

HEARING
DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Miss Ridhima Singhania
Heard on:	10 September 2024
Location:	Held remotely by Microsoft Teams
Committee:	Ms Wendy Yeadon (Chair) Mr Trevor Faulkner (Accountant) Mr Roger Woods (Lay)
Legal Adviser:	Ms Ini Udom
Persons present and capacity:	Mr Christopher Saad (ACCA Case Presenter) Ms Lauren Clayton (Hearings Officer)
Summary:	Removal from the Student register
Costs:	£1,000

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to consider a number of Allegations against Miss Singhania, who attended but was not represented.

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2. The Committee considered the following documents:
 - a. DC Report and Bundle Final (pages 1 to 81)
 - b. Case Management form bundle (pages 1 to 21)
 - c. Supplementary bundle (pages 1 to 33)
 - d. Service bundle (pages 1 to 17)
 - e. Tabled Additional bundle (pages 1 to 3)
 - f. 2023.01.12 – Video - 489788

PRELIMINARY APPLICATIONS

Application to amend

3. On behalf of ACCA, Mr Saad made an application to amend the charges. He reminded the Committee that this matter had been listed for substantive hearing in June 2024. That hearing had been adjourned following the opening of the case on the basis that the allegations as opened were not reflected in the pleaded allegations. This was because the pleaded allegations did not specifically refer to Miss Singhania using her mobile telephone to gain an unfair advantage. The amendment would make the charges clearer and simpler, providing a route for the Committee in making its findings.
4. Mr Saad noted that Miss Singhania had consistently denied intending to use her telephone to gain an unfair advantage and that the amendments assisted in separating this matter out as a distinct issue. He also argued that the amendments would guard against a position where dishonesty cannot be found proved despite it being admitted by Miss Singhania. No change was being made to how the case was framed and in fact reflected how it had been opened at the adjourned substantive hearing.
5. Miss Singhania confirmed that she understood the allegations against her and had not changed her position of acceptance of the ACCA case bar the allegation that she used her mobile telephone with the intention of gaining an unfair advantage. She confirmed that she had acted dishonestly.
6. The Committee accepted the advice of its Legal Adviser and decided to allow the amendment.

ALLEGATIONS

Schedule of Allegations

Miss Ridhima Singhania, a student of ACCA in respect of her Strategic Business Leader(SBL) exam on 06 December 2022 (the exam)

1. *Failed to adhere to ACCA's Exam Guidelines and/or the exam proctor's instructions by not moving her mobile telephone out of arm's reach, contrary to Exam Regulation 1 and Exam Regulation 2.*
2. *Attempted to deceive the exam proctor by giving false or misleading information, in that she lied on several occasions (four occasions or thereabouts) to the exam proctor about using her mobile telephone during the exam, contrary to Exam Regulation 3.*
3. *Was using a mobile telephone in the examination room, contrary to Exam Regulation 5(a) and therefore intended to gain an unfair advantage in accordance with exam regulation 6 (b)*
4. *Miss Ridhima Singhania's conduct in respect of 1 to 3 was:*
 - i. *Dishonest, in that she untruthfully stated to the exam proctor that she was not using her telephone during the exam, and/or,*
 - ii. *Dishonest, in that she untruthfully stated to the exam proctor that she was not using her telephone during the exam in order to gain an unfair advantage, and/or*
 - iii. *Demonstrates a failure to act with integrity.*
5. *By reason of the above Miss Ridhima Singhania is:*
 - a. *Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of any or all of the conduct above or, in the alternative,*
 - b. *Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of allegations 1 to 3 above.*

BACKGROUND

7. On 24 July 2020, Miss Singhania became a student member of ACCA.
8. On 06 December 2022, Miss Singhania sat an ACCA remotely invigilated Strategic Business Leader exam. She was observed by the exam proctor using her telephone and

the reflection of her using her mobile telephone could be seen in the lenses of her glasses. As a result, her exam was terminated for the following reason:

“On account of misconduct, on using your mobile telephone during exam, we have to end your exam. Please contact ACCA on www.ACCAglobal.com”

9. On 28 December 2022, ACCA’s CBE team contacted Miss Singhania to inform her that a referral had been made to ACCA’s Professional Conduct Department regarding her conduct during the exam.
10. On 03 March 2023, an email was sent to Miss Singhania from the Professional Conduct Department outlining the complaint regarding her conduct during the exam and with initial enquiries regarding the incident.
11. In her response on 04 March 2023, Miss Singhania apologised for her actions and explained that she had used and kept her telephone in arm’s reach due to a family medical emergency, which resulted in her receiving several telephone calls and having to respond and send text messages to her family during the exam. She further confirmed she did not use her mobile telephone to obtain assistance, browse the internet or take photographs of the exam content. Miss Singhania also mentioned that she had panicked and lied to the proctor when questioned as to whether she was indeed using her telephone during the exam.
12. The Investigations Officer reviewed the exams footage video. The total run time of the video was 1h 12m 34s with the exam commencing approximately 8 minutes into the footage.
13. On 11 April 2023, Miss Singhania was further questioned as to whether she had read the ACCA’s examination regulations and guidelines before sitting the exam and why she had not informed the exam proctor of her family emergency before or whilst sitting the exam. In her response on 12 April 2023, Miss Singhania stated the following:

‘I can confirm that I was aware of the Examination Regulations and Guidelines before sitting for the exam.

Since this kind of a situation has not happened before, I was not aware that this was a

possibility and I could inform the proctor before the exam began. Like mentioned earlier in the previous email, it was a sensitive matter and I was taken aback by the news and was not in the right state of mind when the proctor questioned me. Had I known that I can inform beforehand about the situation or during the exam anytime, I definitely would have taken that opportunity. The whole situation was unexpected and hence I wasn't able to react in a very professional manner as I should have for which I deeply apologetic and regret my actions'[sic].

14. On 06 June 2023, Miss Singhania was questioned further as to:

- a. The nature of the family emergency;
- b. whether her family were aware she was sitting an exam that day;
- c. Why it was necessary for her to be contacted during her exam;
- d. Whether she gave her family permission to contact her in case of an emergency; and
- e. What actions her family had expected her to take following contact.

15. In her response on 07 June 2023, Miss Singhania stated the following:

'[private] met with an accident just right before I logged in for my exam. The last conversation I had with my parents was where they told me that he had just met with an accident and they are going to the accident spot. I entered the exam with a very disturbed state of mind as I wanted to know the extent of his injuries. However, when they had an update, they only wanted to keep me posted about the same and were unaware of my exam timings. Hence, they tried to contact me over call/text repeatedly, which is why I used my telephone to respond to them. There were no expected actions to be taken from my end and it was only a mere situation where I was worried about [private] being involved in an accident and my parents wanting to keep me updated about the same.

I hope you understand the sensitivity of the situation and my necessitation to act the way I did. I am aware that it was not the ideal way of handling the situation and wholeheartedly apologize for the same'.[sic]

DECISION ON FACTS, ALLEGATIONS AND REASONS

16. At the outset of the hearing Miss Singhania made admissions to the following allegations 1, 2, 4(i) and (iii). The Committee found these allegations proved in accordance with Complaints and Disciplinary Regulations 12(3)(c) ('CDR').
17. The Committee was, therefore, concerned with making findings in relation to allegations 3, 4(ii) and 5.
18. Allegation 3 and 4(ii) concerned Miss Singhania's intention when using a mobile telephone in the examination room and whether she intended to use it to gain an unfair advantage.
19. Allegation 5 concerns misconduct or in the alternative liability to disciplinary action.
20. In the course of the hearing the video footage was carefully reviewed. During the video the following can be observed:
 - a. The reflection of Miss Singhania's phone in her left glass lens and Miss Singhania scrolling on her phone.
 - b. Miss Singhania scrolling on her mobile phone. The phone screen is illuminated. The device appears to be on her desk, within arm's reach
 - c. A phone on Miss Singhania's bed.
 - d. At 1:04:51, Miss Singhania can be seen and heard speaking to the proctor and saying, "I'm not using it", when confronted about using the phone during the exam.
 - e. At 1:07:41, Miss Singhania is observed again saying to the proctor "I'm not using my phone. My phone is right there. I've shown you multiple times. It's right there".
 - f. At 1:09:01, Miss Singhania is observed saying "How am I supposed to scroll my phone when my phone is right there? Did you see me move from my desk here? My phone is right there. At an arm's distance. How can I go back and again keep my phone there?"
 - g. At 1:09:44, Miss Singhania said "I have not (sic) idea what the feed has recorded. My phone is right there. I was scrolling ... the exhibit on the Excel and I was looking at the question".

- h. At 1:10:54, Miss Singhania said to the proctor “I was not using my phone”.
21. Miss Singhania gave evidence before the Committee. In essence she repeated the account that she had given previously to the ACCA but further explained that when using her telephone, she had been searching for medical assistance and / or a hospital nearby to treat [private]. She had been asked to do this by her family and felt that she must assist. Her family were en route to help [private] with four of them travelling in the car. They had no way of finding medical assistance as they were in a remote area. Miss Singhania explained that she told her family that she was sitting an exam and that is why they did not call her but rather sent messages. She sent her family a number of options, which were rejected causing her to continue searching for further options. This continued up until the proctor terminated the examination.
22. Miss Singhania was asked why she had not mentioned this search previously and she explained that she had not given a full and detailed account in her responses to the ACCA, she had never been in that position before. She had not realised that she needed to mention each and every issue and had not been mindful of her language and used the wrong words.
23. Miss Singhania explained that she no longer had access to her internet search history or messages as she had changed telephones from an Android to an IOS and her telephone memory had been completely lost. She had not backed up her telephone. Miss Singhania was reminded that she had been asked for evidence some three-months after the exam and answered that she had changed telephones a few weeks after the exam.
24. She stressed that the nature of the exam meant that it was not one in which you could cheat. In any case she had been confident and well prepared – there had been no need for her to seek assistance.
25. Miss Singhania explained that it did not occur to her to tell the proctor of [private] accident and that once she had lied about using her mobile telephone she was scared to tell him the truth and continued with denials. She candidly accepted that she had behaved dishonestly. This was a panic reaction. For this she apologised. She was firm in rejecting any suggestion that she used the phone to gain an unfair advantage.

THE COMMITTEE'S DECISION IN RESPECT OF ALLEGATIONS

26. In reaching its decisions with regard to the allegations, the Committee carefully considered the documents and video footage set out at the start of this determination. The Committee listened carefully to the submissions made by Mr Saad and Miss Singhaniania.
27. The Committee accepted the advice of the Legal Adviser as to how to approach the allegations, the evidence, its deliberations and the burden and standard of proof. The Committee was reminded that Regulation 6(b) of the Exam Regulations was operative in this case:

If you breach exam regulation 5(a) and/or 5(b), 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.

28. This provision places the burden of disproving the assumption that the mobile telephone was used with the intention of gaining an unfair advantage upon Miss Singhaniania.

ALLEGATION 3

29. The Committee was satisfied, on the balance of probabilities, that Miss Singhaniania used her mobile telephone in the examination room intending to gain an unfair advantage.
30. Exam Regulation 5 (a) states the following:

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 telephones (unless the exam is being conducted remotely in which case it must only be used in accordance with ACCN.s Exam Guidelines). These are regarded as 'unauthorised items' and are taken into the examination room at the candidate's own risk.

31. Careful review of the video footage did not accord with the accounts given by Miss Singhaniania. The Committee noted Miss Singhaniania's manner of use of the telephone

during the examination, her concealment of the telephone from the proctor (under her desk) and her firm, repeated denials of using her mobile telephone when questioned by the proctor.

32. Furthermore, Miss Singhania's accounts of what happened on the day in question were inconsistent and developed over time. The Committee concluded that those developments occurred as a response to the case against her.
33. The Committee further noted that there was no corroborating evidence available to support Miss Singhania's account.
34. In light of the evidence available the Committee was not satisfied that the usage of the mobile telephone was necessitated due to an accident suffered by [private] The Committee found that the account lacked credibility, particularly when considered against the video footage and development of her account. In the circumstances Miss Singhania had not discharged the burden of disproving the assumption that she intended to use the mobile telephone to gain an unfair advantage. On this basis, the Committee found the facts of allegation 3 proved.

ALLEGATIONS 4(ii)

35. The Committee relied upon its findings of fact under allegation 3 above.
36. The Committee then went onto consider the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 76*: in accordance with the legal advice received the Committee:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

37. The Committee found that Miss Singhanian:
- a. Knew that she was not permitted to use a mobile telephone during an examination
 - b. Repeatedly lied to the proctor by denying that she was using a mobile telephone
 - c. Used her mobile telephone to gain an unfair advantage
38. Miss Singhanian's actions had been deliberate and intentional.
39. The Committee was satisfied that, by the standards of ordinary decent people, such conduct would be considered to be dishonest.
40. Consequently, the Committee found allegations 4(ii) proved.

ALLEGATION 5

41. Taking account of its findings that Miss Singhanian had acted dishonestly, the Committee was satisfied that she was guilty of misconduct.
42. The Committee was satisfied that any finding of dishonesty is a serious matter for a member of a professional body. The Committee considered honesty to be a fundamental tenet of the profession. It was in no doubt that Miss Singhanian's actions fell far short of acceptable standards. In the Committee's judgement, it brought discredit to Miss Singhanian, the Association and the accountancy profession. The conduct therefore constituted misconduct under Bye-law 8(a)(i).
43. Members of the public would be very concerned to learn that Miss Singhanian's misconduct had taken place during an ACCA examination and fellow practitioners and students would have no hesitation in finding Miss Singhanian's conduct deplorable.
44. The Committee found allegation 5 (a) proved.
45. On the basis that this allegation 5(b) was pleaded in the alternative to allegation 5(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

46. Having heard from Mr Saad and Miss Singhanian, the Committee requested advice from the Legal Adviser, which it accepted. 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 (February 2024), and the principle of proportionality.
47. The Committee considered the available sanctions in increasing order of severity. The Committee deemed that no further action was inappropriate and would not address the need to protect the public.
48. The Committee was mindful of the fact that the purpose of any sanction was not to be punitive, although it may have that effect. Rather the purpose of any sanction was to protect the public interest, namely 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.
49. The Committee considered the Guidance including the Table at section F. It concluded that the misconduct found proved was very serious, involving dishonesty and lack of integrity.
50. The Committee considered whether any mitigating or aggravating factors featured in this case. The Committee noted as mitigating factors that there were no previous findings against Miss Singhanian, no repetition of the misconduct and that this had been an isolated incident.
51. As for aggravating features, on the basis of the Committee's findings, it had been established that Miss Singhanian's behaviour had been dishonest. Particular features of the misconduct were of note:
 - a. She had engaged in deception of her Regulator
 - b. She had attempted to cover up her misconduct in her interactions with the proctor and accounts given subsequently to the ACCA
 - c. There was a low level of insight expressed
52. The Committee concluded that neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings. Miss Singhanian had deliberately disregarded the Exam Regulations which had the potential to undermine the integrity of the exam system, and also, therefore, has the potential to cause harm to the

reputation of the profession and ACCA. A finding of dishonesty had been made.

53. There had only been a low-level demonstration of insight or remorse. Miss Singhania had not demonstrated that she had reflected or appreciated the impact of her conduct on the profession as a whole, the ACCA or members of the public.
54. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings and the observations above, the Committee did not consider that a severe reprimand would be sufficient or proportionate.
55. Miss Singhania had been found to have acted dishonestly. The dishonesty and lack of integrity that had been found proved was at the top end of the spectrum. It noted that the allegations found proved involved:
 - a. Serious departure from relevant professional standards, such as repeated defective work;
 - b. Dishonesty;
 - c. Lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof; and
 - d. Attempts to cover up the misconduct.
56. In the Committee's judgement, Miss Singhania's overall conduct was fundamentally incompatible with being a member of ACCA. 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 to do the right thing in difficult circumstances. It noted this was a cornerstone of the public value which an accountant brings.
57. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Miss Singhania shall be excluded from the student register of ACCA.
58. On behalf of ACCA, Mr Saad submitted that the order should have immediate effect. Miss Singhania requested that the order take effect on the expiry of the appeal period. The Committee sought advice from its Legal Adviser and considered this application. It concluded that, bearing in mind no interim order was in force and there had been no acts of repetition, the adequate and effective protection of the public did not require that

the order be of immediate effect. It would be fair and proportionate for the sanction to take effect in the usual way at the expiry of the appeal period.

COSTS AND REASONS

59. The Committee had been provided with a simple cost schedule and a detailed cost schedule. It accepted the advice of its Legal Adviser.
60. The Committee concluded that ACCA was entitled to be awarded costs against Miss Singhania, all allegations, including dishonesty, having been found proved.
61. The amount of costs for which ACCA applied was £8,148.50. The Committee noted that substantial admissions had been made at the outset of the correspondence between the ACCA and Miss Singhania. The key piece of evidence available was the video footage which had been immediately available. The Committee did not consider that Miss Singhania could be reasonably required to pay all of the costs incurred, particularly bearing in mind the history of the case and the reasons why the earlier substantive hearing was adjourned.
62. The Committee reviewed the Statement of Financial Position and pay slip provided by Miss Singhania and paid careful regard to the principle of proportionality.
63. With the forementioned considerations in mind the Committee duly reduced the costs claimed.
64. Costs were awarded against Miss Singhania in the sum of £1,000.

Ms Wendy Yeadon
Chair
10 September 2024