

HEARING

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

In the matter of: Miss Upasna Panchal

Heard on: Thursday, 09 October 2025

Location: Remotely by MS Teams

Committee: Ms Kathryn Douglas (Chair)
Ms Joanne Royden-Turner (Accountant)
Mr Nigel Pilkington (Lay)

Legal Adviser: Mr Andrew Granville Stafford

Persons present

and capacity: Miss Upasna Panchal (Member)
Mr Leonard Wigg (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Allegations 1, 2, 3, 4(a) and 5(a) proved.
Removal from the student register, with immediate effect.

Costs: No order to costs.

ACCA

+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



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

INTRODUCTION

1. The Disciplinary Committee of ACCA ('the Committee') convened to consider a report concerning Miss Upasna Panchal. Miss Panchal is a student member of ACCA.
2. The Committee had before it a bundle of documents (84 pages), a video recording lasting 11 minutes 37 seconds, two additional bundles (both 7 pages) and a service bundle (27 pages).

ALLEGATIONS AND BACKGROUND

3. The allegations against Miss Panchal are as follows:

Miss Upasna Panchal, a student of ACCA, in respect of her remotely invigilated Taxation (TX) exam taken on 11 March 2025 ('the Exam'):

1. Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.
2. Was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b).
3. Used the above referenced unauthorised item to take photographs/recordings of the Exam content, contrary to Exam Regulation 13.
4. Miss Panchal's conduct in respect of any or all of the above was:
 - a) Dishonest, in that she intended to use or used an unauthorised item, a mobile phone with camera, during the Exam to gain an unfair advantage in the exam; or in the alternative:
 - b) Such conduct demonstrates a failure to act with integrity.
5. By reason of the above, Miss Panchal is:

- a) Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of any or all of the conduct above; or in the alternative:
 - b) Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of any or all of the conduct in allegations 1 to 3 above
4. Miss Panchal was admitted to student membership of ACCA on 30 November 2022. The allegations in this case relate to an ACCA Taxation examination which she sat on 11 March 2025.
5. This was a computer-based exam ('CBE'), remotely invigilated through the camera on the candidate's computer.
6. Prior to the exam, Miss Panchal was provided with a copy of ACCA's examination regulations. Exam Regulation 1 requires candidates to adhere to the regulations and warns them that a failure to do so may render them liable to disciplinary action. Exam Regulations 5 and 6 relate to the possession or use of unauthorised items during an exam, and say as follows:

5(a) The use of dictionaries, electronic devices, and/or translators of any kind is not permitted during the exam by you or any other person. You must not have on or at your desk a calculator which can store or display text. Further, the use of any electronic communication device, camera, smart watch, or any other item with photographic, recording or smart technology functionality, including mobile phones, is not permitted by you or any other person (unless the exam is being conducted remotely in which case the mobile phone must only be used only in accordance with ACCA's Exam Guidelines). Such items are regarded as 'unauthorised items' and are taken into the examination room at the candidate's own risk.

5(b) 'Unauthorised items' must not be worn, or placed on your desk, in pockets of clothing, in your bag or personal belongings, or be kept anywhere else on or about your person or desk by you or another person. If you, or another person, bring 'unauthorised items' to the exam, you must declare them to the exam personnel prior to the start of the exam. For Centre-Based exams, mobile phones (or communication devices of any type), smartwatches or other wearable technology, must be switched off and stored as directed by the examination personnel.

6(b) If you breach exam regulation 5(a) and/or 5(b), or permit another person to act contrary to those exam regulations, it will be assumed that you, and/or the other person, 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, and/or the other person, did not intend to use the 'unauthorised items' to gain an unfair advantage for you, or others, in the exam and/or a future exam.

7. Exam Regulation 13 states that all exam content is owned by ACCA and candidates are prohibited from copying, photographing or videoing it. Distribution of exam questions is strictly prohibited.
8. The Committee was provided with a copy of the video recording taken during Ms Panchal's exam.
9. At the start of the recording the proctor, who was remotely invigilating the exam, went through the introduction process. Miss Panchal, using the camera on her laptop, pans around the room. The proctor tells her via the chat log to put her mobile phone on silent and to keep it out of arm's reach. She acknowledges she has understood the instructions.
10. The exam started at 4 minutes 24 seconds into the recording. From 7 minutes 2 seconds into the recording, Miss Panchal can be seen holding her mobile phone. She is holding it in her right hand, and the back of the phone is pointing towards her computer screen. As a result, the proctor terminated the exam at 10 minutes 51 seconds into the recording.
11. On 01 May 2025, ACCA's investigations department wrote to Miss Panchal, asking her a number of questions about her conduct during the exam.
12. Miss Panchal replied on 10 May 2025, stating as follows.

'I admit, I acknowledge that I did not fully adhere to the ACCA Exam Guidelines regarding the placement of my mobile phone.

I admit that I was in possession of an unauthorised item, namely a mobile phone, during the exam. However, I would like to clarify that I did not have any intention to gain an unfair advantage.

. . . While I acknowledge that the mobile phone was incidentally in my hand during the exam, this occurred at a moment when I was not fully aware of my

surroundings due to a lapse in alertness. I respectfully maintain that no recording or photographing of exam materials took place...

During the check-in process, I used my mobile phone to scan the QR code and upload the required photos and details of my desk setup, as permitted. However, once I sat down to begin my exam, I was extremely nervous and not fully mentally present due to exam stress. As a result, I mistakenly placed the phone on my desk near the laptop instead of keeping it out of arm's reach, as instructed by the invigilator. In that moment of anxiety, I completely forgot both the instruction and the importance of ensuring the phone was placed away. I did not realize that I had left it there, and unfortunately, it remained within arm's reach. At one point, I instinctively picked up the phone with the intention of placing it out of the way, but unfortunately, this moment was captured on camera and may have appeared as misconduct. I now understand that this was a serious oversight, but I assure you it was unintentional and solely due to stress and lack of awareness at that moment

I admit that my mobile phone was not fully moved out of arm's reach. After the check-in process (while uploading the required photos and details, scanned through QR code), I mistakenly placed it on a far corner of my desk rather than completely removing it from my direct reach. I fully understand that this placement did not comply with the requirement, and I sincerely apologise for this oversight. I would like to emphasize that the phone was not used at any point during the exam, and its placement was purely accidental. After the check-in process, due to a lack of presence of mind, I was instructed to place my phone out of arm's reach. However, unintentionally and likely due to being tense and anxious, I mistakenly left it on my exam desk without realising it. A short while later, I became aware of this and instinctively reached to move the phone away. In doing so, the phone was briefly in my hand, and that moment was captured on camera. At the time, I was not fully conscious of the fact that I was holding the phone, as I was focused on complying with the instruction after realising my mistake.

I deeply regret this mistake and want to reaffirm my strong commitment to upholding the integrity and ethical standards of the ACCA qualification at all times.

I did not take any photographs/Videos of the exam content.'

13. ACCA sent further questions to Miss Panchal, which she answered on 22 May 2025 as follows.

'1. At what point did you realise the phone had been left on the desk?

Ans: After completing the check-in process, I accidentally left my phone on the desk due to being overwhelmed and not fully present at the moment. At the time, I genuinely believed I had followed all the instructions provided by the invigilator, including placing the phone out of arm's reach. I was confident that I had complied with all the rules and began the exam with that belief. However, shortly after the exam started, my eyes happened to glance toward the area near my laptop, and that's when I suddenly realised that the phone was still on the desk. I immediately became conscious of the mistake and, acting on instinct, picked up the phone with the intention of moving it aside. Unfortunately, this moment was captured on camera for a longer period of time.

2. What did you do with the phone when you realised this?

Ans: After realizing that the phone was still on my desk, I picked it up with the genuine intention of moving it out of the way. However, I was already in a state of tension and constant anxiety due to the exam, which affected my ability to think clearly at that moment. There was no nearby table or surface where I could place the phone, and I was aware that I was not allowed to stand up or move away from the camera view, as that could raise further concerns with the invigilator. I became really worried and confused about what to do. I didn't want to move too much or turn my head, fearing that it might be seen as suspicious or be misinterpreted as looking elsewhere. At that moment, I just froze-I was holding the phone and trying to figure out what to do with it, but I had no clear solution in mind. I wasn't thinking straight, and I now realise I held onto it for longer than I should have simply because I panicked. Before I could resolve the situation, the exam window was closed by the invigilator. I now understand how my actions may have appeared, but I want to sincerely emphasize that there was no intention to break the rules, and the entire situation stemmed from anxiety and poor judgment under pressure.

3. Why were you observed with the phone in your hand, in a position that is consistent with taking a photo of or recording the screen on at least 8 separate occasions? Please refer to the chronology and the footage sent previously and explain each of the instances individually.

AND 4. Please explain why you did not inform the proctor that you had mistakenly left your phone on the desk?

Ans: And to provide further context, Once I noticed the phone on my desk, I instinctively picked it up with the intention of moving it aside. However, I immediately became overwhelmed with worry because I had no nearby table or surface where I could place it. Out of nervousness and confusion, I held the

phone in my hand for a longer period while trying to figure out what to do. During this time, I was not even conscious of the fact that I was holding the phone in a position that might appear as if I were taking photos or recording the screen. That was never my intention, and I deeply regret how it may have looked. I was also hesitant to report the mistake to the invigilator out of fear that it would be seen as a serious rule violation or as an attempt to cheat. This fear and anxiety prevented me from communicating the situation, even though I now understand that being transparent would have been the right thing to do. The reason I was observed holding the phone on multiple occasions was because I was continuously trying to think of a solution for where to place it without breaking any rules or raising suspicion. Unfortunately, I remained frozen in that state of uncertainty, and my actions were recorded on camera over several instances until the invigilator closed the exam window. I was not aware at the time that these moments got captured or interpreted as misconduct.'

ACCA'S CASE

14. ACCA submitted that the allegations were capable of proof on the basis of the video evidence and the documents contained in the bundle. ACCA's case was that Ms Panchal had not kept her mobile phone out of arm's reach, as she had been instructed to by the proctor. The video footage clearly shows her raising the phone towards her screen in a manner which is consistent with photographing or videoing what was being displayed on screen.
15. Further, ACCA contended that the video footage was inconsistent with Ms Panchal's contention that she was simply moving her phone and wondering what she could do with it after having realised it was on her desk. That, it was submitted, did not account for the numerous instances over a period of minutes when Ms Panchal can be seen holding the phone and pointing it at the screen.
16. ACCA referred the Committee to Exam Regulation 6(b). If a student is found to have an unauthorised item in their possession during an exam they are, by virtue of this regulation, assumed to have intended to use it to gain an unfair advantage.

MEMBER'S CASE

17. At the outset of the hearing, the allegations were put to Ms Panchal. She admitted Allegation 1 and denied Allegations 2, 3 and 4.

18. On 08 October 2025, Ms Panchal submitted written representations to the Committee.

19. She said that, before the exam started, she had carefully followed the pre-exam process as instructed by the proctor. She believed that she had placed her phone away from her desk. However, she stated as follows:

*‘... in the rush of completing all the steps before the examination commenced, I **accidentally left my phone on the desk**. Once the exam began, I was fully focused on my paper and did not immediately notice that my phone was still there.*

During the course of the exam, I suddenly realized that my phone was still on the desk. I panicked, as I understood that this was against the examination rules. Out of anxiety, I picked up the phone with the intention to place it away from the desk. Unfortunately, I had no nearby surface or designated place to safely keep it unless I stood up and moved away from the camera’s view — which I knew was not allowed during the examination.

*In that moment of confusion, I was still holding the phone when the proctor stopped the exam. I did not get the opportunity to explain what had happened or that I had only intended to remove the phone from the desk. The recording captured me holding the phone, but I want to clarify that **I did not use or attempt to use the device at any point during the exam.**’*

20. Ms Panchal gave oral evidence to the Committee. She said that she was aware that she had to keep her mobile phone out of arm’s reach. However, she had left her phone on her desk but had not realised she had done so. When she realised her phone was on her desk, she became conscious of her mistake. Though she realises she should have informed the invigilator, she was very tense. She made an unconscious decision which was that she took the mobile phone in her hand. She said she was holding it up to the screen because she did not know what to do with it. She told the Committee that she thought that she would hold the phone and figure something out. She did not realise that this was being seen by the invigilator, and she was shocked when the invigilator terminated the examination.

21. In cross-examination, Ms Panchal said that when she did a camera pan to show the invigilator her room, her mobile phone was on her sleeping bag/bed behind her chair. She said she had taken it and put it on her desk, but that she did so

- unconsciously. She was very nervous and 'not in a proper state'. This was before the exam started.
22. Ms Panchal agreed in cross-examination that the video shows her holding the phone for over three-and-a-half minutes; that initially she was holding it in her right hand but that at one point she was holding it in both hands; and that the camera on the phone was pointed toward her laptop screen. She said that she was making a decision as to what to do with her phone but was conscious that she could not move her head or hands anywhere. Mr Wigg put to her that she was saying that she was so gripped by anxiety that she could not do anything, and she agreed.
23. Ms Panchal accepted that she can be seen looking between her phone and her laptop screen. She disputed that this meant she was using the phone. She said she was deciding what to do. She disputed that she was holding the phone just below the screen in an attempt to hide the fact she had it in her hand. She accepted that, whilst holding the phone, she was going through the content of the exam.
24. Mr Wigg put to her that at 9 minutes 30 she can be seen touching the screen of the phone with her left hand, whilst holding it in her right hand. She said the phone was not on, it had a blank screen, and that maybe she had touched the screen accidentally.
25. She told the Committee that what she did was the result of an unconscious mistake and that she was not dishonest.

DECISIONS ON ALLEGATIONS AND REASONS

26. The Committee considered the documents before it, the oral evidence of Ms Panchal, the submissions of both parties and 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. However, where a student is found to be in possession of unauthorised material during an exam the burden is reversed and the student is presumed to have intended to use the material to gain an unfair advantage unless the contrary is proved (Exam Regulation 6(b)).
27. The Committee had regard in particular to the video recording taken during the exam and also the stills taken from the video. Ms Panchal can be seen holding

the phone for over three-and-a-half minutes either in one hand or both hands. Most of the phone is out of shot but one edge is visible in the footage, and it can be seen, as Ms Panchal accepted in her evidence, that the camera on the phone is pointed towards the screen of the laptop.

28. The Committee considered each allegation in turn.

Allegation 1

29. Miss Panchal admitted Allegation 1. She accepted that, during the exam, her mobile phone was on her desk. Clearly, therefore, it cannot have been out of arm's reach.
30. The Committee accepted the advice of the Legal Adviser, that possession requires some degree of knowledge. It is clear that, at some point, Ms Panchal moved the phone from where she had placed it behind her to a position on the desk. This must, in the Committee's view, have been a conscious act. It cannot have been done inadvertently.
31. Further, Ms Panchal then held the phone in front of her laptop for a significant period of time. That cannot have been done unconsciously either. The Committee was in no doubt that she was aware of what she was doing.
32. Therefore, the Committee was satisfied, both on the basis of the evidence and Ms Panchal's admission, that Allegation 1 was proved.

Allegation 2

33. Exam Regulations 5(a) and 5(b) make it clear that a mobile phone is regarded as an unauthorised item and that a candidate must not use or have one in their possession during the exam.
34. As referred to above, it was not in dispute that Ms Panchal did have her mobile phone with her during the exam and can be seen holding it in front of the screen. She was therefore in possession of the phone during the exam, as the Committee had found in relation to Allegation 1.
35. The Committee therefore went on to consider whether, as well as possessing the phone, Ms Panchal used it during the exam. The Committee was satisfied she did. The Committee agreed with Mr Wigg's submission that the way she

was holding the phone relative to the screen was deliberate and was designed to avoid detection. The Committee also agreed that it was not coincidental or accidental that the camera was pointed at the laptop and she was holding the phone in such a way as to avoid obscuring the lenses with her hand. She was, the Committee was satisfied, intentionally trying to conceal it from the invigilator.

36. Further, it was clear that Ms Panchal held the phone for an extended period and in an unnatural position. The Committee also accepted Mr Wigg's submission that at one point she appeared to be using a finger to touch the screen of the phone, engaging with its functionality.
37. The Committee rejected Ms Panchal's account that s\he was only holding the phone because she was deciding what to do, having picked it up having become conscious that it was on her desk. Given the position she held the phone in and the length of time she held it for, that, in the Committee's view, lacked credibility. The Committee was satisfied that the only conclusion that could be properly drawn was that Ms Panchal was using the phone during the exam.
38. Therefore, the Committee found this allegation proved.

Allegation 3

39. Taking photographs of exam questions or making any recording of the content of an ACCA exam is prohibited by Exam Regulation 13. Although Ms Panchal accepted that she can be seen holding her mobile phone during the exam, she disputed that she used it to take any photograph or make any recording. The Committee rejected that account.
40. The Committee was satisfied from the way Ms Panchal held her phone that it was consistent with using it to capture the exam questions. Indeed, the Committee rejected the possibility that there was any other credible explanation. On the balance of probabilities, the Committee was satisfied that Ms Panchal had taken photographs or made recordings of the exam content.
41. The Committee therefore found this allegation proved.

Allegation 4

42. In considering whether Ms Panchal's conduct as set out in Allegations 1, 2 and 3 was dishonest, the Committee had regard to the test for dishonesty as set out in *Ivey v Genting Casinos*.
43. The Committee first considered Ms Panchal's state of knowledge or belief. ACCA alleged that she either used or intended to use her mobile phone to gain an unfair advantage in the exam.
44. Ms Panchal had an unauthorised item in her possession during the exam. It is therefore assumed that she intended to use it to gain an unfair advantage unless she proves the contrary (Exam Regulation 6(b)).
45. The Committee rejected as not being credible her explanation for having her phone in her hands during the exam. Further, in relation to Allegation 3, the Committee had found that she had used the phone to take photographs or make recordings of the exam questions.
46. The only possible reasons for doing so were to gain assistance in answering questions during the exam or a future exam or to share exam content with others to assist them in their exams. The Committee was satisfied that Ms Panchal's purpose in using her phone during the exam, therefore, was to gain an unfair advantage.
47. There is no doubt that this would be regarded as dishonest by ordinary and decent people.
48. The Committee therefore found Allegation 4(a) proved. As Allegation 4(b) was put in the alternative, there was no need for the Committee to consider it.

Allegation 5

49. The Committee was satisfied that dishonest conduct during an exam would be regarded as deplorable by members of the profession. It is a serious falling short of acceptable standards and brings discredit on herself and on ACCA.
50. The Committee therefore found that Ms Panchal's conduct amounted to misconduct, as alleged in Allegation 5(a). As Allegation 5(b) was put in the alternative, there was no need for the Committee to consider it.

SANCTION AND REASONS

51. 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 a sanction was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. Having found that Miss Panchal's actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.
52. The Committee considered the following were aggravating factors. Ms Panchal's misconduct in this case was pre-meditated. Copying exam content risks jeopardising ACCA's examination system, and has a potentially adverse impact on the public in that a candidate might obtain a qualification they are not entitled to.
53. In mitigation, the Committee took into account that no previous disciplinary findings had been made against Miss Panchal and that she admitted Allegation 1.
54. Miss Panchal's actions were not only a very serious departure from proper and acceptable standards but were deliberate. Furthermore, Miss Panchal's actions were dishonest. It would be inappropriate, given the serious nature of the behaviour in question, to admonish or reprimand Miss Panchal.
55. The Committee considered whether a severe reprimand would be an appropriate sanction. The guidance in the GDS says that such sanction may be appropriate 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; further, that, and there is evidence of the individual's understanding and appreciation of the conduct found proved. In the Committee's view there was a risk that similar conduct would be repeated in the future. The Committee therefore found that a severe reprimand would not protect the public and was not an appropriate sanction.
56. The Committee concluded that Miss Panchal's actions in this case were a serious departure from professional standards and not only dishonest but, in the Committee's view, an abuse of a position of trust. They were fundamentally

incompatible with being a student member of a professional association. The Committee did not feel that an order which allowed Miss Panchal to retain her student membership of ACCA could be justified.

57. Therefore, the Committee made an order under CDR 13(4)(c) of the Disciplinary Regulations removing Miss Panchal from the student register.
58. The Committee did not consider that the public interest in this case required it to additionally make an order under CDR 13(4)(c) restricting Miss Panchal's right to apply for readmission beyond the normal minimum period.

COSTS AND REASONS

59. ACCA applied for costs against Miss Panchal in the sum of £5,328. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing.
60. The Committee accepted that, in principle, a costs order should be made in ACCA's favour.
61. Miss Panchal gave the Committee information about her financial circumstances. [PRIVATE].
62. Therefore, the Committee made no order as to costs.

EFFECTIVE DATE OF ORDER

63. The Committee determined that it would be in the interests of the public for the order to take immediate effect. Therefore, pursuant to Regulation 20 of the Disciplinary Regulations, the order removing Miss Panchal from student membership will take effect immediately.

Katherine Douglas
Chair
09 October 2025