking a computer-based examination and that Regulation 14 prohibited the distribution of examination content for commercial or personal gain, or for any other reason.

67. Given its earlier findings that Ms Qadri had taken photographs of her computer screen during her ACCA FFA - Financial Accounting examination attempt on 1 April 2022 and that she had uploaded seven of those photographs to the '[redacted]' website where they would have been available to others, the Committee was satisfied, on the balance of probabilities, that Ms Qadri's conduct in taking and uploading the photographs to the '[redacted]' website had been in breach of Exam Regulations 12 and 14.

68. Accordingly, the Committee found Allegations 3(c) and 3(d) proved.

Allegation 4(a) – proved

69. In relation to Allegation 4(a), the Committee applied the test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

70. Applying the first stage of the test, the Committee had regard to Ms Qadri's previous good character and considered that it made it less likely that she would have had a dishonest state of mind at the relevant times or since been untruthful about her state of mind at those times. However, bearing in mind its finding in relation Allegation 3(b) (that Ms Qadri had taken the photographs with intent to gain an unfair advantage), the Committee considered that Ms Qadri's subjective state of mind at the relevant times was that she knew that she should not be taking photographs during the examination and sharing them with

others, but she nevertheless took those photographs and uploaded them to a website where others could see them.

71. Applying the second stage of the test, the Committee considered that Ms Qadri's conduct would be viewed by ordinary decent members of the public to be dishonest by objective standards because it amounted to an attempt to gain an unfair advantage in a professional examination.
72. Accordingly, the Committee found Allegation 4(a) proved.
73. Given its findings in relation to Allegation 4(a), it was not necessary for the Committee to consider the alternative matters set out at Allegations 4(b) and 5.

Allegation 6(a) – proved

74. In relation to Allegation 6(a), the Committee considered the seriousness of Ms Qadri's conduct set out at Allegations 1, 2, 3(a), 3(b), 3(c), 3(d) and 4(a). The Committee referred back to the evidence that it had seen and its earlier findings of fact.
75. The Committee considered that Ms Qadri's conduct was not only a breach of the ACCA Exam Regulations but also departed significantly from what was proper in the circumstances and brought discredit to Ms Qadri, ACCA and the accountancy profession. The conduct risked the academic integrity of the examination and therefore risked undermining proper professional standards and public confidence in the ACCA and its qualifications.
76. The Committee noted that Ms Qadri's conduct in taking and sharing examination questions had been designed to afford her an unfair advantage and was dishonest. As such, the Committee found it to be conduct that fell far below the standards expected of a student member of ACCA.
77. For these reasons, the Committee concluded that Ms Qadri's conduct at Allegations 1, 2, 3(a), 3(b), 3(c), 3(d) and 4(a), taken individually and collectively, was serious enough to amount to misconduct. As such, the

Committee noted that Ms Qadri was liable to disciplinary action pursuant to bye-law 8(a)(i).

78. Given the Committee's finding in relation to Allegation 6(a), it was not necessary for it to consider the alternative matter set out at Allegation 6(b).

SANCTION AND REASONS

79. In reaching its decision on sanction, the Committee took into account the evidence that it had already seen, its earlier findings and the submissions of Mr Jowett. Ms Qadri had not provided any written representations specifically in relation to the sanction stage of the proceedings.

80. 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 Qadri, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction must be proportionate.

81. When deciding on the appropriate sanction, the Committee carefully considered whether there were any aggravating and mitigating features in this case.

82. The Committee considered the following matters to be aggravating features of the case:

- a. The conduct amounted to deliberate dishonesty, motivated by a desire for personal gain;
- b. The conduct undermined the academic integrity of the examination, creating a risk of potential harm to clients and the public (because others may have been able to cheat in ACCA examinations using the examination content shared) and therefore damaging public confidence in the profession of accountancy; and

- c. Only limited insight demonstrated, because no evidence of an appreciation of the seriousness and potential consequences of the conduct.
83. The Committee considered the following to be mitigating features in this case:
- a. Ms Qadri has had no previous disciplinary findings made against her;
 - b. Ms Qadri did engage with the ACCA investigation at the outset, providing written representations; and
 - c. Ms Qadri had taken corrective steps, in that she had requested that the photographs she had uploaded to the '[redacted]' website be removed (albeit that the content had been removed at the request of ACCA).
84. The Committee noted that Ms Qadri had expressed remorse – she had acknowledged that she had acted in error, and she had stated that she apologised for her conduct.
85. The Committee considered that there was only limited insight demonstrated by Ms Qadri's. Although she had acknowledged that she had made a mistake, she had not demonstrated that she fully understood the risks that her conduct had presented to the academic integrity of the ACCA examination, to clients and the public, and to the reputation of the profession of accountancy. Given the limited evidence of insight, the Committee considered the need to protect the public from the risk of repetition of the misconduct.
86. No professional or character testimonials were presented for the consideration of the Committee.
87. The Committee noted that Section E2 of the 'Guidance for Disciplinary Sanctions' document indicated that:
- a. Dishonesty, even when it does not result in direct harm and/or loss undermines trust and confidence in the profession;
 - b. 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 member to do the right thing in difficult circumstances. It is a cornerstone of the public value which an accountant brings; and

- c. The Committee should bear these factors in mind when considering whether any mitigation presented by the student member is so remarkable or exceptional that it warrants anything other than removal from the student register.
88. The Committee considered the available sanctions in increasing order of severity.
 89. 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.
 90. The Committee considered that neither admonishment, reprimand nor severe reprimand would be appropriate, because the nature of the conduct was deliberate and there was insufficient evidence of insight. The Committee considered that these three sanctions would be insufficient to mark the seriousness of the misconduct, to provide adequate protection of the public and to address the wider public interest.
 91. The Committee considered that removal from the student register was the appropriate and proportionate sanction in this case because Ms Qadri's conduct:
 - a. was a serious departure from professional standards;
 - b. was fundamentally incompatible with being a Student Member;
 - c. had the potential to have an adverse impact on members of the public if trust was undermined in ACCA qualifications and the profession of accountancy;
 - d. included dishonesty; and
 - e. demonstrated a lack of insight into the seriousness of the conduct and the consequences thereof.

92. The Committee did not consider the mitigating features of the case were so remarkable or exceptional so as to warrant anything other than removal from the student register.
93. The Committee was mindful that the sanction of removal from the student register was the most serious sanction that could be imposed and recognised that it could have negative consequences for Ms Qadri in terms of her reputation and financial circumstances. However, the Committee considered the sanction to be proportionate in the circumstances, given the seriousness of the misconduct, the need to protect the public, and the wider public interest in upholding proper professional standards and maintaining public confidence in ACCA and the accountancy profession.
94. Accordingly, the Committee decided to remove Ms Qadri from the student register.
95. The Committee decided that, given the circumstances of the case and the ongoing risk to the public (if Ms Qadri were to be permitted to sit ACCA examinations during any appeal period), it was in the interests of the public that the order for removal from the student register have immediate effect.
96. The Committee did not deem it necessary to impose a specified period before which Ms Qadri could make an application for re-admission as a student member.

COSTS AND REASONS

97. Mr Jowett, on behalf of ACCA, applied for Ms Qadri to make a contribution to the costs of ACCA in bringing this case. Mr Jowett applied for costs in the sum of £6,854.00. The application was supported by a schedule breaking down the costs incurred by ACCA in connection with the hearing.
98. Ms Qadri did not provide the Committee with a completed Statement of Financial Position, nor did she provide any written representations specifically in relation to the costs stage of the proceedings

99. 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 Costs Orders' (September 2023).
100. 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 Qadri's financial and personal circumstances, the Committee found no basis for reducing the costs payable on the grounds of Ms Qadri's ability to pay or other personal circumstances.
101. In light of the fact that the hearing today had taken approximately the same time as had been estimated in the ACCA schedule, the Committee found no basis for reducing the costs payable on the grounds that any estimates had turned out to be inaccurate.
102. Taking all of the circumstances into account, the Committee decided that Ms Qadri should be ordered to make a contribution to the costs of ACCA in the full amount of £6,854.00.

INTERIM ORDER

103. The Committee was informed that there was an interim order in place in relation to Ms Qadri and the allegations under consideration at today's hearing. As the proceedings were now complete, the Committee decided, in accordance with Regulation 12(5)(b) of the Regulations, to rescind the interim order.

ORDER

104. The Committee made the following order:
- a. Ms Qadri shall be removed from the ACCA student register;
 - b. Ms Qadri shall make a contribution to ACCA's costs in the sum of £6,854.00;
- and

c. The interim order in relation to Ms Qadri is rescinded.

EFFECTIVE DATE OF ORDER

105. In accordance with Regulation 20(1)(b) of the Regulations, the Committee decided that, in the interests of the public, the order relating to removal from the ACCA student register shall take effect immediately.

106. In accordance with Regulation 20(2) of the Regulations, the orders relating to costs and the interim order shall take effect immediately.

Ms Kathryn Douglas
Chair
23 January 2024