

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Ivan Percy Danso Oppong

Heard on: Thursday, 16 October 2025

Location: Remote link via Microsoft teams

Committee: Ms Valerie Paterson (Chair),
Mr Trevor Faulkner (Accountant)
Ms Rachel O'Connell (Lay)

Legal Adviser: Mr Alastair McFarlane

Persons present

and capacity: Ms Michelle Terry (ACCA Case Presenter)
Miss Nicole Boateng (Hearings Officer)

Observer: Mrs Jackie Alexander (Appointments Board)

Outcome: Removal from the student register and costs awarded
to ACCA in the sum of £750

INTRODUCTION

1. ACCA was represented by Ms Terry. Mr Oppong attended but was not represented. The Committee had before it a Bundle of papers, numbered pages 1 – 57, and a Service Bundle numbered pages 1 – 18.

SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was served on Mr Oppong in accordance with the Complaints and Disciplinary Regulations 2014 ("CDR").

ALLEGATIONS

Mr Ivan Percy Danso Oppong, a student of the Association of Chartered Certified Accountants ('ACCA'):

1. On 07 March 2025, during an AFM examination ("the exam"), was in possession of unauthorised material namely written notes relevant to the exam ("the unauthorised material"), contrary to Exam Regulation 4.
2. Used, or intended to use, the unauthorised material to gain an unfair advantage in the exam.
3. The conduct in Allegation 2 above was:
 - a) Dishonest, in that Mr Oppong intended to gain an unfair advantage in the exam; or in the alternative
 - b) Such conduct demonstrates a failure to act with integrity.
4. By reason of any or all of his conduct, Mr Oppong is:
 - a) Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters in Allegation 1 to 3 above; or in the alternative
 - b) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1 above.

BACKGROUND

3. Mr Oppong became an ACCA student on 23 June 2022.

4. On 7 March 2025, Mr Oppong sat a centre-based Advanced Financial Management ("FM") exam at an exam centre in Accra.
5. Prior to the start of any centre-based exam all candidates receive an exam attendance docket, which contains ACCA's Exam Regulations and Guidelines. Before an examination starts, the Supervisor's announcements draw candidates' attention to the Regulations and Guidelines outlined in the attendance docket. In particular, Exam Regulation 4 warns candidates that they are not permitted to possess, use or attempt to use unauthorised materials in the examination.
6. The exam invigilator Person A stated in their SCRS 1B form completed on the day of the exam that Mr Oppong was found with written notes under his desk covered with a handkerchief during the exam.
7. On the day of the exam, Mr Oppong completed an SCRS 2B form and admitted that he was in possession of unauthorised material during the exam. However, his position was that he had not used, or attempted to use, the unauthorised material and had not intended to use the material.
8. In the Examiner's Irregular Script Report, the Examiners, Person B and Person C confirmed that the unauthorised material was relevant to the syllabus and exam. It was concluded that it could not be determined whether Mr. Oppong used the unauthorised material while attempting the exam.
9. On 20 May 2025 Mr Oppong responded to ACCA's investigation into the matter and stated as follows:

"I have read and accept the attached SCRS and examiner's report. I would like to indicate that I do not have any special requirements and/or health issues that may affect my ability to participate in the investigation procedures. And there are no queries to ACCA's Guide to Complaints and Disciplinary procedures.

I have a duty to co-operate in this investigation, and I pledge to do so. The attached unauthorized material was not used during the exam session. I accept

the mistake of it being in my possession although it was not intended to be. I adhere to the high standards and code of ethics held by the association.

For investigation purposes, I would want to make it known that I called the invigilator after the exam ended on my computer. If in any case the unauthorized material was known to me to be in my possession during the exam session and in fact used to gain an undue advantage, it would only be reasonable to get rid of it before calling the invigilator to indicate the end of my exam.

I hope for a smooth procedure during this investigation and hoping to hear from you soon".

ACCA's SUBMISSIONS

10. ACCA's case was that Mr Oppong was in possession of unauthorised notes that he used or intended to use to gain an unfair advantage in the exam on 7 March 2025. In effect, he was cheating or intending to cheat and this was dishonest conduct. As an alternative to dishonesty ACCA alleged a lack of integrity.

Allegation 1

On 07 March 2025, during an AFM examination ("the exam"), was in possession of unauthorised material namely written notes relevant to the exam ("the unauthorised material"), contrary to Exam Regulation 4.

11. ACCA relied upon Mr Oppong's admission that he was in possession of unauthorised material in the exam and, in any event, submitted that this was capable of proof from the evidence of the invigilators and examiners' reports.

Allegation 2

Used, or intended to use, the unauthorised material to gain an unfair advantage in the exam.

12. ACCA submitted that Mr Oppong used, or intended to use, the unauthorised material to gain an unfair advantage in the exam. It relied upon the documentation and that Mr Oppong's conduct, including the notes being concealed under his desk and covered by a handkerchief to support this allegation.
13. ACCA also relied upon the small size of the notes; the fact that they were relevant to the exam and that he did not volunteer them being found to the invigilator which it contended he could have done if it really was an innocent mistake.
14. ACCA, in any event, submits that Exam Regulation 6(a) applies. It, accordingly, is to be assumed that Mr Oppong intended to use the unauthorised material to gain an unfair advantage in the exam. Furthermore, it is for Mr Oppong to prove that he did not intend to use the unauthorised material to gain an unfair advantage in the exam. ACCA submits that Mr Oppong has failed to discharge this burden upon him.
15. ACCA submitted that Mr Oppong's explanation in his SCRS 2B form that he forgot he placed the unauthorised material in his pocket before the exam and only recognised it was there when he placed his hand in his pocket to wipe his hands then placed it under his desk lacks credibility, and the more likely explanation is that he used, or intended to use, the notes to gain an unfair advantage in the exam.

Allegation 3

The conduct in Allegation 2 above was:

- a) Dishonest, in that Mr Oppong intended to gain an unfair advantage in the exam; or in the alternative
 - b) Such conduct demonstrates a failure to act with integrity.
16. ACCA submitted that Mr Oppong intended to gain an unfair advantage by using/ intending to use notes during his AFM exam.

17. Mr Oppong claimed that he had brought such notes into the exam by mistake and had forgotten he placed it in his pocket before the exam and only recognised it was there when he placed his hand in his pocket to wipe his hands then placed it under his desk lacks credibility. ACCA submitted that Mr Oppong's explanation was not credible as he was aware that the exam regulations did not allow use/possession of unauthorised materials during the exam and that such amounted to cheating. The more likely explanation was that he was trying to use these notes to assist him in his exam and provide him with an unfair advantage. ACCA contended that cheating in an exam is dishonest by the standards of ordinary decent people.
18. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Mr Oppong has acted without integrity.

Allegation 4

By reason of any or all of his conduct, Mr Oppong is:

- a) Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters in Allegation 1 to 3 above; or in the alternative
 - b) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1 above.
19. ACCA contended that the dishonest conduct of trying to cheat in a professional exam clearly reached the threshold for misconduct. There was an alternative liability to disciplinary action.

MR OPPONG'S SUBMISSIONS

20. Mr Oppong admitted Allegation 1 that he had unauthorised material in his possession in the exam contrary to Exam Regulation 4. However, he denied that he used or intended to use the material to gain an unfair advantage or that he was dishonest or lacking integrity as set out in the allegations.

21. In his response as set out in the Case Management Form Mr Oppong stated to Allegation 2:

“I respectfully and categorically deny this allegation against me. Throughout the entire examination, conducted under strict surveillance, I never reached into my pocket or use any unauthorised material. Having previously taken several examinations at IPMC- Shiashie ACCA Centre, I was fully aware that the examination would be taken in a small room of few candidates and heavy surveillance. Being fully aware of this, I understood it would be impossible to use any unauthorised material during the examination without immediate detection.”

22. Further in response to Allegation 3 – allegations of dishonesty or lack of integrity he stated:

“I respectfully and categorically do not admit to either of the allegations stated above. At no point during the examination did I use nor intend use any unauthorised material. My conduct in this regard demonstrates that I acted in honesty during the entire examination. At no point in the examination did I act in a way that does not reflect the standards of integrity of this organisation.”

23. Mr Oppong gave evidence to the Committee and maintained his denial of wrongdoing claiming that the possession of the notes was an innocent mistake in that the notes were his revision notes left in his pocket. The notes only came out by accident when he pulled his handkerchief out of his pocket after the exam had finished and when the invigilator was present.

DECISION ON ALLEGATIONS AND REASONS

24. The Committee accepted the advice of the Legal Adviser. The Committee reminded itself that the burden of proving the case was on ACCA and had regard to the observation of Collins J in *Lawrance v General Medical Council* on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the ‘balance of probabilities’. The

Committee reminded itself to exercise caution in relation to its reliance on documents. The Committee heard that there had been no previous findings against Mr Oppong and accepted that it was relevant to put his good character into the balance in his favour.

Allegation 1

On 07 March 2025, during an AFM examination ("the exam"), was in possession of unauthorised material namely written notes relevant to the exam ("the unauthorised material"), contrary to Exam Regulation 4.

25. This allegation was admitted by Mr Oppong and the Committee was satisfied that it was proved by virtue of his admission in accordance with CDR Regulation 12 (3).
26. The Committee was satisfied that the "notes" fell within the definition of "Unauthorised Material" under Exam Regulation 4.
27. The Committee further accepted that this was material relevant to the syllabus being examined. It noted that Mr Oppong accepted this. The Committee was satisfied on this evidence that this material was relevant to the syllabus.

Allegation 2

Used, or intended to use, the unauthorised material to gain an unfair advantage in the exam.

28. The Committee noted the SRCB 1 form completed by the Invigilator on the day of the exam. It considered that their entries on the form were more likely than not to have been made contemporaneously and to have been an accurate record of what they saw and heard. The committee considered it significant that they specifically referred to going to Mr Oppong at the end of the test to collect the scrap paper when they saw him place his hand under the desk to pick up his handkerchief. They stated that they saw the unauthorised material "*when he picked up his handkerchief*". The Invigilator

also referred to the notes as being *“found hidden under his desk covered with his handkerchief.”*

29. The Committee rejected any assertion from Mr Oppong that he did not intend to gain an unfair advantage. He confirmed that he knew the Regulations and knew that he should not have the notes with him. It was satisfied that the notes were secreted firstly in his pocket and then under his handkerchief under the desk. They contained information relevant to the exam. The Committee noted his explanation that it was only when the Invigilator approached him and had collected his scrap paper that he pulled out his handkerchief to wipe his “sweaty palms” and accidentally pulled out at the same time the folded A4 sheet that fell to the floor. He then picked this up with his handkerchief. The Committee noted that he had given a similar explanation relating to the A4 sheet falling from his pocket at the time to the Invigilator who recorded it in their report. However, the Committee did not accept the timing of these events as given by Mr Oppong in his oral evidence today. It was not satisfied that the Invigilator was present at the time the notes and handkerchief had apparently fallen from Mr Oppong’s pocket as he described. In reconciling the conflicting evidence, the Committee preferred the written account taken contemporaneously by the invigilator. In the circumstances it considered that Mr Oppong’s explanation to be implausible. There was no mention of the Invigilator seeing the notes come from his pocket when he pulled his handkerchief out. They had specifically stated that the notes were hidden under the desk covered with the handkerchief. In the Committee’s judgment the recorded observations of the Invigilator were more likely than not to be accurate. It concluded that the notes were already under the desk and hidden by the handkerchief when the Invigilator approached Mr Oppong. The Committee was not satisfied that Mr Oppong had rebutted the assumption under Exam Regulation 6 that he had intended to gain an unfair advantage. The Committee also considered that the very nature of the notes themselves was indicative of them being a crib/cheat sheet. The Committee considered that the most likely explanation for his possession of the notes was to cheat in the exam – or intend to use the unauthorised material to gain an unfair advantage. Accordingly, the Committee was satisfied that Allegation 2 was proved.

Allegation 3

The conduct in Allegation 2 above was:

- a) Dishonest, in that Mr Oppong intended to gain an unfair advantage in the exam; or in the alternative
- b) Such conduct demonstrates a failure to act with integrity.

30. The Committee first asked itself whether Mr Oppong's conduct was dishonest in that he had sought to obtain an unfair advantage in the exam by having the unauthorised material with him. The Committee asked itself what Mr Oppong's belief was as to the facts - what was his state of mind as to the facts at the time. The Committee was satisfied, given its findings of fact, that Mr Oppong's state of mind was that he had taken the notes with him to assist with the exam questions. It was satisfied that he knew he was setting himself up in a position to cheat. It was a deliberate, planned act with the intention of gaining an unfair advantage in the exam. It was satisfied that Mr Oppong's belief at the time was dishonest according to the standards of ordinary decent people. Accordingly, it was satisfied that Allegation 3(a) was proved and did not consider the alternative of Allegation 3(b).

Allegation 4

By reason of any or all of his conduct, Mr Oppong is:

- a) Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters in Allegation 1 to 3 above; or in the alternative
- b) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1 above.

31. The Committee next asked itself whether, having been dishonest, Mr Oppong was guilty of misconduct.

32. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Mr Oppong's actions brought discredit on him, the Association and the accountancy profession. It was satisfied that cheating in a professional exam was deplorable conduct and reached the threshold of seriousness for misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. His conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.
33. In light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 4(a) was proved and did not consider the alternative of Allegation 4(b).

SANCTIONS AND REASONS

34. The Committee noted its powers on sanction were those set out in Regulation 13(4). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.
35. The Committee considered that the conduct in this case was very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any accountant.
36. The Committee identified the following mitigating factors:
- Mr Oppong was of good character with no previous disciplinary record
 - The conduct was an isolated incident
 - He has co-operated with the investigation
37. The Committee identified the following aggravating factors:
- The conduct was for personal gain

- There was an attempt to cover up the misconduct
 - This was pre-planned deliberate misconduct
 - Potential damage to the examination system
 - Potential to undermine the reputation of the profession
38. Given the Committee's view of the seriousness of Mr Oppong's conduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the Guidance were not present as the conduct was intentional and could have caused harm. While he had apologised on the basis that it was a mistake, there was inadequate evidence of insight. The Committee was satisfied that in the circumstances a Severe Reprimand was not a sufficient and proportionate sanction given the seriousness of the conduct. The Committee had regard to Section E3 of the Guidance on Dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the Guidance for removal of Mr Oppong and was satisfied that his conduct was fundamentally incompatible with remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public.

COSTS AND REASONS

39. ACCA claimed costs of £6,773 and provided a Schedule of costs. The Committee had regard to ACCA's guidance on costs and the submissions of both parties on costs. It noted Mr Oppong was a student until recently and has provided a statement of means supported by a bank statement. The Committee decided that it was appropriate to award costs in this case, and considered the costs claimed to be reasonably incurred. The Committee considered it appropriate to reduce the costs given Mr Oppong's restricted means. It concluded that the proportionate and appropriate amount of costs was £750.00. Accordingly, it ordered that Mr Oppong pay ACCA's costs in the amount of £750.00.

EFFECTIVE DATE OF ORDER

40. Given that Mr Oppong was a student member working in IT and not in an accountancy role, the Committee was not satisfied that it was in the public interest to make an immediate order. This order shall take effect from the date of the expiry of the appeal period unless notice of appeal is given prior to the expiry of that period, in which case it shall become effective (if at all) as described in the Appeal Regulations.

Ms Valerie Paterson
Chair
16 October 2025