

## HEARING

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

**In the matter of:** **Miss Jiayi Xu**

**Heard on:** **Wednesday, 10 December 2025**

**Location:** **Remotely via Microsoft Teams**

**Committee:** **Ms Colette Lang (Chair)**  
**Mr Ryan Moore (Accountant)**  
**Ms Victoria Smith (Lay)**

**Legal Adviser:** **Miss Juliet Gibbon**

**Persons present  
and capacity:** **Mr Samuel Irving (ACCA Case Presenter)**  
**Miss Sofia Tumburi (Hearings Officer)**

**Summary** **Allegations 1(a), 1(b)(i) and 1(c)(i) (misconduct) found proved**  
**Removed from the student register**

**Costs:** **Miss Xu to pay a contribution towards ACCA's costs in the sum of £5,700.00.**

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## **PRELIMINARY**

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Miss Jiayi Xu. The hearing was conducted remotely through Microsoft Teams. The Committee had a bundle of papers numbered pages 1-53, an incomplete Case Management Form, a one page Schedule of Pseudonymisation and a Service Bundle, numbered pages 1 to 28. At the sanction and costs stage the Committee was provided with detailed and simple costs schedules.
2. Mr Samuel Irving represented ACCA. Miss Xu did not attend the hearing and was not represented at the hearing.

## **SERVICE AND PROCEEDING IN ABSENCE**

3. The Notice of Hearing, containing all the requisite information about the hearing, was sent by email on 12 November 2025 to Miss Xu’s registered email address and to another email address that she provided to ACCA as a means of contacting her. ACCA provided a notification confirming delivery to both email addresses. Miss Xu was also sent a secure link and a password, by separate emails, that gave her access to the documentation for the hearing.
4. On 19 November 2025 the Hearings Officer (“the HO”) sent an email to Miss Xu’s two email addresses asking her to advise whether she would be attending the hearing. There was no response from Miss Xu.
5. On 28 November 2025 the HO attempted to call Miss Xu on the telephone number which she had registered with ACCA, but the call was not answered and there was no opportunity to leave a message. The HO therefore sent another email to Miss Xu on 28 November 2025 asking her to confirm whether she would be attending the hearing. There was no response from Miss Xu.

6. The HO called Miss Xu again on 03 December 2025, but the call was not answered and there was no opportunity to leave a message. The HO therefore sent a further email to Miss Xu asking whether she intended to attend the hearing. Again, there was no response from Miss Xu.
7. On 09 December 2025 the HO emailed Miss Xu the link to join the hearing.
8. The Committee accepted the advice of the Legal Adviser who advised that the onus was on Miss Xu to inform ACCA of any change in her contact details. The Committee was referred to the case of General Medical Council v Adeogba [2016] EWCA Civ 162 in which the Court of Appeal stated that the responsibility of the regulator was very simple, '*it is to communicate with the practitioner at the address he had provided; neither more nor less. It is the practitioner's obligation to ensure that the address is up to date*'.
9. In all the circumstances the Committee was satisfied that notice had been effected in accordance with Regulations 10 and 22 of the Regulations.
10. Having satisfied itself that service had been effected in accordance with the Regulations, the Committee went on to consider whether to proceed in the absence of Miss Xu.
11. The Committee bore in mind that whilst it had a discretion to conduct a hearing in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of Hayward & Others [2001] 3 WLR 125 and R v Jones [2002] UKHL 5.
12. The Committee was mindful that there is a public interest in dealing with regulatory allegations expeditiously. It noted that Miss Xu had not asked for an adjournment and there was no evidence before it to suggest that she would attend a hearing at a later date. The Committee also noted that Miss Xu had not engaged with ACCA's investigation.

13. In all the circumstances the Committee determined that it was in the public interest to proceed with the hearing in the absence of Miss Xu.

#### **APPLICATION TO AMEND ALLEGATION 1b(i)(a)**

14. Mr Irving made an application to amend the wording of Allegation 1(b)(i) to include the word 'materials' so that the allegation reads '(b) Miss Jiayi Xu's conduct in respect of 1(a) above was: (i). Dishonest, in that Miss Jiayi Xu intended to use the unauthorised materials to gain an unfair advantage in the exam ...'.
15. Mr Irving submitted that the word 'materials' had been used in Allegation 1(a) and had been wrongly omitted in Allegation 1(b)(i). He submitted that there would be no prejudice to Miss Xu in the conduct of her defence if the amendment was made.
16. The Committee accepted the advice of the Legal Adviser.
17. The Committee determined that the word 'materials' had clearly been omitted in error from the wording of Allegation 1(b)(i) and that its inclusion would not prejudice Miss Xu in the conduct of her defence. The Committee, therefore, allowed the application to amend Allegation 1(b)(i).

#### **AMENDED ALLEGATIONS**

##### **Allegation 1**

- (a) During a Financial Management (FM) examination on 10 March 2023, Miss Jiayi Xu, an ACCA student, was in possession of unauthorised materials comprising handwritten notes, contrary to Examination Regulation 4;
- (b) Miss Jiayi Xu's conduct in respect of 1(a) above was:
  - (i) Dishonest, in that Miss Jiayi Xu intended to use the unauthorised materials to gain an unfair advantage in the exam; in the alternative

- (ii) Failed to demonstrate integrity;

(c) By reason her conduct Miss Jiayi Xu is:

- (i) Guilty of misconduct pursuant to bye-law 8(a)(i); or
- (ii) Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of 1(a) above.

## **BACKGROUND**

18. Miss Xu registered as a student of ACCA on 24 September 2019. She is, therefore, bound by ACCA's Bye-laws and Regulations, including the Examination Regulations.
19. On 10 March 2023, Miss Xu attended Exam Centre A ("the exam centre"), in order to sit the Financial Management Examination ("the exam"). Miss Xu had previously passed four ACCA examinations and, therefore, would have been aware of the Examination Regulations and guidelines. Also, prior to any ACCA examination all candidates receive an attendance docket which contains ACCA's Examination Regulations and guidelines.
20. ACCA's Exam Conduct Department received an incident report from the exam centre in relation to Miss Xu's conduct during the exam. The information provided included completed SCRS 1B and 2B forms, photocopies of the unauthorised material found on the day and a copy of the seating plan for the examination.
21. The SCRS 1B form completed on the day by the invigilator stated that the unauthorised material consisted of a '*note full of words*'. It stated that the exam had started at 13:30 and the unauthorised material was found at 16:35 '*on the desk*' and '*under the calculator*' when the invigilator was collecting in the scratch paper used by Miss Xu in the exam. The Invigilator stated that they were '*pretty sure the notes was taken into the exam from before it started*' (sic). The invigilator

informed Miss Xu that the note was unauthorised materials, but she made no response.

22. Miss Xu completed a SCRS 2B form on the day of the exam and signed the form confirming that the facts, as specified, were a true reflection of the incident. She confirmed that she had read the examination attendance docket and the Examination Regulations. Miss Xu stated on the form that the unauthorised materials comprised '*the paper of equations*'. When asked on the form whether she accepted that the unauthorised materials are relevant to the syllabus being examined, Miss Xu answered: 'Yes' and wrote '*After the end of exam, I want to check the answer, then I use this relevant material to check the answer*'.
23. In response to the question why she had the unauthorised materials, Miss Xu wrote: '*to check whether I had written the right answer*'. In response to the question of whether she had used the unauthorised materials, Miss Xu wrote: '*No. At the end of the exam, I want to check the memory's information is right*'.
24. Miss Xu was asked to confirm whether she had attempted to use the unauthorised materials found in her possession and she wrote on the form '*At the end of the exam, I want to use it*'.
25. When asked on the form whether she intended to use the unauthorised materials, Miss Xu wrote: '*Yes, I supposed the exam is end and I put it out, but the exam is not end*'. In response to whether she intended to gain an unfair advantage from the unauthorised materials, Miss Xu wrote: 'Yes'.
26. The Examiner's Irregular Script Report, dated 02 October 2023, confirms that the material is relevant to the syllabus and relevant to the exam. In response to whether the notes taken into the exam by Miss Xu had been used, the Examiner confirmed that some of the content contained in the notes had been replicated in Miss Xu's answers to some of the questions.
27. On 04 April 2023, ACCA's Exam Conduct Department wrote to Miss Xu to inform her that it had received a report from the proctor that she had been in possession

of unauthorised materials in breach of ACCA's Examination Regulations and that the matter would be referred to ACCA's Professional Conduct team. Miss Xu was invited to make any comments that she wished to within 14 days. Miss Xu did not respond.

28. An ACCA Investigations Officer ("IO") wrote to Miss Xu at her registered email address on 09 June 2023 setting out the allegations made against her and requesting that she provide answers to a number of questions by 23 June 2023. Miss Xu was informed that she had a duty to co-operate with the investigation. Miss Xu did not respond.
29. ACCA sent a further email to Miss Xu on 16 August 2023 asking her to confirm that she had received the emails sent on 09 June 2023. Miss Xu was informed '*If you do not respond to this email, I shall assume you have received all of ACCA's encrypted emails and are intentionally choosing not to respond to them*'.
30. On 26 September 2023 ACCA informed Miss Xu by email that a report of disciplinary allegations was being prepared for internal review with a view to referring it to an independent assessor.
31. On 30 January 2024 the IO sent a copy of the report of disciplinary allegations to Miss Xu by email and informed her that the matter would be referred to the assessor for review on 20 February 2024.
32. On 08 March 2024 the IO wrote to Miss Xu by email informing her the independent assessor had decided that it was appropriate for the allegations to be referred to a Disciplinary Committee. Miss Xu was asked to submit a completed Case Management Form within 28 days, but she failed to do so.
33. The Case Progression Officer ('CPO') wrote to Miss Xu by email on 04 November 2025 asking her to complete and return a Case Management Form and informed her that a Disciplinary Committee hearing had been provisionally listed to take place on 10 December 2025 as a remote hearing via Microsoft Teams.

34. On 06 November 2025 the CPO wrote to Miss Xu by email confirming that her Disciplinary Committee Hearing was scheduled to take place on 10 December 2025.

### **SUBMISSIONS ON FACTS AND MISCONDUCT**

35. Mr Irving took the Committee through the background of the case.
36. Mr Irving reminded the Committee that Miss Xu had accepted that she had the unauthorised materials on her exam desk during the exam and that she had intended to use them to gain an unfair advantage in the exam. He submitted that this was clearly in breach of Examination Regulation 4.
37. Mr Irving submitted that the reverse burden of proof under Examination Regulation 6(a) applied in this case and that Miss Xu had failed to discharge the burden on her to prove that she had not intended to use the unauthorised materials to gain an unfair advantage in the exam. Mr Irving reminded the Committee of the subjective and objective test for dishonesty. He submitted that Miss Xu's conduct in deliberately taking notes into her exam in order to gain an unfair advantage in the exam was clearly dishonest.
38. Mr Irving submitted that Miss Xu's dishonest breach of Examination Regulation 4 had brought discredit to her, the Association and the accountancy profession and clearly amounted to misconduct, as defined by Bye-law 8(c).

### **DECISION ON FACTS AND MISCONDUCT**

39. In considering its decision on facts and misconduct the Committee took account of all the documentary evidence put before it by ACCA. It noted that Miss Xu had not engaged with the ACCA investigation into her conduct during her FM exam on 10 March 2023,

### **Allegation 1(a) – proved**

40. The Committee noted that on the SCRS 2B form completed by Miss Xu on the day of the exam she had admitted that she had unauthorised materials in her possession, being the handwritten notes found by the invigilator under a calculator on her exam desk. The Committee was, therefore, satisfied that Miss Xu had breached Examination Regulation 4 during her FM exam on 10 March 2023.

### **Allegation 1(b)(i) - proved**

41. The Committee next considered whether the conduct found proved in Allegation 1(a) was dishonest, applying the test set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*.
42. The Committee noted Examination Regulation 6(a) that provides: '*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*'.
43. Miss Xu had also admitted on the form that the handwritten notes were relevant to the syllabus being examined. It also noted from the Examiners Irregular Script Report that the handwritten notes were relevant to the syllabus and the FM exam and that, in the Examiner's opinion, they had been used when Miss Xu was attempting the exam.
44. The Committee found Allegation 1(b)(i) proved. Miss Xu had not provided any evidence to prove to the Committee on the balance of probabilities that she did not intend to use the unauthorised materials to gain an unfair advantage in the exam. She had not, therefore, discharged the reverse burden of proof in relation to her breach of Examination Regulation 4. The Committee also noted Miss Xu's admission on the SCRS 2B form completed on the day of the exam that she had intended to use the handwritten notes to gain an unfair advantage in the exam.

The Committee was therefore satisfied, on the balance of probabilities, that Miss Xu had intended to use the handwritten notes to gain an unfair advantage in the FM exam on 10 March 2023.

45. The Committee was also satisfied that Miss Xu's conduct in taking handwritten notes into a professional exam in order to gain an unfair advantage in that exam was clearly dishonest in accordance with the test set out in *Ivey*.
46. Having found Allegation 1(b)(i) proved, the Committee did not go on to consider Allegation 1(b)(ii), which was pleaded in the alternative.

**Allegation 1(c)(i) – misconduct found**

47. The Committee considered whether the matters set out in Allegations 1(a) and 1(b)(i) amounted to misconduct.
48. In the Committee's view Miss Xu had breached Examination Regulation 4 during the FM exam by having handwritten notes in her possession which were relevant to the syllabus being examined. The Committee considered that such conduct in a professional exam undermined ACCA's exam process, the reputation of the accountancy profession and the reputation of ACCA as the regulator.
49. The Committee determined that Miss Xu's dishonest conduct in a professional exam was very serious and had brought discredit to her, ACCA and the accountancy profession. The Committee determined that Miss Xu's conduct in breaching Exam Regulations 4 in order to gain an unfair advantage in the exam was very serious and amounted to misconduct.
50. The Committee, having found Allegation 1(c)(i) proved, did not go on to consider the alternative charge set out in Allegation 1(c)(ii).

## **SUBMISSIONS ON SANCTION AND COSTS**

51. The Committee was informed that Miss Xu had no previous findings recorded against him.
52. Mr Irving referred the Committee to the Guidance for Disciplinary Sanctions issued by ACCA (updated 14 February 2024) ("the sanctions guidance"). Mr Irving submitted that the appropriate and proportionate sanction in this case was a matter for the judgement of the Committee. He referred the Committee to the section on dishonesty at E2 in the sanctions guidance.
53. In respect of costs, Mr Irving referred the Committee to the detailed and simple costs schedules. He informed the Committee that whilst ACCA claimed costs in the sum of £6,342.50, it may wish to reduce the costs claimed by ACCA as the hearing had taken less than the time allowed for in the costs schedules.

## **DECISION ON SANCTION AND COSTS**

54. In reaching its decision on sanction, the Committee considered Regulation 13(4) in determining what, if any, sanction to impose on Miss Xu. It took into account the submissions made by Mr Irving and it referred to the sanctions guidance. The Committee had in mind the fact that the purpose of a sanction was not to punish Miss Xu, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.
55. The Committee carefully considered the aggravating and mitigating features of the case.
56. The Committee considered that the mitigating features in the case were:
  - a. Miss Xu had no previous disciplinary findings recorded against her.

57. The Committee considered that Miss Xu's misconduct involved the following aggravating features:

- a. The misconduct was very serious as it involved dishonesty.
- b. This was pre-meditated conduct for personal gain.
- c. Miss Xu had not demonstrated any insight or reflection into the impact her dishonest conduct could have had on the accountancy profession.

58. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not consider that it was appropriate, or in the public interest, to take no further action or to order an admonishment in a case where a student of ACCA had deliberately and dishonestly breached the Examination Regulations during an exam attempt.

59. The Committee then considered whether to reprimand Miss Xu. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature; there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding; together with genuine insight into the misconduct found proved. In the Committee's view, the misconduct was not of a minor nature, there was a continuing risk to the public and Miss Xu had not demonstrated any insight. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the conduct in this case.

60. The Committee next considered whether a severe reprimand would be a sufficient and proportionate sanction or whether removal from the student register was required. The guidance indicates that a severe reprimand would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case, or mitigation advanced, which satisfies 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. The guidance

suggests that this sanction may be appropriate where most of the following factors are present:

- a. the misconduct was not intentional and no longer continuing.
- b. evidence that the conduct would not have caused direct or indirect harm.
- c. insight into failings.
- d. genuine expression of regret/apologies.
- e. previous good record.
- f. no repetition of failure/conduct since the matters alleged.
- g. rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur.
- h. relevant and appropriate references.
- i. co-operation during the investigation stage.

61. The Committee took into account that Miss Xu's misconduct was deliberate and that she had intended to gain an unfair advantage in the exam. It also noted that Miss Xu had not co-operated with the ACCA investigation. The Committee determined that the only factor present was that Miss Xu had a previous good disciplinary record.

62. The Committee concluded that, given the above, a severe reprimand would not be an appropriate or sufficient sanction to protect the public interest.

63. The Committee was mindful that the sanction of removal from the student register was the most serious sanction that could be imposed. The Committee took into account the guidance that this sanction was likely to be appropriate when the

behaviour of the student was fundamentally incompatible with being a registered student of ACCA. The Committee was satisfied that Miss Xu's deliberate and dishonest misconduct taking notes into a professional exam in order to 'cheat' and gain an unfair advantage in the exam had reached that high threshold.

64. For the above reasons, the Committee concluded that the appropriate and proportionate sanction was removal from the student register.
65. The Committee did not deem it necessary to impose a minimum period before which Miss Xu is able to reapply for admission as a student member.

### **DECISION ON COSTS AND REASONS**

66. The Committee was provided with two schedules of costs. It noted that ACCA applied for costs in the sum of £6,342.50 in respect of the investigation against Miss Xu and the hearing. It also noted that Miss Xu had not provided a completed Statement of Financial Position.
67. The Committee was satisfied that the costs sought by ACCA were appropriate and had been reasonably incurred. It took into account, however, that the hearing had concluded earlier than anticipated in the schedule of costs provided. The Committee determined that, in all the circumstances, it would be fair and proportionate to order Miss Xu to pay a contribution towards ACCA's costs in the sum of £5,700.00.

### **ORDER**

- i. Miss Jiayi Xu shall be removed from ACCA's student register.
- ii. Miss Jiayi Xu shall pay a contribution towards ACCA's costs in the sum of £5,700.00.

## **EFFECTIVE DATE OF ORDER**

68. In accordance with Regulation 20(1)(a) of the Regulations, the order that Miss Xu shall be removed from ACCA's student register shall take effect from the date of expiry of the appeal period referred to in the Appeal Regulations.
69. In accordance with Regulation 20(2) the order for Miss Xu to pay a contribution towards ACCA's costs in the sum of £5,700.00 shall have immediate effect.

**Ms Colette Lang  
Chair  
10 December 2025**