Think Ahead ACCA

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Miss Ying Zhu**
Heard on:	**Friday, 10 October 2025**
Location:	**Held remotely by Microsoft Teams**
Committee:	**Ms Ilana Tessler (Chair)** **Ms Wanda Rossiter (Accountant),** **Ms Yvonne Walsh (Lay)**
Legal Adviser:	**Ms Ini Udom**
Persons present and capacity:	**Ms Michelle Terry – Case Presenter** **Ms Aimee Murphy – Hearings Officer**
Summary:	**Removal from the student register**
Costs:	**£2,000**

PRELIMINARY APPLICATIONS

1. The Disciplinary Committee ("the Committee") convened in public to hear the allegations against Miss Zhu.

2. The papers before the Committee ('the documents') comprised:

   a. A Main Hearing Bundle (pp 1-76),

   b. A Service Bundle (pp1-19)

   c. A telephone attendance note (p1)

3. Miss Zhu was not in attendance.

4. The Committee proceeded to address whether service had been properly effected and considered the submissions made by Miss Terry on behalf of ACCA and accepted the advice of the Legal Adviser.

5. The Committee considered whether service of the Notice of Hearing ('Notice') had been properly effected. Miss Zhu was served with the Notice on 12 September 2025 by email, 28 days in advance of the hearing and it included all of the required information. The email address used was the email address registered with ACCA for Miss Zhu. The Notice included the details and information pertaining to this hearing and confirmed that it would be held remotely. The Committee's power to proceed in the absence of Miss Zhu was also explained within the Notice.

6. The Committee was satisfied that service had been properly effected.

7. ACCA applied to proceed in the absence of Miss Zhu. Again, the Committee carefully considered the submissions and accepted the advice of its Legal Adviser. In making this decision the Committee noted that its discretion had to be used with the utmost care and caution. It noted that no application had been made by Miss Zhu for an adjournment and there was no indication that an adjournment would secure her attendance.

8. ACCA set out the repeated attempts made to contact Miss Zhu, by phone and email, to ascertain whether she intended to attend the hearing and had received no response (on 23 and 29 September 2025 and 03, 07, 09 October 2025). The Committee accepted that those efforts had gone above and beyond what was required by the Regulations.

9. No confirmation of attendance had been received from Miss Zhu despite attempts to

contact Miss Zhu both by email and telephone. Miss Zhu last made contact with ACCA in October 2022.

10. The Committee was satisfied that Miss Zhu had voluntarily absented herself from proceedings and thereby waived her right to participate. The Committee noted that the allegations against Miss Zhu were serious. The Committee had regard to the public interest in concluding the case expeditiously, particularly in circumstances where the alleged conduct dated back to 2021.

11. The Committee concluded that it would be fair and proportionate to accede to ACCA's application to proceed in Miss Zhu's absence.

ALLEGATIONS AND BRIEF BACKGROUND

12. The allegations against Miss Zhu were as follows:

Allegations

Miss Ying Zhu ('Miss Zhu'), an ACCA student:

1 On 09 June 2021, during and in relation to a Performance Management (PM) computer-based exam (CBE) ("the Exam") being held at exam centre Suzhou City C736:

   a. Was found to be in possession of a piece of paper with a formula written on it which was found to be relevant to the Exam.

   b. Intended to use the piece of paper referred to in Allegation 1(a) above to gain an unfair advantage in the Exam,

   c. By reason of any or all of the conduct in Allegations 1(a) and 1(b), engaged in conduct designed to assist her in the Exam attempt, contrary to Examination Regulation 10.

2. By reason of her conduct, Miss Zhu is:

   a. Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters set out at Allegation 1 above; or, in the alternative,

b. Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1(c) above.

Background facts

13. On 02 October 2020, ACCA registered Miss Zhu as a student. As such, she is bound by ACCA's Bye-laws and Regulations, including the Exam Regulations and Exam Guidelines.

14. On 09 June 2021, Miss Zhu sat her Performance Management (CBE) exam at a centre in Suzhou (Centre No: C735/1) China.

15. Miss Zhu was found by the exam invigilator to be in possession of a piece of paper with formulas written on it that was found to be relevant to the Exam (the ‘crib sheet’). The crib sheet was under scrap paper. This was deemed to be 'unauthorised materials'.

16. The invigilator alerted a supervisor who obtained the 'unauthorised materials' from Miss Zhu.

17. The exam invigilator, the supervisor and Miss Zhu all filled out an SCRS form in relation to the 'unauthorised materials' found in Miss Zhu's possession during the Exam, in which they each gave their version of events:

    a. The Invigilator stated: that the unauthorised material was a piece of paper around 15cm by 15 cm full of formulas on both sides. They advised that the unauthorised materials were found under the student's scrap paper while collecting the student's scrap paper after the exam. They added that the student was nervous, anxious, and attempted to hide the unauthorised materials with her body when they took the scrap paper. Upon discovering the scrap paper, they advised that they did not say anything to the student and reported the incident immediately to their supervisor.

    b. The Supervisor advised that after the incident was reported to them , they went to the student and asked her to come with them. They confiscated the unauthorised material and asked the student to fill out an SCRS 2B. They said they asked the student if the material belonged to her to which she said it did and advised she had not looked at the material. They advised that she was unable to provide a clear explanation as to why she had the unauthorised materials. They said they advised the student's conduct would be reported to ACCA and she asked them what would happen to her and whether she would be able to complete the rest of her ACCA exams and they advised they were not sure.

c. Miss Zhu said that: she received the docket, had heard the Supervisor’s announcements and read the reverse of the docket and Examination Regulations. Miss Zhu also confirms that she was in possession of unauthorised materials in the form of a note that contained formulas that the *'teacher who collects the manuscripts'* found. She said the note was part of her revision notes and she left it in the pocket of her dress and forgot about it but happened to be wearing the same dress for the exam and found it when taking out a tissue during the exam. She advised on the form that she never looked at the formula and never attempted to gain an unfair advantage.

18. On 01 July 2021 an SCBE Examiner Feedback Sheet was completed, which confirmed that the formula found on Miss Zhu's 'unauthorised materials' was relevant to the Exam.

19. On 08 July 2021, Miss Zhu was notified in a letter sent by ACCA's Exams Operations Services Manager that a complaint in relation to her possession of 'unauthorised materials' during the Exam had been referred to the Professional Conduct Department. Miss Zhu was invited to make any comments for consideration within 14 days of the letter and provided with the email address in which she could submit her comments by email.

20. A referral form was completed on the 30 July 2021.

21. The SCRS forms, SCBE Examiner Feedback Sheet and referral form were forwarded to ACCA's Investigation Team within the Professional Conduct Department, and a complaint was opened on 12 August 2021.

22. On 25 August 2021, Miss Zhu responded to the letter sent to her on 8 July 2021. She stated:

"The content in the e-mail indicates that my exam results in June 2021, have been temporarily suspended for investigation, but my account has not been suspended, so I can continue to take the exam. Because my behaviour is a *serious situation, I would like to ask if the result of my case is dismissed from ACCA. Then I continue to take the exam while the case is being handled. Is this behaviour useless? Is the exam I took during the case handling still valid? My [REDACTED]. I hope you can answer my doubts and tell me the result of the case handling as soon as possible. I'd appreciate it very much".*

23. On 24 January 2022, the complaint was assigned to an Investigations Officer.

24. On 07 February 2022, the Investigations Officer sent a letter to Ms Zhu, formally notifying her of the complaint investigation in relation to the 'unauthorised materials' found in her possession during the Exam (please note that there is an error in the letter, in that it states the Exam took place on 09 July 2021, when in fact the Exam took place on 09 June 2021). It was noted that such conduct appeared to be in breach of ACCA's Exam Regulations and Ms Zhu was asked a series of questions regarding her conduct and her representations in the SCRS form.

25. On 11 February 2022, Ms Zhu responded to the Investigations Officer and said she had taken the note into the Exam unintentionally. She stated that she did look at the formula written on the 'unauthorised materials' to check if her answer was correct. Ms Zhu confirmed that the exam invigilator's account was correct. She also expressed regret and apologised for her conduct.

26. The Investigations Officer sent Ms Zhu a further email on 24 June 2022, noting the error in the letter dated 07 February 2022 and confirmed that the complaint investigation was in relation to the Exam sat on 09 June 2021 not 09 July 2021. Ms Zhu was invited to make any further representations following the correction of the Exam date.

27. On 10 August 2022, the Investigations Officer emailed Miss Zhu and advised that since she had not responded to the letter of 24 June 2022, the case would proceed on the basis that the error in date does not change the response she provided on 11 February 2022, in which she stated that she did look at the formula during the Exam but had taken the note containing the formula into the exam unintentionally.

28. On 12 August 2022, Miss Zhu replied to the Investigations Officer and advised that she

sent an email on 27 June 2022 in response to the email sent by the Investigations Officer on 24 June 2022 but explained that she missed the subject line out and attached a screenshot of the same. Unfortunately, that email was never received by the Investigations Officer. In the screenshot Miss Zhu advised that the error in date does not change her response.

29. On 30 August 2022, the Investigations Officer replied to Miss Zhu advising that the email she sent on 27 June was not received, but that the Investigations Officer appreciates that she did send it as shown in her screenshot.

30. On 14 September 2022, Miss Zhu emailed the Investigations Officer advising that she thinks it unnecessary to have to explain before the Disciplinary Committee that she bought unauthorised materials into the Exam. She added that looking at the unauthorised materials did not benefit her as it only confirmed that the formula she had written in the exam was correct. She expressed her regret and remorse in relation to the incident. She informed the Investigations Officer of her financial circumstances advising that she has no job, and that the little income she does live off comes from her parents.

31. On 15 September 2022, Miss Zhu emailed the Investigations Officer again reiterating how sorry she is for the incident and that she realises how honesty, principles and discipline are crucial to the accountancy profession as a whole. She advised that she understands the consequences and implications of cheating and reiterated her financial position again.

32. The Investigations Officer replied to Miss Zhu's emails on 15 September 2022, thanking her for her emails and advising her that the contents of her email had been noted.

DECISIONS ON ALLEGATIONS AND REASONS

33. The Committee considered all of the documents before it and the submissions of Miss Terry on behalf of ACCA. The Committee accepted the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities — in other words, the Committee asked itself whether the facts alleged by ACCA were ‘more likely than not’ to be true, based upon all the materials before it.

<u>Allegation 1(a)</u>

34. In relation to Allegation 1(a), the Committee had regard to all of the evidence before it. It had within the case papers the crib sheet containing various formulas, the evidence of the invigilator who confirmed that they found the crib sheet amongst pieces of scrap paper on Miss Zhu's desk and the SCBE report which confirmed that the paper contained material relevant to the examination. The allegation had been admitted in correspondence with ACCA by Miss Zhu. The conduct alleged was clearly evidenced by the documentary evidence available and admissions from Miss Zhu herself. The Committee found Allegation 1 (a) proved.

<u>Allegation 1 (b)</u>

35. The Committee paid careful regard to the Exam Regulations. It was noted that Miss Zhu was a student and had taken exams before. Miss Zhu accepted that she had looked at the paper to check that she answered one of the questions correctly. Whether or not she, from the outset, had taken the item into the exam for the purpose of cheating and gaining an unfair advantage, at the point that she did in fact use it to make a check, she intentionally used it to gain an unfair advantage.

36. In addition, the Committee considered Regulation 6 (a) and (b) of the Exam Regulations. By virtue of Allegation 1(a) the committee was satisfied that Miss Zhu had possession of unauthorised material, which was

37. relevant to the exam, during the exam. It noted that there was no evidence or submissions before it from Miss Zhu, to discharge the burden of proof upon her as a result of Regulation 6 (b). As stated above, on the contrary Miss Zhu accepted that she had used the unauthorised material to check an answer. Therefore, the Committee determined that Miss Zhu had used or intended to use any or all of the unauthorised materials to gain an unfair advantage for herself.

<u>Allegation 1(c)</u>

38. The Committee considered Regulation 10 of the Exam Regulations:

"You may not engage in any improper conduct designed to assist you in your exam attempt…"

39. The possession and use of unauthorised material during an exam was undoubtedly improper conduct. The Committee concluded that Miss Zhu had breached Regulation 10 and found Allegation 1 (c) proved.

Allegation 2

40. The Committee went on to consider whether the conduct found proved amounted to misconduct, as alleged in Allegation 2.

41. The Committee considered all of the documents before it, the submissions of Miss Terry on behalf of ACCA and Miss Zhu's correspondence, and the advice of the Legal Adviser, who referred the Committee to the relevant case law on the matter of misconduct. The Committee bore in mind that the question of misconduct was a matter of judgement for the Committee.

42. The Committee noted that the crib sheet was actually used in the course of the exam. Further, if her account of not realizing it was in her possession until the exam was already underway is accepted, Miss Zhu did not disclose that she had it in her possession as soon as she was aware of it but instead attempted to hide it from the invigilator.

43. Miss Zhu herself referred to her conduct as dishonest and that "honesty and trustworthiness are essential qualities for accountants". She acknowledged that "[i]f the accounting practitioner fails to meet the above requirements, it will lead to a large amount of distortion of accounting information, which will cause distortion of various economic indicators".

44. The Committee was in no doubt that Miss Zhu's actions would be regarded as deplorable by fellow members of the profession and fell far short of the acceptable standards of the profession. The Committee was satisfied that the conduct, therefore, constituted misconduct under Bye-law 8(a)(i) and found Allegation 2(a) proved.

45. Having found Allegation 2 (a) proven the Committee did not go on to consider Allegation 2(b).

SANCTION AND REASONS

46. The Committee heard submissions from Miss Terry on behalf of the ACCA. It accepted the advice of the Legal Adviser.

47. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour.

48. The Committee had regard to Section F of the GDS and determined that the misconduct was very serious. It involved dishonest actions.

49. The Committee took into account that no previous disciplinary findings had been made against Miss Zhu but also noted that at the time of the misconduct she was a recent student registrant. It was further noted that Miss Zhu had developed a degree of remorse and insight over the course of the investigation and her correspondence with ACCA. In her correspondence Miss Zhu had expressed an apology to ACCA, regret and an understanding of the impact of her actions on the ACCA and the profession in general.

50. The Committee went on to consider whether any aggravating factors were present in this case and found that the misconduct had the potential to undermine the integrity of the examination process.

51. The Committee considered the available sanctions in ascending order of seriousness. Having found that Miss Zhu's actions amounted to misconduct of a very serious and not of a minor nature, taking no further action, issuing an admonishment or a reprimand would clearly not be sufficient to mark the seriousness of the misconduct or satisfy the public interest.

52. The Committee went on to consider whether a severe reprimand would constitute an appropriate sanction in this case. It considered the guidance in the GDS. Miss Zhu had demonstrated a level of insight, has no other disciplinary findings and had apologized and expressed regret. However, the Committee had no current information before it as to any steps taken by Miss Zhu towards remediation or her level of insight. In the circumstances it was not satisfied that there was sufficient evidence to support a conclusion that Miss Zhu was no longer a risk to the public.

53. Bearing all of this in mind, the Committee was satisfied that a severe reprimand would not be appropriate or sufficient in this case and that the only appropriate and proportionate sanction was removal from the student register. There had been a serious departure from professional standards, an abuse of the trust that underpins the examination process and dishonesty. Miss Zhu's conduct was fundamentally incompatible with membership of the profession. Furthermore, confidence in the profession and the disciplinary process would be undermined if the sanction imposed was not removal.

54. Therefore, the Committee made an order under Regulation 13(4)(c) of the CDRs and ordered the removal of Miss Zhu from the student register.

55. The Committee considered whether the sanction should be of immediate effect. It noted that the misconduct had taken place some time ago, in 2021, and there had been no further complaints raised against Miss Zhu in the interim. The Committee was not satisfied that there were fair and proportionate factors present in this case which necessitated moving away from the usual position with the sanction taking effect at the expiry of the appeal period.

COSTS AND REASONS

56. ACCA applied for costs against Miss Zhu in the sum of £6,247.50. The application was supported by costs schedules, in simple and detailed form, providing a breakdown of the costs incurred by ACCA in connection with the hearing.

57. The Committee had regard to all the documentation and ACCA's 'Guidance for cost orders' and it accepted the advice of the Legal Adviser.

58. The Committee was satisfied that ACCA's application for costs to be paid by Miss Zhu was appropriately brought. It had regard to the important principle that in disciplinary proceedings the majority of ACCA's members should not subsidise the minority who find themselves within the disciplinary process.

59. The Committee reviewed the ACCA's costs schedule and concluded that they were proportionate and reasonably incurred. It noted that the hearing had lasted less time than estimated and made a deduction to reflect that.

60. The Committee paid careful regard to the principle of proportionality. It had been provided with some information into Miss Zhu's financial position in emails she had sent during the investigation. The information demonstrated that Miss Zhu was of limited financial means. The Committee noted that the information was now out of date.

61. The Committee also noted that the Guidance for cost orders, at paragraphs 27 - 29, stipulates the following:

Before making any reduction as to costs, the Committee must have evidence of the relevant person's financial circumstances. Importantly, the relevant person must provide some documentary proof, ideally through a completed Statement of Financial Position and supporting documentation.
If a relevant person does not provide proof of financial means, the Committee is entitled to infer that the relevant person is able to meet the costs that it orders.
In the absence of evidence or proof, Committees should not speculate as to the relevant person's means.

62. The Committee having noted that Miss Zhu had provided no up to date evidence of her financial means, was careful not to be drawn into speculation but applied the inference that she was able to meet a costs order.

63. In the circumstances the Committee awarded costs in the sum of £2,000.

Ms Ilana Tessler
Chair
10 October 202