

HEARING

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

In the matter of: Mr Karthick R

Heard on Friday, 26 September 2025

Location: Remotely via Microsoft Teams

Committee: Ms Wendy Yeadon (Chair)
Ms Susan Gallone (Accountant)
Mr Geoff Baines (Lay)

Legal Adviser: Giovanna Palmiero

**Persons present
and capacity:** Mr Matthew Kerruish-Jones (ACCA Case Presenter)
Miss Sofia Tumburi (Hearings Officer)

Summary Removed from the Student Register

Costs: £1,500.00

INTRODUCTIONS

1. The Disciplinary Committee ("the Committee") convened to hear Allegations of misconduct against Mr Karthick R.

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2. Mr Matthew Kerruish-Jones (Mr Kerruish-Jones) presented the case on behalf of ACCA.
3. Mr Karthick R attended without representation. He had declined the assistance of an interpreter.
4. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
5. 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.
6. The hearing was conducted remotely via Microsoft Teams.
7. The Committee was provided with, and considered in advance, the following documents:
 - (i) A Report of Disciplinary Allegations Bundle with pages numbered 1-117;
 - (ii) A Service Bundle with pages numbered 1-32;
 - (iii) Video of exam.
 - (iv) Two Cost Schedules were provided to the Committee at the sanction stage.

ALLEGATIONS

On 07 June 2024, Mr Karthick R, an ACCA student, in relation to a remotely invigilated Financial Management exam:

1. Failed to adhere to ACCA's Examination Guidelines and/or the proctor's instructions by failing to keep his mobile phone out of arm's reach, contrary to Exam Regulation 1 and Exam Regulation 2;

2. Attempted to deceive the exam proctor by giving false or misleading information, in that when asked whether he was using a mobile phone, he stated that he was not, when that was not the case, contrary to Exam Regulation 3;
3. Used an unauthorised item, namely a mobile phone with a camera, throughout the examination attempt, contrary to Exam Regulation 5(a) and therefore intended to gain an unfair advantage in accordance with Exam Regulation 6(b).
4. Any or all of Mr Karthick R's conduct in respect of 1 – 3:
 - i. Was dishonest in that he untruthfully stated to the exam proctor that he was not using his mobile phone during his examination attempt, when that was not the case.
 - ii. Was dishonest in that he used an authorised item to gain an unfair advantage for himself in the exam, or in the alternative.
 - iii. Demonstrates a failure to act with integrity.
5. By reason of the above conduct, Mr Karthick R is:
 - i. Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of any or all of the conduct above or, in the alternative,
 - ii. Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of allegations 1 to 3 above.

ACCEPTED ADMISSION

8. The Committee accepted Mr Karthick R's admissions to Allegations 2 and 4(i) and therefore found those Allegations proved. The remaining Allegations were formally denied and proceeded with by ACCA.

BRIEF BACKGROUND

9. Mr Karthick R first registered as an ACCA student on 20 March 2023.
10. On 07 June 2024, Mr Karthick R sat an ACCA remotely invigilated Financial Management examination. He has had no previous attempts at the Financial Management examination.
11. The examination was revoked on the basis that the proctor had concerns that the candidate may have accessed or attempted to access an unauthorised item, namely a mobile phone, and attempted to mislead the proctor in relation to the same. The relevant documentation, including the proctor reports, video footage, chat log and activity log was forwarded to ACCA for further review. On 01 July 2024, ACCA's Exams department notified Mr Karthick R that ACCA was in receipt of an incident report and that the matter would be referred for investigation.
12. The video footage of Mr Karthick R's examination attempt was reviewed by the Investigations Officer. The video footage highlighted that Mr Karthick R was blatantly using his mobile phone throughout his examination, including immediately after intervention from the proctor who suspected such behaviour.
13. The total run time of the video footage is 2h34m18s with the exam commencing at approximately 08:30 into the video footage.
14. The Investigations Officer observed the following:
 - (a) Between 04:15 – 08:37, Mr Karthick R is observed speaking to the proctor and completing the check-in process, in which he was asked to place his mobile phone out of arm's reach. Mr Karthick R is observed looking down to his left at various points.
 - (b) From 12:49, Mr Karthick R is observed adjusting his position and shortly thereafter appears distracted by something that is positioned in front of his computer screen. He is observed looking off-screen.

- (c) At 16:07 – 23:45, Mr Karthick R is observed looking down and holding what would appear to be an unauthorised item, which appears in frame around 16:07, 23:04 and 23:39.
- (d) At 24:39 – 25:05, Mr Karthick R stretches. Whilst doing so, the unauthorised item clearly appears in frame. Mr Karthick R is holding a white mobile phone with a camera, which appears again at around 26:19.
- (e) At 26:34 – 27:15, Mr Karthick R is observed using his mobile phone which appears in frame. Mr Karthick R is observed briefly placing it to the left of him before appearing to return it to the centre of his desk at around 27:09.
- (f) At the following timeframes, Mr Karthick R is observed using his mobile phone which appears in frame:
- 27:51 – 28:10;
 - 28:32 – 28:36;
 - 29:13 – 29:15;
 - 29:51 – 29:54;
 - 30:12 – 30:54
 - 32:11 – 23:14
 - 32:33 – 33:52
 - 36:52 – 36:56
 - 45:51 – 45:46
 - 46:05 – 47:02
 - 47:37 – 49:47
 - 50:31 – 50:45
 - 1:01:08 – 1:01:12
 - 1:02:44 – 1:03:00
 - 1:07:16 – 1:07:48
 - 1:09:48 – 1:09:55
 - 1:10:25 – 1:10:38
 - 1:11:00 – 1:11:22
 - 1:11:47 – 1:11:55
 - 1:12:39 – 1:12:49
 - 1:13:21 – 1:14:16

- (g) At around 1:14:33, the proctor intervenes and asks Mr Karthick R to show [them] his calculator. Mr Karthick R asks the proctor to repeat his request. He then promptly complies and shows the proctor a grey/black calculator. The proctor asks Mr Karthick R to show [them] 'the one with the white back that you were just using' or words to that effect. At 1:15:01, Mr Karthick R states that *'I was using this'*. Mr Karthick R is asked again to show the white item. However, Mr Karthick R states *'this is the one I was using [PRIVATE] I was using it like this [...] no seriously, there is nothing here [PRIVATE] this is the one I was using'*.
- (h) At around 1:15:30, Mr Karthick R is asked by the proctor to show his table. Mr Karthick R promptly complies. The footage showcases that Mr Karthick R was then asked to show the item that he was using which had a white cover. At around 1:16:01, Mr Karthick R states *'I do not have anything white covered, [PRIVATE]'* or words to that effect. At 1:18:00, the proctor disconnects, and Mr Karthick R is allowed to continue his exam.
- (i) From around 1:19:14, Mr Karthick appears distracted and at 1:24:47 and 1:24:52, something slightly appears in frame. From 1:24:56, Mr Karthick R appears hyper-conscious that he is being watched and can be seen picking up his ID card from his left and showing the camera, unprompted. He places it back down to his left and continues looking down in front of his computer.
- (j) At around 1:25:57, Mr Karthick R appears to accidentally click a button which asks the proctor for support. At 1:26:02, he places something which makes an audible sound on the table before apologising for the accidental click. At 1:26:36, the proctor connects. Mr Karthick R reiterates that he accidentally clicked the chat button. At 1:27:14, the proctor disconnects the call and at 1:27:17, Mr Karthick R places something on the left side of his desk which makes an audible sound. Mr Karthick R appears distracted again shortly after.
- (k) From around 1:43:50, Mr Karthick R appears hyper-conscious and at around 1:43:56, Mr Karthick R appears to use his calculator which appears in frame from 1:44:05. However, it is noted that he continues to

look off-screen and down at his desk when using the calculator, despite it being at eye level.

- (l) At 1:59:26 – 1:59:47, Mr Karthick R is observed using his mobile phone which appears in frame.
 - (m) At 2:00:15, the proctor reconnects and asks the student what he was using and asks the student to show his hands and table, which he does so promptly. The proctor states that they saw the student on his phone. At 2:01:22, Mr Karthick R responds, *'you mean this?'* and holds up his white ID card. The proctor reiterates that they saw a mobile phone and asks the student to show it. At 2:01:36, Mr Karthick R states *'my phone is there – if you don't mind me getting it'* or words to that effect. Mr Karthick R is observed reaching beside him and showing a black covered phone. The proctor states that they would like to see *'the one with the silver frame with the white back'*. At around 2:02:01, Mr Karthick R states *'you mean this? I only have this [...] I don't have any white thing near me except for this on the board, bench'* or words to that effect.
 - (n) At 2:02:19, the call is transferred to an intervention specialist who informs Mr Karthick R that they observed him on his mobile phone. At 2:03:54, Mr Karthick R is asked *'did you use your calculator or phone just now?'*. At 2:03:58, Mr Karthick R responds *'yes I did use my calculator but my phone is there because [PRIVATE] asked me to show my phone'* or words to that effect.
 - (o) At around 2:06:30, the student is informed that the examination will be terminated. The video footage ends following the termination at 2:10:10.
15. In addition to the above, the accompanying chat log was reviewed. This confirmed that Mr Karthick R was prompted to remove any unauthorised items and place them out of arm's reach prior to the examination being released.
16. It was noted that Mr Karthick R's position at the time of the review was that he had not used his mobile phone at any point during the examination.

17. On 04 October 2024, Mr Karthick R was formally notified of the investigation and asked to provide further information on the complaints raised by 18 October 2024.
18. On 14 October 2024, Mr Karthick R provided a substantial response to the Investigations Officer via email.
19. Within his response, Mr Karthick R accepted that he had used his mobile phone throughout the examination and in turn failed to comply with the Exam Regulations and Guidelines. Mr Karthick stated the following:

“Yes, I admit to failure on my part to adhere to this guideline regarding mobile phone. However, I wish to mention here that the mobile phone in my possession was placed out of arm’s reach at the start of the exam; this was also verified and confirmed so by the Invigilator at the time of commencement of the exam and on a few occasions during the exam.”

20. Mr Karthick R also accepted that he attempted to give incorrect information to the exam proctor. However, he denied using his mobile phone to gain an unfair advantage and wished to highlight that he was using his mobile phone throughout the examination due to connectivity issues:

“Yes I admit to have attempted to give incorrect information to the exam proctor, in hindsight

...

I wish to mention here that I faced frequent and intermittent internet / Wi-Fi connectivity issues in the closed examination room inside my residence during my FM exam on the 7th June 2024, which resulted in ‘system hanging’ situations. To overcome such situations, I maintain backup arrangements to fall back on Hot Spot and Mobile Data on my [PRIVATE] mobile phone (primary backup mobile with white silver colour case) and on my mobile phone (secondary backup mobile with black colour case). Both these mobile phones were kept well away from the examination area / table and out of arm’s reach, in accordance with ACCA guidelines and to be used only when required. During such ‘system hanging’ and connectivity fluctuations, I was forced to reach out

at intervals and check the primary backup mobile phone if the hotspot was functional.

...

I was forced to use the mobile phone solely for the purpose of checking the Hotspot function and take corrective actions whenever required. Similar poor connectivity issues have arisen in the past as well, but this time, it was a matter of serious concern for me. Corrective actions include checking the Hotspot feature to ensure that the feature was functional and in a state of readiness; restarting the mobile data and Hotspot feature by tapping off and on; at times, restarting the device itself due to weak signals, etc.

...

I admit that it was a lapse not to have notified the Invigilator / Proctor of the backup arrangements prior to commencement of the exam or during the exam. As the system connectivity issues became more intermittent and frequent, the emergent situation turned into a matter of serious concern to me, as it was directly interfering with my exam. This had affected my responses to the questions put forward by the Proctor during the course of [their] inquiry. I wish to humbly state here that I had no intention whatsoever to either attempt to mislead or lie to the Proctor through my above responses."

...

I wish to emphatically state here that I was forced to take such actions for the sole purpose of checking the Hotspot function as I faced acute connectivity issues on multiple occasions on the said exam date. I beg to state here that on account of the causes mentioned above, my above actions can in no way be construed to gain an unfair advantage, as use of a mobile phone is indeed permitted in exams being conducted remotely as per ACCA's Exam Guidelines, subject to such mobile phone being kept out of arm's reach, put on silent mode and vibrator switched off.

I confirm here that the mobile phone was indeed on silent mode with the vibrator in switched off mode and kept well away from the exam area in the room. I had

to use the mobile phone only for the purpose stated above, namely to check the Hotspot function, on account of sudden circumstantial emergencies encountered at different occasions on the said exam date and concerning connectivity / link issues and for no other purpose.”

21. Mr Karthick R was asked to confirm whether he had used his mobile phone to take photographs of ACCA content. Mr Karthick R stated that he did not and justified the positioning of his mobile phone throughout the video footage by stating that this was simply due to switching his mobile phone from one hand to the other.
22. Mr Karthick R concluded his response by reiterating that on the day of his exam, internet connectivity fluctuations were intermittent throughout the morning hours but that he was able to pass the mandatory system test. However, he felt *‘compelled to arrange for backup’* and although he was *‘well aware’* that the use of mobile hotspots is not allowed, he *‘made a judgemental [sic] call to retain the backup arrangements’*. He stated that *‘both the mobiles were kept well away from the exam table / area and out of arm’s reach as per ACCA’s Exam Regulations. This was also checked, verified and confirmed so by the Invigilator at the time of commencement of the exam. The backup arrangement was intended to be used only as a last resort.’*
23. On 15 January 2025, the Investigations Officer requested further information including exactly what it was that Mr Karthick R was doing and why he proceeded to inform the proctor that he was facing issues which left him feeling *‘deeply perturbed’*
24. On 22 January 2025, Mr Karthick R provided a response via email.
25. With regard to why he did not inform the proctor of the issues that he was facing, Mr Karthick R explained that *‘the internet connectivity fluctuations were intermittent throughout the morning hours, and I had indeed planned to highlight this to the Proctor at the start of the exam’*.
26. However, Mr Karthick R stated that at the time of the exam, he was *‘just about able to pass the mandatory system test and complete all other exam formalities with the guidance of the Supervisor / Proctor. Although I was a trifle worried*

that the connectivity issue would hinder with my completion of the exam formalities, I was actually able to do so with minimum interference. This, and perhaps due to reasons beyond my normal reasoning, the issues in internet connectivity were not brought to the attention of the Proctor prior to or at the start of the exam. As stated earlier, it was a lapse on my part not to have notified the Proctor'.

27. Mr Karthick R explained that the connectivity issues became frequent roughly half an hour into the examination and by that time, his mind '*was totally occupied with the situation prevailing*' and that he was '*trying very hard to get on with the examination*'.
28. In response to ACCA's concern that Mr Karthick R appears to have hidden his phone from the proctor due to the observation that the back-up arrangements could not be seen immediately following the proctor's intervention(s), Mr Karthick R stated the following:

"I placed the mobile phone out of arm's reach and out of the exam area and complied with the Proctor's instructions immediately.

It would not be out of place to mention here that it would give the impression to the reviewer that I attempted to "hide" my mobile phone from the Proctor at this time, when in fact I had placed the mobile phone out of arm's reach and out of the exam area after checking the hotspot signals. If I was trying to "hide" the mobile phone from the Proctor, it stands to reason that I would have taken such hurried and nervous actions as would be required to put the mobile phone away and out of sight, and would have taken a while before complying with the Proctor's instructions to view my immediate surroundings. However, you will observe that I have acted instantly to comply with the Proctor's instructions, panned my laptop camera over the exam area and stood up on being told to do so. You will well appreciate that I have not taken any hurried or nervous actions at that time."

29. In response to ACCA's concern that Mr Karthick R appeared to be on a mobile phone for lengthy periods at a time and appeared to be reading and/or typing on a mobile phone at points, Mr Karthick R stated that he had no comments on

the duration of his mobile phone use and was '*fully engrossed on the problem and its resolution*'.

30. Mr Karthick R concluded his response by expressing his deep regrets on his conduct during the Financial Management examination.

ACCA'S SUBMISSIONS

31. It is submitted that the Allegations referred to above are capable of proof by virtue of the documentation in the evidence bundle attached to this report.
32. ACCA submits that if any, or all, of the facts set out in the Allegations are found to be proved, Mr Karthick R 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).
33. In respect of the breaches outlined in Allegation 1, ACCA submit that Mr Karthick R failed to adhere to Exam Regulation 1 in that he failed to move a mobile phone out of arm's reach in accordance with ACCA's Examination Guidelines, as shown throughout the video footage of Mr Karthick R's examination attempt.
34. It is also ACCA's submission that Mr Karthick R failed to adhere to Exam Regulation 2, in that he did not comply with the instructions given to him by the exam proctor immediately before the examination attempt. This is submitted on the basis that the chat log showcases that Mr Karthick R was reminded to remove any unauthorised items and place them out of arm's reach. However, the video footage clearly showcases that Mr Karthick R used an unauthorised device, namely a mobile phone, throughout the examination.
35. In respect of the breaches outlined in Allegation 2, ACCA submit that Mr Karthick R attempted to deceive the exam proctor by giving false or misleading information. This is on the basis that he can be heard in the video footage informing the exam proctor on more than one occasion that he was not using a mobile phone but instead his calculator, when that was not the case.

36. In respect of the breaches outlined in Allegation 3, ACCA submit that Mr Karthick R breached Exam Regulation 5(a) by virtue of being in possession of an 'unauthorised item', namely a mobile phone with a camera. This submission is supported by the video footage which showcases that Mr Karthick R was blatantly using a mobile phone during the examination attempt and in any event Mr Karthick R accepts that this breach occurred.
37. Exam Regulation 6(b) provides that where a student is found to be in breach of Exam Regulation 5a *"it will be assumed that [the student] intended to use the 'unauthorised items' to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, [the student] will have to prove that [they] did not intend to use the 'unauthorised items' to gain an unfair advantage in the exam"*.
38. Therefore, if Allegation 3 is found proved, it will be assumed that Mr Karthick R intended to gain an unfair advantage for himself or others in his examination attempt or a future exam sitting. The burden of proof then lies with Mr Karthick R to show that he did not use the "unauthorised items" to gain an unfair advantage.
39. It is submitted by ACCA that if the facts are proved, in all the circumstances, Mr Karthick R has failed to discharge the requisite burden of proof as there could be no other plausible explanation as to why Mr Karthick R was using a mobile phone in the manner shown in the video footage if not to gain an unfair advantage.
40. Mr Karthick R's explanation that his mobile phone use was due to connectivity issues is not accepted by ACCA on the basis that such issues would be detailed in the system activity log and evident in the video footage, which does not appear to lag or showcase any signs of connectivity issues to the extent detailed by the student. Additionally, it is ACCA's submission that a reasonable student would promptly notify the proctor of such matters to avoid jeopardising their examination attempt, particularly when it is the case that they may need to engage in conduct (such as connecting to a hotspot via a mobile phone) to remain connected. It is also submitted that the student's demeanour simply does not reflect the severity of the connectivity issues detailed within his representations.

41. In respect of Allegation 4, ACCA submit that the above referenced conduct was dishonest and/or demonstrates a lack of integrity. Alternatively, ACCA submit that Mr Karthick R is liable to disciplinary action if it is found that he has breached any or all of the Exam Regulations.

DISHONESTY

42. The case of *Ivey v Genting Casinos* [2017] UKSC 67 at para 74 provided the following guidance as to the meaning 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.”

43. ACCA submit that the conduct set out in Allegations 1-3 amounts to dishonesty on the basis that Mr Karthick R knew that he provided the exam proctor with false or misleading information by stating that he was not using his phone, when that was not the case.
44. Further, he repeatedly used his mobile phone during the exam and appeared to be typing on it. ACCA submits that is consistent with his using the mobile phone to gain an unfair advantage in the exam, perhaps by contacting a third party and/or using the internet to obtain assistance with exam questions. By virtue of Exam Regulation 6(b), it shall be assumed that he intended to gain an unfair advantage in the exam and it is for him to disprove that.

INTEGRITY

45. In *Wingate and Evans v The Solicitors Regulation Authority* [2018] EWCA Civ 366, the Court of Appeal addressed what was required in a professional disciplinary context by the standard of integrity. At paragraphs 95 - 97, Jackson LJ expressed the matter in a way that applied to regulated professions generally and stated:

“95. Let me now turn to integrity. As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty...

96. Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted.

97. In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.”

46. Alternatively, ACCA submit that Mr Karthick R's conduct at Allegations 1-3 above demonstrates a failure to act with integrity in that his conduct fell below that which is expected of an ACCA student.

MISCONDUCT

47. In order for Mr Karthick R's conduct to amount to a breach of Bye-Law 8(a)(i), it must be found to amount to misconduct. Bye-law 8(a)(i), 8(c), 8(d) refer to and partially define misconduct.

Bye-Law 8(c) states that “for the purposes 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”.

Bye-Law 8(d) provides that when assessing the conduct in question, regard may be had to the following:

- (ii) *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.*
- (iii) *whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;*
- (iv) *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.*

48. In *Roylance v General Medical Council* [2001] 1 AC 311, at para. 38, the court held that: “...*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.*”
49. For a committee to conclude that the facts found proved amount to misconduct, the committee must be satisfied that the conduct is serious. Misconduct is a matter for the Disciplinary Committee’s professional judgment.
50. However, 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 Karthick R and/or ACCA, and/or the accountancy profession.
51. ACCA’s written submissions were supplemented by oral submissions made by Mr Kerruish-Jones before the Committee. He reiterated the facts and made the point that Mr Karthick R had looked at the phone on 21 occasions and for lengthy periods of time and appeared to be typing at points.

52. Further, Mr Kerruish-Jones pointed out that Mr Karthick R had been asked on numerous occasions by the proctor, if he was using a white phone, which he denied and when asked to show the white item to the proctor he showed a calculator and denied having anything which was white.
- 53 Mr Karthick R had admitted in his correspondence that he had 2 mobile phones with him in the exam and has now explained he was having issues with Wi-Fi connectivity and was using the phone in respect of hotspot function.
- 54 Mr Kerruish-Jones reminded the Committee that the proctor had asked Mr Karthick R to remove unauthorised items out of arm's reach and that he has admitted to being dishonest in giving the proctor misleading information in relation to the phone.
- 55 Mr Kerruish-Jones reminded the Committee of the reverse burden of proof under Regulation 6(b) in that Mr Karthick R had the burden of proving that he did not intend to gain an unfair advantage. It was submitted that ACCA did not accept Mr Karthick R's explanation of having connectivity issues as there was no evidence from the exam video of this, nor were the connectivity issues identified at the beginning of the exam. It was also expected that a reasonable student would have notified the proctor.
- 56 Mr Kerruish-Jones also submitted that Mr Karthick R's demeanour did not reflect the severity of connectivity issues during the exam video.

MR KARTHICK R'S RESPONSE AND SUBMISSIONS

- 57 Due to the admissions made, Mr Karthick R admitted misleading the proctor and that he only used his mobile phone during his examination due to Wifi connectivity issues and that he did not use the phone to gain an unfair advantage.
- 58 On the 14 October 2024 Mr Karthick R sent an email to ACCA:

"1. Do you admit or deny allegation 1, namely that you failed to adhere to ACCA's Exam Guidelines by not moving your mobile phone out of arm's reach?"

Reply: Yes, I admit to failure on my part to adhere to this guideline regarding mobile phone. However, I wish to mention here that the mobile phone in my possession was placed out of arm's reach at the start of the exam; this was also verified and confirmed so by the Invigilator at the time of commencement of the exam and on a few occasions during the exam.

I wish to mention here that I faced frequent and intermittent internet I Wi-Fi connectivity issues in the closed examination room inside my residence during my FM exam on the 71h June 2024, which resulted in 'system hanging' situations. To overcome such situations. I maintain backup arrangements to fall back on Hot Spot and Mobile Data on my [PRIVATE] mobile phone (primary backup mobile with white silver colour case) and on my mobile phone (secondary backup mobile with black colour case). Both these mobile phones were kept well away from the examination area I table and out of arm's reach, in accordance with ACCA guidelines and to be used only when required. During such 'system hanging' and connectivity fluctuations. I was forced to reach out at intervals and check the primary backup mobile phone if the hotspot was functional. It has often been my experience that such occasions have occurred quite a number of times in the past.

I admit that it was a lapse on my part not to have notified the Invigilator I Proctor of the mobile backup arrangements, which were kept out of arm's reach and well away from the exam area, prior to commencement of thof the exam.

2. Do you admit or deny allegation 2, namely that you attempted to deceive the exam proctor by giving false or misleading information about using your mobile phone during the examination, contrary to Exam Regulation 3?

Reply: Yes I admit to have attempted to give incorrect information to the exam proctor, in hindsight.

I wish to state here that I had to take recourse to use the mobile phone (identified as primary backup) only because of the fact that I faced connectivity issues on multiple occasions during the FM exam on the 71h June 2024. I was forced to use the mobile phone solely for the purpose of checking the Hotspot function and take corrective actions whenever required. Similar poor

connectivity issues have arisen in the past as well, but this time, it was a matter of serious concern for me.

Corrective actions include checking the Hotspot feature to ensure that the feature was functional and in a state of readiness; restarting the mobile data and Hotspot feature by tapping off and on; at times, restarting the device itself due to weak signals, etc.

3. Do you admit or deny allegation 3, namely that you were using a mobile phone in the examination room contrary to Exam Regulation 5(a), and did so to gain an unfair advantage in accordance with Exam Regulation 6(b)?

Reply: I admit to have used a mobile phone in the examination room during the FM exam on 7th June 2024. I wish to emphatically state here that I was forced to take such actions for the sole purpose of checking the Hotspot function as I faced acute connectivity issues on multiple occasions on the said exam date. I beg to state here that on account of the causes mentioned above, my above actions can in no way be construed to gain an unfair advantage, as use of a mobile phone is indeed permitted in exams being conducted remotely as per ACCA's Exam Guidelines, subject to such mobile phone being kept out of arm's reach, put on silent mode and vibrator switched off.

I confirm here that the mobile phone was indeed on silent mode with the vibrator in switched off mode and kept well away from the exam area in the room. I had to use the mobile phone only for the purpose stated above, namely to check the Hotspot function, on account of sudden circumstantial emergencies encountered at different occasions on the said exam date and concerning connectivity / link issues and for no other purpose. It was a lapse on my part not to have informed the Invigilator / Proctor of the use of mobile phone prior to commencement of the exam I during the exam.

4. Please confirm whether you read the Exam Regulations and Guidelines before sitting the exam.

Reply : I confirm that I have read the Exam Regulations and Guidelines before sitting for the exam.

5. Please explain why you were using your mobile phone in the manner shown in the video? What exactly were you doing on your mobile phone during the timestamps referred to above?

Reply : I admit to have used the mobile phone for the sole purpose of checking the hotspot during the timestamps, as internet link was fluctuating intermittently during the FM exam session. As the mobile handset was switched from one hand to the other. it appears to have assumed different slanting angles as appearing in the video.

6. As per the timestamps referred to above, you appear to angle your mobile phone in a particular manner on some occasions. Please confirm whether you took photographs of exam content during this time. If so. please provide me with copies of the photographs taken and explain why you took them.

Reply : I confirm that I did not take photographs of the exam content at any point of time during the exam, particularly at the timestamps referred to hereinabove. The angling of the mobile phone in a particular manner on some occasions was due to the shifting of the mobile phone from one hand to the other.

7. Please confirm whether the above referenced photographs were distributed. If so, please confirm how many individuals you shared the photographs with. Please provide details of any persons with whom you shared the exam questions. If the photographs were distributed online, please provide further information regarding the platform/group used.

If you did take photographs of ACCA exam content. please send these photographs to me immediately. Once you have sent the photographs to me, you are required to delete any photographs/images of the exam questions in your possession and/or on an item or electronic communications device which you own. Please confirm that you have destroyed any photographs in your possession. by return.

Reply : Since I have not taken any photographs of the exam content at any point of time during the exam, I confirm that nothing was distributed or shared with any individual/s. I further confirm that no photograph was distributed online

on any platform I group. I do not have any images of the exam questions in my possession on any item or electronic communications device whatsoever. I also confirm that there is no case of destruction of evidence in my possession at any point of time.

8. Were you seeking assistance with your exam, or seeking to assist others in taking the FM exam?

Reply : I confirm that I was neither seeking assistance with my exam paper from anyone nor seeking to assist others in taking the exam.

9. Did you pay a third party to assist you with your exam? If so, how was the assistance given?

Reply : I confirm that I have neither sought assistance from a third party nor made any payment to the party.

10. Did you receive payment or other reward for taking or facilitating the taking of photographs of ACCA exam content? If so, please provide details of who asked you to do this.

Reply : I confirm that I have neither facilitated the taking of photographs of exam content for anyone nor received any payment or reward from anyone.

11. From 1 :14:33, the proctor intervenes and asks you to show them your calculator. You proceed to show them a black I grey calculator. When asked to show the item 'with the white back', you confirm that you were using the black/ grey calculator. When questioned further, you reiterate that 'there is nothing here'. 'this is the one I was using', and later confirm that you do not have any items that are 'white covered'. You show that you have a black phone.

A. Please confirm whether you had two phones in your possession during the exam (namely the white mobile that you were using during your exam, and the black mobile that appeared to be placed on a unit behind you).

Reply: I confirm that I had two mobile phones in my possession (as declared by me vide my reply to question#1 above), one with a black colour case and

the other with a silver white colour case. Both the mobile phones were placed well away from the exam table / area and out of arm's reach, and were meant purely as backup arrangements.

B. Please explain why you lied to and attempted to mislead the proctor about using your mobile phone by denying that you were using it and removing it from view when asked to show the surrounding area?

Reply: I admit that it was a lapse not to have notified the Invigilator / Proctor of the backup arrangements prior to commencement of the exam or during the exam. As the system connectivity issues became more intermittent and frequent, the emergent situation turned into a matter of serious concern to me, as it was directly interfering with my exam. This had affected my responses to the questions put forward by the Proctor during the course of [their] inquiry.

I wish to humbly state here that I had no intention whatsoever to either attempt to mislead or lie to the Proctor through my above responses.

12. Please provide me with any other comments you wish to be considered in relation to this complaint.

Reply : I wish to humbly bring to your kind notice the following points :

1. The laptop equipment used by me for the FM exam on 7th June 2024 is fully compliant with prescribed technical requirements and specifications relating to browser and settings, so as to ensure the success of the exam.

2. Internet connectivity is by and large stable at most times. However, on a few days, due to circumstances beyond control, connectivity issues are common in home internet connections.

3. On the day of my FM exam on 7th June 2024, internet connectivity fluctuations were intermittent throughout the morning hours. Although the issue was persisting at the start of my exam, I was able to pass the mandatory system test and completed all other exam formalities.

4. To partly overcome the connectivity fluctuation issue, I was compelled to arrange for backup in the form of mobile hotspots on my [PRIVATE] mobile phone and my mobile phone. At this point, I wish to state that I am well aware that as per ACCA's Students' FAQs on remote session CBEs, "using mobile

hotspots is not allowed for any reason". However, due to connectivity issues as stated above, I admit to have made a judgemental call to retain the backup arrangements.

5. I confirm that both the mobiles were kept well away from the exam table I area and out of arm's reach as per ACCA's Exam Regulations. This was also checked, verified and confirmed so by the Invigilator at the time of commencement of the exam. The backup arrangement was intended to be used only as a last resort.

6. For nearly more than one and half hours into the exam, I was able to manage with the internet connectivity fluctuations and could complete around 60% of the exam paper, although I was very much perturbed over the developments. During this time, I admit that I had checked the hotspot on my mobile on a few occasions as appearing at the timestamps in the video footage. It was subsequent to one such check that my exam was terminated by the Proctor after a final chat.

7. On account of the above concerns, I was deeply perturbed over the developments. I admit that this may have caused me to provide such responses which appeared to mislead the Proctor during his inquiry. I wish to confirm here that I had no such intention to deceive the exam Proctor by giving misleading information or lie to [them]. I wish to affirm here that at no point of time did I attempt to adopt unfair means or gain an unfair advantage or intend to violate any of ACCA's Exam Regulations.

8. I wish to express my deep regrets on my conduct during the FM exam session and any of my responses during the chat inquiries by the Proctor."

59 On 22 January 2025 in response to questions further raised by ACCA, Mr Karthick R clarified in an email:

"Within your response, you state that you faced 'intermittent and frequent' internet/WI-Fi connectivity issues during your exam attempt. You accept that you were using your [PRIVATE] mobile phone as a backup to remain connected and explain that you were 'forced' to reach for it at intervals to check that the hotspot was functional.

You also accept that it was a lapse on your part not to have notified the proctor of the connectivity issues that you were facing.

Such a scenario would undoubtedly put stress on a student who is taking their examination attempt seriously and some may suggest that a student experiencing such issues would highlight this at the earliest opportunity, particularly if they were feeling 'deeply perturbed'.

Response:

I agree with your observation that a student taking an examination attempt would be under severe stress when faced with the situation as described in my earlier response (under "any other comments") and in the normal course would immediately bring the same to the notice of the Proctor at the start of the examination or during it. As stated by me in the said section, the internet connectivity fluctuations were intermittent throughout the morning hours and I had indeed planned to highlight this to the Proctor at the start of the exam (wish to mention here just for your kind information, my examination session was in the afternoon and was slated to commence from 15.30 hours IST).

In the midst of all this, I was just about able to pass the mandatory system test and complete all other exam formalities with the guidance of the Supervisor I Proctor. Although I was a trifle worried that the connectivity issue would hinder with my completion of the exam formalities, I was actually able to do so with minimum interference. This, and perhaps due to reasons beyond my normal reasoning, the issues in internet connectivity were not brought to the attention of the Proctor prior to or at the start of the exam. As stated earlier, it was a lapse on my part not to have notified the Proctor.

A half hour or so into the examination, the connectivity issues became frequent and it just did not occur to me to notify the Proctor of the issues, as my mind was totally occupied with the situation prevailing and I was trying very hard to get on with the examination.

Please may you explain further exactly why you did not inform the proctor, either at the start of the exam or during it, that you may face or indeed were facing 'intermittent and frequent' connectivity issues? Was there a particular reason why, when questioned about the device you were using, you proceeded to tell the proctor that you did not 'have anything white coloured' (1 :16:02) and

were in fact using your calculator, instead of highlighting the connectivity issues at the time?

Response:

In hindsight, I admit that it appears a little unbecoming on my part not to have highlighted the issues related to connectivity to the Proctor at the start of the exam. I was so caught up with the issue since the morning hours, that it just escaped my mind to inform the Proctor. I believed that the issues would get sorted out as time wore on, particularly since I was able to complete the exam formalities in the little time available during sporadic stable periods and patiently overcoming interference. This was prior to the release of the exam paper. As stated earlier, it just did not occur to me at the time to notify the Proctor of the issues.

All this time, I was getting internally agitated and feeling deeply perturbed that the situation did not improve and this must have reflected in my face and in the response given to the Proctor at the time of the questioning. It was an inadvertent response that I proceeded to give to the Proctor when I actually should have informed [them] of the issues being faced by me.

It would also be helpful to understand why, given that you state your behaviour was not untoward, the mobile phones could not be seen when the proctor intervened and asked to view your immediate surroundings. You recognise that 'using mobile hotspots is not allowed for any reason' but that you made a judgement call to retain the backup arrangements - is it therefore fair to say that you were hiding your phone(s) from the proctor at this time?

Response:

I had admitted in my earlier responses that I had used a mobile phone during the FM exam and that such usage was solely as backup and to check the hotspot function, mainly on account of circumstantial emergency related to connectivity issues since the morning hours on the day of the exam. The mobile was placed well out of my arm's reach, well away from the exam area in the room and in silent mode with the vibrator in switched off mode. These actions

were exactly in accordance with and as stipulated by ACCA's own Exam Guidelines.

It may please be carefully noted that when the Proctor intervened and sought to view my immediate surroundings, I had immediately complied with [their] instructions without any pause or time lag; I had instantly tilted my laptop camera and showed [them] the exam table area and even stood up on being told to do so, so that the Proctor could view my immediate surroundings. In particular, as the connectivity at around the time was bad, I had checked the mobile for signal continuity just a while before, when the Proctor intervened. I placed the mobile phone out of arm's reach and out of the exam area and complied with the Proctor's instructions immediately.

It would not be out of place to mention here that it would give the impression to the reviewer that I attempted to "hide" my mobile phone from the Proctor at this time, when in fact I had placed the mobile phone out of arm's reach and out of the exam area after checking the hotspot signals. If I was trying to "hide" the mobile phone from the Proctor, it stands to reason that I would have taken such hurried and nervous actions as would be required to put the mobile phone away and out of sight, and would have taken a while before complying with the Proctor's instructions to view my immediate surroundings. However, you will observe that I have acted instantly to comply with the Proctor's instructions, panned my laptop camera over the exam area and stood up on being told to do so. You will well appreciate that I have not taken any hurried or nervous actions at that time. Hence, considering the situation I was in, it is my earnest request to the Investigating Officer to please view my actions in an objective manner though the outcome might suggest otherwise.

Additionally, it is noted that the video footage appears to suggest that you reached for your phone shortly after the exam was released. You were then on your phone for long periods of time. For example, there is a period in which you appear to be on your phone for over 10 minutes at a time (See for example 32:33 -55:33 and 1 :01 :00 - 1 :14:16). Additionally, your eye movement during the footage would suggest that you are reading something. There are also periods where you appear to be typing on your phone and angling the phone in a particular manner towards the screen, as noted in my previous correspondence.

The footage would therefore suggest that you are doing more than ensuring the hotspot feature was functional and in a state of readiness (which you state required tapping on and off the function and restarting the phone to reset it). Please may I ask you to provide a further explanation as to what you were doing which required so much of your time?

Response:

I had stated in my previous correspondence that for nearly more than one and a half hours into the exam, I was able to manage with connectivity fluctuations and could complete about 60% of the exam paper. During the moments of connectivity fluctuations, I was forced to check the hotspot function on my mobile on a few occasions. As I was taking the exam in a closed room, the hotspot function on my mobile failed too due to weak or no signals, which necessitated constant switching off and on of the mobile. Even during these switching on moments, the mobile lagged, thus compounding the problem. Besides, it was required to input the mobile access password after every restart. This explains your references to instances of "eye movements", "reading something" and "typing on the phone". Some of these attempts were protracted while a few other attempts just did not yield the desired result. In short, during those moments, I did all I could to get going to have a smooth exam with limited success. I have no comments on the duration of each of the above referred attempts, as I was fully engrossed on the problem and its resolution.

I wish to once again confirm here that all my efforts on my mobile were towards resolving the problem and proceed with my exam paper and complete the same within the allotted time.

I was also perturbed over the developments. I admit that this may have caused me to provide such responses which appeared to mislead the Proctor during [their] inquiry. I wish to reiterate here that I had no intention whatsoever to either deceive the exam Proctor by giving misleading information or lie to [them]. At no point of time did I attempt to adopt unfair means or gain an unfair advantage or intend to violate any of ACCA's Exam Regulations.

I wish to express my deep regrets on my conduct during the FM exam session. I shall continue to adhere strictly to all Examination Regulations prescribed by ACCA in letter and spirit, in the future and at all times. I request the Committee to please consider permitting me to sit in the Centre Exams, from the forthcoming examination sessions. I have no objection whatsoever to appear in the Centre Exams in the future.

I further wish to submit to ACCA, that I belong to a [PRIVATE] which gives utmost importance to honesty, highest integrity and moral and [PRIVATE] values and I have so far adhered to such sacred values. I assure you that I will continue to do so in the future.

I request the Committee and the Investigating Officer to please take my submissions on record and permit me to sit in future ACCA Centre examinations, from the forthcoming exam session

Karthick R"

- 60 In the Case Management Form (CMF) completed and returned by Mr Karthick R on the 31 July 2025, he confirmed that he would attend the disciplinary proceedings and further stated:

"I have gone through the allegations put forth by ACCA in detail in relation to my remotely invigilated Financial Management examination held on 7th June 2024.

It is my humble submission that it is my strong suspicion that through selective reproduction of responses furnished by me in my earlier responses, an impression is being sought to be created before the Disciplinary Committee that I was "dishonest in that I untruthfully stated to the exam proctor that I was not using the mobile phone during the examination attempt when that was not the case"; that I was "dishonest in that I used an unauthorized item to gain an unfair advantage for myself in the case"; that "my conduct demonstrates a failure to act with integrity". And by reason of the above conduct, I am "guilty of misconduct" and "liable to disciplinary action".

In ACCA's fairness, all of the above appear to be highlighted by ACCA with the sole intention to brand me as a person with least or no virtue at all and one who does not value integrity and honesty. I reject and deny ACCA's blatant attempt to malign me.

In order to bring about parity in the manner of presentation of the matter before the Disciplinary Committee, I humbly request that the Hon'ble Chair may please peruse my submissions vide my responses over emails dated 14th October 2024 and 22nd January 2025 in totality rather than in isolation as sought to be brought into focus by ACCA, so as to obtain a wholesome picture of the circumstances which triggered the sequence of events. It is also my humble submission that nowhere in my statements contained in my above referred emails have I denied use of the mobile phone. The mobile phones were intended purely as a backup measure and were kept well away from the examination area, out of arm's reach at the start of the exam as per ACCA's Exam Regulations. This was also checked, verified and confirmed by the Invigilator at the time of commencement of the exam. In all fairness, I wish to submit that I have adhered to the ACCA's examination guidelines. Please refer to my submission vide reply #3 to item no.12 of ACCA's communication dated 4th October 2024, where I had clearly stated that "On the day of my FM exam on 7th June 2024, internet connectivity fluctuations were intermittent throughout the morning hours. The said exam was scheduled to start from 3.00 pm on that date, but it is significant to note that the connectivity issues existed right from the morning of that date and in particular, persisted at the start of the exam. Again, please also refer to my submission vide reply#4 wherein I have stated that I am well aware of ACCA's FAQs on Remote Session CBEs, that "using mobile hotspots is not allowed for any reason"; however, due to connectivity issues as stated above, I have made a judgmental call to have a backup arrangement by way of mobile phone, so as to minimize the fallout due to frequent disruptions in connectivity. Making a judgmental call during times of extraordinary circumstances can neither be considered a crime nor can it be construed to resorting to unfair means or gaining unfair advantage at any point of time. For more than 90 minutes into the exam, I struggled with the issues on hand while completing around 60% of the examination paper. My consequent actions may have given an unfortunate impression of misleading the Proctor but it certainly cannot be construed that I have tried to deceive the Proctor or attempted to give misleading information or lie to [them]. Not bringing the

situation to the notice of the Proctor is my only folly. I humbly reiterate once again that at no point of time did I attempt to adopt unfair means or gain an unfair advantage or intend to violate any of ACCA's Exam Regulations. I humbly express my deep regrets on my conduct during the FM exam session and any of my responses during the inquiries by the Proctor."

- 61 Mr Karthick R was asked if he wished to give evidence or make submissions to the Committee. He stated that he had sent full responses and explanation to ACCA, which the Committee had read and simply wished to rely upon these and make a few submissions.
- 62 In relation to Allegation 1 Mr Karthick R stated that he did initially follow the exam guidelines, as he kept the two phones out of arms reach at the beginning of the exam. It was only when the connectivity issues became relevant did he use the phone. This was not to gain an unfair advantage at any point. He used his judgment at that point.
- 63 In respect of Allegation 2, Mr Karthick R admitted that he did give false information because he was stressed about connectivity issues whilst trying to do his exam.
- 64 At no point did Mr Karthick R use or intend to use the phone to gain an unfair advantage. The exam had been booked 2 months in advance but on the day of the exam, there was heavy rain fall, which interfered with the Wi-Fi connectivity,

DECISION ON FACTS AND REASONS

- 65 The Committee considered ACCA's bundle of evidence, the exam video and the written representations, supplemented by Mr Kerruish-Jones orally, and the written and oral submissions of Mr Karthick R. The Committee considered the legal advice from the Legal Adviser, which it accepted.
- 66 The Committee was aware that the burden of proving the facts was on ACCA. Mr Karthick R did not have to prove anything, and the charges could only be found proved if the Committee was satisfied on the balance of probabilities.

67 However, the Committee had been advised specifically by the Legal Advisor in relation to the reverse burden of proof created under Examination Regulation 6(b), and to balance this with the presumption of innocence. The standard of proof on this reverse burden was also on a balance of probabilities.

68 The Committee noted that Mr Karthick R had admitted Allegation 2, and 4(i) and that these admissions would be used in determining the remaining Allegations.

ALLEGATION 1

69 The Committee were mindful of the fact that the main evidence in this case was the video footage of the exam undertaken by Mr Karthick R, which the Committee had watched.

70 This showed that on numerous occasions Mr Karthick R was using a phone. When this was raised by the proctor, Mr Karthick R, denied using a phone.

71 Mr Karthick R admitted that at the start the exam that he placed the two phones out of arm's reach but then admitted that he did use the white phone due to connectivity issues.

72 On the admissions of Mr Karthick R and the video evidence, the Committee found clear evidence of Mr Karthick R failing to adhere to the proctor's instructions.

73 The Committee had therefore to find that this allegation was proven on a balance of probabilities.

ALLEGATION 3

74 The Committee was mindful that Mr Karthick R had admitted in his own correspondence and submission to the Committee, that he did use the mobile phone during the exam, but only due to connectivity issues and not in order to gain an unfair advantage.

75 The Committee noted Examination Regulation 6(b):

“6.(b) If you breach exam regulation 4 and the ‘unauthorised materials’ are relevant to the syllabus being examined; it will be assumed that you intended to use them to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, you will have to prove that you did not intend to use the unauthorised materials to gain an unfair advantage in the exam.”

- 76 The onus was therefore upon Mr Karthick R to show that he *“did not intend to use the unauthorised materials to gain an unfair advantage in the exam.”*
- 77 This Committee noted that the video of the exam showed that Mr Karthick R was using the phone frequently throughout the exam, and that it looked that he was typing on the phone. This was compelling evidence and if Mr Karthick R was simply checking the hotspot connectivity, there would be no need to be typing and looking at the phone for a substantial amount of time.
- 78 The Committee were convinced that if there had been connectivity issues, due to prevailing adverse weather conditions which had previously caused Wi-Fi issues, then this is surely something that a student, undertaking important exams, would have mentioned to the proctor at the very beginning of the exam process.
- 79 The Committee were mindful, that if Mr Karthick R’s situation was genuine, then his demeanour during the exam would have been very different he would have mentioned the situation to the proctor.
- 80 Mr Karthick R was also aware of the rules on using hotspot connections during the exam.
- 81 It is for these reasons that the Committee did not find Mr Karthick R’s account credible.
- 82 Due to finding Mr Karthick R’s account lacked credibility, he had therefore not discharged the burden of proof on a balance of probabilities that he did not intend to gain an unfair advantage due to using his phone.

ALLEGATION 4(II)

- 83 The Committee relied upon its findings of fact and admitted Allegations above in assisting with the determination of dishonesty.
- 84 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 Karthick R'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.
- 85 The Committee first had to ask itself on Mr Karthick R's subjective view of the acts admitted and found proved, and whether he believed his actions were dishonest and consider if Mr Karthick R intended to gain an unfair exam advantage during her ACCA exam.
- 86 The Committee had regard to the fact that Mr Karthick R, by accepting that he used a phone during the exam, and had lied to the proctor about this use, and due to this lie, the Committee found that Mr Karthick R was aware that his actions were dishonest.
- 87 Considering the findings of fact in respect of these Allegations, the Committee had to determine whether Mr Karthick R intended to gain an unfair advantage in his exam attempt as he had not discharged the burden of proof on this point.
- 88 The Committee questioned what was meant by an "unfair advantage". It was clear that the use of a phone during an exam, which could have placed a student in an advantageous position and assist in passing the exam. 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*.
- 89 It is clear that on the basis of the facts found by the Committee, that on the standards of ordinary decent people that they would believe that Mr Karthick R was acting dishonestly.

90 The Committee therefore found that ACCA had discharged its burden of proof in relation to Allegation 4(ii) on the balance of probabilities, and the Committee found the Allegation of dishonesty proved.

91 Allegation 4(iii) was an alternative finding of integrity, which did not need to be considered as the Committee found that Mr Karthick R was dishonest.

ALLEGATION 5 - MISCONDUCT

92 In relation to Allegation 5, 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 that, *'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.'*

93 The Committee had found that Mr Karthick R's behaviour had been dishonest. The Committee was satisfied that he was guilty of misconduct. Such conduct fell far below the standards expected of an accountant and student member of ACCA. In the Committee's judgement, it brought discredit to Mr Karthick R, the Association and the accountancy profession.

94 Having found Allegation 5(a) proved it was not necessary for the Committee to consider Allegation 5(b), which was alleged in the alternative.

SANCTION AND REASONS

95 In reaching its decision on sanction, the Committee considered the oral submissions made by Mr Kerruish-Jones on behalf of ACCA and Mr Karthick R on his own behalf. Mr Kerruish-Jones made no submission as to the actual sanction but referred to the Guidance for Disciplinary Sanctions (GDS) and in particular the section on dishonesty. Mr Kerruish-Jones reminded the Committee of the Overarching Objectives and a summary of the general principles including the assessment of seriousness. He confirmed that Mr Karthick R had no other known previous disciplinary findings. Mr Karthick R did

not put forward any mitigation for his actions, did not demonstrate, any remorse or implications of his conduct, or identify any exceptional circumstances.

96 The Committee noted its powers on sanction were those set out in Regulation 13(4) in relation to student members. 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.

97 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.

98 The Committee assessed the aggravating and mitigating features:

Aggravating features:

- This was a deliberate and pre-planned course of conduct.
- Mr Karthick R has been found to have acted dishonestly.
- Undermined the integrity of the remote examination process.

Mitigating features:

- There were no previous disciplinary findings against Mr Karthick R.
- Evidence of apology and limited insight.
- Mr Karthick R made early admissions to two of the Allegations.
- No direct loss or impact on the public.

99 Given the Committee's view of the seriousness of Mr Karthick R'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.

100 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 Karthick R did not reference any exceptional circumstance which the Committee could take into account.

- 101 The Committee had regard to Section E2 of the GDS on dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the GDS, removal from the student register and was satisfied that Mr Karthick R's 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.
- 102 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

- 103 The Committee decided that there were no public interest factors which required the order to have immediate effect.
- 104 The Committee revoked the Interim Order imposed previously upon Mr Karthick R.

COSTS AND REASONS

- 105 ACCA applied for costs in the sum of £7058.00. The Committee was provided with a schedule of costs. The Committee was satisfied that the costs claimed were appropriate and reasonable.
- 106 Mr Kerruish-Jones 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.
- 107 [PRIVATE]
- 108 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 Karthick R's means.

- 109 Having carefully considered the evidence of Mr Karthick R, ACCA's Cost Guidance and heard from the Legal Adviser, the Committee made an order for costs against Mr Karthick R in the sum of £1,500.00.

Ms Wendy Yeadon
Chair
26 September 2025