

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Xinyao Ren

Heard on: Wednesday, 16 April 2025

Location: Remotely by Microsoft Teams

Committee: Mr Maurice Cohen (Chair)
Mr Ryan Moore (Accountant)
Ms Sue Heads (Lay)

Legal Adviser: Ms Margaret Obi

**Persons present
and capacity:** Mr Ryan Ross (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Outcome: Allegations 1(a), 1(b), and 2(a) were found proved. The alternative facts were not considered. The proved facts were found to amount to misconduct (Allegation 3(a)).

Sanction: Removal from the student register of ACCA

Costs: Ordered to pay a contribution to ACCA's costs in the sum of £5,450

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct or liability to disciplinary action against Miss Ren. The hearing was conducted remotely via Microsoft Teams. The Committee was provided with a main hearing bundle with pages numbered 1-38, a service bundle numbered 1-21, and subsequently simple and detailed costs schedules.
2. Mr Ross presented the case on behalf of ACCA. Miss Ren did not attend and was not represented.

PRELIMINARY MATTERS

Proof of Service

3. The Committee first considered whether the appropriate documents had been served in accordance with the Complaints and Disciplinary Regulations 2020 (“the Regulations”). The Committee took into account the submissions made by Mr Ross, on behalf of ACCA, and accepted the advice of the Legal Adviser.
4. The Committee was provided with a printout from ACCA’s register confirming the email address that it holds on record for Miss Ren. The Committee was also provided with email delivery receipts (timed at 15:15 and 15:17) which confirmed that the Notice of Hearing, dated 17 March 2025, and the password for the enclosed documents had been sent to Miss Ren’s registered email address on that date. The Notice of Hearing confirmed the date, time, and remote venue of the hearing. Miss Ren was informed of her right to attend the hearing and to be represented if she so wished. The Notice of Hearing also provided information about applying for an adjournment and the Committee’s power to proceed in absence.
5. The Committee was satisfied that Miss Ren had been provided with 28 days’ notice in accordance with Regulation 10.1.

Proceeding in Absence

6. Mr Ross, on behalf of ACCA, made an application for the hearing to proceed in Miss Ren’s absence, as permitted by Regulation 10.7.

7. The Committee accepted the advice of the Legal Adviser.
8. The Committee determined that it was reasonable and in the public interest to proceed in Miss Ren's absence for the following interrelated reasons:
 - a. Miss Ren did not respond to the Notice of Hearing. Nor did she respond to the chaser email sent on 31 March 2025, in which she was invited to confirm whether she would be attending the hearing. The Committee noted that on 07 April 2025, ACCA attempted to telephone Miss Ren, but the call was not answered, and there was no opportunity to leave a voice message. There was also no response to the follow up emails sent on 07 April 2025, 11 April 2025 and 15 April 2025. The Committee noted that it is Miss Ren's duty to maintain an up-to-date email address for communication with ACCA whilst a registered student. In these circumstances, the Committee took the view that ACCA had made sufficient efforts to provide Miss Ren with the opportunity to attend the hearing. The Committee concluded that it was reasonable to infer that Miss Ren's non-attendance was voluntary and therefore a deliberate waiver of her right to participate in these proceedings remotely.
 - b. There has been no application to adjourn and no indication from Miss Ren that she would be willing to attend the hearing remotely on an alternative date. Therefore, re-listing this hearing would serve no useful purpose.
 - c. The Committee acknowledged that there may be some disadvantage to Miss Ren, in not being able to give evidence or make oral submissions. However, the Committee concluded that any disadvantage was significantly outweighed by the public interest in ensuring that the hearing is heard and concluded expeditiously.

ALLEGATIONS

Miss Xinyao Ren, a student of the Association of Chartered Certified Accountants ('ACCA'):

1. During an AA examination on 06 September 2021:

- (a) Was in possession of unauthorised material, namely written notes (the 'Unauthorised Material') contrary to Examination Regulations 4;
- (b) Used, or attempted to use, the Unauthorised Material to gain an unfair advantage in the exam

2. The conduct described in Allegation 1 was:

- (a) Dishonest, in that Miss Ren intended to gain an unfair advantage in her exam attempt; or in the alternative;
- (b) Demonstrates a failure to act with integrity

3. By reason of her conduct, Miss Ren is:

- (a) Guilty of misconduct pursuant to bye-law 8(a)(i).; or in the alternative
- (b) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1(a) only.

ADMISSIONS

9. Miss Ren made no formal admissions. Therefore, the Committee proceeded on the assumption that all the allegations were denied.

BACKGROUND

10. Miss Ren first registered as an ACCA student on 28 November 2019. As a student, she is bound by ACCA's bye-laws and regulations. All candidates for ACCA examinations are made aware of the Examination Regulations as follows:

- Before an examination, all candidates receive an attendance docket which contains the ACCA examination guidelines and regulations.
- Before an examination starts, the Supervisor's announcements draw candidates' attention to the regulations and guidelines outlined in the attendance docket. In particular, Regulation 4 warns candidates that they are

not permitted to use or attempt to use unauthorised materials in the examination.

11. Miss Ren attended the [PRIVATE] exam centre on 06 September 2021 to sit the Audit and Assurance (AA) examination. The exam commenced at 1:30pm and was due to last for 3 hours. The exam centre Invigilator, Person A, states in their SCRS 1B form, completed on the day of the exam that when they were walking / patrolling the test room, they noticed that Miss Ren was hiding pages of paper folded into palm size (pieces) under the scrap paper provided to her for the exam. The invigilator stated that:

"I was alerted by the colour of the paper folded under the scrap paper issued for the pm sitting. It was white other than yellow, the colour of the issued scrap paper. I signed for the supervisor who came and took the folded paper from under the scrap paper. The candidate did not say anything and continued with her test." They further stated that "the candidate said that it was the first and would be the last time for her to do so and begged me not to report to ACCA."

12. On the day of the examination, the candidate completed an SCRS 2B form and admitted that she was in possession of unauthorised material during the exam. She went on to state that she took it in by mistake. She further stated that:

"I attempt to use the unauthorised materials. When I was in exam, I forgot how to spell a word which was occurred in the small paper. I tried to find the word in the small paper but finally I failed. Before I need to use that word I forgot that I didn't intended to use the unauthorized materials (sic)."

13. In the Examiner's irregular script report, the Examiner, Person B, confirmed that the material is relevant to the syllabus and this examination. They concluded the material had been used by Miss Ren. In their further comments, the Examiner stated:

"[REDACTED] – part (a) and part (d) relevant to the material found on the student. For part (a) their notes would not help as they were just headings provided in the exam question. Part (d) inventory tests – I believe the notes were used as test 1 and 3 were the same words as in the student's notes. [REDACTED] – part (a) receivable tests provided. Script is identical to student's notes – part (b) legal claim

I again as per student's notes. Some notes in another language so I ve only based above on the english notes provided (sic)."

14. ACCA did not call any oral evidence. It relied on the statement made on the day by the Invigilator and Miss Ren herself and other documents obtained during the investigation including the Examiners irregularity script report.

RESPONSE FROM MISS REN

15. On 29 March 2022, the Investigation Department sought Miss Ren's comments regarding the incident. No response was provided.
16. On 25 April 2022, ACCA sent an email to Miss Ren's registered email address reminding her of her obligation to co-operate with the investigation and seeking her response by 09 May 2022. Miss Ren replied on 08 May 2022. She stated:
 - *First of all, I'm really sorry for my behavior during the exam. Please allow me to explain my behavior as follows (sic);*
 - *A week before the exam, I found that I could not master the knowledge that I needed to memorize by heart, so I wrote it down on some small pieces of paper, which were convenient for me to memorize in some spare time;*
 - *I put the pieces of paper in different clothes pockets. I put the pieces of paper in my bag before the exam so I could review them on the way to the exam. However I accidentally left out a small part in the pocket of the clothes I wore to take the exam. So I took these materials into the examination room by mistake.*
 - *I am quite sure that it was my unintentional act to bring these materials into the examination room, although there is no objective evidence to prove it. I'm still ashamed of my actions.*

RELEVANT BYE-LAWS, RULES AND REGULATIONS

Liability to disciplinary action

17. Liability to disciplinary action is set out in bye-law 8 (as applicable in 2021). Bye-law 8 states:

8. (a) A member, relevant firm or registered student shall, subject to bye-law 11, be liable to disciplinary action if:

(i) he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;

...

(iii) he or it has committed any breach of these bye-laws or of any regulations made under them in respect of which he or it is bound;

...

(c) For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to the Association or to the accountancy profession.

(d) For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:

(i) whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;

(ii) whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;

(iii) *the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by the Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.*

Relevant Exam Regulations

Exam Regulation 4 states:

You are not permitted during the exam to possess, use or attempt to use any notes, books or other written materials except those expressly permitted in the guidelines below. These are known as 'unauthorised materials'.

Examination Regulation 6(a) states:

If you breach exam regulation 4 and the 'unauthorised materials' are relevant to the syllabus being examined; it will be assumed that you intended to use them 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 materials to gain an unfair advantage in the exam.

SUBMISSIONS

18. Mr Ross submitted that Miss Ren had breached Exam Regulation 4 by using or attempting to use unauthorised materials in an examination. He also submitted that, pursuant to Exam Regulation 6, her purpose for doing so was to use the unauthorised materials in order to gain an advantage. It was submitted that Miss Ren's written account was insufficient to outweigh the strong indirect evidence that her intention on the day of the examination was to use the unauthorised material.
19. Mr Ross submitted that Miss Ren's conduct was sufficiently serious to amount to misconduct rendering her liable to disciplinary action.

DECISIONS AND REASONS

Findings of Fact

20. The Committee was aware that the burden of proving the facts was on ACCA and Miss Ren did not have to prove anything, save for allegation 1(b) where the reverse burden of proof applies. The standard of proof applied was “*on the balance of probabilities.*”
21. In reaching its decision the Committee considered the documentary evidence contained within the hearing bundle, as well as the oral submissions made on behalf of ACCA. The Committee accepted the advice of the Legal Adviser which included reference to the applicable burden and standard of proof, and the caselaw guidance on the meaning of the term ‘misconduct.’

Allegation 1(a) – Found Proved

“...Was in possession of unauthorised material, namely written notes (the ‘Unauthorised Material’) contrary to Examination Regulations 4.”

22. The Committee noted that when first confronted, Miss Ren had admitted that the pieces of paper found were hers. It also noted that Miss Ren did not answer ‘yes’ or ‘no’ on 06 September 2021 to the question asking her if she was in possession of unauthorised materials. The materials contained detailed notes which was relevant to the examination that Miss Ren was sitting that day.
23. The Committee was satisfied that the pieces of paper were unauthorised materials, and that Miss Ren was in possession of them contrary to Exam Regulation 4.
24. The Committee accordingly found Allegation 1(a) proved.

Allegation 1(b) – Found Proved

“Used, or attempted to use, the Unauthorised Material to gain an unfair advantage in the exam”

25. This was the central allegation in the hearing. In essence, Miss Ren was accused of cheating or intending to cheat, which is one of the most serious types of professional misconduct relevant to a student.
26. There was no dispute that the handwritten notes, on the pieces of paper, had been prepared by Miss Ren and that she had taken them into the examination room. She stated that this was accidental and that she did not intend to use the notes to gain an unfair advantage.
27. The Committee concluded that Miss Ren's version of events lacked credibility and as she had not attended the hearing there was no opportunity to seek clarification. The Committee noted that Miss Ren had confirmed in the SCRS 2B form that she had used the notes to check the spelling of a word and had 'forgotten' that this had not been her original intention. The Committee was satisfied that the SCRS 2B form accurately reflects Miss Ren's response to the questions posed and that she understood the questions at the time. The Committee did not accept Miss Ren's assertion that she had brought the pieces of paper into the exam room by accident. The notes were not on A4 paper; they were on much smaller pieces of paper. They were small enough to conceal, were concealed for part of the exam period and were relevant to the syllabus. Furthermore, on Miss Ren's own account, on at least one occasion during the exam, she reviewed these notes to check the spelling of a word. The Committee concluded that, in and of themselves, these 'admitted' actions were sufficient to amount to cheating.
28. The Committee rejected Miss Ren's written submissions and concluded that she had failed to prove that she did not intend to cheat. The Committee was satisfied that the proper inference to be drawn from all the circumstances was that Miss Ren took the pieces of paper into the exam room with the intention of using them to gain an unfair advantage. The intention was to use them, as required, during the exam and was not limited to checking the spelling of a particular word.

Allegation 2(a) – Found Proved

Dishonesty

29. The Committee, having found that Miss Ren intended to cheat in the exam by using pre-prepared notes, had no hesitation in concluding that this was dishonest by the

standards of ordinary decent people. Miss Ren knew that she was not permitted to take any unauthorised materials into the exam room but chose to do so in an attempt to gain an unfair advantage.

30. The Committee found Allegation 2(a) proved. It therefore did not need to consider the alternative allegation.

Allegation 3 – Misconduct

31. The Committee noted that Miss Ren as a student member of ACCA has a duty to comply with ACCA rules, regulations and bye-laws and there is a legitimate expectation that she will do so. The Committee noted that all student members agree to adhere to these requirements and accept that any failure may result in disciplinary action.
32. The Committee took the view that Miss Ren's failure to comply with the Exam Regulations amounted to a serious falling short of her obligations and demonstrates a complete disregard for the standards expected of student members. The Committee was satisfied that taking unauthorised materials into an exam is a form of cheating which has the potential to seriously undermine the integrity of ACCA's examination process and the public's confidence in the ACCA qualification.
33. In these circumstances, the Committee was satisfied that Miss Ren's actions amount to misconduct. Given the Committee's finding in relation to misconduct, it was not necessary for the Committee to consider the alternative matter of liability to disciplinary action.

SANCTION AND REASONS

34. Mr Ross informed the Committee that there were no previous disciplinary findings against Miss Ren.
35. The Committee accepted the advice of the Legal Adviser. The Committee was aware that it was required to ensure that any sanction was no more restrictive than necessary to address its public interest objectives, by considering the available sanctions in ascending order of severity. In considering what sanction, if any, to impose, the Committee bore in mind the principle of proportionality and the need to

balance the public interest against Miss Ren's own interests. The public interest includes protecting the public, maintaining public confidence in the profession and the regulator, and declaring and upholding proper standards of conduct and behaviour. The Committee was also mindful that the purpose of any sanction is not to be punitive.

36. When considering the appropriate sanction, the Committee considered the aggravating and mitigating features of the case. The Committee noted that Miss Ren has no adverse disciplinary history, made partial admissions, and has expressed remorse in her written communications with ACCA. However, the Committee concluded that none of these features were sufficient to be properly described as mitigating factors. In reaching this conclusion the Committee noted that Miss Ren had been a registered student for less than 2 years at the time of the AA exam and therefore the absence of a disciplinary record was not within the context of a long unblemished record. Miss Ren's partial admissions did not demonstrate an open and honest acceptance of her wrongdoing; it was a qualified acceptance of a breach of the rules and an attempt to minimise the level of her culpability. Furthermore, Miss Ren's stated remorse lacked sufficient depth and analysis. Therefore, although the Committee accepted that Miss Ren was likely to feel sorry that she had been caught it was not persuaded that her remorse was genuinely for the right reasons.

37. The Committee considered the following to be aggravating features:

- Miss Ren has demonstrated little or no insight into the seriousness of her conduct or the impact of her behaviour on the profession.
- Miss Ren's possession of the notes demonstrated premeditation and planning.
- Miss Ren attempted to conceal her misconduct by physically hiding the notes.
- Miss Ren's misconduct was carried out for her own personal benefit.

38. The Committee first considered taking no further action. The Committee concluded that, in view of the nature and seriousness of Miss Ren's conduct and behaviour,

and the absence of any exceptional circumstances, it would not be in the public interest to take no further action.

39. The Committee then considered an Admonishment. The Committee noted that Miss Ren's conduct was an isolated incident. However, taking the notes into the exam was deliberate and Miss Ren has not demonstrated sufficient remorse or insight. In any event, the Committee concluded that an Admonishment would be insufficient to mark the seriousness of Miss Ren's disregard of her obligation to comply with the Exam Regulations and therefore would not uphold trust and confidence in the profession and the regulatory process.
40. The Committee went on to consider a Reprimand or a Severe Reprimand. It noted that such sanctions may be suitable if the member has proper insight into their failings or has expressed genuine remorse and where there was a low risk of repetition; none of which applies to Miss Ren. The Committee concluded that the nature of Miss Ren's conduct in undermining the examination process was fundamentally incompatible with continued registration as a student member. Therefore, even a Severe Reprimand would undermine rather than uphold public trust and confidence in the profession and the regulatory process.
41. Having determined that a Severe Reprimand would be insufficient to address the nature and seriousness of Miss Ren's conduct, the Committee determined that she should be removed from the student register of ACCA. Removal is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public or the wider public interest. The Committee concluded that Miss Ren's case falls into this category because her conduct represents a very serious departure from the standard expected and demonstrates a lack of appreciation of the importance of preserving the integrity of the examination process.
42. The Committee was mindful that the sanction of removal from the student register is the most serious sanction that could be imposed and recognised that it could have negative reputational consequences. However, the Committee considered that Miss Ren's interests were significantly outweighed by the need to protect the public, and the wider public interest.

43. Accordingly, the Committee decided that the appropriate and proportionate sanction is removal. Miss Ren will be entitled to apply for readmission as a student after 12 months. The Committee did not find it necessary to extend this period. If Miss Ren applies for re-admission, she will have to persuade the Admissions and Licensing Committee that she has learnt the relevant lessons, has taken steps to ensure that there will be no repetition, and is a fit and proper person to be registered with ACCA.

COSTS

44. Mr Ross made an application for Miss Ren to contribute to the costs of ACCA. Mr Ross applied for costs in the sum of £5,766.50. The Committee was provided with a detailed Schedule of Costs providing a breakdown of the activity undertaken by ACCA and the associated costs. There was no evidence before the Committee with regard to Miss Ren's financial position.
45. The Committee accepted the advice of the Legal Adviser.
46. The Committee determined that Miss Ren should be required to contribute to the costs of bringing these proceedings, otherwise the entirety of the costs would be borne by the profession as a whole. The Committee was satisfied that the case had been properly brought, and that overall, the costs were fair and reasonable. However, the Committee concluded that the costs should be reduced to reflect the fact that the hearing did not take as long as anticipated.
47. The Committee concluded that Miss Ren should pay costs in the sum of £5,450.

ORDER

48. The Committee makes the following orders:
- (i) Miss Ren shall be removed from the student register of ACCA.
 - (ii) Miss Ren shall pay a contribution to ACCA's costs in the sum of 5,450.

EFFECTIVE DATE OF ORDER

49. Taking into account all the circumstances, the Committee decided that the order for removal should take effect on the expiry of the appeal period.

Mr Maurice Cohen
Chair
16 April 2025