

HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS****REASONS FOR DECISION**

In the matter of: Mr Aarav Lohiya

Heard on: Tuesday, 02 December 2025

Location: Remotely using Microsoft Teams

Committee: HH Suzan Matthews KC (Chair),
Ms Andrea White (Accountant),
Ms Alison Sansome (Lay)

Legal Adviser: Mr David Marshall

**Persons present
and capacity:** Ms Michelle Terry (Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Removed from student register.

Costs: £4,900.00

1. The Committee heard an allegation of misconduct against Mr Lohiya. Ms Terry appeared for ACCA. Mr Lohiya was not present and not represented.
2. The Committee had a main bundle of papers containing 85 pages and a service bundle containing 23 pages. It also had a video recording lasting about 2 hours, 46 minutes showing Mr Lohiya taking the exam in question and five short audio recordings of telephone conversations between him and the exam invigilator. The Committee had the opportunity to watch the video and listen to the

recordings before the hearing. During the hearing Ms Terry entered into evidence a Tabled Additional bundle of 13 pages.

SERVICE AND PROCEEDING IN ABSENCE

3. At the start of the hearing the Committee had concerns about service. These arose from reading the service bundle which was sent to the Committee on the afternoon of the previous day, in accordance with normal practice. The notice of hearing dated 04 November 2025 stated that it had been sent 'By email only to: [PRIVATE]'. The address '[PRIVATE]' (not @[PRIVATE]) was what was stated in the notice. It seemed to be an obvious error and most unlikely to be Mr Lohiya's actual email address. In the main bundle the Committee had three emails sent by Mr Lohiya which used the email address '@[PRIVATE]'. There were many emails sent by ACCA to that address, as recently as yesterday, and there were delivery receipts for those emails.
4. Under Regulation 22(5)(c) a notice of hearing can be sent to an 'electronic mail address that the person has notified to the Association as an address for communications'. On the face of the notice itself this had not been done. The notice stated that it had been sent to a similar, but different, address which was very unlikely to be the correct one.
5. Ms Terry made enquiries and put together a Tabled Additional bundle on which she made submissions. In summary, the Committee was satisfied that the position on service was as follows:
 - (a) Notices of hearing are not in fact served by email despite what they say.
 - (b) They are served by assembling a folder of documents relevant to service, including the notice of hearing. That folder is password protected. ACCA then emails the person concerned the link to the folder of documents and (separately) the password.
 - (c) Those emails were sent to the email address '@[PRIVATE]', in other words the correct address.

- (d) The email system reported that these emails were delivered to Mr Lohiya's email account.
6. The Committee was satisfied that the notice was delivered to an email address notified by Mr Lohiya.
7. The Committee was therefore satisfied that Mr Lohiya 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 28 days ago, on 04 November 2025, to an email address notified by Mr Lohiya to ACCA as an address for all correspondence.
8. The Committee considered whether to exercise its discretion to proceed in the absence of Mr Lohiya. It noted that attempts had been made to contact him by phone and email recently to find out if he wished to attend this hearing. On one occasion the call went to a messaging service and the Hearings Officer left a message, but it was not returned. The Committee concluded that Mr Lohiya knew (or had the means of knowing) about this hearing but had decided not to attend. There would be no point in adjourning it and it would be contrary to the public interest to do so. The Committee determined to proceed in Mr Lohiya's absence.

ALLEGATION(S)/BRIEF BACKGROUND

9. Mr Lohiya became a student of ACCA on 28 October 2022. On 06 March 2025 he sat ACCA's Financial Reporting (FR) exam. This was a remotely-invigilated computer-based exam which Mr Lohiya took in a place of his choosing in his home country, [PRIVATE]. The Invigilator (referred to in this hearing as a 'proctor') was not present but could view what was on Mr Lohiya's screen and could communicate directly with him if required through chat messages or by phoning him. The proctor also had video and audio access to the camera on the laptop computer which Mr Lohiya was using to take the exam. The video/audio from the laptop camera was recorded and the recording was

provided to the Committee, as were recordings of mobile phone conversations between him and the proctor.

10. The video appeared to show that during the exam Mr Lohiya held his phone up to face the screen on which he was taking the exam. Following investigation, Mr Lohiya faced the following allegations:

Schedule of Allegations

Mr Aarav Lohiya, a student of ACCA, in respect of his on-demand remotely invigilated Financial Reporting (FR) exam taken on 6 March 2025 ('the Exam'):

1. Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones ... out of arm's reach' and/or possessed an item on or about his desk or person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.
2. Was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b).
3. Used the above referenced unauthorised item to take photographs and/or recordings of the Exam content, contrary to Exam Regulation 13.
4. Gave the exam proctor false or misleading information about the said unauthorised item, contrary to Exam Regulation 3.
5. Mr Lohiya's conduct in respect of any or all of the above was:
 - a) Dishonest, in that he intended to use or used an unauthorised item, a mobile phone with camera, during the Exam to gain an unfair advantage in the exam; or in the alternative:
 - b) Such conduct demonstrates a failure to act with integrity.

6. By reason of the above, Mr Lohiya 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 any or all of the conduct in allegations 1 to 4 above.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

11. ACCA did not call any oral evidence. It relied mainly on the video and audio recordings and other documents obtained during the investigation. At the start of the investigation when the allegations were put to Mr Lohiya he denied them, despite being sent the video evidence. He has not made any admissions.

Allegations 1 and 2

12. The video showed at least 13 instances where Mr Lohiya held up a mobile phone to the exam screen. It was the rear of the phone, which was pale blue, which faced the exam screen. Three camera lenses were clearly visible. In most cases the phone was held in landscape, rather than portrait, orientation. Mr Lohiya held the phone with one hand. His other hand was generally not visible but could have been touching the phone's screen. One example occurred 1 hour, 34 minutes into the recording. The blue phone back with its three lenses was clearly visible, Mr Lohiya was staring at the screen of the phone. It was entirely consistent with someone taking a photograph or video of the exam screen and difficult to imagine a plausible alternative interpretation.
13. At 1 hour, 35 minutes the proctor evidently contacted Mr Lohiya because on the video he can be heard answering. The second audio recording gave both sides of the conversation, which started: 'I just saw you taking pictures with your phone'. Mr Lohiya denied it and said his phone was out of reach. He was asked to video his room and showed a black object similar to a mobile phone lying on a pillow or cushion. He was asked to pick it up and show it to the

camera. He showed the front. He was asked to show the back, and it appeared to be pale blue with three camera lenses. The proctor said it was the phone they had just seen taking pictures. Mr Lohiya continued to deny taking pictures. He was allowed to put the phone out of reach and continue the exam. However, at 2 hours, 45 minutes another proctor intervened and said that because Mr Lohiya had been seen using his phone in the exam, the exam was terminated.

14. ACCA notified Mr Lohiya of its investigation on 01 May 2025. This document again purported to have been sent by email only to an address @[PRIVATE]. However, Ms Terry's new evidence showed that it had been delivered to the correct address and had been opened. Mr Lohiya responded on 16 May. He said:

I respectfully assert that I did not engage in any form of cheating or misconduct during the exam. ...

If there has been any misunderstanding or confusion that led to this allegation, I would be grateful for the opportunity to clarify the situation and present my side. ...

Please let me know how I may proceed in addressing this issue further. ...

15. ACCA's letter had set out the main evidence against him and asked a number of specific questions which would have allowed him to present his case. He did not address these.
16. Mr Lohiya wrote again on 24 July 2025. He gave no explanation for what was shown on the video. All he said was *'i have not shared any details or photographs with anyone so with humble pls stop the allegatuo on me'* [sic]. In a third and final email on 22 August 2025 Mr Lohiya said:

'I would like to sincerely apologize for the breach of the rule's. I had accepted but even i have to mention the phone was not with me it was behind my arm rest and i have taken by phone only when acca investigtor told me to take [sic]'

17. It was not clear exactly what this meant. It could have been an admission but if so it was an equivocal one.

18. The Committee was quite satisfied that Allegations 1 and 2 were proved. The video evidence was overwhelming. It showed that Mr Lohiya had not moved his phone out of reach and was in possession of, and/or used it, during the exam. The Committee found Allegations 1 and 2 proved.

Allegation 3

19. As stated, the video evidence appeared to be of someone using a mobile phone to take a photograph (or video). There was no other plausible reason for Mr Lohiya to hold the phone up to eye level except to check a photograph he was taking. On the video there was a sound which seemed to be clicking. The Committee inferred that this was the camera shutter noise of the phone. Mr Lohiya did not suggest any alternative explanation for his actions. The Committee found Allegation 3 proved.

Allegation 4

20. Mr Lohiya was challenged by the proctor several times and absolutely denied that he had been using it. He claimed that the phone was out of reach. The Committee was satisfied that his statements were untrue. The Committee found Allegation 4 proved.

Allegation 5(a): Dishonesty

21. The facts found proved in Allegation 2 were clearly breaches of Exam Regulations 5(a) and (b). Exam Regulation 6(b) stated (so far as relevant):

6(b) 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 for you or others in the exam and/or a future 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 ...

22. The presumption clearly applied in this case and the Committee relied on it.

23. However, the Committee did not need the presumption to come to its conclusion. This was not the first ACCA exam that Mr Lohiya had attempted. ACCA provides detailed guidance on what is and is not allowed during the exam and the candidate has to confirm that he or she is aware of this before being allowed to proceed. By using a camera during the exam Mr Lohiya was essentially cheating or trying to cheat or possibly facilitating cheating by others. The Committee was satisfied that this was dishonest by the standards of ordinary decent people. The Committee found Allegation 5(a) proved. Allegation 5(b) was in the alternative so did not have to be considered.
24. The Committee was satisfied that Mr Lohiya's conduct amounted to serious misconduct. Using a camera phone in an exam undermined the integrity of ACCA's exams and its system of professional qualification.
25. The Committee found that Mr Lohiya was guilty of misconduct as set out in Allegation 6(a). Allegation 6(b) was in the alternative so did not have to be considered.

SANCTION(S) AND REASONS

26. Having found facts proved, the Committee considered what sanction, if any, to impose in the light of its findings. It had regard to ACCA's Guidance for Disciplinary Sanctions. It first sought to identify mitigating and aggravating factors.
27. Mr Lohiya had no previous disciplinary findings against him. That provided some limited mitigation. There was no other mitigation. There was no evidence that he had any insight into the seriousness of his actions or any remorse for them. His email of 22 August 2025 did not alter that.
28. The Committee considered that there was significant aggravation. Mr Lohiya persisted in his denials even in the face of overwhelming evidence that he had been cheating. Exam cheating is a serious matter. It undermines the integrity of the exam process and could allow a person to become a member without having met the required standard. Mr Lohiya failed to answer any of the

questions put to him during the investigation. He therefore failed to cooperate.

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 Lohiya's actions. The Committee next considered the sanction of severe reprimand. 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.

30. Few of the suggested factors were present in this case and there was little mitigation. There was no evidence of understanding or appreciation of the conduct found proved. The Committee considered that Mr Lohiya was a continuing risk to the public, having proved himself ready to break ACCA's rules and deny that he had done so.
31. The next relevant sanction was removal from the student register. For the reasons already given the misconduct was serious and the Committee was satisfied that Mr Lohiya's conduct was incompatible with remaining registered as a student of ACCA. Removal was the minimum sanction it could impose.
32. Mr Lohiya will be entitled to apply for readmission after one year. The Committee did not consider it necessary to extend the time before he can apply for re-admission. If he does apply, he will have to persuade the Admissions and Licensing Committee that he has learnt the relevant lessons, has taken steps to ensure that there will be no repetition, and has become a fit and proper person to be registered with ACCA. That is sufficient to protect the public.

COSTS AND REASONS

33. Ms Terry applied for costs totalling £5,171.25. She acknowledged that the time estimated for today's hearing might need to be reduced. The Committee took

into account ACCA's Guidance for cost orders.

34. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to a contribution to its costs. The Committee was satisfied that the time spent and the rates claimed were reasonable, subject to a reduction to the estimate for today. The Committee assessed the costs at £4,900.
35. The Committee had no information as to Mr Lohiya's ability to pay a sum of that order, although he had been invited to give such information. The Committee therefore had to assume that it would not cause him undue hardship.

EFFECTIVE DATE OF ORDER

36. The Committee considered whether the order should have immediate effect. In this case Mr Lohiya had not been charged with publishing photographs of exam questions and there was no evidence that he had done so. The Committee concluded that there were no grounds for making the order immediate. The order will take effect at the normal time, at the expiry of the appeal period.

ORDER

37. The Committee ordered as follows:
 - (a) Mr Aarav Lohiya shall be removed from the student register.
 - (b) Mr Mr Aarav Lohiya shall make a contribution to ACCA's costs of £4,900.

Suzan Matthews
Chair
02 December 2025