

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Sayan Ghosh

Heard on: Thursday, 02 April 2026

Location: Held remotely, via MS Teams

Committee: Mr Andrew Gell (Chair)
Ms Dinisa Kandasamy (Accountant)
Mr Andrew Skelton (Lay)

Legal Adviser: Mr Lee Davies

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

Summary: Allegations 1(a),1(b) 2, 3,4, 5(a), 5(b) and 6(a) found
proved
Removal from the Student Register

Costs: Mr Ghosh to pay £5,500 towards ACCA's costs

PRELIMINARY

1. The Disciplinary Committee ('the Committee') convened to consider the case of Mr Ghosh.

2. The Committee had before it a Report and Bundle (56 pages), an Exam Video (2 hours 26 minutes long), Phone Log 1 (7minutes 57 seconds), Phone Log 2 (37 seconds), and a Service Bundle (13 pages).
3. Ms Michelle Terry ('Ms Terry') represented the Association of Chartered Certified Accountants (ACCA). Mr Ghosh did not attend and was not represented.

SERVICE AND PROCEEDING IN ABSENCE

4. The Notice of Hearing was sent by email on 04 March 2026 to Mr Ghosh's registered email address. The Committee was provided with a delivery receipt showing the email had been received by the addressee and a screenshot from the membership database showing Mr Ghosh's registered contact details.
5. Mr Ghosh responded on 04 March 2026 and stated that he would not be attending the hearing, and he hoped the hearing would take place in his absence. On 01 April 2026 the Hearings Officer sent Mr Ghosh the link to the hearing, in the event he decided to attend.
6. The Committee accepted the advice of the Legal Adviser and was satisfied that the requirements of Regulations 10(1) and 22(1) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 ('CDR') as to service had been complied with.
7. Having satisfied itself that service had been carried out in accordance with the regulations, the Committee went on to consider whether to proceed in the absence of Mr Ghosh.
8. The Committee considered the submissions of Ms Terry. The Committee accepted the advice of the Legal Adviser, who referred it to Regulation 10(7) of the Regulations, the ACCA document 'Guidance for Disciplinary Committee hearings', and the relevant principles from the cases of *R v Jones* [2002] UKHL 5 and *GMC v Adeogba* and *GMC v Visvardis* [2016] EWCA Civ 162.
9. The Committee was satisfied that Mr Ghosh had voluntarily absented himself from the hearing. Mr Ghosh had said in his email of 04 March that he would not

be attending and hoped the hearing would proceed in his absence. There was no further communication from Mr Ghosh. The Committee was satisfied that his non-appearance at the hearing today was deliberate and voluntary. In those circumstances, the Committee considered it highly unlikely that Mr Ghosh would attend on a further occasion if this hearing was adjourned, and therefore no purpose would be served by doing so.

10. The Committee was satisfied that it was in the public interest that the hearing should proceed in Mr Ghosh's absence.

ALLEGATIONS

11. The allegations against Mr Ghosh are as follows:

Mr Sayan Ghosh, a student of ACCA, in respect of his on-demand remotely invigilated FBT – Business and Technology exam taken on 2 November 2025 ('the Exam'):

- 1) Failed to adhere to ACCA's Exam Guidelines contrary to Exam Regulation 1. Namely:
 - a) To 'move mobile phones... out of arm's reach' and/or possessed an item on or about his desk or person which was not on the list of permitted items in the Exam Guidelines; and/or
 - b) Not to 'whisper or read out loud any of the exam content'.
- 2) Was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b) and thereby sought to gain an unfair advantage in the Exam and/or a future exam within the meaning of Exam Regulation 6(b).
- 3) Used the above referenced unauthorised item to take photographs and/or recordings of the Exam content, contrary to Exam Regulation 13.
- 4) Gave the exam proctor/s false or misleading information about the said unauthorised item, contrary to Exam Regulation 3.

- 5) Mr Sayan Ghosh's conduct in respect of any or all of the above was:
- a) Dishonest, in that he intended to use or used an unauthorised item, a mobile phone with camera, during the Exam to gain an unfair advantage for himself in the Exam and/or for a future exam; and/or
 - b) Dishonest or in that he gave the proctor false or misleading information; or in the alternative:
 - c) Such conduct demonstrates a failure to act with integrity.
- 6) By reason of the above, Mr Sayan Ghosh is:
- a) Guilty of misconduct pursuant to Bye-law 8(a)(i) in respect of any or all of the conduct above; or in the alternative:
 - b) Liable to disciplinary action pursuant to Bye-law 8(a)(iii) in respect of any or all of the conduct in Allegations 1 to 4.

ACCA'S Case

12. On 23 May 2025, ACCA registered Mr Ghosh as a student. As such, he is bound by Association's Bye-laws and Regulations, including the Examination Regulations and Examination Guidelines.
13. On 2 November 2025, Mr Ghosh sat his FBT – Business and Technology examination (the 'Exam') by remote invigilation. Immediately before the commencement of the exam, Mr Ghosh would have agreed to ACCA's terms and conditions on sitting exams remotely. This would have included the Examination Regulations and Guidelines.
14. On 5 November 2025 a complaint referral was made to ACCA's Regulation and Conduct Department about Mr Ghosh's conduct during the Exam.
15. ACCA allege that Mr Ghosh possessed and used a mobile telephone during the Exam, in an attempt to gain an unfair advantage.

16. ACCA further allege that Mr Ghosh mislead the Proctor during the Exam as he told him he did not use the mobile telephone.

17. Having been informed on 05 November 2025 that an incident report had been submitted and that his case was being referred to the Professional Conduct Department, Mr Ghosh replied on the 10 November 2025 in the following terms:

"I am writing to sincerely clarify that I have not engaged in any form of malpractice during my recent ACCA exam. I completed the exam entirely on my own, without any external assistance or use of unauthorized devices.

There seems to have been a misunderstanding that led to this investigation. I would like to assure you that I take the integrity of the ACCA qualification very seriously and would never intentionally violate any exam rules or regulations.

At present, I am preparing for my upcoming Financial Accounting (FA) paper, and this ongoing investigation is causing considerable stress and uncertainty during my preparation. I kindly request you to review my case once again and, if possible, consider closing the investigation, as it is affecting both my studies and confidence.

My institution has been informed about this matter and fully supports my statement regarding the misunderstanding.

Thank you very much for your understanding and support.

Please let me know if any further information is required from my end"

18. On 25 November 2025 ACCA's Investigation Department wrote to Mr Ghosh requesting his comments regarding him appearing to use a mobile telephone during the Exam. Mr Ghosh responded in the first e-mail:

"Thank you for giving me the opportunity to provide my explanation.

I would like to clarify that at no point did I use my mobile phone for any exam-related purpose. The only reason the phone appeared in the video was

because I was facing unstable internet connectivity during my remotely invigilated exam. I was using a mobile hotspot, and due to heavy rainfall in my area that day, the connection became unstable. I briefly checked my hotspot to ensure that the exam platform would continue running smoothly.

After checking the connection, I immediately placed the phone aside and did not use it again. At no moment did I access any material, communication, or assistance on the device. I fully understand that mobile phones should not be touched during the exam, and I sincerely apologise for this unintentional breach of protocol.

My intention was only to stabilise my network so the exam could proceed without interruption. I respect ACCA rules and would never engage in misconduct. I assure you that this will not happen again in future exams. If required, I am willing to sit future exams from a test centre instead of remotely to avoid such issues.

Thank you for your understanding, and I hope my explanation clarifies the situation”

19. On 25 November 2025 Mr Ghosh sent a second email responding to the questions within ACCA’s letter of the same date.
20. ACCA submitted that Mr Ghosh’s conduct during the exam and his communication with the Proctor was dishonest, applying the test as set out in *Ivey v Genting Casinos* [2017] UKSC 67.
21. Finally, ACCA submitted that Mr Ghosh’s conduct amounts to misconduct, or in the alternative demonstrates a lack of integrity.

DECISION ON FACTS AND REASONS

22. As no admissions had been made by Mr Ghosh, it was for ACCA to prove its case in relation to each of the allegations put forward.

23. The Committee considered with care all the evidence presented, and the submissions made by Ms Terry on behalf of ACCA. The Committee considered legal advice from the Legal Adviser, which it accepted.

Allegation1(a)

24. In determining this allegation, the Committee firstly considered whether Mr Ghosh had a duty to adhere to the ACCA Exam Guidelines. It was clear to the Committee he did, as it was a condition of undertaking the Exam. Having considered the video and photographic evidence, it was clear to the Committee that the mobile telephone was not out of arm's reach and Mr Ghosh was in possession of the mobile telephone, which was not on the list of permitted items. The Committee found this allegation proved.

Allegation 1(b)

25. The Committee found that at 28 minutes and 36 seconds of the Exam video, Mr Ghosh can be heard to read out in a whisper exam content. The Committee found this allegation proved.

Allegation 2

26. Following its findings at 1(a) above the Committee found that Mr Ghosh was in possession of a mobile telephone. The video evidenced Mr Ghosh lifting the telephone in a Landscape position on multiple occasions and the Committee concluded that Mr Ghosh was seeking an unfair advantage in the Exam and / or in future exams. The Committee concluded that in holding the mobile telephone in that position, Mr Ghosh was taking photographs and / or video footage of the Exam material. Mr Ghosh had not met the reverse burden of proof imposed upon him by Exam Regulation 6(b). The Committee found this allegation proved.

Allegation 3

27. Given its findings in relation to Allegation 2, the Committee was satisfied on the balance of probabilities that Mr Ghosh had taken photographs and / or recordings of the Exam content. The Committee found this allegation proved.

Allegation 4

28. The Committee found that Mr Ghosh had denied to the Proctor that he had used the mobile phone. It is clear from the video evidence that Mr Ghosh was holding and used the mobile phone. The Committee therefore determined that Mr Ghosh had misled the Proctor. The Committee found this allegation proved.

Allegations 5(a), 5(b) and 5(c)

29. In considering these allegations of dishonesty, 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 Ghosh's actual knowledge or belief as to the facts and then determine whether his acts or omission were, on the balance of probabilities, dishonest by the standards of ordinary decent people.
30. In relation to Allegation 5(a), the Committee relied upon its findings under Allegations 1(a), 2 and 3. The Committee found that Mr Ghosh had knowingly possessed a mobile telephone with a camera and he intended to use or had used it. The Committee found that he had done so to gain an unfair advantage in the Exam and / or a future exam. The Committee determined that this amounted to cheating. On the balance of probabilities, this was dishonest as judged by the standards of an ordinary decent person. The Committee found this allegation proved.
31. In relation to Allegation 5(b), the Committee relied upon its findings under Allegation 4. The Committee found that Mr Ghosh knew that he was providing the Proctor with false and misleading information. The Committee determined that on the balance of probabilities, this was dishonest as judged by the standards of an ordinary decent person. The Committee found this allegation proved.
32. It was not necessary for the Committee to consider Allegation 5(c) as it was alleged in the alternative.

Allegations 6(a) and 6(b)

33. In relation to the allegations found proved, 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.’
34. The Committee had found that Mr Ghosh’s behaviour had been dishonest. His actions were serious and fundamentally fell short of the standards required of a professional person. The Committee was satisfied that he was guilty of misconduct. Such conduct fell far below the standards expected of an accountant and member of ACCA and could properly be described as deplorable. In the Committee's judgement, it brought discredit to Mr Ghosh, the Association and the Accountancy profession.
35. The Committee therefore found that the allegations found proved amounted to misconduct, and that Mr Ghosh was liable to disciplinary action through his misconduct.
36. Having found Allegation 6(a) proved it was not necessary for the Committee to consider Allegation 6(b), which was alleged in the alternative.

SANCTION AND REASONS

37. In reaching its decision on sanction, the Committee considered the oral submissions made by Ms Terry on behalf of ACCA.
38. Ms Terry referred the Committee to the Guidance for Disciplinary Sanctions (‘GDS’). She identified that no previous findings had been made against Mr Ghosh and that he had cooperated with the ACCA investigation.
39. 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, but may have a punitive effect, and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.

40. 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.
41. Given the Committee's view of the seriousness of Mr Ghosh'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 and, in particular, there was no evidence of insight or genuine remorse.
42. 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 Ghosh 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 of the matters found proved.
43. 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

44. The Committee determined that an immediate order was necessary. It decided that this was proportionate as whilst Mr Ghosh was a student member, in light of the Committee's findings, the public interest could only be protected by an immediate order.

COSTS AND REASONS

45. ACCA applied for costs in the sum of £6,273. The Committee was provided with detailed and summary schedules of costs and was satisfied that these had been reasonably occurred.
46. Despite being given the opportunity to do so, Mr Ghosh did not provide any details of his means or provide any representations about the costs requested by ACCA. There was, therefore, no evidential basis upon which the Committee could make any reduction on this ground. However, because this hearing took less time than anticipated, it reduced the costs claimed for the Case Presenter and Hearing Coordinator. This resulted in a reduction of £773.
47. The Committee had in mind the principle that members against whom an allegation has been proven should pay the reasonable and proportionate costs of ACCA in bringing the case. This was because members should not be required to subsidise the minority who, through their own failings, have found themselves subject to disciplinary proceedings.
48. In light of the above, the Committee made an order for costs against Mr Ghosh in the sum of £5,500.

Mr Andrew Gell
Chair
02 April 2026