

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: **Miss Henrietta Princess Mensah**

Heard on: **13 January 2026**

Location: **Remote link via Microsoft teams**

Committee: **Ms Sahima Qamar (Chair)**
Ms Wanda Rossiter (Accountant)
Mr Damian Kearney (Lay)

Legal Adviser: **Mr Alastair McFarlane**

**Persons present
and capacity:** **Mr Mazharul Mustafa (Case presenter)**
Ms Aimee Murphy (Hearings Officer)

Outcome: **Removal from the student register with immediate effect
and costs awarded to ACCA in the sum of £5,750.
Interim Order revoked.**

1. ACCA was represented by Mr Mustafa. Miss Mensah did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 79, a video recording of the exam and 7 audio recordings, and a service bundle numbered pages 1 – 19.

SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was served on Miss Mensah in accordance with the Complaints and Disciplinary Regulations 2014 (“CDR”).

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Mustafa and accepted the advice of the Legal Adviser.
4. The Committee reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution.
5. The Committee noted that following the service of the Notice of Hearing on 16 December 2025, the Hearings Officer sent chasing emails to Miss Mensah’s email address on 05 and 07 January 2026 in attempts to ascertain if Miss Mensah would be attending. Further, on 12 January 2026 the Hearings Officer attempted to telephone Miss Mensah on the telephone number she had registered with ACCA. No successful contact was made and there was no opportunity to leave a voicemail. The Hearings Officer sent a further chasing email on the same date – 12 January 2026 and a further email on 12 January 2026 containing the remote link. There was no response to any of the emails sent by the Hearings Officer
6. The Committee was mindful of the observations of Sir Brian Leveson in *Adeogba v. General Medical Council [2016] EWCA Civ 162* as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made against them. The Committee noted that there had been no response from Miss Mensah at all. The Committee specifically considered the issue of fairness to Miss Mensah of proceeding in her absence, but also fairness to the ACCA and the wider public interest in the expeditious discharge of the Committee’s function. The Committee was satisfied that Miss Mensah had voluntarily waived her right to attend the hearing. The Committee was not persuaded that any adjournment was likely to secure her attendance at a future date.

7. The Committee was satisfied that Miss Mensah has been given every opportunity to engage and participate in the proceedings and has decided not to do so. Accordingly, in all the circumstances the Committee was satisfied that it was in the public interest to proceed in the absence of Miss Mensah.

ALLEGATIONS

Miss Henrietta Princess Mensah, a student of ACCA, in respect of her remotely invigilated Financial Reporting examination attempt on 06 September 2024 ('the Exam')

1. Failed to adhere to ACCA's Exam Guidelines which state that students must 'move mobile phones out of arm's reach' and possessed an item at her desk which is not on the list of permitted items in the Guidelines, contrary to Exam Regulation 1.
2. Attempted to deceive the exam proctor by giving false or misleading information in that when asked whether she was using her mobile phone, she stated that she was using a calculator when that was not the case, contrary to Exam Regulation 3.
3. Was using an unauthorised item with a camera and/or recording functionality, namely a mobile phone, throughout her examination attempt, contrary to Exam Regulation 5(a) and therefore intended to gain an unfair advantage within the meaning of Exam Regulation 6(b).
4. Used the above referenced unauthorised item to copy and/or to capture live exam content, contrary to Exam Regulation 11.
5. Miss Henrietta Princess Mensah's conduct in respect of allegations 1 – 4, or any of it, was:
 - (i) Dishonest in that she untruthfully stated to the exam proctor that she was not using her mobile phone during the exam when she was so doing; and/or:

(ii) **Dishonest, in that she used her mobile phone to copy and/or capture live exam content when she knew this was not permitted, to gain an unfair advantage in the exam and/or in any re-sit of the exam; or in the alternative:**

(iii) **Such conduct demonstrates a failure to act with integrity.**

6. **Miss Henrietta Princess Mensah failed to cooperate with ACCA's Investigating Officer in breach of Complaints and Disciplinary Regulation 3(1) in that she failed to respond fully or at all to ACCA's correspondence dated:**
 - a. **13 December 2024;**
 - b. **06 January 2025; and**
 - c. **29 January 2025.**

7. **By reason of the above, Miss Henrietta Princess Mensah 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 allegations 1 – 4 and/or 6 above.**

BACKGROUND

8. Miss Mensah became an ACCA student on 2 April 2024.
9. On 06 September 2024 Miss Mensah sat an ACCA remotely invigilated Financial Reporting (“FR”) exam. Under ACCA's Exam Regulations and Exam Guidelines candidates are required to move their mobile phone out of arms reach. If a candidate has a mobile phone or uses a mobile phone other than in accordance with the Exam Guidelines the mobile phone is an “unauthorised item”. The referral to ACCA also raised a concern that the student attempted to mislead the proctor in relation to the same and may have

taken photographs of exam content. The matter was subsequently referred to ACCA's Investigations Department.

10. The exam video, chat log and phone log from the exam were reviewed by the Investigations Officer. The Investigations Officer observed that at multiple times during the exam the video recording showed Miss Mensah using her mobile phone throughout her examination, including immediately after intervention from the proctor who had suspected such behaviour.
11. ACCA contended that the video footage included the following: Between approximately 39:37 and 39:55, Miss Mensah was observed holding something which appeared in the frame for a short period of time. Between approximately 42:49 and 43:08, Miss Mensah was observed holding a mobile phone, which appeared in frame. Between approximately 45:23 and 45:49, Miss Mensah was observed positioning a mobile phone horizontally and in such a manner that would have allowed the camera to capture the computer screen. At approximately 46:00, Miss Mensah was observed placing her mobile phone down. It appeared that it had fallen on the floor at approximately 46:03, at which point Miss Mensah panicked and picked it up immediately. Between approximately 53:56 and 54:14, the mobile phone appeared in frame again. The footage showed that the phone had a pink/purple case with a design on the back. It remained positioned horizontally and in a manner that would have allowed the student to capture the computer screen.
12. ACCA contended that the chatlog of the exam showed that Miss Mensah had attempted to mislead the proctor on at least three occasions by denying that she had been using an unauthorised device and later stating that she had in fact been using a calculator, when that had not been the case. At approximately 54:52, the proctor called Miss Mensah and stated that she appeared to be using an unauthorised device. Miss Mensah proceeded to show the proctor what appeared to be a plain blue/grey calculator. At approximately 55:14, the proctor reiterated that they had seen Miss Mensah using something that was pink. Miss Mensah stated that there was nothing pink and that her phone was far from her. Following this, Miss Mensah again held her mobile phone within frame at approximately 1:44:29 and 1:45:09. When the proctor stated that they suspected Miss Mensah had been using an unauthorised device, she

proceeded to hold up her calculator and maintained that her phone was far from her.

13. The Investigations Officer wrote to Miss Mensah's registered email address on 13 December 2024, requesting her comments and observations. Miss Mensah did not respond. On 06 January 2025, Miss Mensah was reminded of her duty to cooperate and asked to provide a response as soon as possible and by no later than 27 January 2025. As Miss Mensah did not respond to the first reminder email of 06 January, a second reminder email was sent on 29 January 2025. Miss Mensah was asked to provide a response as soon as possible and by no later than 19 February 2025. ACCA's Investigating Officer sent Miss Mensah a further email via Outlook on 12 August 2025. No response has been received.

ACCA's SUBMISSIONS

14. In summary, ACCA's case was that Miss Mensah was in possession of an unauthorised phone in the exam that she used or intended to use to gain an unfair advantage in the exam on 06 September 2024. In effect, she was cheating or intending to cheat, and this was dishonest conduct. The exam footage shows that Miss Mensah raised the mobile phone to the screen in a manner ACCA contends is consistent with taking photographs or recordings on several occasions. As an alternative to dishonesty ACCA alleged a lack of integrity.
15. Further, Miss Mensah did not admit, when questioned, that she was using an unauthorised device at the time of her exam and attempted to mislead the proctor by stating that she was using a calculator.
16. ACCA rely upon the assumption from the operation of Exam Regulation 6(b) that Miss Mensah intended to use the unauthorised item to gain an unfair advantage for herself or others in the exam and/or a future exam; it will be for Miss Mensah to prove that she did not intend to use the 'unauthorised item' for this purpose.

17. ACCA contended that Miss Mensah was taking photos or recording exam content. ACCA submits that this conduct would be deemed dishonest by the standards of ordinary decent people.
18. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Miss Mensah has acted without integrity.
19. ACCA contended that the dishonest conduct of trying to cheat in a professional exam clearly reached the threshold for misconduct. There was an alternative liability to disciplinary action.
20. Further, ACCA contended that Miss Mensah's non-responses amounted to a breach of the duty on students to cooperate with their regulator and that this was also sufficiently serious to amount to misconduct.

MISS MENSAH'S SUBMISSIONS

21. Miss Mensah has not made any response or any submissions to ACCA's case.

DECISION ON ALLEGATIONS AND REASONS

22. The Committee accepted the advice of the Legal Adviser. The Committee reminded itself that the burden of proving the case was on ACCA and had regard to the observation of Collins J in Lawrance v General Medical Council on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the 'balance of probabilities'. The Committee reminded itself to exercise caution in relation to its reliance on documents.
23. The Committee heard that there had been no previous findings against Miss Mensah and accepted that it was relevant to put her good character into the balance in her favour.

Allegation 1

Failed to adhere to ACCA's Exam Guidelines which state that students must 'move mobile phones out of arm's reach' and possessed an item at

her desk which is not on the list of permitted items in the Guidelines, contrary to Exam Regulation 1.

24. The Committee was satisfied that the video recording clearly showed a mobile phone in Miss Mensah's hands during the exam and it was therefore not out of arms reach. The phone was a pink device with a flowered pattern on the case. The Committee noted the volume buttons and charging slot that could be seen on the video and the manner in which Miss Mensah was holding it. It was clearly a mobile phone and as it was not out of arms reach this was a breach of the examination guidelines and therefore a breach of Exam Regulation 1. Accordingly, Allegation 1 was proved.

Allegation 2

Attempted to deceive the exam proctor by giving false or misleading information in that when asked whether she was using her mobile phone, she stated that she was using a calculator when that was not the case, contrary to Exam Regulation 3.

25. The Committee was satisfied that this allegation was proved by the evidence of the chat log in which Miss Mensah stated that she was using her calculator, which Committee was satisfied on the video footage was not true. The Committee was satisfied that the audio log and video evidence established that she had been holding a mobile phone. By referring to her calculator the Committee was satisfied that Miss Mensah was attempting to deceive the Exam Proctor. Accordingly, Allegation 2 was proved.

Allegation 3

Was using an unauthorised item with a camera and/or recording functionality, namely a mobile phone, throughout her examination attempt, contrary to Exam Regulation 5(a) and therefore intended to gain an unfair advantage within the meaning of Exam Regulation 6(b).

26. The Committee had regard to the video footage and still images taken from it and was satisfied that ACCA had established that Miss Mensah was using a mobile phone throughout her examination attempt. The manner of her holding

the phone was consistent with using it as a recording device or taking photographs of the exam content. The Committee drew the reasonable inference from the clear and compelling images on the video that she was using the mobile phone to copy live content from the exam. It was satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item was breached. The Committee was satisfied that the evidence showed Miss Mensah using her phone and that under Exam Regulation 6 there was a burden on her to prove that she did not use the phone to gain an unfair advantage. The Committee was satisfied that Miss Mensah had not rebutted this presumption and not established that she had not intended to use the unauthorised item to gain an unfair advantage. Accordingly, Allegation 3 was proved.

Allegation 4

Used the above referenced unauthorised item to copy and/or to capture live exam content, contrary to Exam Regulation 11.

27. The Committee had regard to the video evidence where Miss Mensah is shown holding the mobile phone. The Committee paid particular attention to how Miss Mensah was shown holding the phone on the video and was satisfied that it was more likely than not that she was using the mobile phone to copy and or capture live exam content. It was persuaded that ACCA had discharged the burden of proving this allegation. Accordingly, the Committee was satisfied that Allegation 4 was proved.

Allegation 5

Miss Henrietta Princess Mensah's conduct in respect of allegations 1 – 4, or any of it, was:

- (i) **Dishonest in that she untruthfully stated to the exam proctor that she was not using her mobile phone during the exam when she was so doing; and/or;**
- (ii) **Dishonest, in that she used her mobile phone to copy and/or capture live exam content when she knew this was not permitted,**

to gain an unfair advantage in the exam and/or in any re-sit of the exam; or in the alternative:

(iii) **Such conduct demonstrates a failure to act with integrity.**

28. The Committee first asked itself whether Miss Mensah's conduct was dishonest in that by using her mobile phone during the exam she intended to gain an advantage in the exam. The Committee asked itself what Miss Mensah's belief was as to the facts - what was her state of mind as to the facts at the time. The Committee was satisfied that Miss Mensah had confirmed before the exam started that she knew the Exam Regulations and knew that she should not have her mobile phone with her or use it during the exam. The Committee was fully mindful of the operation of the reverse burden under Exam Regulation 6 b.
29. The Committee was satisfied on the evidence that Miss Mensah was using her phone to cheat. It accepted that Miss Mensah had confirmed to the Proctor that she had read the rules and therefore knew that the mobile phone was an authorised item. The Committee was satisfied that the use of this phone was not accidental and was intentional. A likely intention was to assist herself in the exam. It was satisfied that she intended to gain with an unfair advantage. She had not rebutted the assumption that she intended to use it to gain an unfair advantage under Exam Regulation 6 b.
30. It was satisfied that this state of mind would be considered dishonest by ordinary decent people and therefore Allegation 5 (ii) was proved.
31. The Committee also considered Miss Mensah's state of mind in relation to her stating to the exam proctor that she was not using her mobile phone during the exam when she was so doing. The Committee was satisfied that this was a lie as the video showed her using her phone. The Committee was satisfied that there was no innocent explanation for this lie and that such a statement was dishonest. Accordingly, allegation 5 (i) was proved

Allegation 7

By reason of the above, Miss Mensah 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 allegations 1 to 4 above.**
- 32. The Committee next asked itself whether the proven conduct amounted to misconduct.
- 33. The Committee had regard to the definition of misconduct in bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Miss Mensah's actions brought discredit on her, the Association and the accountancy profession. It was satisfied that both the dishonest use of a mobile phone with the intention of cheating in a professional exam to assist herself and lying to the Proctor was deplorable conduct and reached the threshold of seriousness for misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. Her conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.
- 34. Further, the Committee was satisfied that a failure to co-operate with the regulator was very serious as it undermined the ability of the regulator to regulate the profession and amounted to misconduct.
- 35. In the light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 7 (a) was proved and did not consider the alternative of Allegation 7 (b).

SANCTIONS AND REASONS

- 36. The Committee noted its powers on sanction were those set out in Regulation 13(4). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.

37. 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. Similarly, not co-operating with your regulator was a very serious failing.

38. The Committee identified only one mitigating factor:

- Miss Mensah was of previous good character with no previous disciplinary record

39. The Committee identified the following aggravating factors:

- No evidence of insight
- This was deliberate and repeated (given the lie to the Proctor) dishonesty for personal gain
- The conduct breached the trust placed in examinees undertaking professional exams remotely
- Potential damage to the examination system
- Potential to undermine the reputation of the profession.

40. Given the Committee's view of the seriousness of Miss Mensah'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 remorse. 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 Miss Mensah and was satisfied that her conduct was fundamentally incompatible with remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public.

COSTS AND REASONS

41. ACCA claimed costs of £6,150 and provided a schedule of costs. The Committee had regard to ACCA's guidance on costs. It noted Miss Mensah has not provided a statement of means and there was no documentary evidence as to any income and savings. The Committee decided that it was appropriate to award costs in this case, and considered the costs claimed to be reasonably incurred. The Committee considered it appropriate to make some reduction in the costs given the fact that the case took less time today than anticipated. It concluded that given the information before it, the proportionate and appropriate amount of costs was £5,750. Accordingly, it ordered that Miss Mensah pay ACCA's costs in the amount of £5,750.00.

42. The interim order made on the 16 July 2025 was rescinded.

EFFECTIVE DATE OF ORDER

43. The Committee was satisfied that it was in the public interest to make an immediate order. This was because of the continuing risk to the public presented by Miss Mensah's failure to cooperate and from the potential risk of her sitting further exams if the order is not made immediate.

Sahima Qamar
Chair
13 January 2026.