

## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Mr Sahil

**Heard on:** Friday, 24 October 2025

**Location:** Remotely via Microsoft Teams

**Committee:** Mr Tom Hayhoe (Chair)  
Ms Beth Picton (Accountant)  
Ms Alison Sanson (Lay)

**Legal Adviser:** Ms Giovanna Palmiero

**Persons present  
and capacity:** Ms Michelle Terry (ACCA Case Presenter)  
Ms Anna Packowska (Hearings Officer)

**Summary** Removed from the student register

**Costs:** £500.00

#### INTRODUCTION

1. The Disciplinary Committee ("the Committee") convened to hear allegations of misconduct against Mr Sahil.

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

2. Ms Michelle Terry (Ms Terry) presented the case on behalf of ACCA.
3. Mr Sahil did attend and was represented by Mr Sahil's father, Mr. Anil Kumar Bagga (Mr Bagga). Mr Sahil's brother was also present.
4. An Interpreter, Miss Bhalla, was present to assist Mr Sahil.
5. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
6. In accordance with Regulation 11(1)(a) of the Chartered Certified Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
7. The hearing was conducted remotely via Microsoft Teams.
8. The Committee was provided with, and considered in advance the following documents:
  - (i) A main DC report bundle with pages numbered 1-180.
  - (ii) A tabled additional bundle with pages numbered 1- 2.
  - (iii) A tabled additional bundle (1) with pages numbered 1-5.
  - (iv) Mr Sahil's Exam Transcript with pages numbered 1-4.
  - (v) Service & Correspondence bundle with pages numbered 1-18.
  - (vi) Examination video SJW 2hr 18min 4 seconds.
  - (vii) Video of the room.

## **PRELIMINARY ISSUES**

### **RESPONDENT ADDUCING EVIDENCE NOT PREVIOUSLY SERVED**

9. Mr Bagga on behalf of his son, Mr Sahil, requested that his other son be allowed to give evidence before the Committee. No account from this witness has been served upon ACCA.

10. Mr Bagga confirmed that this evidence will not provide any additional substantial evidence to the correspondence already served, but only to clarify what has already been said on the documents before the Committee.
11. Under Regulation 10(4) all evidence to be adduced before the hearing should be served no later than 21 days of the hearing date. Under Regulation 10 (4) (c) there is a discretion to adduce additional evidence which has not been served within 21 days, only if there are exceptional circumstances, taking into account any prejudice to ACCA and the overall interests of justice.
12. Mr Bagga withdrew the application on admitting that there were no exceptional circumstances for his other son to give evidence.

#### **APPLICATION TO AMMEND ALLEGATIONS**

13. Ms Terry applied to amend the Allegation 1, 1(a) and 2(b). The requested insertions and amendments which appear in bold. She submitted that the amendment to the Allegations were made in order to clarify and correct dates.
14. The Committee confirmed they listened carefully to the submissions made by Ms Terry, and also considered legal advice, which it had accepted.
15. The Committee considered that Mr Sahil would not be prejudiced by the minor amendments, and they do not alter the allegations materially and are merely to correct inadequate drafting.
16. The Committee noted that Mr Sahil had been provided with advance notice of the proposed amendments and offered the opportunity to respond. This opportunity was not taken.
17. The Committee was of the view that public protection requires that the Allegations reflect the legal regime and the gravamen of the wrongdoing and that the amendments did not change the nature or gravamen of the allegations and did not prejudice Mr Sahil. No objections to the amendments had been

made by Mr Sahil. The Committee considered that it was appropriate to permit the amendments as set out below.

### **AMMENDED ALLEGATIONS**

18. Mr Sahil an ACCA student:

1. On ~~7~~**9** September 2021, during a remotely invigilated Financial Reporting exam session.

(a) Had within arm's reach a mobile telephone contrary to the exam guidelines **and accordingly in breach of Exam Regulation 2. DENIED**

(b) Caused or permitted a third party or parties to be present with him in the same room where he sat the exam during the exam session contrary to Examination Regulation 20. **ADMITTED-FOUND PROVED**

(c) Spoke out loud and or communicated or attempted to communicate with the third party or third parties during the exam session referred to in allegation 1 above contrary to Examination Regulation 16. **DENIED**

(d) Communicated with the third party or third parties during the exam session with a view to them assisting him in answering questions in the exam in breach of Exam Regulation 10. **DENIED**

(e) Was dishonest by reason of the matters referred to in allegation 1 (d) above in that Mr Sahil was seeking to obtain an unfair advantage in the exam. **DENIED**

2. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Mr Sahil failed to co-operate with the investigation of this complaint, in that he did not respond to any or all of ACCA's correspondence sent on:

- (a) 15 July 2022;
- (b) 42 11 August 2022;
- (c) 2 September 2022;
- (d) 14 September 2022;

### **ADMITTED-FOUND PROVED**

3. By reason of his conduct, Mr Sahil is:

- a) Guilty of misconduct pursuant to bye-law 8(a)(i) or in the alternative,
- b) Liable to disciplinary action pursuant to bye-law 8(a)(iii) save in respect of allegation 1 (e).

### **BRIEF BACKGROUND**

- 19. On 11 February 2021, ACCA registered Mr Sahil as a student. As such, he is bound by the Association's Bye-laws and Regulations, including the Examination Regulations and Examination Guidelines.
- 20. On 9 September 2021, Mr Sahil was attempting to sit his Financial Reporting examination. As part of the exams booking process, and immediately before the commencement of the exam, Mr Sahil would have agreed to ACCA's terms and conditions on sitting exams remotely. This would have included the Information Sheet for On-demand CBE Students sitting exams at home (the Student Information Sheet) which contains the Examination Regulations and Guidelines and CBE announcements.
- 21. During the exam, the Proctor (online invigilator) noted a number of concerning behaviours which after Mr Sahil's exam ended, were reported to ACCA.
- 22. An investigation was commenced. Mr Sahil has not provided any response to the correspondence sent to him during the course of the investigation. All emails were sent to Mr Sahil at an email address he registered with ACCA. This email address has not changed throughout the course of the investigation.

None of the emails have been returned or bounced back into ACCA's case management system.

23. On 25 January 2022, ACCA's CBE Delivery Team sent an email to Mr Sahil at his registered email address. They informed him of the Proctor's incident report, that his conduct may have breached ACCA's examination regulations and/or guidelines and explained that as a result the matter would be referred to ACCA's Professional Conduct Department.
24. On 15 July 2022, ACCA sent a letter by email, to Mr Sahil's registered email address, setting out the allegations and evidence before ACCA and asking him a series of questions, for ACCA to investigate the complaint.
25. The video footage of the exam was sent to Mr Sahil's registered email address on 15 July 2022. He did not acknowledge receipt of the email, letter, and video footage. As ACCA had not received a response from Mr Sahil to their letters of 25 January 2022 and/or 15 July 2022, ACCA wrote a password protected email and an email which was not password protected to Mr Sahil, on 11 August 2022. In this email, ACCA requested that Mr Sahil provide his response to the allegations raised against him and the questions asked of him and he was referred to ACCA's Complaints and Disciplinary Regulation 3(1) which states that he (as an ACCA student) is required to co-operate with this investigation and that a failure or partial failure to do so, may render him liable to disciplinary action.
26. ACCA also attempted to contact Mr Sahil, on 11 August 2022, using the telephone number ACCA held on its database for him. Unfortunately, the phone call did not connect and there was no facility to leave a message.
27. Mr Sahil sent an email to ACCA on 12 August 2022 stating, "this file is not opened using the password sent by you".
28. ACCA wrote to Mr Sahil on 12 August 2022, enclosing a further copy of ACCA's letter dated 15 July 2022 as well as a link to the video footage.

29. Mr Sahil did not provide a response to ACCA's email of 12 August 2022. ACCA therefore wrote to Mr Sahil again, by email on 2 September 2022, again asking him to respond to the questions set out in ACCA's letter to him dated 15 July 2022 and advising him that as a consequence of his failure to co-operate with the investigation, an allegation under Complaints and Disciplinary Regulation 3(1) would be raised against him if ACCA did not receive a satisfactory response from him.
30. Mr Sahil did not provide a response to ACCA. ACCA wrote to Mr Sahil by email again, on 14 September 2022, asking him to respond to all the previous emails and letters to him. ACCA also attempted to contact Mr Sahil using the telephone number ACCA held on its database for him on 14 September 2022. Unfortunately, the phone call did not connect and there was no facility to leave a message. ACCA again wrote to Mr Sahil on 26 September 2022 enclosing a copy of the translated transcription of the video footage of his FR examination of 9 September 2021 and asking for his comments on their contents. ACCA did not receive any response from Mr Sahil to this. Since 25 January 2022, ACCA has sent numerous emails requesting that Mr Sahil provide a substantive response to the allegations and questions asked of him.
31. Mr Sahil initially did not provide a response to the allegations and failed to provide a substantive response to ACCA's enquiries.
32. As part of the investigation, documents including a translation and video footage relating to Mr Sahil's exam on 9 September 2021 have been obtained. A review of the video footage and translation from the exam has revealed Mr Sahil was in possession of his mobile phone which was within arm's reach of him and allowed third parties to enter and remain in the testing area and spoke to these third parties, on a number of occasions, during the exam. Mr Sahil has failed to provide a full response to the allegations and the questions put to him in this investigation.
33. Mr Sahil did not provide a response to ACCA. ACCA wrote to Mr Sahil by email again, on 14 September 2022, asking him to respond to all the previous emails

and letters to him. ACCA also attempted to contact Mr Sahil using the telephone number ACCA held on its database for him on 14 September 2022.

34. Unfortunately, the phone call did not connect and there was no facility to leave a message. ACCA again wrote to Mr Sahil on 26 September 2023, enclosing a copy of the translated transcription of the video footage of his FR examination of 9 September 2021 and asking for his comments on their contents. ACCA did not receive any response from Mr Sahil to this.
35. Since 25 January 2022, ACCA has sent numerous emails requesting that Mr Sahil provide a substantive response to the allegations and questions asked of him. Mr Sahil did not provide a response and as he failed to provide a substantive response to ACCA's enquiries, has heightened ACCA's concerns, in this matter.
36. The key incidents identified from reviewing the video footage and translation of Mr Sahil's exam are set out in the chronology below:
  - Before Mr Sahil started answering questions in his exam the Proctor at 06:31:52 stated, "Everything is in order and I will now release your exam. We may need to contact you on your phone during the exam if there are technical difficulties. Please leave your phone switched on and out of arms reach directly behind you. Ensure your phone is set to silent. Please note you must remain for the full duration of your scheduled exam time. If you complete your exam early you are required to remain under invigilator supervision until the end time has been reached. Remember you are only allowed ONE 5-minute break during the exam. Good Luck!"
  - At 00:30:23 Mr Sahil turns his head sharply and looks towards his right. Between 00:30:33 – 00:30:50 there is the sound of a third-party speaking indistinctly and Mr Sahil appears to nod his head very slightly (page 97).
  - Between 00:33:00 – 00:34:00 and 00:38:00-00:39:00 Mr Sahil was speaking out loud indistinctly.



- At 00:39:30 Mr Sahil moves his laptop screen upwards.
- Between 00:49:00- 00:50:50 there is indistinct talking and someone other than Mr Sahil coughs and then Mr Sahil appears to be speaking to himself, stating, "Text is in D...this is optic also...tell me right away if this is correct or not? You should check this." Third party (UM2) says "what brother.." and Mr Sahil says, "And see if the evaluations and procedures are through, take thousand take through that...ask him again. The evaluations are 85 days trip that pass such ply...I think that this is partially correct".
- At 01:11:00 – 01:11:30 Mr Sahil looks down to his right, then sharply to his right and then looks up toward his right.
- Between 01:11:32 – 01:11:39 a third party says something like "Aunty" and Mr Sahil replies and moves his right hand in a waving motion toward the computer and then continues his exam. At 01:13:50 Mr Sahil looks to his right and a third party says something, but he looks back at his laptop.
- Between 1:16:49-1:17:00; 1:19:00-1:20:08; 1:27:00-1:29:00; 1:30:00-1:32:00 Mr Sahil speaks out loud.
- Between 1:27:00-1:29:00 Mr Sahil states, "Games law tax issue...yes, the date of one lakh issu the, TDS. The insurance agent actually then got,...okay,okay...200. This means, 50% of 40 Lakhs...then tax calculation will be 40% of 20 Lakhs...that would be 20 Lakhs out of this deduct ten thousand, Now I need to ask, 380...then the entry is...as per the valuations of Cred by then capital C if we even take the tax to be collected, then like I calculated earlier...".
- Between 1:30:00-1:32:00 a third party (UM3) states, "This is the problem. It is correct...there is one median that will go here...and, then this goes...,then we have tenth at the tenth place left over, and then we deduct "(page 98).
- Between 2:04:00-2:04:40, a third party (UM2) states "solve the problems by keeping the answer script on the desk", Another third party (UM3) says, "Just solve it by placing it on the desk". Third party (UM2) stated, "Just solve it by placing it on the desk. Did you send this problem to someone?" Third party

(UM3) then stated, "Yes I had sent it to Meenakshi as well. I received her reply." Third party (UM2) further stated, "Okay, you got her reply...Has he decreased his volume? Just keep a vigil on him, later we might know that he just went away..."

- Between 2:04:08-2:04:34 Mr Sahil looks to his right, nods his head, a third party speaks, he replies, he looks annoyed and then looks at his laptop.
- Between 2:05:30-2:05:40, third party (UM3) states, "Only 45 minutes are left we have to work fast."
- Between 2:17:24-2:17:26 Mr Sahil turns to his right-hand side, a third party (UM3) speaks saying, "Yes, just catch this...let's do it. Let's deduct."
- Between 2:17:39-2:17:47 Mr Sahil turns to his right-hand side, a third party (UM3) speaks, saying "16 from 3.16 then deduct 16 and 4.44", then third party (UM2) says, "That is equal to 32 thousand two hundred two...", UM3. replies "Yes, I know. I can calculate at least that much easily." UM2 states "Just look at the difference..." UM3 then states, "I cannot see that..aaha" and UM3 states, "What?".
- At 2:18:31 the proctor contacts Mr Sahil and Mr Sahil speaks to the proctor.
- The Proctor attempts to contact Mr Sahil - 09:27:15 OnVUE Support: Please answer your mobile phone.
- Between 2:19:51-2:20:13 Mr Sahil answers his mobile phone which he picks up from just in front of him. He says "hello. There are some queer voices coming in the phone" then puts it down in front of him.
- Between 2:21:40-2:23:26 Mr Sahil undertakes 3 room pans.
- Between 2:30:43-2:31:00 Mr Sahil turns directly to his right, nods slightly, mumbles, a third party (UM3) is heard, stating "what is happening?", UM2 states, "Is it done ?", UM3 states, "Nope" and UM2 states "what is he doing ?", UM3 states, "what ?".

- Between 2:36:20-2:36:56, a third party (UM2) states "How many are left?", UM3 states "There are two questions left.", UM2 states "are they done ?" whilst UM3 states "Yeah, we are calculating the answer of the first one as of now..". UM2 then says, "what ?". UM3 states, "Yeah we are calculating the answer of the first one as of now. I have just messaged him. It would be good for us if he send it as fast as only 15 minutes are left." UM2 then says, "Tell him" and UM3 says "what ? it would be good for us if he sends it fast."
- Between 2:46:10-2:47:31 Mr Sahil says "means 25% of 1 lakh, that is 25,000 and then 40%.", UM2 then says "Have you understood this..." and UM3 says "which question is he doing ?" and UM2 then says, "50% of 90,000..." and UM3 says "less ten thousand... ten then the remaining balance is thirty five..then we deduct twenty thousand and then the remaining balance is fifteen...then twenty five..."
- Between 2:51:20-2:53:30, Mr Sahil speaks, looks to his right, a third party (UM2) says "it's done...", UM3 says "log out", UM2 says "it has been satisfactorily from your end.", UM3 says, "There is no reaction from his end. It's done. And UM2 says, "chotte", UM3 states, "Go there", then UM2 states, "The elder one Pankaj was also there, I had told you that there will be a deduction anyways. They are going to deduct some marks for this anyways. They will deduct two or four mars for it. But if they give me two marks for the c question then I would be able to pass the exam easily. Because Pankaj and Minakshi have told me about my scores."
- UM2 states "I had sent you the photograph of the two questions of the two questions." UM3 can say "Can you hear me ??" and UM2 then says "We needed the answers to the two questions, but madam gave us the answer to only one question. So, lets move on its done. Only 23 seconds are left,"

"Its done. Pankaj also told us the answers and he was sitting throughout the duration of the assessment." UM3 states, "Okay, come on lets finish it. Can you join in for the next session?"

UM2 then states "Sorry, I cannot do this again, brother. I do not know about it. I will give the assessment for him for the one that is happening in the month of December. Okay, Lets move on, its done for as of now."

## **ACCA SUBMISSIONS**

37. ACCA submitted that the allegations referred to above are capable of proof by reference to the evidence in the video footage and documents, including translation, in the bundle attached to this report.
38. ACCA submitted that if any, or all, of the facts set out in the allegations are found to be proved, Mr Sahil has acted in a manner which brings discredit to him and the accountancy profession and his conduct amounts to misconduct pursuant to bye-law 8(a)(i).
39. In respect of the breach of exam regulations 10, 16 and 20, it is submitted that Mr Sahil, permitting the presence of and communicating with third parties during his Financial Reporting exam was conduct designed to assist him in his exam attempt.
40. ACCA submits that if it is accepted that exam regulations 10,16 and 20 have been breached by virtue of the facts and submissions stated above, then bye-law 8(a)(iii) is automatically engaged in respect of the allegations.
41. Mr Sahil had not responded to almost all of ACCA's correspondence and had not provided any response to the allegations and the questions asked of him throughout the course of the investigation. ACCA submits that in failing to respond to the requests of ACCA, Mr Sahil has breached Complaints & Disciplinary Regulation 3(1).
42. Mr Sahil is under a duty to co-operate, and respond, to ACCA's investigation correspondence, in which he was asked for a response to allegations raised against him.

43. The failure is particularly egregious because as noted above, Mr Sahil had not satisfactorily explained why he had a mobile phone within arm's reach, during his exam, despite having been advised by the Proctor and in the Exam Regulations and Exam Guidelines that mobiles phones must be out of arm's reach and why it appears he allowed third parties to enter the testing area to speak with and assist him. Mr Sahil's failure to co-operate, made it more difficult for ACCA to fully investigate this serious matter. Mr Sahil's conduct during the exam appears to have been deliberate and intentional. This requirement to co-operate with one's regulator must be complied with to ensure there is no opportunity for a student sitting an exam to gain an unfair advantage in the exam. Mr Sahil's failure to cooperate with ACCA is therefore a matter of misconduct.

### **Dishonesty**

44. ACCA submits that the conduct set out at allegation 1 amounts to dishonesty because Mr Sahil: permitted and communicated with third parties to assist him with his exam attempt.
45. Ivey v Genting Casinos (UK) Ltd t/a Crockfords<sup>1</sup> provided the following guidance on the issue of dishonesty.

*'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'*

46. It is submitted that permitting and communicating with third parties to assist him with his exam attempt would be regarded as dishonest by the standards of ordinary decent people and that Mr Sahil must have clearly realized that his conduct in permitting and communicating with third parties to assist him with his exam is dishonest. Consequently, it is submitted that Mr Sahil's conduct was clearly dishonest.

### **Misconduct**

47. Bye-law 8(a)(i), 8(c) and 8(d) refer to (and partially define) misconduct. In order for Mr Sahil's conduct to amount to a breach of bye-law 8(a)(i) it must amount to misconduct.
48. Bye-law 8(c) states that "for the purpose 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."
49. Bye-law 8(d) provides that when assessing the conduct in question, regard may be had to the following:
- a) 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;
  - b) Whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question; and
  - (c) 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.
50. The case of *Roylance v General Medical Council* [2001] 1 AC 311 says: *'the meaning of this term is of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of*

*propriety in any given case may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances.”*

51. It is submitted that permitting and communicating with third parties to assist him with his exam attempt, is behaviour which amounts to misconduct under by-law 8(a)(i).
52. ACCA submits that the facts that underly the allegations, if proved, amount to misconduct, both individually and when considered in their totality, in that the conduct alleged brings discredit to Mr Sahil and/or ACCA and/or the accountancy profession.
53. ACCA submits that in failing to respond to ACCA's requests, Mr Sahil has breached Regulation 3(1) of the Complaints and Disciplinary Regulations. Mr Sahil is under a duty to co-operate, and therefore respond, to ACCA's investigation, in which he was asked for a response to allegations raised against him.
54. Failure to co-operate fully with one's professional body is a serious matter, demonstrating a lack of professional responsibility and a disregard for ACCA's regulatory process. A failure to adequately respond to questions asked by ACCA during an investigation into one's conduct prevented ACCA from fully investigating and, if necessary, taking action upon, what might be a serious matter.
55. Every ACCA student has an obligation to co-operate fully with their professional body, and to engage with it when any complaints are raised against the individual. Such co-operation is fundamental to a regulator being able to discharge its obligations of ensuring protection of the public and upholding the reputation of the profession.
56. Failure to co-operate fully with ACCA is serious, undermining its opportunity to regulate the profession properly. Failure to co-operate, if allowed to go unchecked would undermine public confidence in the profession, and ACCA

needs to take action in the public interest to uphold proper standards of conduct and behaviour.

57. Misconduct is a matter for the Disciplinary Committee's professional judgment. However, given that the context here is professional examinations, ACCA submits that misconduct is made out, if the committee finds any or all of the facts relied upon proved.
58. It is submitted that Mr Sahil had his mobile phone within arm's reach during his exam and caused or permitted third parties to be present with him in the same room where he sat the exam and communicated with the third parties during his exam. Mr Sahil has breached Exam Regulations 2, 10, 16 and 20 and as such, is liable to disciplinary action under bye-law 8(a)(iii).

#### **MR SAHIL'S RESPONSE**

59. The proceedings were initially listed for a Disciplinary Hearing on the 17 July 2024. Mr Sahil attended the hearing and stated he intended to deny the allegations. The proceedings were adjourned. In adjourning the proceedings, the Committee ordered a number of directions:
- Mr Sahil is directed to respond to the questions drafted by ACCA in the letter dated the 15 July 2022 and return it to ACCA within 21 days.
  - Mr Sahil is required to complete the Case Management Form and return it to ACCA within 21 days.
60. Mr Sahil forwarded to ACCA a Case Management Form (CMF) dated 6 August 2024, received on the 7 August, which states:

*"Sir/Madam,*

- 1. My elder real brother initially setup the separate room for my exam which was silent, free from noise & complied with ACCA exam guidelines but internet network was slow there & I faced trouble giving exam there, also*



system got broke down, as it can be seen from my chat with the proctor. In A panic (loosing exam fee in case of cancellation of exam , as it is big amount for me) I had to shift to the hall of my home as I was not having another room and my elder real brother was not present at that moment. We are 10 members of family living in one small house, privacy is difficult, also in September 2021 we were having Covid-19 our country, therefore all the family members were at home. Room is big & connects to two doors via a passage divided only by the curtain (It is shown in the attached video for your better understanding), this makes it a passage/alleyway and the only way to pass from one side to another. My family members did not know that I shifted to the hall however they did not pay any attention to the online exam because none of them has ever given any online exam (remote based). It is because of the improper behaviour of my family members I am suffering now. However for this improper action I along with my family members seek apology from ACCA. All I can admit that it was the inappropriate action that had happened three years ago during the exam but it happened out of ignorance/innocence of my family members and it was not done with the intention of cheating. Also I was just 18 teen years old that time and every family member was taking care of me for successful conductance this online exam ( being me a teenager).

2. Regarding no response to any or all of ACCA's correspondence sent on:

15 July 2022;

12 August 2022;

2 September 2022;

14 September 2022;

The internet was in access of my father , he understand that I have been already punished by ACCA as the result of this exam in Sept 7 2021 was not declared (issued by ACCA). And I have appeared in the next exam of the FR and got cleared . My father is not very friendly with internet and protocols of ACCA . He could not understated these mail and could not reply.”

- 15 Mr Sahil was further requested to answer a number of questions from the ACCA on the facts and Mr Sahil responded on 20 August 2024:

*"Our response to your questions as follows:*

*Answers:*

- a). It was proctor who called on my mobile phone. As earlier the software from your end crashed & I shifted the room. So proctor was calling again to check the 360 degree view of the room.*
- b). It was proctor who called me to show the 360 degree view.*
- c). As I was giving exam in other room before & software got crashed. So in panic (loosing exam fee in case of cancellation of exam , as it is big amount for me) I shifted to other room. In Panic I kept the phone in a appreciable distance( it may not be at arms distance ) . Proctor was calling again to check the surrounding of new room I shifted to.*
- d). As I shifted the room in Panic initially I kept the mobile phone at a appreciable distance ( it may not be at arms distance ) but after having the call with proctor I kept the mobile at my vicinity as I was expecting his call again because when he first called I could not hear his voice properly as it can be seen in the video when I was doing "hello, hello, your voice is not coming".*
- e). I was thinking after reading the question. I am in a habit to think after reading question. Also calculator was kept at right side so, sometimes I was doing certain calculations.*
- f). No I did not use mobile phone at any other time. g). In panic ( loosing exam fees in case of cancellation of exam as I it is a big amount for me) I kept the mobile phone at appreciable distance( it may not be at arms distance ) before beginning the exam. He just asked me weather the mobile is out of arms reach I*

*Answers to above questions:*

*a). I was talking to myself mumbling question & thinking as I have habit to mumble when working on a problem and it was not done with the intention of doing cheating.*

*The sequence is explained below:*

- 00:03:00-00:04:00 :- I was talking to myself mumbling question to my inner self.*
- 00:16:03-00:16:10 :- As I was marking the question the screen got hanged for a moment and I uttered “ kya ho gaya” meaning “what happened?”.*
- 00:17:04-00:17:20 :- Again the screen got hanged for a moment & I uttered the same words as previous as I got panicked.*
- 00:33:00-00:34:00 :- Here also I was mumbling & talking to my own inner self as I try to solve the question.*
- 00:38:00-00:39:00 :- Same as above mumbling to my own self.*
- 00:49:00-00:49:20 :- It was the noise of my family members who were chit chatting in the adjacent room. Unaware of my exam going in the adjacent hall.*
- 00:49:20-00:50:50 :- Here also I was mumbling to my inner self as I try to solve the question using the calculator doing the required calculations.*
- 00:56:28-00:57:50 :- Here also I was mumbling to my inner self as I try to solve the question using the calculator doing the required calculations.*
- 00:59:50-01:00:00 :- Here also I was mumbling as I became so engrossed in solving the question I start to mumble to my inner self.*
- 01:15:40-01:16:00 :- Here also I mumble to my inner self as I try to solve the question & look at calculator.*
- 01:16:49-01:17:00 :- Here again I mumble to my inner self.*
- 01:19:00-01:20:08 :- Here again I mumble to my self thinking of the concepts as I try to solve the questions.*
- 01:27:00-01:29:00 :- Here also I mumble as I solve the question & become so engrossed in solving it.*

- 01:30:00-01:32:00 :- Here also I mumble to my inner self as I try to solve the question thinking of the concepts & doing the required calculations.
- 02:05:30-02:05:40 :- Here I mumble to my self “45 minutes reh gaye hai jaldi karo” meaning “only 45 minutes are left I should hurry up”.
- 02:36:20-02:36:56 :- Here my elder brother asks me from outside the room(he does not enter the room) “how much exam is left & I answer him still two questions are left & I am trying to solve. One question answer is about to come & only 15 minutes are left”.
- 02:46:10-02:47:31 :- Here I mumble to my inner self as I try to solve the question.

*Note: - On 02:36:20-02:36:56:- My elder brother is just asking me how much exam is left from outside the room & I respond to him this happened purely under the innocence, without any intention of cheating or malpractice. I should not have done that.*

- a) All the sequence is explained above.
- b) I was mumbling in Hindi/English. Mix of both as I mumble to my inner self.
- c) On all the above explained occasions I was mumbling to my inner self only except on point 02:36:20-02:36:56 that is explained above.
- d) 00:30:33-00:30:50. As I stated above initially I was giving exam in other room but due to network/technical reasons the software got crashed & I had to seek help from proctor. After that in panic I shifted to the hall/ bigger room of my home & with the permission of the proctor & to his satisfaction I restarted the exam. My cousin brother enters the hall from other side & asks me “now you are giving exam here, do they check your eye movement also” to which I just nod slightly & do not give any reply as I was focused on the exam & did not have any intention of cheating. As it can be verified from the video.
- e) It was my cousin brother who entered the hall from other side unknowingly.
- f) As I shifted to hall of my home for better internet network. The hall of my room is big in area divided by curtain. There are two doors making a sort of

*alleyway one has to pass from there to go to other side. He was passing from there only.*

- g) Explained in point “e” above.*
- h) Hindi was the language in use.*
- i) 00:39:30:- Screen flickered, I adjusted the screen to stop flickering.*
- j) 00:49:00-00:49:20:- Here it is the noise of my family members sitting & talking in adjacent room. They were talking among themselves. They might have coughed that time. They were not talking to me. They were not in testing area.*
- k) 01:11:00-01:11:39:- Here the sweeper(lady) of our home enters the hall unknown of the fact that the exam is going on & starts cleaning the area. I reply to her “Aunty yahan na karo” meaning “Aunty do not do here” & waves her to go. She was the lady sweeper who came to mop the floor.*
- l) She came mistakenly not knowing that I was giving exam as explained above.*
- m) Explained in point “l” above.*
- n) Language was Hindi. p). 01:13:50:- He was my younger cousin brother passing through the alleyway as described in point “g”. He was just passing through that area.*
- o) He was passing through the area.*
- p) He did not said any thing to me.*
- q) Could not understand but language must be hindi.*
- r) 02:04:08-02:05:30:- Here one of my elder cousin brother enters the hall trough back door behind the curtains to take the key of bike. I greets him. He asks me about my exam, how it is going. He sees me using calculator in hand & tells me to put it on the table & use it keeping on table. He asks me did I clear my doubts before the exams . I told him I sent these doubts to Meenakshi and received her reply yesterday . I get annoyed this time because all the members of family (cousin brothers) were coming & asking me during the exam & were disturbing me.*
- s) Came to take the key hanging in the hall.*
- t) Explained in point “s” above.*
- u) Language was Hindi*
- v) 02:17:24-02:17:47:- I was having viral/coughing that day. Seeing me coughing repeatedly she(my mom) comes in the hall to ask me if I need any*

*thing?. I smile & tell her "Bookh lag rahi hai" meaning "I am feeling hungry", I ask for water (paani dedo), handing me water she goes away. Then I focus on my exam & starts to mumble as I become engrossed in solving the question.*

- w) Hearing me coughing repeatedly my mother comes from the adjacent room to check me if I am alright & needed anything. Food/water.*
- x) Explained in point "x" above.*
- y) Language was Hindi.*
- z) 02:30:43-02:31:00:- Here one of my elder cousin comes from the same back door he asks me "what I am doing?, I replied to him I have exam. He asks me is it chemistry exam?, I ignore him & focus on my exam". He goes away to outer area.*

*aa) He was passing through the alleyway.*

*bb) Explained in point "aa" above.*

*cc) Language was Hindi.*

*dd) 02:36:20-02:36:56:- This is explained above in point "a" second last bulletin.*

*ee) My real elder brother. He was not in the room. He spoke from outside the room.*

*ff) Explained above.*

*gg) Language was hindi.*

*hh) 02:51:20-02:53:30:- Yes here I complete the exam & says "hogaya" meaning "it's completed". My mother came & we just start talking about the exam in general like how it went, how much questions I attempted. I tell her "kara to hai apni taraf se theek" meaning "I have attempted exam good from my end". We were discussing about this exam & upcoming exam of ACCA in general. Here she inquired weather you cleared your doubts before exams which I tell her that I discussed with Meenakshi & friend previous day before the exam.*

*Note: But this discussion I did after completing & submitting the exam. As I was unaware of the rule that I had to keep silent even till 5 minutes after submitting the exam.*

- ii) My mother came after I completed the exam.*
- ii) Explained in point “kk” above. It was the general discussion about the exam.*
- jj) Hindi was the language spoken.*
- kk) I did not read by myself but my real elder brother explained me those guidelines.*

*Acknowledgement:*

*Sir/Madam,*

*My elder real brother initially setup the separate room for my exam which was silent, free from noise & complied with ACCA exam guidelines but internet network was slow there & I faced trouble giving exam there, also system got broke down, as it can be seen from my chat with the proctor.*

*In A panic (loosing exam fee in case of cancellation of exam, as it is big amount for me) I had to shift to the hall of my home as I was not having another room and my elder real brother was not present at that moment. We are 10 members of family living in one small house, privacy is difficult, also in September 2021 we were having Covid-19 our country, therefore all the family members were at home.*

*Room is big & connects to two doors via a passage divided only by the curtain (It is shown in the attached video for your better understanding), this makes it a passage/alleyway and the only way to pass from one side to another.*

*My family members did not know that I shifted to the hall however they did not pay any attention to the online exam because none of them has ever given any online exam (remote based). It is because of the improper behaviour of my family members I am suffering now. However for this improper action I along with my family members seek apology from ACCA.*

*All I can admit that it was the inappropriate action that had happened three years ago during the exam but it happened out of ignorance/innocence of my family members and it was not done with the intention of cheating. Also I was just 18 teen years old that time and every family member was taking care of me for successful conductance this online exam ( being me a teenager).*

*Hope that I have answered all the questions and shall suitable in investigation*

*Thanks*

*Sahil”*

61. ACCA received a recording from Mr Sahil of the layout of the room used for the examination.
62. ACCA received a further CMF from Mr Sahil which simply repeated the above information.
63. Mr Bagga made submissions on behalf of Mr Sahil which reiterated the contents of the above correspondence.

#### **DECISION ON FACTS AND REASONS**

64. The Committee considered the evidence before it, which consisted of ACCA's bundle of evidence, the exam video, transcription of the exam video and the written representations, supplemented by Ms Terry orally and the written and oral submissions of Mr Baga and Mr Sahil. The Committee considered the legal advice from the Legal Adviser, which it accepted.
65. The Committee was aware that the burden of proving the facts was on ACCA. Mr Sahil did not have to prove anything, and the allegations could only be found proved if the Committee was satisfied on the balance of probabilities.
66. The Committee noted that Mr Sahil had admitted Allegations 1(b), and 2 and that these admissions could be used in determining the remaining Allegations.
67. The Committee were mindful of the fact that the main evidence in this case was the video footage of the exam undertaken by Mr Sahil, which the Committee confirmed they had watched prior to the hearing.

#### **Allegation 1 (a)**

68. The Committee had to determine if Mr Sahil had his mobile phone within arm's reach contrary to the Exam Regulations.



69. The Committee was mindful that the Exam Rules and Regulations were sent to Mr Sahil prior to the exam which made the rule on mobile phones clear and that at the beginning of the exam, the Proctor reminded Mr Sahil to keep his phone out of arm's reach.
70. Mr Sahil stated in his written submission that due to initial internet issues, that his phone was moved, and that it was at a distance but not outside of arm's reach, as required.
71. The Committee noted on the video of the exam, that Mr Sahil is seen to answer his phone, which he picks up from a position directly in front of him and therefore it must follow that Mr Sahil's phone was not at arm's length.
72. On the balance of probabilities, the Committee considered it more likely than not that Mr Sahil had breached the Exam Regulations by not having his phone out of arm's reach.

Allegation 1 (c).

73. The Committee noted that Mr Sahil admitted Allegation 1 (b) in that Mr Sahil caused or permitted a third party to be in the room contrary to Examination Regulation 20.
74. This allegation related to hearing Mr Sahil speaking to third parties during the exam contrary to Examination Regulation 16.
75. In Mr Sahil's correspondence he stated that he was mumbling and talking to himself.
76. Mr Sahil asserted, that the voices heard on the exam, in the CMF "*that 10 members of family living in one small house and that they would moving around the house and were speaking*", inferring that there was no conversation with others, and that the voices were present in the background, due to the location in his home where he was undertaking the remote exam.

77. However, Mr Sahil later in correspondence admits to speaking with others, particularly, the cleaning lady, his elder cousin and his mother.
78. The Committee determined that the video evidence clearly establishes, Mr Sahil speaking and the translated transcript supports that there were conversations with others.
79. In addition, the Committee noted that when the Proctor heard Mr Sahil speaking, he raises this with Mr Sahil twice during the exam. Mr Sahil confirms to the Proctor that he is sitting alone. The proctor then asked Mr Sahil to show his environment, which shows no persons present. The proctors remind Mr Sahil not to speak.
80. The Committee therefore found that Mr Sahil has accepted that, not only were other people present, but that he engaged in conversation with these people, which is reflected in the recording of the exam. The Committee found that on a balance of probabilities Allegation 1 (c) was proved.

Allegation 1(d)

81. The ACCA presented that this Allegation was on the basis that the voices heard speaking on the recording were assisting Mr Sahil with the exam being undertaken, contrary to Examination Regulation 10.
82. The Committee had already determined in Allegation 1 (c) that the evidence clearly establishes the presence of a number of other person's voices in the exam room, and that Mr Sahil was "speaking" with these unseen person/persons. It is the nature of the "conversations" which the Committee had to determine.
83. The Committee relied upon the translated transcript of the voices heard on the exam video.

84. Mr Sahil had submitted alternative explanations for the context of the “conversations” but had not submitted an alternative transcript or disputed that the ACCA transcript was in any way inaccurate.
85. The Committee found that the transcript showed that substantial parts of these “conversations” pertained directly to the exam being undertaken and that the conversations were trying to subvert the exam process and assist Mr Sahil in completing the exam.
86. Mr Sahil was not simply speaking out aloud to himself but was having direct discussions with others about the exam or requesting information.
87. The Committee determined that the explanation given by Mr Shail was not supported by the content of the transcript and that there were no discussions with female members or exchanging pleasantries with family members as he suggested. There could be no other interpretation of the transcript. The explanation given by Mr Sahil was therefore not credible.
88. Accordingly, the Committee was satisfied on the balance of probabilities that the permitted third parties who were present in the same room as Mr Sahil whilst he was taking the exam, were in some way trying to assist Mr Sahil.

#### **Allegation 1 (e) Dishonesty**

89. The Committee relied upon its findings of fact in Allegation 1 (d) in assisting with the determination of dishonesty.
90. The Committee noted that following the Supreme Court decision in *Ivey v Genting Casinos* [2017] UKSC 67 in applying the test for dishonesty the Committee first had to determine Mr Sahil’s actual knowledge or belief and then determine whether his acts or omission were, on the balance of probabilities, dishonest by the standards of ordinary decent people.
91. The Committee first had to ask itself on Mr Sahil’s subjective view of the acts admitted and found proved, whether he believed his actions were dishonest

and consider if Mr Sahil intended to gain an unfair exam advantage during her ACCA exam.

92. The Committee noted that the proctor twice asked Mr Sahil if someone was in the room with him. Mr Sahil denied there was anyone in the room and Mr Sahil failing to abide by the instruction to not speak out during the exam, the Committee determined Mr Sahil must have sought to deceive the proctor.
93. The Committee also had regard to the fact that Mr Sahil failed to abide by the Proctor's instruction to not speak out during the exam.
94. The Committee were also satisfied that the video evidence where other unseen parties could clearly be heard, discussing the context of the exam.
95. The Committee therefore found that Mr Sahil knew that his actions were dishonest.
96. Considering the findings of fact in respect of Allegation 1(d), the Committee had to determine whether Mr Sahil intended to gain an unfair advantage in his exam.
97. The Committee questioned what was meant by obtaining an "unfair advantage". It was clear that discussing the exam content with third parties, may well have placed a student in an advantageous position and assisted in passing the exam. The rationale for the rule not to speak during the exam process was clearly to stop this type of behaviour.
98. The Committee then went on to consider the objective part of the test, and would the facts amount to dishonesty by the *standards of ordinary decent people*. The Committee determined that on the standards of ordinary decent people that they would believe that Mr Sahil was acting dishonestly, by intending to gain an unfair advantage in his exam.

99. The Committee therefore found that ACCA had discharged its burden of proof in relation to this Allegation on the balance of probabilities, and the Committee found the Allegation of dishonesty proved.

### **Allegation 3 Misconduct**

100. In relation to Allegation 3 the Committee applied the test for misconduct, as per the case of *Roylance v General Medical Council* [2001] 1 AC 311, in which it was decided *'the meaning of [misconduct] is of general effect, involving some act or Omission which falls short of what would be proper in the circumstances. The standard of propriety in any given case may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances.'*
101. The Committee had found that Mr Sahil's behaviour had been dishonest. There was an element of premeditation and preparation in this case. The Committee was satisfied that he was guilty of misconduct. Such conduct was serious and fell far below the standards expected of an accountant and student member of ACCA. In the Committee's judgement, it brought discredit to Mr Sahil, the Association, and the accountancy profession.
102. The Committee also determined there was a failure to co-operate with the investigation with his regulator. In the Committee's judgement, this amounted to very serious professional misconduct.
103. Accordingly, the Committee determined Mr Sahil was guilty of serious professional misconduct, and accordingly, Allegation 3(a) was proved.
104. As Allegation 3(b) was in the alternative, there was no need for the Committee to make a finding in respect of it.

### **SANCTION AND REASON**

105. In reaching its decision on sanction, the Committee considered the oral submissions made by Ms Terry on behalf of ACCA and Mr Bagga on behalf of

Mr Sahil. Ms Terry made no submission as to the actual sanction but referred to the Guidance for Disciplinary Sanctions (GDS). Ms Terry reminded the Committee of the Overarching Objectives and a summary of the general principles including the assessment of seriousness. She confirmed that Mr Sahil had no other known previous disciplinary findings.

106. Mr Bagga on behalf of Mr Sahil did not put forward any mitigation for his actions, did not demonstrate any remorse or understanding of the implications of his conduct, or identify any exceptional circumstances.

107. The Committee noted its powers on sanction were those set out in Regulation 13(4) in relation to student members. It had regard to GDS 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.

108. The Committee considered that the conduct in this case was on the higher scale of seriousness due to the finding of dishonesty. The Committee had regard to the GDS. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour.

109. The Committee assessed the aggravating and mitigating features:

Aggravating features:

- This was an element of premeditation and planning.
- Mr Sahil has been found to have acted dishonestly.
- Undermined the integrity of the remote examination process.
- No full engagement with the regulatory investigation process.
- No insight or remorse demonstrated.
- No appreciation of the seriousness of his actions.

Mitigating features:

- There were no previous disciplinary findings against Mr Sahil.
  - Mr Sahil made admissions to two of the allegations.
  - No direct loss or impact on the public.
  - The incident was some time ago.
110. Given the Committee's view of the seriousness of Mr Sahil's conduct, it was satisfied that the sanctions of No Further Action, Admonishment and Reprimand were insufficient to highlight to the profession, and the public the gravity of the proven misconduct.
111. In considering a Severe Reprimand, the Committee noted that the majority of the factors listed in the guidance were not present and there was little evidence of genuine insight and no evidence of remorse. Mr Sahil did not reference any exceptional circumstance.
112. The Committee had regard to Section E2 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 Sahil from the student register and was satisfied that his conduct was fundamentally incompatible with remaining on the student register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public.
113. The Committee noted that the default period of exclusion is 12 months. The Committee decided not to extend this period, given the mechanisms in place at ACCA for readmission.

#### **EFFECTIVE DATE OF ORDER**

114. The Committee noted that ACCA have not made an application for an immediate order.
115. The Committee decided that there were no public interest factors which required the order to have immediate effect.

## **COSTS AND REASONS**

116. ACCA applied for costs in the sum of £10,684.50. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable.
117. Ms Terry reminded the Committee that the Cost Guidance stated that the normal starting position is that cost should be awarded if the allegations were found proved and any reduction as to costs must be supported by evidence of the student member.
118. Mr Sahil had provided a financial statement. There was a risk of causing Mr Sahil severe financial hardship if an award of costs in the full amount was made.
119. The Committee had in mind the principle that members against whom an allegation has been proven should pay the reasonable and proportionate cost of ACCA in bringing the case but also balance this with taking into account Mr Sahil's means.
120. Having carefully considered the evidence of Mr Sahil, ACCA's Cost Guidance and heard from the Legal Adviser, the Committee made an order for costs against Mr Sahil in the sum of £500.00.

**Mr Tom Hayhoe**  
**Chair**  
**24 October 2025**