

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Qinru Li

Heard on: Wednesday, 17 July 2025

Location: Held remotely by Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Mr David Horne (Accountant)
Mr Geoff Baines (Lay)

Legal Adviser: Ms Ini Udom

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

Summary: Removal from the student register.

Costs: £5,800.00

PRELIMINARY APPLICATIONS

1. The Disciplinary Committee (“the Committee”) convened in public to hear the allegations against Miss Li. Miss Li was not present or represented.
2. The papers before the Committee (‘the documents’) comprised:
 - a. A Main Hearing Bundle (pgs 1-133)

- b. A Service Bundle (pgs 1- 21)
3. Miss Li was served with Notice of the hearing on 19 June 2025 by email. The email address used was the email address registered with ACCA for Miss Li. The Notice included the details and information pertaining to this hearing and confirmed that it would be held remotely. The Committee's power to proceed in the absence of Miss Li was also explained within the Notice.
 4. ACCA applied to proceed in the absence of Miss Li.
 5. No confirmation of attendance was received from Miss Li despite attempts to contact Miss Li both by email and telephone.
 6. The Committee considered the submissions made and accepted the advice of the Legal Adviser. It had regard to the Guidance for Disciplinary Hearings.
 7. The Committee decided that service had been properly effected. It noted that Miss Li had entirely failed to engage with the disciplinary process and had not responded to any communications sent to her registered email address. It was the duty of every Registrant to keep up to date the details held by their Regulator. In fact, in this case there was evidence before the Committee that Miss Li had received and opened the emails sent. The Committee agreed with the submission made on behalf of ACCA, namely that Miss Li had a duty to co-operate.
 8. No adjournment had been requested by Miss Li. Even if one had been requested, in light of Miss Li's failure to engage and co-operate, the Committee had no confidence that an adjournment would secure her attendance or serve any useful purpose.
 9. It was in the public interest to proceed with expedition. The Committee acceded to ACCA's application to proceed in Miss Li's absence.

ALLEGATIONS AND BRIEF BACKGROUND

10. The allegations against Miss Li were as follows:

Ms Qinru Li, an ACCA student, during ACCA's remotely invigilated Strategic Business Reporting exam on 12 June 2024 (the Exam):

1. Had in her possession and/or used an unauthorised item during the Exam and took a photograph of an exam question or questions with the said unauthorised item, or permitted a third party to do so.
2. Caused or permitted the photograph or photographs referred to in Allegation 1 to be shared with a person or persons unknown.
3. By reason of the matters referred to above in respect of allegations 1 and / or 2, Miss Li is in breach of one or more of:
 - a) Exam Regulation 5a
 - b) Exam Regulation 5b
 - c) Exam Regulation 11
 - d) Exam Regulation 14
4. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Miss Li failed to co-operate with the investigation of this complaint, in that she did not respond to any or all of ACCA's correspondence sent on:
 - (a) 14 October 2024;
 - (b) 23 October 2024;
 - (c) 20 November 2024;
 - (d) 12 December 2024;
 - (e) 20 December 2024
5. Miss Li's conduct referred to at allegations 1 and/or 2 above or any of it:
 - a) Was dishonest in that she took the photograph or photographs referred to or permitted a third party to do so, in order to obtain an unfair advantage for herself and/or others in the Exam;
 - b) Was dishonest in that she shared, alternatively caused or permitted the photograph or photographs to be shared, whether directly or otherwise, to a third party or parties in order to obtain an unfair advantage for herself and/or others in the Exam; or in the alternative;

- c) Demonstrates a failure to act with integrity.
- 6. By reason of any or all of her conduct Miss Li 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).
- 11. On 12 June 2024 Miss Li sat the ACCA's Strategic Business Reporting (SBR) remotely invigilated exam (the Exam). As part of the exams booking process and immediately before the commencement of the exam, Miss Li would have agreed to ACCA's terms and conditions on sitting exams remotely and this would have included details and an information sheet containing the Examination Regulations and Guidelines.
- 12. Between 28 August to 14 October 2024 ACCA was provided with various photographs / images by a whistle-blower.
- 13. The photographs included images of questions from an ACCA exam. Following checks by ACCA's Exam Delivery Team it was found that the image contained a delivery access code [PRIVATE] which related to ACCA's SBR exam taken on 12 June 2024 by Ms Qinru Li. To protect the integrity of ACCA's exams, the Committee was provided with a redacted version of the images.
- 14. Person A, an Exam Production Technician at ACCA reviewed the image relating to Miss Li's SBR exam, noting that Miss Li's unique exam delivery access code ([PRIVATE]) is visible in the header of the image above the questions from ACCA's SBR exam.
- 15. On 14 October 2024, Miss Li was formally notified of ACCA's investigation and sent a series of questions relating to the images of the exam questions and the observations as to her conduct during the exam. She was sent a copy of the images, with the questions redacted but her unique ACCA exam delivery access code visible, in order for ACCA to investigate the matter further.
- 16. Miss Li did not provide a response to this, or any further correspondence sent to her, by ACCA, during the course of this investigation. The initial letter and email sent to Miss Li, was sent to her at her ACCA registered email address and bounced back to ACCA. It was noted the next day that there appeared to have been an update to her ACCA

alternative registered email address. An unencrypted email and an email via outlook was therefore sent to her on 15 October 2024 explaining that emails had been sent to her at her registered email address the day before and that they required her urgent attention and reply. On the same day ACCA's Investigations Officer attempted to telephone Miss Li at her ACCA registered telephone number. However, the phone rang but there was no response and no facility to leave a message.

17. On 23 October 2024, it was noted that Miss Li's ACCA registered email address had been changed. As ACCA had not received a response from Miss Li to their letter and emails of 14 and 15 October 2024, ACCA wrote a password protected email, an unencrypted email and an email via Outlook to Miss Li on 23 October 2024 setting out a copy of ACCA's previous letter and bundle and asked that she provide her response to ACCA by 28 October 2024. These emails did not bounce back to ACCA and an icon on ACCA's iCasework system showed that the emails had been opened.
18. As ACCA had not received a response from Miss Li, on 20 November 2024, ACCA sent a further password protected email, an unencrypted email and an email via Outlook, to Miss Li's registered email addresses. In these emails, ACCA requested that Miss Li provide her response to the allegations raised against her and the questions asked of her. She was referred to ACCA's Complaints and Disciplinary Regulation 3(1) which states that she (as an ACCA student) is required to co-operate with this investigation and that a failure or partial failure to do so, may render her liable to disciplinary action. The email to Miss Li's initial registered email address bounced back but the emails to her updated email addresses did not. ACCA also attempted to phone Miss Li on the telephone number she had registered with ACCA. However, there was no answer to the phone call. It was noted that the password and unencrypted emails on ACCA's iCasework system had been opened.
19. As ACCA had not received a response from Miss Li, on 12 December 2024, ACCA sent a further password protected email, an unencrypted email and an email via Outlook, to Miss Li's registered email address as well as her previous registered email addresses. In these emails, ACCA requested that Miss Li provide her response to the allegations raised against her and the questions asked of her. She was again referred to ACCA's Complaints and Disciplinary Regulation 3(1) which states that she (as an ACCA student) is required to co-operate with this investigation and that a failure or partial failure to do so, may render her liable to disciplinary action. The email to Miss Li's previous registered ACCA address bounced back. ACCA also attempted to phone Miss Li on the telephone

number she had registered with ACCA. However, there was no answer to the phone call. It was noted that the password and unencrypted emails on ACCA's iCasework system had been opened.

20. As ACCA had not received a response from Miss Li, on 20 December 2024, ACCA sent a further password protected email, an unencrypted email and an email via Outlook, to Miss Li's current and previously registered email addresses. In these emails, ACCA requested that Miss Li provide her response to the allegations raised against her and the questions asked of her. Her attention was again directed to ACCA's Complaints and Disciplinary Regulation 3(1) which states that she (as an ACCA student) is required to co-operate with this investigation and that a failure or partial failure to do so, may render her liable to disciplinary action. ACCA also attempted to phone Miss Li on the telephone number she had registered with ACCA. However, there was no answer to the phone call. It was noted that the password and unencrypted emails on ACCA's iCasework system to had been opened. ACCA did also receive notification that the emails copied to Miss Li's previous ACCA registered email address had bounced back.
21. On behalf of ACCA, Mr Halliday submitted that the allegations should be found proved. He carefully took the Committee through the evidence available, particularly the evidence of Person A.
22. ACCA's case was that the rules and Regulations governing conduct within the Exam had been clearly set out to and accepted by Miss Li, despite this she chose to act in direct contravention. Mr Halliday submitted that a natural inference could be drawn to the effect that the photographs must have either been taken by Miss Li or she had permitted a third party to take them. Following that the photographs Miss Li had shared or been permitted them to be shared.
23. ACCA further submitted that Miss Li had failed in her duty to co-operate with ACCA's investigation. Five emails had been sent to her and none were responded to. Several phone calls had also been made using the number provided to ACCA. They were all unanswered. She had been reminded several times of her duties pursuant to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended). Mr Halliday stressed that the evidence indicated that the emails had been opened and therefore, Miss Li had made a deliberate decision to ignore the regulatory process.

24. In relation to Allegations 1 and 2, the Committee was invited to find dishonesty, or in the alternative a failure to act with integrity proved. The Committee was further invited, bearing in mind the importance of maintaining the integrity of the exam process and professional standard of conduct, to find that the actions of Miss Li amounted to misconduct, or in the alternative conduct liable to disciplinary action pursuant to Bye-law 8(a)(iii).

DECISIONS ON ALLEGATIONS AND REASONS

25. The Committee considered all of the documents before it and the submissions of Mr Halliday on behalf of ACCA. The Committee accepted the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities - in other words, the Committee asked itself whether the facts alleged by ACCA were 'more likely than not' to be true, based upon all the materials before it.
26. In relation to Allegations 1, 2 and 3, the Committee had regard to all of the evidence before it and found these allegations proved. The conduct alleged was clearly evidenced by the witness statement of Person A and the photographs provided. Miss Li was identified by her exam number. She was irrefutably connected to the photographs and, therefore, the presence and use of a camera during the exam. The photographs indicated that they were taken from an angle and position which was very close to the screen. It was highly unlikely that the photographs could have been taken surreptitiously. The Committee was satisfied that the photograph can only have been taken by her, or she had permitted a third party to do so.
27. The photographs ended up in the public domain – this is how they came to be provided to ACCA by the whistleblower. Having found that Miss Li herself or a permitted third party took the photographs, the Committee was satisfied that on the balance of probabilities, Miss Li caused or permitted them to be shared with a person or persons unknown.
28. With the conduct set out in allegations 1 and 2 found proved, the Committee returned to the Exam Regulations. The Regulations are clear. Clearly an unauthorised device had been used in the exam. Photographs of exam content were taken. As stated above the Committee was satisfied that Miss Li must have been aware of this and yet no action was taken by her to report this use. The photographs made their way into the possession

of a third party, the whistleblower. They were shared. The Committee was satisfied that Allegation 3 was proved.

29. In relation to Allegation 4, the Committee concluded that on the balance of probabilities the allegation was made out. The Committee referred to the correspondence between ACCA and Miss Li and the clear requests for information and assistance with the investigation. The correspondence referenced at Allegation 4 (b) - (e) was sent to Miss Li's registered primary email address (as amended on 15 October 2024). These emails were received and the evidence showed that the emails had been opened. They were simply not responded to. Miss Li did not avail herself of the many opportunities that she was given to explain what had happened or assist the investigation. The Committee noted that, pursuant to CDR 3(1), Miss Li had a positive obligation to co-operate.
30. In relation to Allegation 4 (a), the Committee accepted that the email sent on 14 October 2024 had bounced back and that there was no evidence that Miss Li had read it. However, Miss Li was under an obligation to keep ACCA updated in relation to any changes to her contact details. The Committee found the allegation proved on the basis that ACCA sent the email to what was then her registered email address. In any case the following day the email was sent again to the updated email address.
31. The Committee determined that Miss Li's lack of engagement was a serious matter and that she had failed in her duty to co-operate.
32. The Committee then went onto consider Allegation 5 (a), (b) and (c). In accordance with the legal advice received the Committee considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 76*:

"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."

33. The Committee paid careful regard to the Exam Regulations. It was noted that Miss Li was a professional student and the Exam Regulations simply set out common sense principles that would be applicable in an exam scenario. Miss Li had accepted the rules prior to commencing the exam. The Committee was satisfied that Miss Li was subjectively aware of the rules and regulations relevant to conduct during the Exam. The conduct in question involved multiple breaches of the Exam Regulations. The conduct was deliberate and premediated.
34. The Committee considered Regulation 6 (b) of the Exam Regulations. It noted that there was no evidence or submissions before it from Miss Li to discharge the burden of proof upon her as a result of Regulation 6 (b), and therefore the Committee determined that Miss Li had used or intended to use any or all of the unauthorised items to gain an unfair advantage for herself and / or others.
35. The Committee was satisfied that Miss Li's conduct would be considered dishonest by the standards of ordinary decent people.
36. Having found Allegation 5 (a) and (b) proven the Committee did not go on to consider Allegation 5 (c).
37. The Committee went on to consider whether the conduct found proved amounted to misconduct, as alleged in Allegation 6 (a). It bore in mind that this was a matter for the judgement of the Committee.
38. The Committee was satisfied that any finding of dishonesty is a very serious matter for a member of a professional body. The Committee considered honesty to be a fundamental tenet of the profession. Miss Li's deliberate and extended failure to engage with her Regulator was also a very serious matter. It was in no doubt that Miss Li's action would be regarded as deplorable by fellow members of the profession, would bring the profession into disrepute and fell far short of the acceptable standards. The conduct found proved, individually and cumulatively, therefore constituted misconduct under Bye-law 8(a)(i).
39. The Committee accordingly found Allegation 6 (a) proved. In the circumstances it did not go on to consider the alternative allegation 6 (b).

SANCTION AND REASONS

40. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour.
41. The Committee had regard to Section F of the GDS and determined that the misconduct, which included findings of dishonesty and failure to co-operate with an investigation, was very serious.
42. The Committee took into account that no previous disciplinary findings had been made against Miss Li but also noted that she was a student registrant. Despite these factors the Committee was not satisfied that there was mitigation of substance in favour of Miss Li bearing in mind the nature of the misconduct in question.
43. No submissions, apology, expression of remorse or explanation had been provided by Miss Li. Further, in the circumstances of Miss Li's failure to co-operate, the Committee determined that Miss Li had demonstrated no level of insight. There was nothing before the Committee to indicate that she had considered the impact of her actions on the standing of ACCA and the profession as a whole. The Committee considered this an aggravating factor.
44. The Committee went on to consider whether any further aggravating factors were present in this case and found the following:
 - a. The indirect harm caused to ACCA and the profession in general
 - b. The misconduct was pre-meditated
 - c. Miss Li acted in flagrant and deliberate breach of the Exam Regulations, which had been clearly set out to her in writing and by the Proctor
 - d. She had acted for her own personal benefit
45. Having found that Miss Li's actions amounted to misconduct of a very serious nature, taking no further action was clearly not appropriate. The Committee, therefore, considered the available sanctions in ascending order of seriousness.

46. The Committee considered that the misconduct in this case was not of a minor nature and, therefore, neither an admonishment nor a reprimand would be an appropriate sanction. These sanctions would not adequately mark the seriousness of the misconduct or satisfy the public interest.
47. The Committee went on to consider whether a severe reprimand would constitute an appropriate sanction in this case. It considered the guidance in the GDS. Miss Li had deliberately disregarded the Exam Regulations which had the potential to undermine the integrity of the exam system, and also, therefore, had the potential to cause harm to the reputation of the profession and ACCA. No insight had been shown. Miss Li had not co-operated with the investigation process and there was no evidence of any corrective steps taken. Most importantly, a finding of dishonesty had been made. There was no remarkable mitigation advanced by Miss Li that would balance the gravity of the misconduct found proved.
48. Bearing all of this in mind, the Committee was satisfied that a severe reprimand would not be appropriate or sufficient in this case and that the only appropriate and proportionate sanction was removal from the student register. Miss Li's conduct was fundamentally incompatible with membership of the profession. Furthermore, confidence in the profession and the disciplinary process would be undermined if the sanction imposed was not removal.
49. The Committee considered whether the sanction should take place with immediate effect. It was mindful that Miss Li was a student and currently unable to sit exams. It decided that she did not present a risk to the public during the appeal period that needed to be avoided. It was concluded that it would be fair and proportionate for the sanction to take effect in the usual way at the expiry of the appeal period.

COSTS AND REASONS

50. ACCA applied for costs against Miss Li in the sum of £6,648.50. The application was supported by schedules, in detailed and summary form, providing a breakdown of the costs incurred by ACCA in connection with the hearing.
51. The Committee accepted the advice of the Legal Adviser.
52. The Committee found that, in principle, ACCA application for costs was appropriately

brought. It had regard to the important principle that in disciplinary proceedings the majority of its members should not subsidise the minority who find themselves within the disciplinary process.

53. The Committee paid careful regard to the principle of proportionality but again the Committee was not apprised of any information or detail relating to Miss Li's means as she had not participated in the proceedings at all.
54. The Committee noted that the Guidance for Costs, at paragraphs 27 - 29, stipulates the following:

Before making any reduction as to costs, the Committee must have evidence of the relevant person's financial circumstances. Importantly, the relevant person must provide some documentary proof, ideally through a completed Statement of Financial Position and supporting documentation.

If a relevant person does not provide proof of financial means, the Committee is entitled to infer that the relevant person is able to meet the costs that it orders.

In the absence of evidence or proof, Committees should not speculate as to the relevant person's means.

55. Miss Li had provided no evidence of her financial means. The Committee would not be drawn into speculation and applied the inference that she was able to meet the costs that it would order.
56. In the circumstances the Committee awarded costs in the sum of £5,800, the applied amount having been reduced to reflect the reduced costs incurred in the conduct of the hearing.

Ms Ilana Tessler
Chair
17 July 2025