Think Ahead ACCA

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mrs Onyinye Onwurah**
Heard on:	**28 October 2025**
Location:	**Remote link via Microsoft teams**
Committee:	**HH Suzan Matthews KC (Chair),** **Mr Ryan Moore (Accountant)** **Mr Colin Childs (Lay)**
Legal Adviser:	**Mr Alastair McFarlane**
Persons present and capacity:	**Mr Matthew Kerruish-Jones (Case presenter on behalf of ACCA)** **Miss Aimee Murphy (Hearings Officer)** **Ms Onyinye Onwurah (Student Member)**
Summary:	**Removal from the student register with immediate effect**
Costs:	**£2,500.00**

1. ACCA was represented by Mr Kerruish-Jones. Mrs Onwurah attended but was not represented. The Committee had before it a bundle of papers, numbered pages 1–78, a video recording of the exam, and a service bundle numbered pages 1–20.

AMMENDMENT

2. A typographical error in Allegation 2 was noted, which had referred to "allegation 2 above" when it should have read "allegation 1 above". Mr Kerruish-Jones applied to correct this and Mrs Onwurah did not object. The Committee made the amendment as it was a simple error that caused no prejudice to Mrs Onwurah.

ALLEGATIONS

Mrs Onyinye Onwurah (Mrs Onwurah) an ACCA student, in respect of her remotely invigilated Taxation (TX) exam held on 05 December 2023 (the exam):

1. Used an unauthorised item namely a mobile phone, contrary to exam regulation 5 (a).

2. Mrs Onwurah's conduct in respect of allegation 1 above was in addition:

    I. Dishonest, in that by using her mobile phone during the exam she intended to gain an advantage in the exam, or in the alternative.

    II. Demonstrates a failure to act with integrity.

3. By reason of the above, Mrs Onwurah is:

    I. Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of the conduct referred to above or, in the alternative,

    II. Liable to disciplinary action pursuant to bye-law 8(a)(iii) (in respect of allegation 1).

BACKGROUND

3. Mrs Onwurah became an ACCA student on 09 January 2023.

4. On 05 December 2023, Mrs Onwurah sat an ACCA remotely invigilated Taxation exam. The exam was revoked after she was observed by the exam proctor using her mobile phone in the reflection of her glasses.

5. The exam video, chat log and phone log from the exam were reviewed by the Investigations Officer. The exam video has a total run time of 1hr 29m 10 seconds. The Investigations Officer observed that at multiple times during the exam the video recording showed Mrs Onwurah looking downwards and using her mobile phone which could be seen in the reflection of her glasses.

6. The Investigations Officer wrote to Mrs Onwurah's registered email address on 03 July 2024, requesting her comments and observations. In her responses sent on 08 July 2024, Mrs Onwurah admitted to having her phone in her possession during her TX exam on 05 December 2023 and that such breached ACCA examination regulations and guidelines. She further explained that she had used her phone to communicate and text her brother to stop making noise in the adjacent room as it was causing disruptions and affecting her focus on the exam. She stated that her *'actions were driven by an attempt to create a quiet environment conducive to concentration, not to gain any unfair advantage'.*

7. Mrs Onwurah was further questioned on 06 August 2024 as to why she was observed on several occasions using her phone throughout the exam, if it was merely just to message her brother and why she failed to inform the exam proctor about this disruption at the time. In her response on 07 August 2024, she explained that she had tried to handle the situation gradually and discreetly as she was aware that noise and

sounds were prohibited under ACCA examination guidelines. She said she did not want to cause further disruption by involving the exam proctor. Mrs Onwurah was also asked to provide copies of the messages and contact details, as well as confirmation from her brother regarding the interaction on 05 December 2023. No response was received from her in relation to this request.

ACCA's SUBMISSIONS

8. ACCA's case was that Mrs Onwurah was in possession of an unauthorised phone in the exam that she used or intended to use to gain an unfair advantage in the exam on 05 December 2023. In effect, she was cheating or intending to cheat and this was dishonest conduct. As an alternative to dishonesty ACCA alleged a lack of integrity.

Allegation 1 – Breach of Exam Regulation 5

9. It is ACCA's submission that Mrs Onwurah failed to adhere to Exam Regulations 5(a) in that she can be seen on multiple occasions holding and using her phone during her TX exam on 05 December 2023. The reflection of her mobile phone can also be seen in her glasses. She also admitted to using her phone in her responses to the investigating officer's initial enquiries. These instances were noted and captured in the exam footage video and the exam supervisor's form.

10. ACCA relies on Exam Regulation 6(b) to the effect that that once a student is found to have used an unauthorised item (in this case a mobile phone) it will be assumed that they intended to gain an unfair advantage in the exam. It is ACCA's submission that Mrs Onwurah has failed to discharge the reverse burden of proof by not providing copies of the messages sent during the exam as well as confirmation from her brother regarding the interaction. This evidence would have assisted in substantiating her claim that she had only used her phone during the

exam to message her brother to keep the noise down in the adjacent room.

Allegation 2 – Dishonesty or Lack of Integrity

11. ACCA submitted that Mrs Onwurah intended to gain an unfair advantage by using/attempting to use her phone during the exam.

12. ACCA submitted that Mrs Onwurah is unable to substantiate the explanation she has provided. In the circumstances, her explanation is not credible, and the more likely explanation is that she was using the phone to assist her in the exam. This could include speaking to someone, to obtain assistance with answering questions in the exam paper and or accessing revision notes stored on her phone and or using the phone's internet browser to search for relevant information on the internet. In one or more of these ways, this would provide her with an unfair advantage in the exam. Such conduct amounts to dishonesty in that Mrs Onwurah knew such conduct amounted to cheating in the exam. Cheating in an exam would be regarded as dishonest by ordinary decent people.

13. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Mrs Onwurah has acted without integrity.

Allegation 3 - Misconduct

14. 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 in respect of Allegation 1.

MRS ONWURAH'S SUBMISSIONS

15. Mrs Onwurah admitted Allegation 1 that she had an unauthorised item in her possession in the exam contrary to Exam Regulation 5. However, she denied any attempt to gain an unfair advantage or that she was dishonest or lacking integrity as set out in the allegations.

16. In her email response to ACCA, dated 08 July 2024, Mrs Onwurah stated:

"I am writing to provide some context about the incident that occurred during my recent ACCA exam, which led to the termination of my examination - for having a mobile phone in my possession.

Regretfully, I can confirm that I had a mobile phone in my possession during my examination.

On the day of the exam, there was unexpected noise disturbance from my brother in the adjacent room. To mitigate the disruption and ensure I could focus on the exam, I attempted to text him discreetly to ask him to stop the noise. I had my phone turned off, but when the noise continued, I turned it on with the intention to send a quick message. Unfortunately, I was unable to complete this action before my exam was terminated. I understand that having a phone during an exam violates ACCA's examination policies, and I deeply regret my decision. My actions were driven by an attempt to create a quiet environment conducive to concentration, not to gain any unfair advantage.

I apologise sincerely for this mistake and any inconvenience it has caused. I am committed to adhering strictly to ACCA's policies and ensuring that such a situation does not occur again.

Thank you for considering my explanation. I am hopeful for your understanding and am available for any further clarification if required."

17. Further in her response to ACCA on 07 August 2024 she stated:

"I would like to clarify that my phone was originally turned off at the start of the exam. Due to the significant noise coming from the adjacent room, I felt it necessary to text my brother to ask him to reduce the noise. I understand the importance of exam integrity and the regulations around phone use, which is why I tried to handle the situation as discreetly and gradually as possible.

I was attempting to turn on my phone and send the message slowly, trying to minimise any distraction or suspicion. I acknowledge that this was not the ideal way to handle the situation, but I was concerned about the noise interfering with my ability to focus and complete the exam successfully.

Additionally, I did not immediately inform the exam proctor because I was aware that having noise or disturbances during the exam was against the rules, and I was concerned about causing further disruption by addressing the issue in the middle of the exam.

Furthermore, I must mention that I was already feeling quite anxious because, right at the beginning, just after I was on the queue, my brother mistakenly opened the door. This added to my stress and contributed to the number of things going wrong for me that day. These disruptions collectively affected my demeanour and may have made me seem off during the exam.

I sincerely apologise for any misunderstanding this may have caused and assure you that my intentions were solely to ensure a quieter environment to perform well on the exam. I appreciate your understanding and hope that this explanation clarifies my actions"

18. Further, in her completed Case Management Form Mrs Onwurah stated the following:

"I admit to the allegation that I used an unauthorized item, namely a mobile phone, during the remotely invigilated Taxation (TX) exam held on 05 December 2023. While I acknowledge having a mobile phone during the exam, I deeply regret my actions and understand how they might appear to compromise the integrity of the examination process. However, I had no intention to gain an unfair advantage. The presence of the phone was a mistake on my part, not a deliberate attempt to act dishonestly.

I sincerely apologize for my lapse in judgment. My actions were not consistent with the high standards of integrity I strive to uphold, and I take full responsibility for this oversight. I did not consciously or intentionally attempt to breach the rules, and I deeply regret any perception that I acted dishonestly."

19. Mrs Onwurah gave oral evidence to the Committee and maintained her denial of dishonest conduct. She referred to the phone being her brother's phone claiming that the possession of the phone was an innocent mistake. She initially stated that she only used the same to contact her brother, who was in an adjoining room, to ask him to keep the noise down. She explained that she sent about three messages to him typing very slowly so as to minimise suspicion. Under questioning she did state that when using the phone it did occur to her that she could use it to take advantage by logging into her email and accessing her accountancy formulae and although she accessed her email, she did not use the information contained therein.

DECISION ON ALLEGATIONS AND REASONS

20. 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 <u>Lawrance v General Medical Council</u> 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.

21. The Committee heard that there had been no previous findings against Mrs Onwurah and accepted that it was relevant to put her good character into the balance in her favour.

Allegation 1

Mrs Onyinye Onwurah (Mrs Onwurah) an ACCA student, in respect of her remotely invigilated Taxation (TX) exam held on 05 December 2023 the exam):

1. Used an unauthorised item namely a mobile phone, contrary to exam regulation 5 (a).

22. This allegation was admitted by Mrs Onwurah and the Committee was satisfied that it was proved by virtue of her admission in accordance with CDR Regulation 12 (3).

Allegation 2

2. Mrs Onwurah’s conduct in respect of allegation 1 above was in addition:

    I. Dishonest, in that by using her mobile phone during the exam she intended to gain an advantage in the exam, or in the alternative.

    II. Demonstrates a failure to act with integrity.

23. The Committee first asked itself whether Mrs Onwurah’s conduct was dishonest in that by using her mobile phone during the exam she

intended to gain an advantage in the exam. The Committee asked itself what Mrs Onwurah's belief was as to the facts - what was her state of mind as to the facts at the time.

24. Mrs Onwurah confirmed that she knew the Regulations and knew that she should not have her mobile phone with her or use it during the exam. In her evidence, for the first time, she referred to the phone being not her phone, but her brother's phone. She initially maintained that she did not use the phone to gain an unfair advantage in the exam and that the use was due to the noise coming from her brother's infant daughter in an adjacent room. When asked why the video showed about 17 separate uses of the mobile phone over a period of longer than 30 minutes, Mrs Onwurah explained that she was worried about creating suspicion and accordingly typed the text messages very slowly, one letter at a time, in an attempt to minimise the risk of being caught using the phone.

25. The Committee considered it significant that Mrs Onwurah has not produced, despite being asked by ACCA during investigation stage, copies of the texts that she maintained were sent to her brother or any evidence from her brother. She explained that the phone used was no longer available and that her brother had changed his phone number. The Committee also considered it significant that when questioned Mrs Onwurah's account and her explanation seemed to develop. She told the Committee when using the phone she suddenly realised that she could use this to see all "her formulas and other stuff" that she kept as revision aids on her emails. She explained that she did think that she could take advantage and log into her emails, but initially said she did not do so. On further questioning she said that she did log into her email whilst using the phone but did not use the information revealed.

26. The Committee rejected any assertion from Mrs Onwurah that she did not intend to gain an unfair advantage. This was for the following reasons. The Committee was satisfied that Mrs Onwurah's explanations were implausible. The video evidence itself showed a prolonged and

repeated use of the mobile phone for over 30 minutes. There was no evidence of what the texts she says she sent to her brother were or any statement from her brother. She had not mentioned that the phone was her brother's phone before her oral evidence today. Her explanation for not producing this evidence was not plausible. She was fully aware of the rules about phone use. This had been discussed with the Proctor at the start of the exam. Further, when questioned in oral evidence, Mrs Onwurah for the first time indicated that when using the phone she did think that she could take advantage by accessing her formulae. At first she stated she did not do so and then said that she did access the formulae but did not use it. The Committee was satisfied that her evidence was inconsistent and unreliable. The Committee was not satisfied that Mrs Onwurah had rebutted the assumption under Exam Regulation 6 that she had intended to gain an unfair advantage. The Committee considered that the most likely explanation for her possession of the phone was to cheat in the exam – or intend to use the unauthorised phone to gain an unfair advantage.

27. The Committee was satisfied, given its findings of fact, that Mrs Onwurah's state of mind was that she had used the mobile phone with the intention of gaining an unfair advantage, in other words, to cheat. It was satisfied that she knew she was setting herself up in a position to cheat. It was a deliberate, planned act of having the phone available with the intention of gaining an unfair advantage in the exam. It was satisfied that Mrs Onwurah's belief at the time was dishonest according to the standards of ordinary decent people. Accordingly, it was satisfied that Allegation 2 (i) was proved and did not consider the alternative of Allegation 2 (ii).

Allegation 3

3. By reason of the above, Mrs Onwurah is:

I. Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of the conduct referred to above or, in the alternative,

II. Liable to disciplinary action pursuant to bye-law 8(a)(iii) (in respect of allegations 1).

28. The Committee next asked itself whether, having been dishonest, Mrs Onwurah was guilty of misconduct.

29. 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 Mrs Onwurah's actions brought discredit on her, 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. Her 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.

30. In light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 3 (i) was proved and did not consider the alternative of Allegation 3 (ii).

SANCTIONS AND REASONS

31. 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.

32. 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.

33. The Committee identified the following mitigating factors:

- Mrs Onwurah was of good character with no previous disciplinary record

- She had made partial admissions.

- She has co-operated with the investigation.

34. 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.

- No evidence of insight.

35. Given the Committee's view of the seriousness of Mrs Onwurah'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 she 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 Mrs Onwurah and was satisfied that her 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

36. ACCA claimed costs of £6,337.50 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 Mrs Onwurah is in employment and whilst she had not provided a statement of means, she did provide detailed financial information to the Committee today. 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 Mrs Onwurah’s restricted disposable means. It concluded that the proportionate and appropriate amount of costs was £2,500.00. Accordingly, it ordered that Mrs Onwurah pay ACCA’s costs in the amount of £2,500.00.

EFFECTIVE DATE OF ORDER

37. Mrs Onwurah is working in an accountancy role but has not informed her employers of these proceedings. The Committee was therefore satisfied that for the protection of the public it was in the public interest to make an immediate order.

HH Suzan Matthews KC
Chair
28 October 2025.