

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Kumarasamy S

Heard on: Tuesday, 11 November 2025

Location: Remotely via Microsoft Teams

Committee: Mr Martin Winter (Chair)
Mr Ryan Moore (Accountant)
Mr Nigel Pilkington (Lay)

Legal Advisor: Mr David Marshall

Persons present

And capacity: Mr Mazharul Mustafa (ACCA Case Presenter)
Miss Sofia Tumburi (Hearings Officer)

Summary: Removed from the Student Register with immediate effect

Costs: £6323.00

1. The Committee heard an allegation of misconduct against Mr Kumarasamy S. Mr Mustafa appeared for ACCA. Mr Kumarasamy S was not present and not represented.
2. The Committee had a main bundle of papers containing 72 pages, a Case

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

Management Form (not completed by Mr Kumarasamy) of 13 pages and a Service Bundle containing 25 pages. It also had a video recording lasting about 2 hours 15 minutes showing Mr Kumarasamy taking the exam in question. The Committee had the opportunity to watch the video before the hearing.

SERVICE AND PROCEEDING IN ABSENCE

3. The Committee was satisfied that Mr Kumarasamy S had been served with the documents required by regulation 10(7) of The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 in accordance with regulation 22. The required documents were contained in the papers before the Committee. There was evidence that they were sent by email on 14 October 2025 to an email address notified by Mr Kumarasamy S to ACCA as an address for all correspondence. That was 28 days ago. Although it was not necessary for ACCA to prove receipt of the notice, there was evidence that the email had been delivered.
4. The Committee considered whether to exercise its discretion to proceed in the absence of Mr Kumarasamy S. It noted that two attempts had been made recently to contact Mr Kumarasamy S, on each occasion both by phone and email, to find out if he wished to attend this hearing. There was no response. It noted also that one of the allegations in this case was that Mr Kumarasamy S had not responded to any communications from ACCA concerning the investigation. The Committee concluded that Mr Kumarasamy S had decided not to attend the hearing. There would be no point in adjourning it and it would be contrary to the public interest to do so. The Committee determined to proceed in Mr Kumarasamy's absence.

ALLEGATION(S)/BRIEF BACKGROUND

5. Mr Kumarasamy became a student of ACCA on 09 October 2024. On 18 February 2025 he sat ACCA's Financial Accounting (FA) exam. This was a remotely-invigilated computer-based exam which Mr Kumarasamy S took in a place of his choosing [PRIVATE]. The invigilator was not present but could view what was on Mr Kumarasamy S's screen, and could communicate directly with him if required through chat messages or by phoning him. The invigilator also had video and audio access to the camera on the laptop computer which Mr

Kumarasamy S was using to take the exam. The video/audio from the laptop camera was recorded and the recording was provided to the Committee.

6. On 23 March 2025 ACCA received an anonymous complaint by email attaching six photographs. These appeared to be images of questions set in an ACCA exam. ACCA says that following investigation it has established that the photographs are of questions put to Mr Kumarasamy S in the exam taken on 18 February 2025.
7. Mr Kumarasamy S faced the following allegations:

SCHEDULE OF ALLEGATIONS

Mr Kumarasamy S, a student of the Association of Chartered Accountants (ACCA), during an on-demand remotely invigilated Financial Accounting examination on 18 February 2025:

1. Used or permitted a third party to use, an unauthorised item, namely an electronic communication device capable of taking photographs.
2. Further to the matters referred to in allegation 1, caused or permitted the taking of photographs of an exam question as presented on his computer screen.
3. Further to the matters referred to in allegations 1 and 2, caused or permitted one or more of the photographs referred to in allegation 2 to be shared with a third party or parties unknown.
4. By reason of the matters referred to above in respect of allegations 1 to 3, Mr Kumarasamy S is in breach of one or more of:
 - a) Exam Regulation 5(a) and/or 5 (b) in respect of allegation 1
 - b) Exam Regulation 14 in respect of allegation 2
 - c) Exam Regulation 10 in respect of allegation 3
 - d) Exam Regulation 14 in respect of allegation 3

5. Mr Kumarasamy S's conduct as referred to in any or all allegations 1 to 3 above:
- a) Was dishonest in that the taking and/or retaining of photographs of exam content could potentially assist him if he had to resit the same exam, and thereby provide him with an unfair advantage; and/or
 - b) Was dishonest in that causing and/or permitting one or more of the photographs to be taken and/or shared with a person or persons unknown whether during the exam or otherwise, could provide them with an unfair advantage in the said exam or a future exam; or in the alternative:
 - c) Demonstrates a failure to act with Integrity.
6. Between 16 April 2025 and 23 May 2025, Mr Kumarasamy S failed to co-operate with the consideration or investigation of this complaint in that he failed to respond to any or all of ACCA's correspondences on 16 April 2025, 01 May 2025 and 16 May 2025, contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations.
7. By reason of any or all of his conduct, Mr Kumarasamy S is:
- a) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative:
 - b) Liable to disciplinary action by virtue of bye-law 8(a)(iii) in respect of breaches of the exam regulations as set out in allegation 4 above.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

8. ACCA did not call any oral evidence. It relied on a witness statement from an Exam Production Technician at ACCA and other documents obtained during the investigation. Mr Kumarasamy S did not make any statement or submission about the issues in the case or provide any evidence. He made no admissions.

9. The exam technician gave evidence that the photographs sent to ACCA related to Mr Kumarasamy S's exam. The exam technician said they were able to correlate at least one of the still images of the exam screen with the same moment in time as recorded in the exam video. That image showed question 37 in the exam. In the version the Committee saw, most of the question was redacted. (ACCA has a strict policy of not disclosing the content of exam questions in a hearing such as this.) The Committee's version of the image was not only redacted but it had been converted to a PDF and had lost much clarity. The exam technician stated that the image showed 'an estimated timestamp of "01.52.27"'. The Committee questioned Mr Mustafa about the meaning of the word 'estimated'. It concluded that ACCA's case was that the technician had formed the opinion that it was the most likely conclusion as to what time was shown. The Committee could see for itself that what was shown on the image was consistent with a time of 01.52.27. It might well be that time, but the Committee would not be able to say definitely that it was that time. However, it accepted that this was the conclusion an experienced technician had reached.
10. It followed, that the Committee had evidence that at 1:52:27 Mr Kumarasamy S had question 37 on his screen and, indeed, that he had not yet entered an answer on screen. The Committee also had a still image showing question 37, uncompleted, with a timestamp consistent with a time of 1:52:27. The Committee concluded that this evidence was strong enough to establish, on the balance of probabilities, that the image submitted by the informant showed a question from the exam taken by Mr Kumarasamy S.
11. He must have taken it himself or caused or permitted another person to take it and he must have used an electronic communication device to take it. That photograph or those photographs had clearly come into the hands of others including the anonymous informant. The Committee found Allegations 1, 2 and 3 proved.
12. The facts found proved in Allegations 1, 2 and 3 were clearly breaches of each of the Exam Regulations set out in Allegation 4. The Committee found Allegation 4 proved in its entirety.
13. Allegation 5(a) and (b) alleged dishonesty. The Committee considered that Mr Kumarasamy S had exhibited suspicious behaviour throughout the exam. For

example, from 24 minutes, 43 seconds to 2 hours, 7 minutes Mr Kumarasamy S is seen pausing on each question and then repeatedly looking to his left. In the video recording at 1:52:27 his eyes are directed downwards and to the left while his face is towards the exam screen.

14. Mr Kumarasamy S did not appear to use a calculator or scratch paper during the exam but completed it with a mark of 71. He had failed it nine days earlier with a mark of 43. The Committee was satisfied, on the balance of probabilities, that the reason why Mr Kumarasamy S broke the rules to take photographs of exam questions was to gain an unfair advantage for himself or others either in this exam sitting or in a future sitting where the same questions might be used. From his behaviour on video, it seemed that another person had sight of the questions and was providing answers.

15. Exam Regulation 6(b) stated (so far as relevant):

6(b) If you breach exam regulation 5(a) ... it will be assumed that you, ... intended to use the 'unauthorised items' to gain an unfair advantage for you or others in the exam and/or a future 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 ...

16. The presumption clearly applied in this case and the Committee relied on it.
17. Mr Kumarasamy S was essentially cheating or facilitating cheating by others. The Committee was satisfied that this was dishonest by the standards of ordinary decent people. The Committee found Allegations 5(a) and (b) proved. Allegation 5(c) was in the alternative so did not have to be considered.
18. Allegation 6 was a separate matter, namely that Mr Kumarasamy S failed to cooperate with ACCA's investigation into the complaints against him. On 16 April 2025 ACCA wrote to Mr Kumarasamy S informing him that it had received an allegation that he used a phone during the exam and shared pictures of exam questions with another person to find the answers. The letter set out the procedure that would be followed and Mr Kumarasamy S's rights and obligations under ACCA's rules. The letter asked a number of questions to be answered by 30 April 2025. This was the normal first step in an ACCA

investigation. The records showed that there was no response at all to this letter. Two reminder letters were sent, on the dates set out in Allegation 2. None of them were answered and the Committee was informed that there had been no communication at all from Mr Kumarasamy S during the investigation.

19. The Committee noted that ACCA had evidence from ACCA's case management system showing that the three emails had not just been received, but opened by the recipient.
20. The letters had clearly explained that under Regulation 3(1) of the Complaints and Disciplinary Regulations Mr Kumarasamy S was under a duty to cooperate with the investigation. The Committee was satisfied that the questions were relevant to the enquiry and by failing to make any response at all Mr Kumarasamy S had failed to cooperate with the investigation. The Committee found Allegation 6 proved.
21. The Committee was satisfied that Mr Kumarasamy S's conduct amounted to serious misconduct. Photographing and publishing exam questions undermined the integrity of ACCA's exams and its system of professional qualification. Mr Kumarasamy S appeared to have benefited personally from his actions but even if he did not, that did not affect the seriousness of what he did. It could have enabled other students to cheat.
22. Furthermore, failing to cooperate with an investigation is a serious matter as it impedes ACCA's regulatory function.
23. The Committee found that Mr Kumarasamy S was guilty of misconduct as set out in Allegation 7(a). Allegation 7(b) was in the alternative so did not have to be considered.

SANCTION(S) AND REASONS

24. Having found facts proved, the Committee considered what sanction, if any, to impose in the light of its findings. It had regard to ACCA's Guidance for Disciplinary Sanctions. It first sought to reach a view on the seriousness of the conduct which had been found proved and as part of that to identify mitigating and aggravating factors.

25. Mr Kumarasamy S had no previous disciplinary findings against him. That provided some very limited mitigation, but he had been a registered student for only a few months prior to the exam in question. There was no evidence that he had any insight into the seriousness of his actions or any remorse for them.
26. There were aggravating factors. Mr Kumarasamy S took a device into the exam which was capable of taking images of the exam screen in a way that was not detected by the invigilator or by a forensic examination of the video recording. This would have required premeditation and planning. Although exams are usually taken under the supervision of an invigilator, the fundamental basis of an exam is that the candidate is trusted not to cheat or enable others to cheat. This kind of exam misconduct has the potential to undermine the integrity of the exam system and the validity of qualifications obtained from ACCA. It is an abuse of trust. Even if Mr Kumarasamy S passed the exam on his own merits, allowing photographs of the questions to fall into the hands of others could have enabled other students to cheat.
27. Mr Kumarasamy S's failure to cooperate was aggravated by the fact that he had done so with full knowledge of the content of the emails, having opened them.
28. The Committee assessed the overall seriousness of the finding in this case as very serious.
29. The Committee was satisfied that the misconduct required a sanction. The Committee considered the sanctions of admonishment and reprimand but concluded that these would be inadequate to mark the seriousness of Mr Kumarasamy S's actions. The Committee next considered the sanction of severe reprimand. The Guidance says that this sanction can be applied:

in situations where the conduct is of a serious nature but there are particular circumstances of the case or mitigation advanced which satisfy the Committee that there is no continuing risk to the public, and there is evidence of the individual's understanding and appreciation of the conduct found proved.
30. None of the suggested factors was present in this case and there was no mitigation. The Committee considered that Mr Kumarasamy S was a continuing

risk to the public. There was no evidence of understanding or appreciation of the conduct found proved.

31. The next relevant sanction was removal from the student register. For the reasons already given the misconduct was very serious and the Committee was satisfied that Mr Kumarasamy S's conduct was incompatible with remaining registered as a student of ACCA. Removal was the minimum sanction it could impose.
32. Mr Kumarasamy S will be entitled to apply for readmission after one year. The Committee did not consider it necessary to extend the time before he can apply for re-admission. If he does apply, he will have to persuade the Admissions and Licensing Committee that he has learnt the relevant lessons, has taken steps to ensure that there will be no repetition, and has become a fit and proper person to be registered with ACCA. That is sufficient to protect the public.

COSTS AND REASONS

33. Mr Mustafa applied for costs totalling £6,323. The Committee took into account ACCA's Guidance for cost orders.
34. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to a contribution to its costs. The Committee was satisfied that the time spent and the rates claimed were reasonable. Cases involving video evidence are always time-consuming. The costs for today were only estimated but the actual costs were likely to be quite close to the estimate so the Committee accepted ACCA's figure.
35. The Committee had no information as to Mr Kumarasamy S's ability to pay a sum of that order, although he had been invited to give such information. The Committee therefore had to assume that it would not cause him undue hardship.

EFFECTIVE DATE OF ORDER

36. The Committee considered whether the order should have immediate effect. The Committee took into account that if the order did not have immediate effect

Mr Kumarasamy S would be able to hold himself out as an ACCA student and might have the opportunity to take more ACCA exams, giving an opportunity for further distribution of exam questions and/or cheating. The Committee concluded that there would be a significant risk to the public and that the order should have immediate effect.

ORDER

37. The Committee ordered as follows:

- (a) Mr Kumarasamy S shall be removed from the student register with immediate effect.
- (b) Mr Kumarasamy S shall make a contribution to ACCA's costs of £6,323.

Martin Winter
Chair
11 November 2025