

HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS**

REASONS FOR DECISION

In the matter of: Miss Janki Patel

Heard on: Wednesday, 30 July 2025

Location: Remotely by Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Mr Ryan Moore (Accountant)
Ms Sue Heads (Lay)

Legal Adviser: Ms Margaret Obi

**Persons present
and capacity:** Ms Michelle Terry (ACCA Case Presenter)
Miss Janki Patel (Student Member)
Miss Nicole Boateng (Hearings Officer)

Outcome: Allegations 1(a), 1(b), 2(a) were found proved. The
alternative facts were not considered. The proved
facts were found to amount to misconduct.

Sanction: Removal from the student register of ACCA after the
appeal period.

Costs: Ordered to pay a contribution to ACCA's costs in the
sum of £1000

INTRODUCTION

1. The Disciplinary Committee ("the Committee") convened to hear allegations of misconduct or liability to disciplinary action against Miss Patel. The hearing was conducted remotely via Microsoft Teams. The Committee was provided with a main Hearing Bundle with pages numbered 1-43, a Service Bundle numbered 1-16, and subsequently two Costs Schedules (Simple and Detailed Costs Schedules) and a Statement of means form completed by Miss Patel.
2. Ms Terry presented the case on behalf of ACCA. Miss Patel attended the hearing. She was not represented.

Allegation 1

Miss Janki Patel a student of the Association of Chartered Certified Accountants ('ACCA'):

1. During a centre-based Strategic Business Reporting exam taken on the 05 December 2024:
 - (a) Was in possession of unauthorised material, namely written notes relevant to the exam (the 'Unauthorised Material'), contrary to Examination Regulation 4; and/or:
 - (b) Used, or attempted to use, the Unauthorised Material to gain an unfair advantage in the exam contrary to Examination Regulation 4.
2. Any or all of the conduct described in Allegation 1 was:
 - (a) Dishonest, in that Miss Janki Patel intended to gain an unfair advantage in her exam attempt; or in the alternative;

(b) Demonstrates a failure to act with integrity.

3. By reason of her conduct, Miss Janki Patel 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), in respect of Allegation 1 (a) and/or 1(b) only.

PRELIMINARY MATTERS

4. During the hearing Ms Terry made an application for part of the hearing to be heard in private in accordance with Regulation 11 of the Complaints and Disciplinary Regulations.
5. The Committee acceded to this request. In reaching this conclusion the Committee recognised that Miss Patel has the right to a private life.

ADMISSIONS

6. At the outset of the hearing Miss Patel admitted the allegations in full (save for the alternative allegations). The Chair announced that these allegations were proved by reason of those admissions. However, it became apparent during oral submissions in relation to misconduct that Miss Patel did not accept that she had used or attempted to use the unauthorised material. In these circumstances, the Committee determined that Miss Patel's admissions in respect of Allegations 1(b) and 2(a) were equivocal and that ACCA should be required to prove its case.

BACKGROUND

7. Miss Patel first registered as an ACCA student on 15 August 2022.
8. Miss Patel attended the [Private] on 5 December 2024 in order to sit the Strategic Business Reporting (SBR) examination. The exam commenced at 1.30pm and was due to last for 3 hours.
9. All candidates for ACCA examinations are made aware of the Examination Regulations as follows:
 - Before an examination, all candidates receive an attendance docket which contains the ACCA examination guidelines and regulations;
 - Before an examination starts, the Supervisor's announcements draw candidates' attention to the regulations and guidelines outlined in the attendance docket. In particular, exam regulations forewarn candidates that they are not permitted to possess, use or attempt to use unauthorised materials in the examination.
10. The exam invigilator – Person A, stated in their SCRS 1B form completed on the day of the exam that the student was found with a piece of paper with notes written on it under her scrap paper during the exam. They added that the unauthorised material was taken from the student, she was taken out of the room and told that ACCA would be informed of this incident.
11. On the day of the examination, the candidate completed an SCRS 2B form and admitted that she was in possession of unauthorised material during the exam. She maintained that she did not try to use the unauthorised material and had simply forgotten it in her pocket, only realising it during the exam. The unauthorised material consists of a double-sided piece of paper with written content on it.

12. In the Examiner's irregular script report, the Examiner – Person B, confirmed that the material is relevant to the syllabus and this examination. They concluded the material may have been used by Miss Patel.

RESPONSES FROM MISS PATEL

13. On 22 January 2025 Miss Patel wrote to ACCA. She stated as follows:
- *“Dear members of the disciplinary committee, I am writing to express my deepest regret and sincere apologies for my misconduct during the Strategic Business Reporting exam on 5th December 2024.*
 - *I acknowledge that my actions were in violation of the Acca's code of ethics and conduct, and i take full responsibility for my behaviour.*
 - *It was a grave error in judgement on my part to engage in having unauthorised materials. I understand the seriousness of my actions and how they undermine the integrity of the ACCA qualification, the examination process, and the trust that the public and employers place in members of the association.*
 - *There is no excuse for my actions, but would like to provide some context, not as a justification but as an explanation. I have been studying for this SBR exam tirelessly for almost a year. I have worked incredibly hard. My summarised notes were left in my pocket, which I had completely forgot about. Truthfully, i did not use these during the exam. My error was that I should have put them away into my bag. It was a genuinely mistake that I know I should have been aware of. I cannot change the past but I know I will be mindful going forward.*

- *I would like to kindly request and ask to not be removed from ACCA as I have high aspirations to be an ACCA member and qualify.*
- *However, I recognise that no circumstances can justify compromising the ethical standards that ACCA upholds.*
- *Since the incident, I have reflected deeply on my actions and the values that ACCA represents. I have learned a valuable lesson about the importance of integrity not just in examinations but in all aspects of life and professional conduct. I am committed to ensuring that such behaviour is never repeated. I humbly ask for the opportunity to rectify my mistake and rebuild the trust that has been broken. If given the chance I will dedicate myself to upholding the highest standards of professionalism and integrity with ACCA demands.*
- *I am also willing to undertake corrective actions, such as attending ethics training or other measures that the Committee deems necessary.*
- *Once again, I apologise unreservedly for my actions and for the disappointment I have caused to the ACCA, my peers, and myself. I hope that the Committee can find it within their consideration to allow me to continue my journey towards becoming a qualified ACCA member.*
- *Thank you for taking the time to read my e-mail.*
- *I am willing to cooperate fully with the disciplinary process and remain at your disposal should you require further information or clarification.”*

Relevant Bye-laws, Rules and Regulations

Liability to disciplinary action

14. 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.*
- (d) *For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:*
- (i) *whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;*

- (ii) *whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;*
- (iii) *the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by the Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.*

Relevant Exam Regulations

Exam Regulation 4 states:

'You are not permitted during the exam to possess, use or attempt to use any written materials except those expressly permitted in the guidelines below. These are known as 'unauthorised materials.'

15. Examination Regulation 6 states:

'If you breach exam regulation 4 and the 'unauthorised materials' are relevant to the syllabus being examined, and or you use or attempt to use any unauthorised item or items in breach of regulation 5 above it will be assumed that you intended to use it or them to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, you will have to prove that you did not breach regulations 4 and/or 5 to gain an unfair advantage in the exam.'

SUBMISSIONS

16. Ms Terry submitted that Miss Patel had breached Exam Regulation 4 by using or attempting to use unauthorised materials in an examination. She also submitted that, pursuant to Exam Regulation 6, her purpose for doing so was to use the unauthorised materials in order to gain an unfair advantage. Ms Terry invited the Committee to take into account a number of key features: (i)

the notes were small enough to conceal and had been folded; (ii) the notes were written in small handwriting; (iii) the handwritten notes were found under scrap paper on her desk; (iv) on Miss Patel's account she found the notes in her pocket but took no steps to alert the invigilator; and (v) the notes were relevant to the SBR exam. Ms Terry submitted that it was reasonable for the Committee to draw an adverse inference that Miss Patel used or attempted to use the notes to gain an unfair advantage during the SBR exam. It was further submitted that Miss Patel's conduct was dishonest or alternatively demonstrated a lack of integrity and was so serious as to amount to misconduct.

17. Miss Patel chose not to give oral evidence. She reiterated that she had not intended to gain an unfair advantage in the SBR examination. She explained that she was in the habit of preparing revision notes to help her remember key points and had taken these notes with her to the examination centre to read on the train. She had not taken a bag with her and so the notes were in her pocket. It was whilst she was in the exam that she realised she still had the notes in her possession and had not left them outside the exam room as required.
18. In response to Ms Terry's submissions, Miss Patel stated that she did not alert the invigilator because she was concerned about the consequences. Miss Patel stated that she understands '*how it looks*' but informed the Committee that she did not intend to use the notes and did not use the notes in the exam. She explained that she has attempted the exam on two or three occasions and is committed to completing the course.
19. Miss Patel informed the Committee that approximately five days prior to the SBR exam [Private]. She stated that she was not relying on these factors as an excuse but to explain that around the time of the exam [Private].

DECISION AND REASONS

Findings of Fact

20. The Committee was aware that the burden of proving the facts was on ACCA and Miss Patel did not have to prove anything, save for Allegation 1(b) where the reverse burden of proof applies. The standard of proof applied was “*on the balance of probabilities*”.
21. In reaching its decision the Committee considered the documentary evidence contained within the hearing Bundle, as well as the oral submissions made by parties. The Committee accepted the advice of the Legal Adviser which included reference to the applicable burden and standard of proof, and the caselaw guidance on the meaning of the term ‘misconduct’.

Allegation 1(a) – Found Proved

“1. During a centre-based Strategic Business Reporting exam taken on the 05 December 2024:

- (a) Was in possession of unauthorised material, namely written notes relevant to the exam (the 'Unauthorised Material'), contrary to Examination Regulation 4;”

22. As stated above this allegation was found proved by admission.

Allegation 1(b) – Found Proved

“Used, or attempted to use, the Unauthorised Material to gain an unfair advantage in the exam contrary to Examination Regulation 4.”

23. This was the central allegation in the hearing. In essence, Miss Patel was accused of intending to cheat, which is one of the most serious types of professional misconduct relevant to a student.
24. The Committee noted that there was no dispute that the notes had been prepared by Miss Patel and that she had taken them into the examination room. She stated that this was due to forgetfulness, and she did not intend to use the notes to gain an unfair advantage.
25. The Committee concluded that Miss Patel's version of events lacked credibility. The Committee accepted that Miss Patel had revised for the SBR exam. However, revising for an exam and retaining that knowledge is not the same thing. The Committee noted that the notes were not on A4 paper; they were on a smaller piece of paper (approximately A5) and had been folded. On Miss Patel's own account, on discovering the notes in her pocket she did not draw this to the attention of an invigilator or put the crib sheets out of sight. They were on her desk under the rough paper that she was entitled to have in her possession. The notes were small enough to conceal, were concealed for part of the exam session and were relevant to the SBR syllabus.
26. The Committee concluded that the proper inference to be drawn from all the circumstances was that Miss Patel took the crib sheets into the exam room with the intention of using them to gain an unfair advantage.
27. The Committee rejected Miss Patel's submissions and concluded that she had failed to prove that she did not intend to cheat.

Allegation 2(a) – Found Proved

Dishonesty

28. The Committee, having found that Miss Patel intended to cheat in the exam by using a pre-prepared note had no hesitation in concluding that this was dishonest by the standards of ordinary decent people. Miss Patel knew that she was not permitted to take any unauthorised materials into the exam room but chose to do so in an attempt to gain an unfair advantage.
29. The Committee found Allegation 2(a) proved. It therefore did not need to consider the alternative allegation.

Allegation 3(a) - Misconduct

30. The Committee noted that Miss Patel 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 she 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.
31. The Committee took the view that Miss Patel's failure to comply with the Exam Regulations amounted to a serious falling short of her obligations and demonstrates a complete disregard for the standards expected of student members. The Committee was satisfied that taking unauthorised materials into an exam 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.
32. In these circumstances, the Committee was satisfied that Miss Patel's actions amount to misconduct. 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

33. Ms Terry informed the Committee that there were no previous disciplinary findings against Miss Patel.
34. The Committee accepted the advice of the Legal Adviser and took into account ACCA's Guidance for Disciplinary Sanctions. 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 ascending 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 Miss Patel's own interests. The public interest includes protecting the public, maintaining public confidence in the profession and the regulator, 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.
35. The Committee noted that Miss Patel expressed regret and remorse which it accepted was genuine. The Panel also noted that Miss Patel in her written response to the allegations made reference to "*the trust that the public and employers place in members of the association*" which indicated a degree of insight. The Committee was also mindful that Miss Patel's misconduct occurred during a time when she was coping with personal matters. However, the Committee concluded that these features provided important background and/or context but did not amount to mitigating factors. Miss Patel's regret and remorse was primarily focused on the impact on her ability to qualify as an accountant and at no point did she suggest that the personal matters impaired her ability to determine right from wrong.

36. The Committee determined that the mitigating features were as follows:

- The absence of an adverse disciplinary history.
- Partial admissions.
- Co-operation and engagement with ACCA's procedures.

37. The Committee considered the following to be aggravating features:

- Miss Patel has demonstrated limited insight into the seriousness of her conduct or the impact of her behaviour on upholding trust and confidence in the profession and the integrity of the exam process.
- Miss Patel's possession of the note during the SBR exam demonstrated premeditation and planning.
- Miss Patel attempted to conceal her misconduct by physically hiding the note under the rough paper on her desk.

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

39. The Committee then considered an Admonishment. The Committee noted that Miss Patel's conduct was an isolated incident. However, taking the notes into the SBR exam was deliberate and Miss Patel has not demonstrated sufficient remorse or insight. In any event, the Committee concluded that an Admonishment would be insufficient to mark the seriousness of Miss Patel's disregard of her obligation to comply with the Exam Regulations and therefore would not uphold trust and confidence in the profession and the regulatory process.

40. 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 fully apply to Miss Patel. The Committee concluded that the nature of Miss Patel's conduct in undermining the examination process was fundamentally incompatible with continued registration as a student member. Therefore, even a Severe Reprimand would undermine rather than uphold public trust and confidence in the profession and the regulatory process.
41. Having determined that a Severe Reprimand would be insufficient to address the nature and seriousness of Miss Patel's conduct the Committee determined that she 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 Miss Patel's case falls into this category because her 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.
42. 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 Miss Patel in terms of her reputation. However, the Committee considered that Miss Patel's interests were significantly outweighed by the need to protect the public, and the wider public interest.
43. Accordingly, the Committee decided that the appropriate and proportionate sanction is removal. Miss Patel will be entitled to apply for readmission after 12 months. The Committee did not find it necessary to extend this period. If Miss Patel applies for re-admission, she will have to persuade the Admissions and Licensing Committee that she has learnt the relevant lessons, has taken steps

to ensure that there will be no repetition, and is a fit and proper person to be registered with ACCA.

COSTS

44. Ms Terry made an application for Miss Patel to contribute to the costs of ACCA. Ms Terry applied for costs in the sum of £6,733.50. The Committee was provided with a detailed Schedule of Costs providing a breakdown of the activity undertaken by ACCA and the associated costs. The Committee was also provided with Miss Patel's Statement of Financial Position in which she stated that she has no income and no outgoings.
45. The Committee accepted the advice of the Legal Adviser.
46. The Committee determined that Miss Patel should be required to contribute to the costs of bringing these proceedings, otherwise the entirety of the costs would be borne by the profession as a whole. The Committee was satisfied that the case had been properly brought, and that overall, the costs were fair and reasonable. However, the Committee concluded that the costs should be reduced to reflect the fact that some of the estimated costs up to and including today's hearing would not be incurred and to reflect Miss Patel's impecunious circumstances.
47. The Committee concluded that Miss Patel should pay costs in the sum of £1,000.

ORDER

48. The Committee makes the following orders:
 - (i) Miss Patel shall be removed from the student register of ACCA.

(ii) Miss Patel shall pay a contribution to ACCA's costs in the sum of £1,000.

EFFECTIVE DATE OF ORDER

49. Taking into account all the circumstances, the Committee decided that the order for removal should take effect on the expiry of the appeal period. The Committee reached this conclusion having noted Miss Patel's personal circumstances and limited risk to the public during the intervening period.

Ms Ilana Tessler
Chair
30 July 2025

