

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Uzair Amjad

Heard on: Tuesday, 29 April 2025

Location: Held Remotely via Microsoft Teams

Committee: Ms Suzan Matthews (Chair)
Dr David Horne (Accountant)
Mr Damian Kearney (Lay)

Legal Adviser: Mr Ashraf Khan

Persons present

and capacity: Mr James Halliday (ACCA Case Presenter)
Ms Anna Packowska (Hearings Officer)

Observers: Ms Zarqa Shaikh (Urdu interpreter)

Summary Removed from the student register

Costs: £1,000.00

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INTRODUCTION

1. The Disciplinary Committee ("the Committee") met to hear allegations against Mr Uzair Amjad. Mr Amjad attended the hearing and was supported by an Urdu speaking interpreter, Ms Zarqa Shaikh. ACCA was represented by Mr Halliday of Counsel.
2. The papers before the Committee consisted of a service bundle consisting of 16 pages, a hearing bundle consisting of 75 pages, tabled additional consisting of 11 pages and a further tabled additional consisting of 24 pages.

ALLEGATIONS

Mr Uzair Amjad, an ACCA student, during a remotely invigilated FMA exam taken on 21st June 2021:

1. *Used an unauthorised item namely an electronic device capable of taking photographs.*
2. *Further to the matters referred to in allegation 1, took 5 photographs of exam questions as presented on his PC screen, in the alternative,*
 - a) *Caused or permitted, a person or persons unknown to take photographs of exam questions as presented on his PC screen*
3. *Further to the matters referred to in allegations 1 and 2 shared some or all of those photographs referred to in allegation 2 with a person or persons unknown, in the alternative,*
 - a) *Caused or permitted, a person or persons unknown to share some or all of those photographs referred to in allegation 1 and 2 with a person or persons unknown,*
4. *By the reason of the matters referred to above in respect of allegations 1 to 3, Mr Amjad is in breach of one or more of:*
 - a) *Exam Regulation 5 (a) in respect of allegation 1*
 - b) *Exam Regulation 12 in respect of allegation 2*
 - c) *Exam Regulation 10 in respect of allegation 3*

d) Exam Regulation 14 in respect of allegation 3

5. Mr Amjad's conduct as referred to in allegations 1 to 4 above, was:

a) dishonest in that he took (or caused or permitted a person or person unknown to take) photographs of one or more of the exam questions to use as a revision aid should he have to re-sit the exam

b) dishonest in that sharing (or causing or permitting the sharing of) the photographs with a person or persons unknown whether during the exam or otherwise and or with another or other exam candidates sitting the same exam whether directly or otherwise could provide them with an unfair advantage in the same exam, in the alternative,

c) Such conduct if not dishonest demonstrates a failure to act with Integrity.

6. By reason of his conduct, Mr Amjad 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 4 above.

PRELIMINARY MATTERS

Application to hear case in private

3. Mr Amjad asked the Committee to hear the whole case in private.
4. Mr Amjad submitted these proceedings [PRIVATE].
5. Mr Halliday opposed the application and submitted there is a public interest in holding the hearing in public. He submitted the reasons cited by Mr Amjad are not sufficient justify holding the hearing in private. He submitted whilst it is understandable that Mr Amjad is [PRIVATE] this is not unusual.
6. The Committee received legal advice from the Legal Adviser, which it accepted.

7. The Committee determined that there was a public interest that hearings are held in public and no exceptional circumstances existed. Accordingly, it decided to hold the hearing in public [PRIVATE].

Admissibility of Tabled Additional 1

8. ACCA applied to admit material relating to a previous ACCA investigation into Mr Amjad during 2021 on the grounds that it is relevant and of a similar nature.
9. Mr Amjad objected to the admissibility of the evidence. He submitted the material was only served last night and caught him by surprise.
10. The Committee noted the documents were served very late, namely, the night before the hearing. Mr Amjad was only able to complete his reading of the papers this morning. The Committee deemed it would be unfair to expect Mr Amjad to deal with this matter at such short notice.
11. The Committee also noted this matter dated back to an incident in December 2020. There has been no formal finding of fact and the evidence is untested. The Committee determined the evidence was not relevant to the allegation faced by Mr Amjad. Accordingly, the Committee decided the evidence is inadmissible on the grounds of relevance and fairness.

Amendment of charge

12. The Committee noted a typographical error (highlighted in bold) contained in Allegation 3 (a). The Allegation currently reads as follows:

*Caused or permitted, a person **of** persons unknown to share some or all of those photographs referred to in allegation 1 and 2 with a person or persons unknown.*

13. The Committee determined this was a simple typographical error and exercised its powers pursuant to Regulation 10(5)(a) CDR to amend the Allegation to read as follows:

Caused or permitted, a person ~~of~~ or persons unknown to share some or all of those photographs referred to in allegation 1 and 2 with a person or persons unknown.

14. The Committee determined there was no prejudice caused to any party by the amendment.

BACKGROUND

15. Mr Amjad became an ACCA registered student on 29 October 2019.
16. On 21 June 2021, Mr Amjad attempted ACCA's remotely invigilated FMA exam.
17. There was no incident report filed for this exam attempt. However, in May 2024, ACCA received a referral enclosing photographs of questions from Mr Amjad's FMA exam attempt of 21 June 2021. There were 5 photographs showing questions from ACCA's FMA exam. The majority of these photographs included the following header information:
- a. ACCA logo
 - b. Question number: varied
 - c. Available marks (per the question): varied
 - d. Time remaining varied
 - e. Exam progress details: varied
 - f. student identification number (full or partial view): [PRIVATE]
 - g. Exam Paper Title: 'FMA Management Accounting'
18. The photographs were analysed by ACCA's Exam Production team and confirmed to be from Mr Amjad's attempt at the FMA-Management Accounting exam on 21 June 2021.
19. Mr Amjad was formally notified of the investigation on 10 September 2024, sent a redacted version of the photographs and asked for his comments regarding the incident in question.
20. On 19 September 2024 Mr Amjad responded in writing. He stated he was surprised by the investigation and had no recollection of engaging in any form of unfair behaviour during the examination. He stated it was difficult for him to remember events of 3 ½ years ago but he would do his utmost to support the investigation. Mr Amjad denied any wrongdoing during the exam. He stated that he strictly adhered to the examination regulations and standards.

EVIDENCE

21. The Committee heard evidence from Person A of ACCA and accepted Person A's evidence after cross examination. The Committee noted there was no video available of the exam on 21 June 2021.
22. The Committee heard evidence from Mr Amjad. Mr Amjad stated he sat his exam in the morning. The proctor monitored his activities and was completely satisfied. As far as Mr Amjad was concerned, the exam ran smoothly.
23. Mr Amjad stated he conducted his exam in line with the ACCA rules, as with all his exams.
24. Mr Amjad stated he passed the exam with 51% and heard nothing more until ACCA contacted him about the photographs.
25. Under cross examination Mr Amjad confirmed his student number is [PRIVATE] and that this number has not changed at any time and is unique to him.
26. Mr Amjad stated that as the exam was nearly 4 years ago, he does not recall exactly where the exam took place but confirmed the room was secure without anyone else or any camera. The proctor also checked the room remotely and confirmed there was no one else or any other equipment in the room. As far as Mr Amjad was concerned, no one could have taken photographs in his room.
27. Mr Amjad agreed the screen shots contained his student number. Mr Amjad did not accept it is likely the exam questions were legitimate. He only agreed the screen shot contained his registration number.
28. Mr Amjad denied he took pictures of his exams or that he allowed someone to come into the room and take pictures and repeated the proctor was satisfied there was no wrongdoing.
29. Mr Amjad denied acting deliberately and dishonestly. He denied cheating in his exam. He denied sharing the photographs of his exam questions or allowing anyone else to share the photographs. He denied taking advantage of the remote exam procedure. He stated he had no choice but to sit the remote exam due to COVID 19.

30. In answer to the Committee's questions, Mr Amjad stated he now sits exams in person, despite having to travel long distance. He stated he did not take the remote exam from home due to lack of WIFI. Instead, he either sat the exam at his friend's house or at school.
31. Mr Amjad stated he did not own a laptop. He stated he had a friend who loaned him a laptop so he could sit the exam.

ACCA Submissions on Facts

32. ACCA submitted that the allegations are capable of proof by the documents in the evidence bundle.
33. ACCA submit that Mr Amjad took 5 photographs of ACCA exam questions. In the alternative if Mr Amjad is not found to have taken the photos that he caused or permitted a person or persons unknown to take the photographs. In particular ACCA relied on the fact that the photographs it received include, amongst other things, Mr Amjad's student registration number.
34. ACCA submit the fact that the matter was brought to ACCA's attention by a third-party whistle-blower demonstrates that at least one other person had in their possession photographs taken from Mr Amjad's exam attempt of 21 June 2021.
35. ACCA submits that the conduct set out at allegations 1 to 4 above, amounts to dishonesty on the basis that Mr Amjad knew that he was not permitted to cause or permit another to take and share the photographs or to take and share photographs of ACCA exam content. ACCA submits that he did this in order to procure for himself, answers to his exam questions and thereby seek to gain any unfair advantage in the exam or possibly provide assistance to another person(s) sitting the same exam as this could give them an unfair advantage. ACCA submit that such conduct would be regarded as dishonest by the standards of ordinary decent people.
36. ACCA submits that if proved, such conduct amounts to misconduct.

Submission on facts by Mr Amjad

37. Mr Amjad relied on his written responses and made further oral submissions. He stated he had no recollection of engaging in any form of unfair behaviour during the examination. Mr Amjad further stated it was difficult for him to remember events of 3 ½ years ago. Mr Amjad denied he took 5 photographs of ACCA exam questions. He also denied that he caused or permitted another person or persons to take the photographs.
38. Mr Amjad stated he had no idea how the photographs were captured during the exam, as his attention was fully dedicated to the screen throughout the entire test. He emphasised that he followed the examination rules and did not engage in any unauthorised activities.
39. Mr Amjad stated he could not say how the photos came to be in possession of a third party and that he was surprised that photos of his exam was shared more than 3 years after he sat the exam.
40. Mr Amjad stated he could confirm with certainty that no one else was present in the room during his exam.
41. Mr Amjad stated that since the FMA exam, he has completed eight additional exams in compliance with ACCA exam guidelines and regulations in accordance with ACCA exam guidelines and regulations.
42. [PRIVATE].

DECISION ON FACTS/ALLEGATIONS AND REASONS

43. The Committee took into account ACCA's written representations which were supplemented by Mr Halliday orally. The Committee took into account Mr Amjad's written submissions, which were supplemented orally. The Committee considered legal advice from the Legal Adviser, which it accepted.
44. The Committee considered Allegation 1, 2 and 3.
45. The Committee noted Mr Amjad denied taking an unauthorised device into his exam. He also denied that he took any photographs of his exam questions or

that he caused or permitted another/others to take photographs and share them with others unknown.

46. Whilst the Committee note Mr Amjad's denial, it determined that the overwhelming common-sense inference is that only Mr Amjad could have taken the photographs of his exact exam questions and this happened when the proctor was not observing. The Committee determined there can be no other reasonable explanation. As to Mr Amjad's suggestion such as the doctoring of the photos by an unknown third party, the Committee considered that the combination of the student registration number and the questions photographs were unique to his attempt on 21st June 2021. Mr Ahmed was adamant that no other person was present or had opportunity to take the photos unless by secreted camera. However the views of the photos varied in angle suggesting a fixed secured camera was not the explanation. The Committee rejected the suggestion that it could not have happened because of the scrutiny by the proctor.
47. The Committee further determined having taken the photographs, Mr Amjad must have shared the photographs with third parties. Accordingly, the Committee found Allegation 1, 2 and 3 proved.
48. Given the Committee's findings in relation to Allegation 1, 2 and 3 above, it determined that Allegation 4 is also proved.
49. The Committee considered Allegation 5. The Committee determined Mr Amjad knew he was acting dishonestly when he took photographs of his exam questions and distributed the photographs. Furthermore, the Committee determined, ordinary decent people would find his conduct as dishonest. Accordingly, the Committee found Allegations 5 (a) and 5 (b) proved.
50. Given the Committee's findings in relation Allegation 5 (a) and (b), the Committee did not go on to consider Allegation 5 (c).
51. The Committee considered Allegation 6. The Committee determined that deliberately breaching exam regulations is a very serious matter as it undermined the exam system. Whilst students do not have direct contact with the public, they are expected to pass exams fairly. It is wrong if they have an unfair advantage which gives potentially unsuitable candidates entry into the profession. The Committee determined this behaviour is a serious falling short

of what would be proper and it brings discredit not only to the individual but also the profession.

52. In all the circumstances, taking into account Mr Amjad's conduct as a whole, the Committee decided this was serious professional misconduct.
53. Given the Committee's findings in relation Allegation 6a, it did not consider Allegation 6b.

SANCTION AND REASONS

54. The Committee took into account submissions made by Mr Halliday and Mr Amjad. Mr Halliday remained neutral as to sanction. Mr Amjad submitted the Committee should take no action. [PRIVATE].
55. Despite disagreeing with the Committee's factual findings, Mr Ahmed stated he did have insight and remorse. He stated this was an isolated incident. He submitted removal from register would be disproportionate.
56. Mr Amjad stated [PRIVATE]. He stated it would not be in the public interest to deprive him of his employment.
57. The Committee considered the available sanctions starting with the least serious. In reaching a decision on sanction, the Committee took into account the public interest and Mr Amjad's own interests. It noted that the purpose of sanction was not punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in the ACCA, and to declare and uphold proper standards of conduct and performance.
58. The Committee determined breaching exam regulations is very serious.
59. The Committee considered whether any mitigating or aggravating factors featured in this case.
60. In mitigation, the Committee took into account Mr Amjad has stated [PRIVATE]. The Committee noted this breach took place some 4 years ago.

61. As for aggravating features, the Committee concluded there was no evidence of insight, remorse, or reflection. Furthermore, Mr Amjad has not demonstrated any real understanding of the seriousness of his conduct. Mr Amjad undermined the integrity of the exam process. For the avoidance of any doubt, the Committee did not take into account material set out in Additional 1.
62. For the reasons set out above, the Committee determined deliberately breaching exam regulations is a serious matter and therefore taking no further action, admonishment, reprimand, or a severe reprimand would be insufficient and inappropriate. The Committee was particularly mindful there was no evidence of understanding or insight, reflection, or remorse from Mr Amjad. His actions could have given other unsuitable students an unfair advantage and who could enter the profession as a full member and consequently they could present a risk to the public. Breaching exam regulations is a serious departure from relevant professional standards. The Committee noted ACCA's sanction guidance in dishonesty cases. Given all the circumstances, the Committee determined the only appropriate and proportionate sanction available is to order the removal of Mr Amjad from the student register.
63. The Committee noted that the default period of exclusion is 12 months. The Committee decided not to extend this period, given the mechanisms in place at ACCA for readmission.

EFFECTIVE DATE OF ORDER

64. The Committee noted that ACCA have not made an application for an immediate order. The Committee considered whether it was in the public interest to impose such an order. It decided not to impose an immediate order in this instance.

COSTS AND REASON(S)

65. The Committee has been provided with a detailed costs schedule.
66. The Committee concluded that ACCA was entitled to be awarded costs against Mr Amjad. The amount of costs for which ACCA applied was £10,301.00, which the Committee accepted was reasonable. Mr Amjad submitted [PRIVATE]. However, the Committee determined that Mr Amjad failed to provide supporting evidence of his means and financial circumstances. Nevertheless, out of

fairness, the Committee accepted Mr Amjad [PRIVATE] and decided it would be reasonable and proportionate to award ACCA costs in the sum of £1,000.00.

Ms Suzan Matthews
Chair
29 April 2025