

HEARING  
DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF  
CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

<b>In the matter of:</b>	<b>Mr Hamraz Ahmed</b>
<b>Heard on:</b>	<b>26 March 2024</b>
<b>Location:</b>	<b>ACCA, The Adelphi, 1-11 John Adam Street, London, WC2N 6AU. Virtual hearing using Microsoft Teams.</b>
<b>Committee:</b>	<b>HH Suzan Matthews KC (Chair) Mr George Wood (Accountant Ms Sue Heads (Lay)</b>
<b>Legal Adviser:</b>	<b>Mr David Marshall</b>
<b>Persons present and capacity:</b>	<b>Mr Adam Slack (ACCA Case Presenter) Ms Lauren Clayton (Hearings Officer)</b>
<b>Observers:</b>	<b>None</b>
<b>Summary:</b>	<b>Removed from the student register</b>
<b>Costs:</b>	<b>£6,400</b>

1. The Committee heard an allegation of misconduct against Mr Ahmed. Mr Slack appeared for ACCA. Mr Ahmed was not present and not represented.

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2. The Committee had a main bundle of papers containing 61 pages and a service bundle containing 19 pages.

### **PROCEEDING IN ABSENCE**

3. The Committee was satisfied that Mr Ahmed had been served with the documents required by regulation 10(7) of The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 in accordance with regulation 22. The required documents were contained in the papers before the Committee. There was evidence that they were sent by email on 27 February 2024 to an email address notified by Mr Ahmed to ACCA as an address for all correspondence. During the investigation he had used that email address to communicate with ACCA. Service took place 28 days ago.
4. In considering whether to exercise its discretion to proceed in Mr Ahmed's absence the Committee noted that very little had been heard from him during the investigation. He had not responded to ACCA's emails until 04 January 2023 when he sent a very brief message, mentioned later in this decision.
5. The Hearings Officer had made several attempts to ask Mr Ahmed if he intended to take part, both by email and by telephone, most recently today. None of these had been answered, although the emails had not bounced back and the telephone number appeared still to be valid.
6. The Committee concluded that Mr Ahmed had taken a decision not to be involved in the disciplinary process and had decided not to exercise his right to attend this hearing. The Committee considered that the public interest required that a hearing take place and that nothing would be gained by an adjournment.
7. The Committee determined to proceed in Mr Ahmed's absence.

### **ALLEGATION(S)/BRIEF BACKGROUND**

8. Mr Ahmed registered as an ACCA student on 23 February 2022. On 03 August 2022 he took ACCA's Financial Accounting (FFA) examination at an exam

centre at Skyline University College, UAE. This was a computer-based exam. On 09 August 2022 ACCA received evidence from a person known to ACCA but not identified in this hearing. That person attached what appeared to be a photograph of the computer screen taken during Mr Ahmed's exam. ACCA's case was that Mr Ahmed had taken the photograph and sent it to another person or persons.

9. Mr Ahmed faced the following allegations:

***Allegations***

*Mr Hamraz Ahmed an ACCA student, during a Financial Accounting (FFA) exam taken on 3 August 2022 ("the exam"):*

1. *Used an unauthorised item namely an electronic device capable of taking a photograph, contrary to Exam Regulations 5(a).*
2. *Further to allegation 1 above took a photograph of a question from his exam paper, contrary to Exam Regulation 12.*
3. *Further to the matters referred to in allegations 1 and 2 above caused or permitted the photograph to be shared with a person or persons unknown, contrary to Exam Regulation 14.*
4. *By reason of the matters referred to in Allegations 1-3 above, Mr Ahmed was:*
  - (a) *Dishonest in that he took the photograph of a question from his exam in order to gain an unfair advantage should he need to re-sit the exam and shared the photograph with others in order to give them an unfair advantage in the exam if they intended to sit the same exam; or in the alternative*
  - (b) *Lacked integrity by reason of the matters referred to in allegation 4(a) above*

5. *In the further alternative Mr Ahmed was reckless in that he failed to have any or sufficient regard to the possibility that the sharing of a photograph of an exam question as referred to in allegation 3 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. *Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Mr Ahmed failed to co-operate with the investigation of this complaint, in that he did not respond to any or all of ACCA's correspondence sent on:*
  - (a) *30 August 2022;*
  - (b) *21 September 2022;*
  - (c) *13 October 2022;*
  - (d) *26 October 2022;*
  - (e) *19 December 2022; and*
  - (f) *21 March 2023*
  
7. *Mr Ahmed is accordingly liable to disciplinary action:*
  - (a) *Pursuant to Bye law 8 (a) (i);*
  
  - (b) *In the alternative in respect of allegations 1, 2, 3 and 6 only pursuant to Bye law 8 (a) (iii)*

#### **DECISION ON FACTS/ALLEGATION(S) AND REASONS**

10. Mr Slack relied on the documentary evidence. He did not call any witnesses.
  
11. Mr Ahmed had only communicated twice with ACCA in relation to the investigation:
  - (a) On 04 January 2023 in reply from a reminder from ACCA he emailed: 'I have received the email. But it was rong [sic].'

- (b) When asked to explain this he emailed on 12 January 2023: 'Mam I don't understand what is this' Is this is any case or what [?] Can you explain me please[sic]'
12. The only other indication of Mr Ahmed's position was a handwritten document which appeared to be signed by Mr Ahmed and dated 01 September 2022. The key points were:
- I, Hamraz having ACCA no. 5446174 admit that:*
- My financial accounting (FA) exam was held on 03 Aug 2022 ...*
- ... when invigilator went out for some reason I took two pictures of exam screen window. Using a hidden phone.*
- I shared these two pictures with some guy from India whom I know through a WhatsApp group made for ACCA studies.*
- I admit that it was a blunder on my behalf as being an ACCA student. I am supposed to avoid and such non professional an unethical act. However this was just due to the pressure I had to pass this exam.*
- I request you to kindly accept my appologies in this regard as I really feel sorry for that assure you that I will never repeat any such act ...[sic]*
13. On the face of it, this was a full admission of the main charges. However the Committee considered it with caution. It was expressed in a much more advanced standard of English than Mr Ahmed's brief emails and the Committee had no evidence that it contained his words. It came to ACCA not from Mr Ahmed, but from Skyline College who said they had obtained it during their internal investigation. The Committee therefore considered to what extent the allegations could be proved on the basis of ACCA's evidence alone.
14. ACCA produced a witness statement from an Exam Production Technician who had examined one photograph and who demonstrated that it could only have been a photograph of the examination being taken by Mr Ahmed. His unique identity numbers could be seen in the picture as well as a question which was contained in Mr Ahmed's exam. Only Mr Ahmed could have taken such a

- picture during the course of his own exam. He must therefore have had a camera or camera phone with him at his exam desk. The Committee was therefore satisfied that Allegations 1 and 2 were proved.
15. The photograph had been sent to ACCA by the person mentioned above who said that he had received it from an ACCA student (not Mr Ahmed). The Committee was therefore satisfied that Allegation 3 was proved.
  16. The Committee considered that the only plausible reason why a student would take a photograph of an exam question and then to publish it was to confer an unfair advantage on himself or others. He must have been doing it to facilitate cheating, or at least knowing that it could facilitate cheating. The Committee was satisfied that this conduct, with this intention, was dishonest by the standards of ordinary decent people. Allegation 4(a) was proved. The Committee did not have to consider Allegations 4(b) or 5.
  17. Having found that these matters were proved on the basis of the evidence presented by ACCA, the Committee considered that the document dated 01 September 2022 could only strengthen the case.
  18. Allegation 6 raised completely different issues. On 30 August 2022 ACCA wrote to Mr Ahmed to inform him of the complaint and the investigation and to ask various questions. The letter reminded him of his duty to cooperate. Mr Ahmed did not reply. He did not reply to any of the other five items of correspondence from ACCA listed in Allegation 6, except for the very brief emails quoted above. They did not constitute cooperation. The Committee was satisfied that Allegation 6 was proved.
  19. Finally, the Committee considered Allegation 7(a) that Mr Ahmed was liable to disciplinary action pursuant to Bye-law 8(a)(i). That Bye-law states that a student shall be liable to disciplinary action if he has been guilty of misconduct. The Committee judged that taking and publishing a photograph of an exam question did amount to misconduct. It was clearly a form of cheating and amongst the most serious types of misconduct that a student has the opportunity to commit. The failure to cooperate with the investigation also

amounted to misconduct. The failure to cooperate was total and it extended over a prolonged period. The Committee found Allegation 7(a) proved. The Committee did not have to consider Allegation 7(b).

### **SANCTION(S) AND REASONS**

20. The Committee considered what sanction, if any, to impose in the light of its findings, having regard to ACCA's Guidance for Disciplinary Sanctions (2024). It first sought to identify mitigating and aggravating factors.
21. Mr Ahmed had no previous disciplinary findings against him. That was a mitigating factor, although not a strong one given that he had only been an ACCA student for a short time. Assuming that the letter of 01 September 2022 was genuine and reflected Mr Ahmed's own belief it was an admission and could be said to exhibit some remorse. However it was not consistent with his emails in January 2023 which seemed to deny all knowledge of the allegations.
22. Any allegation of exam cheating or acts preparatory to cheating is necessarily very serious. Non-cooperation with one's investigator when accused of misconduct is also necessarily a serious matter. It tends to undermine the process of regulation. In this case it was aggravated by the fact that there was no cooperation of any kind over a long period. At any point Mr Ahmed could have made an attempt to respond to ACCA's questions but he did not do so.
23. The Committee was satisfied that Mr Ahmed's misconduct required a sanction. The Committee considered the sanctions of admonishment and reprimand but concluded that these would not be sufficient to mark the seriousness of his departures from the standards expected of an ACCA student or member. The Committee next considered the sanction of severe reprimand. The Guidance says that this can be applied 'in situations where the conduct is of a serious nature but there are particular circumstances of the case or mitigation advanced which satisfy the Committee that there is no continuing risk to the public, and there is evidence of the individual's understanding and appreciation of the conduct found proved.' This did not apply to Mr Ahmed's case where there was no indication of any insight or meaningful remorse. Most of the suggested factors were not satisfied either.

24. The next relevant sanction was removal from the student register. The Committee was satisfied that Mr Ahmed's conduct was incompatible with remaining registered and that this was the minimum sanction it could impose. It did not see any need to extend the period before Mr Ahmed could apply to be readmitted.

#### **EFFECTIVE DATE OF ORDER**

25. The Committee considered that the public could be put at risk during the appeal period. Mr Ahmed would be able to take ACCA examinations during that period which could enable him to claim qualifications to which he was not properly entitled given that he will be removed from the register. The Committee therefore decided that its order should have immediate effect.

#### **COSTS AND REASONS**

26. Mr Slack applied for costs totalling £7,068. He acknowledged that this was based on an estimated hearing time of a day whereas the actual time was less. He invited the Committee to make an appropriate reduction.
27. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs. The Committee considered that the time spent and the sums claimed were reasonable. It was appropriate to make a reduction for the fact that the hearing would last for less time than estimated. That would reduce the reasonable costs to about £6,400.
28. There was no information at all before the Committee about Mr Ahmed's means so it was not able to make a reduction to the amount of costs payable on the basis that Mr Ahmed would not be able to afford such a sum.

#### **INTERIM ORDER**

29. Mr Slack informed the Committee that there was an interim order in place. Under Regulation 12(5)(b) an interim order must be rescinded at the conclusion of a hearing.

#### **ORDER**

30. The Committee **ordered** as follows:



- (a) Mr Hamraz Ahmed shall be removed from the student register with immediate effect
- (b) The interim order currently in place on his registration is rescinded.
- (c) Mr Hamraz Ahmed shall pay ACCA's costs assessed as £6,400.

**HH Suzan Matthews KC**  
**Chair**  
**26 March 2024**