

## HEARING

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

**In the matter of:** Miss Jing Ge

**Heard on:** Wednesday, 12 March 2025

**Location:** Remotely by Microsoft Teams

**Committee:** HH Suzan Matthews KC (Chair)  
Ms Fiona MacNamara (Accountant)  
Mr Geoff Baines (Lay)

**Legal Advisor:** Ms Margaret Obi

**Persons present**

**And capacity:** Ms Michelle Terry (ACCA Case Presenter)  
Miss Jing Ge (Student Member)  
Mr Yali Quan (Interpreter)  
Miss Sofia Tumburi (Hearings Officer)

**Outcome:** Allegations 1(a)(i), 1(b), 1(c)(i) 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

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## **INTRODUCTION**

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct or liability to disciplinary action against Miss Ge. The hearing was conducted remotely via Microsoft Teams. The Committee was provided with a Main Hearing Bundle with pages numbered 1-58, a Service Bundle numbered 1-39, and subsequently two Costs Schedules (simple and detailed costs schedules). During the hearing, the Committee was also provided with a Tabled Additional Bundle (10-pages of Miss Ge’s A4 revision notes).
2. Ms Terry presented the case on behalf of ACCA. Miss Ge attended and was not represented.

## **PRELIMINARY MATTERS**

3. The Committee, at the outset of the hearing, raised the issue of a typographical error in Allegation 1(d). The Committee was satisfied that “his” should be replaced with “her” and that this minor amendment could be made without causing any injustice to Miss Ge. The Allegation was amended accordingly.

## **ALLEGATION 1**

- (a) During an AA examination on 07 December 2020, Miss Jing Ge was in possession of:
  - (i) Unauthorised materials in the form of notes during the exam, contrary to Examination Regulations 4.
- (b) Miss Jing Ge intended to use any or all of the items set out in 1(a) above to gain an unfair advantage.
- (c) Miss Jing Ge’s conduct in respect of 1(b) above was:

- (i) Dishonest, in that Miss Jing Ge intended to gain an unfair advantage in the exam; in the alternative
  - (ii) Lacking in integrity
- (d) By reason of her conduct, Miss Jing Ge is:
- (i) Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters set out at 1(a) to 1(c) above; or
  - (ii) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of 1(a)above.

#### **ADMISSIONS**

4. Miss Ge admitted Allegation 1(a)(i). The other allegations were denied. Accordingly, Allegation 1(a)(i) was announced as proved by way of admission.

#### **BACKGROUND**

5. Miss Ge first registered as an ACCA student on 02 October 2019. As a student, she is bound by ACCA's bye-laws and regulations. Miss Ge attended the C997 exam centre on 07 December 2020 to sit the AA examination. She has had no previous attempts at the AA exam and had not previously passed any ACCA examinations. The exam commenced at 9:00am and was due to last for 3 hours 20 minutes. All candidates for ACCA examinations receive an attendance docket which contains the ACCA guidelines and Regulations.
6. ACCA did not call any oral evidence. It relied on statements made on the day by the invigilators and Miss Ge herself and other documents obtained during the investigation including the Examiners irregular script report.
7. In a question and answer form (SCRS1B), completed on the day of the exam by the Supervisor and invigilator - Person A. They stated: "*Two small pieces of notes*" were

found under the student's "rough paper, on her desk" at "11.40." When asked whether the unauthorised material was believed to have been used, Person A stated, "Yes, *Two pieces of notes were placed under her blue rough paper. Invigilator has noticed two white materials are hidden under the rough paper, but the invigilator thought it was tissue.*" When asked how they were first alerted to the student with the unauthorised material, Person A stated, "*Invigilator talked with the other invigilator and [they] said there were two white materials under the cdd's rough paper, maybe are tissues. When they talked about this, I was just patrolling there. I immediately checked the desk of that cdd and confiscated two pieces of notes.*" Person A described the student's behaviour stating that "*She was scared.*" Person A also stated that "*When I assigned task to one invigilator of site 1. The other invigilator talked with the invigilator that [they] saw some white materials under rough pap on cdd's desk. Then I immediately went to the cdd's desk to check. When I removed the rough paper of her, two pieces of notes were revealed.*" The SCRS1B form was signed and dated by the Supervisor, Person A, and a tick was placed in the box to confirm that the facts as specified were a true reflection of the incident.

8. A further SCRS1B form was completed by another invigilator, Person B, the invigilator stated that the unauthorised material was found in the student's possession at "11.40am." Person B confirmed that the unauthorised material consisted of "*about 10x8cm. 2 pages, Personal copies.*" Person B also confirmed that the unauthorised material was found "*under the keyboard covered by her scrap paper.*" When asked whether the unauthorised material was believed to have been used, Person B stated "*Haven't seen her using the material. Only found the material under the keyboard.*". When asked how they were first alerted to the student with the unauthorised material, Person B stated, "*Cruising around and found it (sic).*" Person B confirmed that the student was "*calm and no aggressive actions.*" Person B also confirmed that "*Around 11.35 I was cruising among the students and saw something different with the scrap paper. The scrap paper we use in this exam was blue and this one I saw was white. At first I thought it should be tissue and would like to remind other invigilator in room to check it together (sic).*" Person B further explained that "*The Supervisor ask the student to move the keyboard & the scrap paper covered on top, then took the unauthorised copy away.*" The SCRS1B form was signed and dated by the invigilator Person B, and

a tick is placed in the box to confirm that the facts as specified were a true reflection of the incident.

9. On the day of the examination, Miss Ge completed an SCRS2B question and answer form in relation to the incident and the unauthorised material in which she confirmed that the material consisted of *“two papers with notes”* which were in her possession at *“11.30.”* When asked whether she accepted that the unauthorised materials are relevant to the syllabus being examined, Miss Ge stated, *“Relevant.”* When confirming the purpose for which she had the unauthorised materials, Miss Ge stated, *“To check my answer is correct (sic).”* In response to whether she used the unauthorised materials, Miss Ge asserted, *“I didn’t use it during my exam. I didn’t dare to use it.”* When asked to confirm whether she attempted to use the unauthorised materials that were found in her possession, Miss Ge stated, *“No I didn’t dare to use it.”* When asked whether she intended to use the unauthorised materials, Miss Ge’s response was: *“Not sure.”* When asked whether she intended to gain an unfair advantage from the unauthorised materials Miss Ge stated, *“Yes.”* Miss Ge signed the form to confirm that the facts as specified were a true reflection of the incident.
  
10. In the Examiner’s irregular script report, the examiner confirms that the material is relevant to the syllabus and relevant to the examination. In response to whether the notes had been used, the Examiner stated *“NO,”*. It was also stated that: *“I read the notes found in the exam hall and compared with the students answer for 7471,9740,7721. The notes theoretically could have been of some use for 7471 part c and 7721 part b however there was no indication that words had been copied from the notes to the candidates answer (indeed some of the valid procedures included in the notes were not actually used by the candidate in their answer).”* The report was signed by the Examiner on 22 December 2020.

## **RESPONSES FROM MISS GE**

11. On 11 January 2021, ACCA’s Exam’s Conduct Department wrote to Miss Ge in relation to the irregularity that had occurred at the exam centre and requested a response from her. On 12 January 2021, Miss Ge provided a response in which she stated:

*"I was really nervous on the day of the AA exam. Before that, I had been studying all night for several days in order to pass the exam. Before the exam, I wrote a related note to remind me of some of the content I had recited so that I could review it before the exam. Then I took the note into the room without noticing it because of my carelessness, and I didn't find it when I checked it before the exam. After the exam was taking place for some time, I felt a little hot because I was nervous. When I looked at my clothes, I saw that the slip of paper had not been put out before the exam start. I was afraid of being found and be misunderstood as cheating, so I hid under my scratch paper. But I can assure you that I haven't looked at it once since that, and it wasn't because I was peeking at my notes that I was finally caught. It was because I was moving the scratch paper around and there was a small corner of the paper that was spotted by the examiner. It never occurred to me to use the note to cheat and gain any advantage from this note. Therefore, I am really sorry and regret about this, and I have been blaming myself for not checking my belongings carefully before the exam. But I want you to know that I never intended to cheat, nor did I ever intend to gain any advantage by doing so."*

12. On 19 May 2021, ACCA's Investigation Department, via the Investigations Officer, wrote to Miss Ge to advise her of the complaint which had been received and requested her comments. On 20 May 2021, Miss Ge responded to the questions asked, as follows:

*"1. Do you accept that the enclosed handwritten notes are those that were in your possession during the AA examination on 7 December 2020? Yes*

*2. Do you accept that the enclosed handwritten notes consist of unauthorised materials during the AA examination on 7 December 2020? Yes*

*3. Do you accept the unauthorised materials were relevant to the syllabus or exam? Yes*

*4. Did you intend to use the unauthorised materials during the exam? No actually i don't know i have taken this note at the beginning of the exam, i was founding my tissue to wipe my sweat midway. And at that time i found that I actually brought my review notes with me. I was afraid that the teacher would find out and think that I was cheating. So I hid it under my paper. But I've never intended to use it (sic).*

5. *Did you actually use the unauthorised materials during the exam? No, It's been hidden under the paper ever since I found it, I haven't used it.*

6. *Do you have any comments you would like to add in response to the allegations? It can also be seen from my test paper that I did not use this note, and the invigilator found it not because I was looking at it, but because it was hidden under it. And I don't want to use this note to gain any unfair advantage in the exam (sic)."*

13. In response to the Notice of Hearing, in her email dated 11 February 2025, Miss Ge stated:

*"Regarding the accusation of cheating during my exam, I would like to categorically deny the allegations. While I understand there may be reasons behind the claims, I can confidently confirm that I did not engage in any dishonest behavior (sic) or attempt to gain any unfair advantage during the exam. I have no prior history of cheating and have always adhered to the principles of honesty and integrity in my academic pursuits."*

## **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*

15. 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.'*

16. 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.*

## **ORAL EVIDENCE**

17. Miss Ge chose to give oral evidence. She reiterated that she had not intended to gain an unfair advantage in the examination. She explained that she was in the habit of preparing revision notes for each exam to help her remember key points of knowledge. She stated that if she had intended to cheat, she would have had more detailed notes in her possession rather than notes of the key points ("the crib sheets"). Miss Ge informed the Committee that her English is not good. In the SCRS2B she meant to convey that she used the notes to check her answers during her revision, not during the exam. She did not realise that she had the crib sheets in her possession when she entered the examination room. It was whilst she was using a tissue that she found the notes. She was scared and panicked. She knew it was not right, but she did not intend to use the crib sheets and did not use them. Miss Ge stated that she fully cooperated when the notes were discovered by the invigilator.
18. In response to questions from Ms Terry, on behalf of ACCA, Miss Ge confirmed that she had not previously indicated in correspondence with ACCA that she had misunderstood the questions on SCRS2B. She also confirmed that the AA exam and her key point notes were in English. She stated that her answers on the SCRS2B were not her intended answers. She asked the invigilator for advice and queried the form. The invigilator told her what to write.
19. As stated in paragraph 1 above, during her oral evidence, Miss Ge provided the Committee with copies of handwritten revision notes on A4 paper. She provided these notes to demonstrate that she had prepared for the AA exam and had no reason to cheat.

## **SUBMISSIONS**

20. Ms Terry submitted that Miss Ge 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 advantage. It was submitted that Miss Ge's account of the sequence of events was insufficient to outweigh the strong indirect evidence that Miss Ge's intention on the day of the examination was to use the unauthorised material. Ms Terry also drew to the Committee's attention that some aspects of Miss Ge's account were raised for the first time during her oral evidence. For example, not being able to understand the form. Ms Terry submitted that Miss Ge's conduct was dishonest or alternatively demonstrated a lack of integrity. She submitted that it was so serious as to amount to misconduct, rendering her liable to disciplinary action.
21. Miss Ge submitted that she has consistently denied any intention to gain an unfair advantage during the AA exam. She further submitted that the invigilators tried to comfort her because she was upset. She thought it was for her benefit and that they had good intentions.

## **DECISIONS AND REASONS**

### Findings of Fact

22. The Committee was aware that the burden of proving the facts was on ACCA and Miss Ge 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*".
23. 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)(i) – Found Proved

*“...During an AA examination on 7 December 2020, Miss Jing Ge was in possession of: Unauthorised materials in the form of notes during the exam, contrary to Examination Regulations 4.”*

24. As stated above this charge was found proved by admission.

Allegation 1(b) – Found Proved

*“Miss Jing Ge intended to use any or all of the items set out in 1(a) above to gain an unfair advantage.”*

25. This was the central allegation in the hearing. In essence, Miss Ge was accused of intending to cheat, which is one of the most serious types of professional misconduct relevant to a student.
26. The Committee noted that there was no dispute that the crib sheets had been prepared by Miss Ge and that she had taken them into the examination room. She stated that this was due to “carelessness”, and she did not intend to use the crib sheets to gain an unfair advantage.
27. The Committee made appropriate allowances for the fact that English is not Miss Ge’s first language and that nerves can affect behaviour. However, the Committee concluded that Miss Ge’s version of events lacked credibility. She accepted when questioned by Ms Terry that in general contemporaneous documents are more likely to be accurate than a recollection many years after the event. The Committee noted that Miss Ge had confirmed in the SCRS2B form that the crib sheets were for her to check her answers and that she had intended to gain an unfair advantage. The Committee did not accept Miss Ge’s assertion that this was due to her poor English language skills. Nor did the Committee accept that she was told what to write on the form by the invigilators. In reaching this conclusion the Committee noted that this was the first time these assertions had been made despite extensive email correspondence with ACCA during the investigation stage. The Committee took the view that Miss Ge had had plenty of time

prior to the hearing to challenge the accuracy of the SCRS2B form and the actions of the invigilators but had not done so. The Committee concluded that the SCRS2B form accurately reflects Miss Ge's response to the questions posed and that she understood the questions at the time.

28. The Committee noted that Miss Ge's A4 revision notes were not dated but it accepted that she had revised for the AA exam. However, revising for an exam and retaining that knowledge are not the same thing. Rather than supporting Miss Ge's account that she had no reason to cheat, the A4 revision notes undermined it. The Committee noted that the crib sheets were not on A4 paper; they were on much smaller pieces of paper measuring 10x8 cm, and the handwriting was very small. On Miss Ge's own account, on discovering the crib sheets whilst looking for a tissue 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 or under her keyboard. The crib sheets were small enough to conceal, were concealed for the majority of the exam period and were relevant to the syllabus.
29. The Committee concluded that the proper inference to be drawn from all the circumstances was that Miss Ge took the crib sheets into the exam room with the intention of using them to gain an unfair advantage.
30. The Committee rejected Miss Ge's evidence and concluded that she had failed to prove that she did not intend to cheat.

Allegation 1(c)(i) – Found Proved

*Dishonesty*

31. The Committee, having found that Miss Ge intended to cheat in the exam by using a pre-prepared crib sheet had no hesitation in concluding that this was dishonest by the standards of ordinary decent people. Miss Ge's knowledge at the time, was that she 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.

32. The Committee found Allegation 1(c)(i) proved. It therefore did not need to consider the alternative allegation.

#### Allegation 1(d)(i) - Misconduct

33. The Committee noted that Miss Ge 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.
34. The Committee took the view that Miss Ge'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.
35. In these circumstances, the Committee was satisfied that Miss Ge'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**

36. Ms Terry informed the Committee that there were no previous disciplinary findings against Miss Ge.
37. The Committee accepted the advice of the Legal Adviser who referred it to Regulation 13(4) of the Complaints and Disciplinary Regulations 2014 with regard to the sanctions available to student members and to 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 Ge'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.

38. When considering the appropriate sanction, the Committee considered the aggravating and mitigating features of the case. The Committee considered that the mitigating features were as follows:

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

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

- Miss Ge has demonstrated little or no insight into the seriousness of her conduct or the impact of her behaviour on the profession
- Miss Ge's production of the crib sheet demonstrated premeditation and planning.
- Miss Ge attempted to conceal her misconduct by physically hiding the crib sheet.
- Miss Ge's misconduct was carried out for her own personal benefit.

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

41. The Committee then considered an Admonishment. The Committee noted that Miss Ge's conduct was an isolated incident. However, taking the crib sheets into the exam was deliberate and Miss Ge 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 Ge's disregard for her obligation to comply with the Exam Regulations and therefore would not uphold trust and confidence in the profession and the regulatory process.

42. 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 Miss Ge, who continued to deny her conduct. The Committee concluded that the nature of Miss Ge'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.
43. Having determined that a Severe Reprimand would be insufficient to address the nature and seriousness of Miss Ge'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 Ge'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.
44. 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 Ge in terms of her reputation. However, the Committee considered that Miss Ge's interests were significantly outweighed by the need to protect the public, and the wider public interest.
45. Accordingly, the Committee decided that the appropriate and proportionate sanction is removal. Miss Ge will be entitled to apply for readmission after 12 months. The Committee did not find it necessary to extend this period. If Miss Ge 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**

46. Ms Terry made an application for Miss Ge to contribute to the costs of ACCA. Ms Terry applied for costs in the sum of £5,520. The Committee was provided with a detailed and simple Schedule of Costs providing a breakdown of the activity undertaken by ACCA and the associated costs. The Committee was also provided with 2 Statements of Financial Position by Miss Ge.
47. The Committee accepted the advice of the Legal Adviser.
48. The Committee determined that Miss Ge 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 substantially reduced, having noted Miss Ge's written financial means, to reflect Miss Ge's stated financial circumstances.
49. The Committee concluded that Miss Ge should pay costs in the sum of £200.

## **ORDER**

50. The Committee makes the following orders:
  - (i) Miss Ge shall be removed from the student register of ACCA.
  - (ii) Miss Ge shall pay a contribution to ACCA's costs in the sum of £200.

## **EFFECTIVE DATE OF ORDER**

51. Taking into account all the circumstances, the Committee decided that the order for removal should take effect on the expiry of the appeal period.



**HH Suzan Matthews KC  
Chair  
12 March 2025**