

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Saksham Motwani
Heard on:	Friday, 28 August 2026
Location:	Remotely via MS Teams
Committee:	Mr Gerry Wareham (Chair) Ms Nimra Syeda (Accountant) Ms Diane Meikle (Lay)
Legal Adviser:	Mr Stephen Chappell
Persons present and capacity:	Ms Holly Girven (Case Presenter on behalf of ACCA) Miss Nicole Boateng (Hearings Officer)
Summary:	Allegations 1a) (i); 1a) (ii) ;1a) (iii);1a) (iv);2a) proved and 3a) misconduct found Removal from the Student Register Immediate Order
Costs:	Awarded to ACCA in the amount of £6,500.00

PRELIMINARY MATTERS

1. Ms Girven represented ACCA. Mr Saksham Motwani (Mr Motwani) did not attend the hearing and he was not represented. The hearing was conducted remotely through Microsoft Teams.

2. The Committee had considered in advance the following documents:
 - a. The Original Hearing Bundle (pages 1 to 55).
 - b. Exam Video 1-Combined Video and Screen Recording.
 - c. Exam Video 2-Screen Recording & Meeting Recording.
 - d. A Service Bundle (pages 1 to 16).
3. Ms Girven for ACCA applied to amend Allegation 1a) (iv) pursuant to Regulation 10(5)(a)(i) of the Regulations so that it read “told the Proctor and/or the Intervention Specialist” as opposed to “the Proctor”. Ms Girven explained that this amendment did not change the substantive nature of the allegation. The Committee noted that the change was to cover the possibility that at the material time Mr Motwani interacted with either the Proctor and/or the Intervention Specialist. The Committee accepted the advice of the Legal Adviser. The Committee determined that such an amendment did not prejudice Mr Motwani and allowed the amendment to be made.

SERVICE/PROCEEDING IN ABSENCE

4. Having considered the Service Bundle and the Notice of Hearing dated 30 July 2026; the Committee was satisfied that notice of the hearing was served on Mr Motwani in accordance with the Complaints and Disciplinary Regulations 2014 (amended 1 January 2025) (“CDR”).
5. The Committee next considered whether it was in the interests of justice to proceed in the absence of Mr Motwani. The Committee accepted the advice of the Legal Adviser. The Committee was mindful that Mr Motwani has a right to attend the hearing and to participate and that the discretion to proceed in his absence must be exercised with the utmost care and caution.
6. The Committee noted that ACCA’s Notice was sent on 30 July 2026 to the email address held for Mr Motwani by ACCA, offering him the opportunity of attending via video or telephone link. On 18 August 2026 Mr Motwani emailed the Hearings Officer and said: *“I acknowledge receipt of the proposed date for the Hearing provisionally set for Friday, 28 August 2026. As previously indicated in my Case Management Form (CMF), I do not plan to attend the Hearing and confirm that I am content for the panel to proceed in my absence. Given*

that I have provided all available information and answered all questions previously, I have nothing further to add to the file. I request that the panel proceed with the Hearing on 28 August in my absence based on the existing documentation”.

7. The Committee was satisfied that all reasonable attempts have been made to secure Mr Motwani’s attendance/participation at the hearing. The Committee observed that Mr Motwani had engaged with ACCA and completed a Case Management Form (CMF) on 25 May 2026.
8. The Committee was satisfied that Mr Motwani has voluntarily waived his right to attend and did not consider that any adjournment would increase the chance of Mr Motwani attending or participating further in the case. He had admitted some of the elements of the allegations but denied others. In relation to the denied matters, he had set out his defence in writing and said he had nothing further to add. On the information before it and bearing in mind its duty to ensure the expeditious conduct of its business and the wider public interest, the Committee was satisfied that it was in the interests of justice to proceed in the absence of Mr Motwani. The Committee reminded itself that his absence added nothing to ACCA’s case and was not indicative of guilt.

ALLEGATIONS (as amended)

1. It is alleged that Mr Saksham Motwani, a student of the Association of Chartered Certified Accountants ('ACCA'):
 - a) During an on-demand Corporate and Business Law (LW)-ENG remotely invigilated exam (“the exam”) taken on 14 January 2025:
 - (i) Was in possession of an unauthorised item, namely a mobile phone, during the exam, contrary to Exam Regulation 5(b); and/or:
 - (ii) Failed to comply with the Exam Guidelines to “move mobile phones out of arm’s reach” and/or by having a mobile phone on his desk during the exam, breached Exam Regulation 1; and/or:

(iii) Used the said mobile phone during the exam, contrary to Exam Regulation 5(a); and/or

(iv) Told the Proctor and/or Intervention Specialist he was not using “any device”, which was false or misleading information, contrary to Exam Regulation 3.

2. The conduct described in Allegation 1 above or any of it was:

a) Dishonest, in that Mr Motwani intended to gain an unfair advantage in the exam attempt and/or to assist others in the exam and/or a future exam; or in the alternative:

b) Such conduct demonstrates a failure to act with integrity; or in the further alternative:

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

a) Guilty of misconduct pursuant to Bye-law 8(a)(i); or in the alternative:

b) Liable to disciplinary action pursuant to Bye-law 8(a)(iii), in respect of any or all of the matters set out in Allegation 1.

BRIEF BACKGROUND

9. Mr Motwani first registered as an ACCA student on 12 March 2022. As such, he was bound by the ACCA's Code of Ethics and Conduct, Bye-laws and Regulations, including the Examination Regulations. Mr Motwani would have agreed to ACCA's terms and conditions on sitting exams remotely. These would have been included in the exam docket which contains the Examination Regulations and Guidelines.

10. On 14 January 2025, a complaint referral was made to ACCA's Regulation & Conduct Department as it appeared that Mr Motwani was in breach of ACCA's Exam Regulations and Guidelines due to his conduct during the on-demand

Corporate and Business Law (LW) - ENG remotely invigilated exam taken on 14 January 2025.

11. The referral included a review of the video footage of the exam. From a review of the video footage, it appeared that Mr Motwani had an unauthorised item in his possession (which appeared to be a mobile phone). The evidence pointed to him having this phone in his trouser pocket and then placing it in arms reach on the desk in front of him to his right. Another phone which was on his bed was out of arms reach.
12. The key events observed from the exam video were noted as follows:
 - *The student went through the usual pre-exam checks and at 00:11:10 he placed a mobile phone on the bed behind him out of arms reach.*
 - *The exam started at approximately 00:21:36.*
 - *During the exam the student can be seen looking down to their right. This is observed at 00:23:56, 00:24:00, 00:24:22, 00:25:13, 00:26:02, 00:26:10, 00:26:12, 00:26:21, 00:26:36, 00:26:39 and 00:26:48 of the session recording. At 00:27:39, 00:27:44, 00:27:50 00:27:59 and 00:28:01 the student can be seen looking down to his left side.*
 - *At 00:28:05 the intervention specialist calls the student who responds with "yeah, which device, I am not using any device. yeah, okay alright." He then holds his hands up and shows the proctor what looks like a mobile phone (timestamp 00:28:34). The student adds "it is a phone" and shows it to the intervention specialist again.*
 - *The student lowers his hand and sits back doing nothing for about 7 minutes. At 35:44 he tries to get the proctors attention by saying "hello".*
 - *At 00:36:04 he selects the next question and continues with his exam.*
 - *At 00:43:23, 00:43:55, 00:44:17 the student can be seen looking down to their right. At 00:44:42 the student's exam ended.*

- *The student tries to get the proctor's attention and a message in the chat log asks the student to show the location of their phone. The student turns the laptop to show a phone on the right-hand side of the desk he was working at. The student is then asked whether they have another phone to which he responds in the chat box yes and moves the laptop to show it positioned on the bed behind him.*
 - *The intervention specialist then types in the chat box "hello my name is Dave John B and I'm an Intervention Specialist here at [REDACTED]. I am here to inform you that we have terminated the exam due to a breach in academic integrity in accordance with your testing organization.*
13. An ACCA investigation was commenced. On 20 January 2025 the Investigation Department emailed Mr Motwani and asked for his comments regarding his possession of a mobile phone during the exam.
14. On 20 January 2025, Mr Motwani responded to ACCA stating:
- "I understand that my possession of a mobile phone during the F4 exam on January 14, 2025, constitutes a serious breach of the ACCA Code of Conduct. I sincerely apologize for this unintentional oversight and I agree to fully cooperate with the investigation".*
15. In his email response to ACCA questions, Mr Motwani stated:
1. The proctor's incident report stated you were looking sideways and down. What were you looking at and doing?

As I mentioned in my earlier email, I had a second phone in my pants pocket which I forgot to keep out of sight. It was kept for entering the exam key that is delivered via mail. Due to my previous experience, I knew that once the check-in process is completed, it is usually not possible to copy anything on the keyboard as the clipboard gets disabled and also you can't access any other application. However, this time I was able to directly copy and paste the exam key from the laptop itself, making the phone unnecessary. Despite this, I forgot to keep the phone aside. It was a significant oversight on my part. Later, a few minutes into the exam,

I noticed that my phone was still with me. I thought about informing the proctor but hesitated, fearing it would immediately trigger an incident report. In hindsight, that would have been the best solution at that moment. I then placed the phone on the right side of my desk and tried to silence all notifications and vibrations to avoid any potential issues. The timestamps in the proctor's report should reflect this.

2. During your exam you were in possession of an unauthorised item (mobile phone). Why did you have an unauthorised item on you during the exam?

As mentioned above, I had the phone with me solely for the purpose of accessing the exam key. I acknowledge that this was a negligent oversight on my part.

3. Did you use the phone to take any photographs/images of your screen and the exam content? If so, please provide me with copies of all the images taken and the details of who if anyone you shared these images with.

I did not use the phone for any unfair advantage or anything else and nor were my intentions to do so. I only used it to silence the notifications.

4. Was there any unauthorised material on the phone you had with you during the exam?

There was no unauthorized material on my phone that could have given me an unfair advantage during the exam. Neither did I have any intention to do so.

5. Did you read and understand the exam guidelines prior to your exam?

Yes, I read and understood the exam guidelines prior to the exam. I am aware of the importance of maintaining exam integrity and the serious consequences of any breaches. I have taken several ACCA exams previously and never had any such issue regarding the breach of code of conduct. I understand the importance of adhering to the rules.

6. Please provide any other information regarding this exam that you feel will be beneficial to this investigation.

I accept my fault in this incident. It was totally unintentional, and I assure you that something like this will never happen again. I did not gain any advantage, nor did I have any intention to do so. I request that the investigation panel please consider withholding this exam result and refrain from taking any further action, as this incident might significantly impact my ACCA journey. I panicked at that moment and did not inform the proctor when I found the phone with me during the exam. I knew it was my mistake and, as it was totally unintentional and I did not want to create a scene, I surrendered to the proctor on the first go. I kindly request that you consider my point of view in this matter.

DECISION ON FACTS/ALLEGATIONS AND REASONS

16. ACCA did not call any oral evidence. ACCA relied on the video footage which showed the interactions between the Intervention Specialist and on-line Proctor. Ms Girven on behalf of ACCA submitted that the allegations are capable of proof by reference to this material and the documents in the main bundle.
17. The Committee reminded itself that it was for ACCA to prove the facts alleged and to do so on the balance of probabilities.
18. The Committee further reminded itself that if it was satisfied as to the facts regarding possession and or use of a mobile phone during an exam, Mr Motwani must prove that neither he nor anyone else intended to use it to gain an unfair advantage in the exam and or any future exam.
19. The Committee took account of Mr Motwani's previous good character.

ACCA's Case

20. Ms Girven submitted that the concerns arise from the fact that Mr Motwani admits to having in his possession a mobile phone during the exam despite being aware of the Exam Regulations which prohibit this. Moreover, the video

footage suggests that he kept the mobile phone on his desk, not at arm's length even after the Proctor/Intervention Specialist had intervened in his exam attempt.

21. Ms Girven submitted that the Exam Regulations make it clear that student members are prohibited from having mobile phones nearby during the exam and that the video footage shows Mr Motwani with a phone particularly around the 28-minute mark when he clearly holds it up towards the screen. Ms Girven further submitted that at that point in time the phone appears to be unlocked and receiving notifications although the content of those notifications is unknown.
22. Ms Girven further submitted that the video clearly established that Mr Motwani possessed an unauthorised item and he effectively admitted this in his written response where he accepts that he failed to comply with the requirement to keep the phone out of arm's reach. The video shows the phone within reach and/or on his desk.
23. Ms Girven submitted that there appear to be multiple occasions where Mr Motwani was seen looking down during the exam consistent with the phone being present and accessible which makes it more likely than not that the phone was used at some point prior to the 28-minute mark which was when he was challenged.
24. Ms Girven further submitted that the statement made to the Proctor and/or Intervention Specialist that he was not using a device was misleading given that he subsequently showed that device to the camera.
25. Ms Girven submitted that Mr Motwani's explanation of how he came to have a second mobile phone in his possession lacks credibility.
26. Ms Girven submitted that the video shows Mr Motwani initially displaying one phone at a distance and out of reach, but the phone later shown was different device (the second phone). She submitted that this makes it more likely than not that the second phone was used for unauthorised purposes. Ms Girven further submitted that Mr Motwani's explanation that he needed the phone for the exam access key is inconsistent with the presence of another phone in the

room; she also pointed out he did not provide this explanation to the Proctor and/or Intervention Specialist at the time. Ms Girven concluded her submissions by asserting that all the evidence pointed to an attempt to conceal the existence of this second device.

27. Ms Girven referred the Committee to the test for dishonesty as set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 76 at paragraph 74: *“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.”*
28. On behalf of ACCA Ms Girven additionally submitted that any or all of Mr Motwani’s conduct as set out in Allegation 1, demonstrates in the alternative a failure to act with integrity, based on the same facts. Ms Girven referenced the leading regulatory case on integrity *Wingate and Evans v The Solicitors Regulation Authority* [2018] where it was said that “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.

Mr Motwani’s case

29. In his written submissions contained within the CMH form submitted on 25 May 2026 Mr Motwani said the following:

“I admit to Allegations 1(a)(i), 1(a)(ii), and 1(a)(iii). I mistakenly had a second mobile phone in my possession to access the exam key, failed to move it out of arm’s reach, and placed it on my desk, using it briefly to silence all the notifications. I also admit to Allegation 2b, as my actions, due to oversight,

demonstrate a failure to act with integrity.

Regarding 1(a)(iv), I did not provide false or misleading information to the Proctor. When questioned, I clearly showed the mobile phone to the Proctor and acknowledged its presence, as evidenced by my statement “it’s a phone” and showing the device in the video footage (per ACCA’s report). My initial response (“I am not using any device”) was a reflexive statement under pressure, not intended to mislead, and I immediately corrected it by displaying the phone.

Regarding 2a, I did not act dishonestly or intend to gain an unfair advantage. The phone contained no unauthorized material, was used only to access the exam key (which I copied from my laptop), and I silenced notifications to avoid disruptions, as stated in my response to ACCA on 3 April 2025. My failure to inform the Proctor proactively was due to fear of an incident report, not an intent to deceive”.

DECISION ON FACTS / ALLEGATION(S) AND REASONS

Allegation 1a) (i) possession of mobile phone during an exam

- 30. Mr Motwani admitted this allegation. The video evidence clearly shows him in possession of the mobile phone.
- 31. The Committee therefore found Allegation 1a) (i) proved.

Allegation 1a) (ii) failure to keep mobile phone out of reach

- 32. Mr Motwani admitted this allegation. He acknowledged that he had read the exam guidelines which covered this point.
- 33. The Committee therefore found Allegation 1a) (ii) proved.

Allegation 1a) (iii) used the mobile phone during the exam

- 34. Mr Motwani admitted this allegation on a limited basis. He said that he only used the mobile phone to silence the notifications.

35. The Committee noted the mobile phone was unlocked and so was “active” and was in reach. The Committee further noted that Mr Motwani was looking down towards the phone during the exam as shown in the video. The Committee inferred from this that Mr Motwani was using the phone not on the limited basis of silencing notifications.
36. The Committee therefore found Allegation 1a) (iii) proved.

Allegation 1a) (iv): Misleading the Proctor and/or Intervention Specialist

37. Mr Motwani denied this allegation. The Committee carefully considered the account put forward by Mr Motwani who stated that a few minutes into the examination he realised his phone was still in his possession. He explained that he hesitated to inform the Proctor and/or Intervention Specialist because he feared this would result in an incident report being raised and so he panicked when first challenged.
38. The Committee noted the evidence of the video recording. The Committee concluded that when Mr Motwani told the Proctor and/or Intervention Specialist he was not using “any device”, this was not the true position; it was misleading. Although he volunteered that he had the phone some seconds later and showed it to the camera his initial response was a misleading one.
39. The Committee therefore found Allegation 1a) (iv) proved.

Allegation 2a): Dishonesty/ Intention to gain an unfair advantage

40. The Committee considered ACCA’s assertion that the evidence points towards Mr Motwani’s use of the mobile phone in the exam as being to gain an advantage. The Committee then balanced this against Mr Motwani’s defence that he had the device to access the exam key; he did not inform the Proctor of his possession of it for fear of the consequences and further that he was looking to his right as part of his action to silence notifications and vibrations.
41. The Committee approached Allegation 2a) on the basis that having found there was a breach of Regulations 5(a) and (b) as set out in Allegations 1a) (i) and (iii) there was a rebuttable presumption that there was an intention to use the

mobile phone to gain an unfair advantage and the burden of proving that was not the case on the balance of probabilities lay upon Mr Motwani. Mr Motwani failed to discharge that burden of proof. The Committee rejected the explanation put forward by Mr Motwani as not credible. Mr Motwani had sat the exams before; he was aware of the guidelines and there were opportunities for him to divest himself of the second phone (as he had done with the first phone).

42. The Committee carefully considered the legal test for dishonesty.
43. In considering the first limb of the *Ivey* test, the Committee was satisfied that Mr Motwani knew he was not permitted to take in or use unauthorised items, he had sat ACCA exams before, he confirmed he had read, and understood the rules. Nevertheless, he took in and used a second phone, which he did not declare until challenged.
44. Turning to the second limb of the *Ivey* test, the Committee considered whether an ordinary decent person would regard Mr Motwani's actions as dishonest. It concluded that such a person would consider it plainly wrong and dishonest for a candidate to gain an unfair advantage in an exam. In the circumstances, the Committee was satisfied that an ordinary decent person, aware of the facts at the material time, would consider Mr Motwani's conduct to be dishonest.
45. The Committee therefore found Allegation 2a) proved.

Allegation 2b): Lack of Integrity

46. On the basis that this allegation was pleaded in the alternative to Allegation 2a) the Committee made no findings in respect of it.

Allegations 3a) and b): Misconduct

47. As to Allegation 3a) the Committee, having regard to the legal definition of misconduct, asked itself whether the proven conduct amounted to misconduct.
48. The Committee had found the Allegations at 1a) (i); (ii); (iii) and (iv) and 2a) to be proven. The Committee noted that the failings involved breaches of the Exam Regulations and dishonesty. The Committee determined that these

failings were serious, falling short of the conduct expected of a student and amounted to misconduct. The Committee considered Mr Motwani's misconduct constituted a discredit to both him and the wider profession.

49. The Committee therefore found Allegation 3a) proved.
50. The Committee did not consider whether Mr Motwani was liable for disciplinary action pursuant to Bye-law 8(a)(iii) and as set out in Allegation 3 b) since this was an alternative allegation where no finding of misconduct was made.

SANCTIONS AND REASONS

51. The Committee noted its powers on sanction were those set out in Regulation 13(1). 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. The Committee accepted the advice of the Legal Adviser.
52. The Committee considered aggravating factors and mitigating factors.
53. In terms of mitigation, the Committee took the lack of prior disciplinary proceedings against Mr Motwani into account. It also considered that he had co-operated with the ACCA investigation and shown some insight and remorse. However, the Committee noted that Mr Motwani referred to his error as an "oversight" whilst also acknowledging the gravity of his position. The Committee were of the view that this insight required further development.
54. In relation to aggravating factors the Committee took into account that the misconduct had likely undermined the integrity of the exam and thereby had the potential to also undermine public confidence in the profession. There was also the risk that if Mr Motwani passed exams by cheating, then he could potentially become a member of the profession without having undertaken the proper study and without having the requisite knowledge. The Committee also took the view that Mr Motwani's misconduct was likely motivated by personal gain.
55. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. The dishonest

behaviour was serious. Trust and honesty are fundamental requirements of any professional. Dishonesty by a member of the accountancy profession undermines its reputation and public confidence in it.

56. The Committee carefully considered each of the available sanctions, starting with the least serious first. Having regard to the suggested factors for each as set out in the sanction guidance, the Committee decided that only the most serious available sanction, removal from the student register, would satisfy the overarching purpose of the ACCA disciplinary regime.
57. 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 Motwani from the student register and was satisfied that his conduct was fundamentally incompatible with remaining on the register. The Committee was satisfied that only removal from the student register was sufficient to mark the seriousness of the misconduct to the profession and the public.

COSTS AND REASONS

58. Ms Girven applied for costs totalling £7,250.00.
59. Mr Motwani had provided no information or submissions about his means. He had not completed the financial form sent by ACCA. In an email to ACCA of 18 August 2026 Mr Motwani mentioned "financial strain". However, no documentary evidence was provided.
60. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled, in principle, to a contribution to its costs. It took into account the ACCA Guidance for Costs Orders. The Committee was satisfied that the rates claimed were reasonable but adjusted the award to take account of the fact that the hearing took less time than had been anticipated and therefore it reduced the costs attributable to the hearing. The final costs order made in favour of ACCA was £6,500.00.

EFFECTIVE DATE OF ORDER

61. In relation to the timing of the removal, the Committee considered that in the specific circumstances of this case, there was a need for it to be immediate. The Committee bore in mind that Mr Motwani had not provided sufficient cogent evidence of insight into his misconduct, nor any rehabilitative action, and therefore the Committee considered that the risk he posed necessitated immediate removal.

ORDER

62. The Committee ordered as follows:
- (a) Mr Saksham Motwani shall be removed from the student register.
 - (b) The Order will take immediate effect.
 - (c) Mr Saksham Motwani shall make a contribution to ACCA's costs of £6,500.00.

Mr Gerry Wareham
Chair
28 August 2026