

## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Mr Khalid Ahmed

**Heard on:** Wednesday, 02 April 2025

**Location:** Remotely via Microsoft Teams

**Committee:** HH Suzan Matthews KC (Chair)  
Dr David Horne (Accountant)  
Mr Nigel Pilkington (Lay)

**Legal Adviser:** Mr David Marshall

#### Persons present

**and capacity:** Mr Mazharul Mustafa (Case Presenter)  
Ms Anna Packowska (Hearings Officer)

**Summary:** Removed from student register

**Costs:** £5,144

1. The Committee heard an allegation of misconduct against Mr Ahmed. Mr Mustafa appeared for ACCA. Mr Ahmed was not present and not represented.
2. The Committee had a main bundle of papers containing 89 pages and a service bundle containing 19 pages.

#### ACCA



+44 (0)20 7059 5000



info@accaglobal.com



[www.accaglobal.com](http://www.accaglobal.com)



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

## **SERVICE AND 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 5 March 2025 to an email address notified by Mr Ahmed to ACCA as an address for all correspondence. The period of notice was at least 28 days as required.
4. In considering whether to exercise its discretion to proceed in Mr Ahmed's absence the Committee noted that there had only been one communication from him since the exam in question held in April 2021. The papers showed that on 26 August 2021 ACCA had sent Mr Ahmed a copy of his examination history/transcript. That was expressed to be 'further to your recent request'. The Committee did not see the terms of the request. ACCA's case was that Mr Ahmed had not responded to any correspondence during the investigation.
5. ACCA had sent a number of emails to remind Mr Ahmed of this hearing and to ask if he was attending. There had been no response to those. However, none of the emails sent to him by ACCA had bounced back. Yesterday, attempts were made to telephone Mr Ahmed using the number he had notified to ACCA but these were not answered. The Committee concluded that Mr Ahmed knew, or had the means of knowing, that these proceedings were taking place but had decided not to participate. Nothing would be gained by adjourning this hearing and it was in the public interest to proceed with this matter, which was long overdue for a hearing.
6. The Committee determined to proceed in Mr Ahmed's absence.

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

7. Mr Ahmed became an ACCA student on 30 March 2018. On 19 April 2021 he took an ACCA on-demand FBT Business and Technology examination. This was a computer-based exam taken at a place of his choosing in his home

country, Pakistan. The exam was remotely invigilated by a company called ProctorU. The invigilator (referred to by ProctorU as a 'proctor') was not present but could view what was on Mr Ahmed's screen and could communicate directly if required through chat messages or by phoning him. The invigilator also had video and audio access to the camera mounted on Mr Ahmed's screen. The video/audio from the laptop camera was recorded. After initial checks of the room, Mr Ahmed was allowed by the invigilator to start the exam. The records show that Mr Ahmed passed, with a mark of 71.

8. Following the exam ProctorU submitted an Incident Report about alleged breaches of the examination regulations committed during the period before the exam commenced. That led to an investigation and this hearing.
9. As stated, ACCA's case was that Mr Ahmed had not replied to any of ACCA's correspondence sent during this investigation. That led to a separate allegation against him.
10. Mr Ahmed faced the following allegations:

#### Allegations

Mr Khalid Ahmed ('Mr Ahmed'), a student member of the Association of Chartered Certified Accountants ('ACCA'):

1. On 19 April 2021, failed to comply with instructions issued by ACCA personnel (as per the Student Information Sheet) before a FBT Business and Technology exam, in that he failed to ensure no one else was around him in the room where he sat his exam, contrary to Examination Regulation 2.
2. Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014 (as applicable in 2021), failed to co-operate fully with the investigation of a complaint, in that he did not respond to any or all of ACCA's correspondence dated:

- a. 28 June 2021
- b. 20 July 2021
- c. 16 August 2021

3. By reason of his conduct, Mr Ahmed is:

- a. Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters set out at allegations 1 to 2 above; or in the alternative,
- b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

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

- 11. Mr Mustafa did not call any witnesses but relied on the documentary evidence. The most important evidence was a set of four screen shots. These were taken from the video recording made during the preparatory stage before the exam commenced. The stills were quite clear and the Committee did not consider it necessary to view the video directly. The video was described as lasting 1 hour 43 minutes and was made available during the hearing.
- 12. Mr Ahmed did not make any written or oral submissions at any time in relation to the issues in this case.

#### **Allegation 1**

- 13. The Committee bore in mind that the issues related purely to the period before the exam began when Mr Ahmed was required to demonstrate to the remote invigilator that he was in an appropriate setting to take the exam. It was not alleged that any irregularity took place during the exam itself. It was not alleged that Mr Ahmed tried to, or did, gain an unfair advantage during the exam. It was not alleged that he was dishonest or lacked integrity.
- 14. The screen shots showed clearly that there was another person present in the room where Mr Ahmed was proposing to take the exam. In two screen shots parts of a person's head could be seen at the edge of the frame. The third

screen shot showed what happened when Mr Ahmed was required to show the view from his mobile phone camera. This clearly showed the head and shoulders of a person behind a sofa in the room, but protruding above it. The fourth screen shot appeared to be that person's head partly protruding above the sofa.

15. The Committee was satisfied, on the balance of probabilities, that at the time shown in the screen shots there was another person present in the room. Further, and importantly, the Committee was satisfied, on a reasonable inference, that this person was trying to hide. Thus the likelihood was that Mr Ahmed was involved in an attempt to conceal a person in the room.
16. After this, according to the invigilator's Incident Report, the area was re-secured and nothing unusual was detected. All doors in the testing area were closed, and no other person was seen in the room. The test taker [Mr Ahmed] was reminded to be alone in the room for the whole duration of the exam. The test taker was given an exam shutdown warning if another individual can be seen while the exam is in progress. The test taker agreed and was permitted to proceed to the exam.
17. The documents showed that Mr Ahmed had received a number of warnings to be alone when taking the exam. The instructions for the exam stated that he must be 'in a private, well-lit room with no one else around you.' He had undertaken to comply with these instructions as a condition of taking the exam. Mr Ahmed also confirmed to the invigilator that he had read and accepted the instructions.
18. Exam Regulation 2 required Mr Ahmed to comply in all respects with any instructions issued by the exam supervisor/s, invigilator/s, proctor/s, and any ACCA personnel before, during and at the conclusion of an exam. Failure to comply with these instructions may result in the termination of your examination and potential disciplinary procedures being invoked. [emphasis added]
19. The Committee found that he had failed to do so. Allegation 1 was proved.

## **Allegation 2**

20. On 28 June 2021 ACCA wrote to Mr Ahmed to notify him that a formal investigation had commenced and to ask him various questions relevant to the investigation. The records showed that there was no reply. Reminder letters were sent on 20 July 2021 and 16 August 2021. Again there were no replies.
21. The Committee found Allegation 2 proved in its entirety.

## **Allegation 3: misconduct and liability to disciplinary action**

22. In relation to Allegation 1, Mr Ahmed was clearly in breach of Regulations by which he was bound and was therefore liable to disciplinary action. However, ACCA proved only that this had taken place during the 'start-up process' which lasted for a few minutes. After that the invigilator was satisfied that the conditions to take the exam had been satisfied and the exam was allowed to proceed. This was by no means the most serious breach of its kind. If it had been the only matter proved, it is debatable whether it could have reached the level of seriousness to justify a finding of misconduct.
23. Allegation 2 was a different matter. The duty of an ACCA registrant to cooperate with the regulator when an allegation is being investigated is an important one. Much regulation would be frustrated if a registrant could simply ignore the investigation. In this case Mr Ahmed made absolutely no attempt to engage with the investigation. He seems to have decided unilaterally to have nothing more to do with ACCA despite having committed to the responsibilities of professional registration.
24. The Committee was satisfied that Mr Ahmed was guilty of misconduct. It did not need to consider the alternative, lesser, charge under allegation 3(b).

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

25. 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.
26. Mr Ahmed had no previous disciplinary findings against him, which was a mitigating factor.
27. Mr Ahmed's complete lack of engagement with the process meant that he had not displayed any remorse or insight into the seriousness of his conduct. That was an aggravating factor.
28. In relation to Allegation 2, ACCA's Guidance at section F puts failure to co-operate with a disciplinary investigation in the 'very serious' category. In this case, the failure was total and moved his conduct up the scale of seriousness.
29. The Committee was satisfied that the misconduct required a sanction. The Committee considered the sanctions of admonishment and reprimand but concluded that these would be inadequate to mark the seriousness of Mr Ahmed's failures. The next sanction was severe reprimand. The Committee considered this carefully because, unusually, there was no finding of cheating or dishonesty in this exam-related case.
30. The Guidance says that this sanction 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.' Unfortunately due to Mr Ahmed's non-cooperation there was no indication that he had any appreciation of the importance and significance of either complying with exam regulations or being professionally regulated. Most of the suggested factors were not satisfied either.

31. The next relevant sanction was removal from the student register. The Committee was satisfied that Mr Ahmed's conduct was incompatible with remaining registered as a student of the ACCA and that this was the minimum sanction it could impose. Mr Ahmed will be entitled to apply to be readmitted after one year. Any such application would be considered by the Admissions and Licensing Committee.

### **COSTS AND REASONS**

32. Mr Mustafa applied for costs totalling £5,654.75. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs.
33. Mr Mustafa acknowledged that the estimate for the time to be spent at this hearing by him and by the Hearings Officer was too high. To allow for this the Committee reduced the costs figure to £5,144. In other respects the Committee was satisfied that the costs claimed were reasonable for the work required.
34. There was no information before the Committee about Mr Ahmed's means so it was not possible to make a reduction on the basis of hardship or inability to pay.

### **EFFECTIVE DATE OF ORDER**

35. Mr Mustafa applied for an order of removal (if made) to take immediate effect. However the Committee did not consider that there would be a significant risk to the public from the order taking effect at the normal time. Mr Ahmed's registration as a student had been unrestricted for the four years since the exam took place. There was no evidence of any adverse consequences.

### **ORDER**

36. The Committee ordered as follows:

- (a) Mr Khalid Ahmed shall be removed from the student register



(b) Mr Khalid Ahmed shall make a contribution to ACCA's costs of £5,144.

**HH Suzan Matthews KC**  
**Chair**  
**02 April 2025**