

HEARING

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

In the matter of:	Mr Irtaza Mustafa
Heard on:	Tuesday, 15 July 2025
Location:	Remotely via Microsoft Teams
Committee:	Mr Maurice Cohen (Chair) Ms Joanne Royden- Turner (Accountant) Ms Alison Sansome (Lay)
Legal Adviser:	Ms Margaret Obi
Persons present And capacity:	Ms Michelle Terry (ACCA Case Presenter) Miss Sofia Tumburi (Hearings Officer)
Outcome:	Allegations 1, 2(i), 3, 4(i), 4(ii) and 6(i) found proved. Allegations 5(a), 5(b), 5(c) and 5(d) were found not proved. The proved facts were found to amount to misconduct. The alternative allegations were not considered.
Sanction:	Removal from the student register of ACCA with immediate effect.
Costs:	Ordered to pay a contribution to ACCA's costs in the sum of £5,800.

INTRODUCTION

1. The Disciplinary Committee (“the Committee”) convened to hear the Allegation of misconduct, or liability to disciplinary action, against Mr Mustafa. The hearing was conducted remotely via Microsoft Teams. The Committee was provided with a Main Hearing Bundle with pages numbered 1-123 (with clearer versions of certain pages provided in a Separate 6-page Bundle), a Service Bundle numbered 1-24, and subsequently two Costs Schedules: a simple schedule and a detailed schedule.
2. Ms Terry presented the case on behalf of ACCA. Mr Mustafa did not attend and was not represented.

PRELIMINARY MATTERS

Service of the Notice of Hearing

3. At the outset of the hearing Ms Terry, on behalf of ACCA, invited the Committee to conclude that Mr Mustafa had been properly served with the Notice of Hearing in accordance with the Regulations. The Committee took into account the submissions made by Ms Terry and accepted the advice of the Legal Adviser.
4. The Committee noted that Regulation 10(1)(a) of the Complaints and Disciplinary Regulations 2020 (amended 1 January 2020) (‘the Regulations’) requires the Notice of Hearing to be served no later than 28 days before the hearing date unless, subject to Regulation 10(2), a shorter notice can be justified. The Committee also noted that Regulation 22 states that the Notice of Hearing may be served by post or other delivery service including email.
5. The Committee was provided with a copy of the Notice of Hearing, dated 17 June 2025, and a screenshot of the contact details for Mr Mustafa held by ACCA. The Committee was satisfied that the Notice of Hearing had been sent to Mr Mustafa’s email addresses as they appear on ACCA’s register and

complied with the 28-day notice requirement. The Notice of Hearing included the date, time, and remote venue for the hearing. It also stated that Mr Mustafa has the right to attend the hearing and to be represented if he wished. Additionally, the Notice of Hearing provided Mr Mustafa with information relating to applying for an adjournment and the Committee's power to proceed in his absence, if considered appropriate. The Committee was provided with an email delivery receipt timed at 12.32 on 17 June 2025.

6. The Service Bundle also included two emails addressed to Mr Mustafa; both dated 17 June 2025. One email provided the secure link to the documentation whilst the other email enclosed the password.
7. Taking into account all of the above, the Committee was satisfied that there had been good service.

Proceeding in Absence

8. Ms Terry made an application for the Committee to proceed in Mr Mustafa's absence.
9. The Committee, having considered the documents within the Service Bundle, the submissions made by Ms Terry and the advice of the Legal Adviser determined that it was fair and appropriate to proceed in Mr Mustafa's absence for the following interrelated reasons:
 - a. In response to an email from ACCA, dated 24 June 2025, in which Mr Mustafa was asked if he would be attending the hearing he stated, "*Okay I'm ready*". A further email was sent by ACCA to Mr Mustafa on 26 June 2025. He was asked to confirm if he would be attending the hearing and, if so, whether he required an interpreter. Mr Mustafa replied on the same day. He stated "*Yes confirm I'm ready*" but did not confirm whether he required an interpreter. ACCA sent chaser emails about the interpreter issue on 26 June 2025 and 30 July 2025 but the only response from Mr Mustafa, on 30 June 2025, was "*Thanks for your email*". On 04 July 2025

ACCA sent a further chaser and attempted to contact Mr Mustafa by telephone. There was no response from Mr Mustafa. However, in response to the email from ACCA enclosing the Teams link for the hearing Mr Mustafa sent an email that same day which simply stated "Okay." Despite the strong indication that Mr Mustafa would be attending the hearing he did not join the Teams link at the required time. In the absence of any explanation, the Committee concluded that it was reasonable to infer that Mr Mustafa has chosen to disengage from the regulatory process. Therefore, the Committee concluded that Mr Mustafa's non-attendance was voluntary and demonstrated a deliberate waiver of his right to attend and his right to be represented.

- b. There has been no application to adjourn and no indication from Mr Mustafa that he would be willing attend on an alternative date. Therefore, re-listing this hearing would serve no useful purpose.
- c. The Committee recognised that there may be a disadvantage to Mr Mustafa in not being able to make submissions or give oral evidence. However, the Committee was satisfied that all reasonable efforts had been made to encourage Mr Mustafa to engage in these proceedings, but he has not taken up that opportunity. In these circumstances, the Committee concluded that Mr Mustafa's personal and/or professional interests were outweighed by the strong public interest in ensuring that the hearing proceeds expeditiously.

APPLICATION TO AMEND

- 10. Ms Terry made an application to amend the Allegation by correcting two typographical errors.
- 11. The Committee accepted the advice of the Legal Adviser that the correction of minor changes such as typographical errors is less likely to cause injustice to Mr Mustafa than substantial alterations or amendments that widen the scope of the Allegation. The Committee was satisfied that correcting the spelling of "re-

sit” in particular 4(I) and 4(II) of the Allegation was a minor change which would not cause Mr Mustafa any injustice.

ALLEGATION (AS AMENDED)

Mr Irtaza Mustafa, an ACCA student in relation to his remote invigilated MA1-Management Accounting Exam on 10 December 2020:

1. Used, or caused or permitted the use of, an unauthorised item, namely a mobile telephone with camera, to take one or more photographs of his computer screen and live exam content, contrary to exam regulations 6 and 7(b).
2. Engaged in conduct designed to assist him with his exam attempt and/or others with their exam attempts contrary to regulation 10 of the Exam Regulations in that he:
 - (i) Took, or caused or permitted a third party to take, photographs of exam questions which were on his computer screen with a mobile telephone during the exam; and/or:
3. Shared, or caused or permitted the sharing of, one or more of the photographs referred to in allegation 1 above with one or more people, contrary to exam regulation 14.
4. Mr Mustafa’s conduct in respect of any or all of the allegations 1 to 3:
 - I. Was dishonest in that he took, or caused or permitted a third party to take, one or more photographs of exam questions from his MA1 exam attempt in order to obtain an unfair advantage for himself in the exam/future exam attempts/ re-sits and/or to assist other students in sitting the same exam, and/ or in the alternative:

- II. Was dishonest in that he shared, or cased or permitted the sharing of, one or more of the photographs in order to obtain an unfair advantage for himself in the exam/future exam attempts/ re-sits and/or to assist other students in sitting the same exam, or in the alternative:

 - III. Demonstrates a failure to act with integrity.
5. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Mr Mustafa failed to co-operate with the investigation of a complaint, in that he did not respond to any or all of ACCA's correspondence sent on:
- a) 24 April 2024
 - b) 09 May 2024
 - c) 24 May 2024
 - d) 13 November 2024
6. By reason of the above, Mr Irtaza Mustafa is:
- I. Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of any or all of the conduct referred to above or, in the alternative:

 - II. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

BACKGROUND

- 12. Mr Mustafa has been an ACCA student since 26 October 2020.

- 13. On 21 December 2023, ACCA received a referral enclosing photographs of exam questions from the remote invigilated, computer based MA1 exam on 10 December 2020. Mr Mustafa's student identification/ registration number can be seen in full view in the top right-hand corner on some of the photographs.

The photographs were analysed by ACCA's Exam Production team and were confirmed to be from his MA1 exam attempt on 10 December 2020.

14. The Investigations Officer sent an email to Mr Mustafa on 24 April 2024, requesting his comments and observations to the matter by 08 May 2024. A first chaser email/letter was sent to Mr Mustafa on 09 May 2024. No response was received from him. A second chaser email was sent to Mr Mustafa on 24 May 2024. No response was received from him. The Investigations Officer attempted to call Mr Mustafa on his registered phone number on 09 and 24 May 2024. The line was unavailable on both occasions. A final chaser email and an unencrypted email was sent on 13 November 2024, requesting Mr Mustafa's responses to previous ACCA correspondence. No response was received from him.
15. Confirmation was received from ACCA's Computer Based (CBE) team that Mr Mustafa had made an additional attempt at his MA1 exam on 21 December 2020, in which he passed.

RESPONSES FROM MR MUSTAFA

16. Mr Mustafa has not provided any response to the allegations.

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 2020).
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.*

Relevant Exam Regulations

18. The exam regulations (applicable from 04 June 2020 to 31 December 2020) make it clear that ACCA students are not permitted to use mobile phones or cameras (amongst other items) during the exam and that copying, photographing, or reproducing the exam questions in any manner is prohibited. Candidates are also prohibited from distributing or seeking to exploit for commercial gain unauthorised copies of the exam questions.

ACCA SUBMISSIONS

19. Ms Terry, on behalf of ACCA, took the Committee through the documentary evidence relied upon by ACCA.
20. Ms Terry invited the Committee to find the facts proved and to conclude that Mr Mustafa's alleged conduct amounts to misconduct. In the alternative, the Committee was invited to find that the conduct as set out in particulars 1-5 of the Allegations render Mr Mustafa liable to disciplinary action.

DECISIONS AND REASONS

Findings of Fact

21. The Committee was aware that the burden of proving the facts was on ACCA. Mr Mustafa did not have to prove anything (save for his intention in the event that he is found to have breached Exam Regulation 6 – see below), and the allegations could only be found proved if the Committee was satisfied, on the balance of probabilities.
22. Mr Mustafa did not provide any written submissions to the Committee. As there were no formal admissions or denials before the Committee, the Allegations were assumed to be denied in their entirety.
23. In reaching its decision the Committee took into account the documentary evidence contained within the hearing bundle, as well as the oral submissions made by Ms Terry. The Committee accepted the advice of the Legal Adviser which included reference to the applicable burden and standard of proof, and the meaning of the term ‘misconduct.’

ALLEGATION 1 – FOUND PROVED

“Used, or caused or permitted the use of, an unauthorised item, namely a mobile telephone with camera, to take one or more photographs of his computer screen and live exam content, contrary to exam regulations 6 and 7(b).”

24. Exam Regulation 6 states that ACCA students are not permitted to use mobile phones or cameras (amongst other items) during the exam. If a student does bring into the exam an unauthorised item, the student must “*declare this to the examination personnel prior to the start of the examination.*” Exam Regulation 7(b) states, “*if you breach exam regulation 6, it will be assumed that you intended to use the 'unauthorised items' 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 items' to gain an unfair advantage in the exam."

25. The Committee noted that on 10 December 2020 Mr Mustafa sat the remote invigilated MA1- Management Accounting Exam and this information together with his unique ACCA registration number appears in some of the photographs sent to ACCA by the whistleblower. Although the background circumstances which led to the photograph being taken and submitted to ACCA are unknown the Committee was satisfied that the photographic images themselves were sufficient for the Committee to draw an inference that Mr Mustafa caused or permitted the use of a device capable of taking photographs during the course of his exam.
26. In these circumstances, the Committee was satisfied that, during a remotely invigilated exam, Mr Mustafa used or caused a mobile phone to take photographs of his computer screen and live exam content. As a consequence, Allegation 1 was found proved.

ALLEGATION 2 – FOUND PROVED

“Engaged in conduct designed to assist him with his exam attempt and/or others with their exam attempts contrary to regulation 10 of the Exam Regulations in that he:

- (i) Took, or caused or permitted a third party to take, photographs of exam questions which were on his computer screen with a mobile telephone during the exam;”

27. The Committee took into account its finding in relation to Allegation 1 of the Allegation in concluding that Mr Mustafa failed to adhere to Exam Regulation 10. The Committee noted that Mr Mustafa had failed his initial attempt at the MA1 exam on 10 December 2020. The only reasonable inference that could be drawn from the circumstances is that Mr Mustafa took the photographs or caused the photographs to be taken in order to assist him in one or both MA1

exam attempts. It is likely that the exam content captured in the photographs assisted him in obtaining a pass mark in his second MA1 exam attempt on 21 December 2020.

28. The Committee accepted the submission made by ACCA that Mr Mustafa's conduct is also likely to have assisted other students with their attempts at the MA1 exam, having seen and had access to live exam content and questions from this exam.
29. For these reasons, Allegation 2(i) was found proved.

ALLEGATION 3 – FOUND PROVED

“Shared, or caused or permitted the sharing of, one or more of the photographs referred to in allegation 1 above with one or more people, contrary to exam regulation 14.”

30. The Committee took into account its finding in relation to Allegation 1 and also found that Mr Mustafa shared or permitted the sharing of one or more of the photographs.

ALLEGATION 4 (DISHONESTY) – FOUND PROVED

31. The Committee was satisfied that the original source of distribution must have been Mr Mustafa as he was the person sitting the exam in question. There is no other reasonable explanation. The Committee had no hesitation in concluding that taking a photograph of exam questions or causing such photographs to be taken is dishonest by the standards of reasonable and honest people. Mr Mustafa knew that he was not permitted to be in possession of a mobile phone during the exam, nor to copy exam content, yet he took a photograph or caused a photograph to be taken in contravention of the exam regulations. The Committee concluded that the photographs were taken to assist Mr Mustafa during the exam and/or to view later as an aide-memoire for

his second MA1 exam attempt and/or to share with a third party or parties so that so that they could receive an unfair advantage in the exam.

32. Mr Mustafa did not respond to the Allegation and therefore there was no information before the Committee to support a finding that there was no intent to gain an unfair advantage. The Committee concluded that Mr Mustafa has failed to discharge the burden of showing that he did not intend to use these photographs to gain an unfair advantage in his MA1 exam attempt on 10 December 2020 and/or to assist other students in their future exam attempts.
33. In these circumstances, the Committee concluded that Mr Mustafa had caused or permitted the photographs to be shared with a person or persons unknown and in so doing had acted dishonestly. Therefore, particular 4 of the Allegation was found proved.
34. Given the Committee's finding in relation to dishonesty, it was not necessary for the Committee to consider the alternative allegation of lack of integrity.

ALLEGATIONS 5 (A) –(D) (FAILURE TO COOPERATE) –NOT FOUND PROVED

35. The Committee noted that on 24 April 2024, 09 May 2024, 24 May 2024, and 13 November 2024 ACCA sent letters to Mr Mustafa.
36. The Committee noted that Mr Mustafa had a duty to respond to the queries that were raised by ACCA. ACCA received no correspondence from Mr Mustafa in relation to the investigation. The complaints required prompt action and a genuine effort to co-operate with ACCA in resolving the concerns. However, the Committee was unable to conclude that Mr Mustafa chose to disregard the numerous efforts that were made to obtain his response to the complaint as it was unclear from the documentation provided whether the correspondence from ACCA had been sent to Mr Mustafa's current registered email address. In response to a query from the Committee, Ms Terry confirmed that at some point after 13 March 2024 Mr Mustafa updated his contact details by including a

different email address for the purposes of communication with ACCA. ACCA was unable to confirm from their records when that amendment had been made. Furthermore, the File Note dated 13 November 2024 included a poor copy of a screen shot which purported to confirm that an email had been sent on that date, but the image was too poor to be able to decipher the date or email address with sufficient certainty. ACCA confirmed that no other copy of that document was available.

37. In these circumstances, the Committee concluded that ACCA had not discharged the burden of proving that the correspondence had been sent to the correct email address.
38. Accordingly, Allegation 5 was found not proved in its entirety.

ALLEGATION 6 - MISCONDUCT

39. The Committee noted that Mr Mustafa 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 he 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.
40. The Committee took the view that Mr Mustafa's failure to comply with the Exam Regulations amounted to a serious falling short of his obligations and demonstrates a complete disregard for the standards expected of student members. The Committee was satisfied that photographing exam questions for use by oneself or others 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. There is a real risk that dissemination of the examination questions may enable a candidate that is not competent in the knowledge and skills being tested to pass a particular exam. The photographs of the examination questions would potentially provide some candidates with an unfair advantage in any future sitting of the exam. The Committee also took the

view that the conduct has the potential to cause reputational damage to ACCA and the wider profession.

41. In these circumstances, the Committee was satisfied that Mr Mustafa's actions amount to misconduct.
42. 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

43. Ms Terry informed the Committee that there were no previous disciplinary findings against Mr Mustafa.
44. 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 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 Mr Mustafa's own interests. The public interest includes protecting the public, maintaining public confidence in the profession, 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.
45. When considering the appropriate sanction, the Committee considered the aggravating and mitigating features of the case. The Committee considered that the only mitigating feature was that no previous disciplinary findings had been made against Mr Mustafa.
46. The Committee considered the following to be aggravating features:

- Mr Mustafa's dishonest actions were premeditated as he knew that the Exam Regulations prohibited him (or anyone else) from being in possession of a mobile phone without permission during the exam.
- Mr Mustafa sought to benefit personally from the breach of the Exam Regulations by cheating and did benefit, in that, 11 days after sitting the MA1 exam on 10 December 2020, he sat it again on 21 December 2020. He failed the first attempt but passed the second attempt.
- Mr Mustafa has demonstrated no insight into the seriousness of his conduct or the impact of his behaviour on the profession and chose not to engage with the disciplinary hearing.
- Mr Mustafa's conduct had the potential to significantly undermine the integrity of the examination process and that risk is ongoing as it is unknown how widely the exam questions have been disseminated.

47. The Committee first considered taking no further action. The Committee concluded that, in view of the nature and seriousness of Mr Mustafa's conduct and behaviour, and the absence of any exceptional circumstances, it would not be in the public interest to take no further action.

48. The Committee then considered an Admonishment. The Committee noted that Mr Mustafa's conduct was an isolated incident. However, the taking of the photographs was deliberate and Mr Mustafa has not demonstrated any remorse or insight. In any event, the Committee concluded that an Admonishment would be insufficient to mark the seriousness of Mr Mustafa's disregard of his obligation to comply with the Exam Regulations and his duty to co-operate with ACCA's investigation. Therefore, an Admonishment would not uphold trust and confidence in the profession and the regulatory process.

49. 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 Mr Mustafa. The Committee concluded that the nature of Mr Mustafa's conduct in undermining the examination process was towards the higher end of the spectrum for misconduct of this type as the questions came into the possession of a person or persons unknown. Registered students have a duty to comply with the Exam Regulations. A failure to comply with these obligations is fundamentally incompatible with continued registration as a member. As a consequence, even a Severe Reprimand would undermine rather than uphold public trust and confidence in the profession and the regulatory process.

50. Having determined that a Severe Reprimand would be insufficient to address the nature and seriousness of Mr Mustafa's conduct the Committee determined that he 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 Mr Mustafa's case falls into this category because his 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.
51. 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 consequences for Mr Mustafa in terms of his reputation and financial circumstances. However, the Committee considered that Mr Mustafa's interests were significantly outweighed by the need to protect the public, and the wider public interest.
52. Accordingly, the Committee decided that the appropriate and proportionate sanction is removal. The Committee did not deem it necessary to impose a specified period before which Mr Mustafa could make an application for readmission as a student member.

COSTS

53. The Committee was provided with a detailed Schedule of Costs providing a breakdown of the activity undertaken by ACCA and the associated costs.
54. Ms Terry made an application for Mr Mustafa to make a contribution to the costs of ACCA. She invited the Committee to reduce the costs by a suitable amount to reflect the fact that the estimated costs of today's hearing would not be incurred.
55. The Committee accepted the advice of the Legal Adviser.
56. The Committee concluded that it is appropriate to make an award for costs. The Committee was satisfied that the case had been properly brought, and that on the whole the costs were fair and reasonable. The Committee concluded that the costs should be reduced in accordance with the submissions made by Ms Terry. In the absence of a statement of means form from Mr Mustafa the Committee concluded that no further deductions should be made to the costs schedule.
57. The Committee determined that Mr Mustafa should be required to make a contribution to the costs of bringing these proceedings, otherwise the entirety of the costs would be borne by the profession as a whole. The Committee concluded that these costs should be in the sum of £5,800.

ORDER

58. The Committee makes the following orders:
 - (i) Mr Mustafa shall be removed from the student register of ACCA.
 - (ii) Mr Mustafa shall pay a contribution to ACCA's costs in the sum of £5,800.

EFFECTIVE DATE OF ORDER

59. Taking into account all the circumstances, the Committee decided that the order for removal should take immediate effect given that Mr Mustafa could otherwise sit additional ACCA exams during the appeal period. In light of the Committee's findings Mr Mustafa's status as a student member poses an ongoing risk to the integrity of ACCA's exam procedures.

Maurice Cohen
Chair
15 July 2025

