

## HEARING

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

**In the matter of:** Miss Siah Hui Kuan

**Heard on:** Tuesday, 25 November 2025 and Thursday, 15 January  
2026

**Location:** Remote link via Microsoft Teams

**Committee:** Ms Colette Lang (Chair)  
Ms Fiona MacNamara (Accountant)  
Dr Jackie Alexander (Lay)

**Legal Adviser:** Mr Alastair McFarlane

**Persons present**

**and capacity:** Miss Siah Hui Kuan (Student)  
Mr Yali Quan (Interpreter)  
Ms Joanna La Roche (ACCA Case Presenter)  
Miss Mary Okunowo (Hearings Officer)

**Outcome:** Severe Reprimand.

**Costs:** Awarded to ACCA in the sum of £600.00

1. ACCA was represented by Ms La Roche. Miss Kuan attended but was not represented, but had the use of Mr Quan as interpreter. The Committee had before it a bundle of papers, numbered pages 1 – 86, a video recording of the

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exam, a service bundle numbered pages 1 – 9, an Additional Bundles Numbered pages 1-101 and a transcript of the hearing on 25 November 2025.

2. This is a resumed hearing from the 25 November 2025, when this case was adjourned part heard.

## **ALLEGATIONS**

Miss Siah Hui Kuan, a student of ACCA, in respect of her remotely invigilated Audit and Assurance (AA) exam taken on 02 June 2025 ('the Exam'):

1. Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk or about her person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.
2. Was in possession of and/or using an unauthorised item, namely a mobile phone, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b) and therefore intended to use the unauthorised item to gain an unfair advantage within the meaning of Exam Regulation 6(b).
3. Miss Hui Kuan's conduct in respect of any or all of the above was:
  - a) Dishonest, in that she intended to use or used an unauthorised item, a mobile phone, during the Exam to gain an unfair advantage, or in the alternative:
  - b) Such conduct demonstrates a failure to act with integrity.
4. By reason of the above, Miss Hui Kuan 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 2 above.

## BACKGROUND

3. Miss Kuan became an ACCA student on 14 June 2023.
4. On 02 June 2025, Miss Kuan sat an ACCA remotely invigilated Audit and Assurance (AA) exam. ACCA's case is that Miss Kuan notified ACCA that she had been using her mobile phone in breach of the exam regulations.
5. Miss Kuan self-referred her conduct to ACCA shortly after the exam.
6. In an email sent on 10 June 2025, Miss Kuan admitted to having her phone in her possession. She stated:

*"Dear ACCA,*

*I would like to apologize to ACCA and express my deep regret to ACCA. I violated the exam rules, integrity that a student should have and failed the public's expectations of ACCA. That is, I tried using my mobile phone during system test and the middle of the AA exam progress. At that moment I had this thought not because I'm trying to take a shortcut for my success, I was afraid of disappointing my family who have worked so hard to support me study. In the past few days after the exam, I kept realizing my significant mistake, this was the mistake that I should not have made as a student, but I made it. It is a serious matter for me to make this basic integrity mistake as a student even this qualification. I must also be responsible for the mistake I made at that time to ACCA and everyone who trusted me.*

*This is not an excuse for me to shirk my cheating, but examination itself must be a fair and just environment, there should be no any reason to misconduct. I will cooperate with ACCA during the investigation, I will reflect on myself and accept any disciplinary punishment that ACCA impose on me."*

7. The Investigations Officer wrote on 24 June 2025, requesting more information from Miss Kuan. On 25 June 2025 Miss Hui Kuan stated:

*"1. Yes, I am the author of the email dated 10 June 2025.*

*2. I have read the rules and regulations on the docket.*

3. Yes, I attempted to use phone during middle of the exam progress
4. Yes, I attempted to use phone during middle of the exam progress
5. I attempted retrieve the phone the phone from the floor when I came back from toilet.
6. When I came back from the toilet
7. I attempted looking at my phone at that time by refer own notes for AA SP questions

*According chronology for 00.01.00 before exam launched, I used my phone without knowing the relevant rules and regulations. When I focus back at the screen which showed rules and regulations and I realized that it was not allowed to use phone, I immediately put my phone out of arm's reach.*

*During my exam, I watched the time tick by and feels was very nervous. In a state of inexplicable [REDACTED] and tension, when I looked at those questions, my mind went blank for a moment which I couldn't remember what I had memorized. I felt helpless and afraid of disappointing my parents who worked hard to support me study. At that moment, I attempted to use my phone.*

*I am deeply apologise for this serious mistake”.*

8. Miss Kuan was further questioned on 04 July 2025 and responded on 21 July 2025 as follows:

*“During those days, I kept reflecting on my own problems. I felt guilty and ashamed of the terrible mistakes I made. This is not something I would do, but I did it impulsively during the exam. I am ashamed of the ACCA profession, the public reputation for ACCA my family who always supported me. All professions must abide by the rules and maintain integrity and honesty. The impulse to cheat during the exam I was afraid of disappointing my family, [REDACTED]. I saw her always telling me that it doesn't matter, that [REDACTED].*

*Among this month I have take step to receive [REDACTED] and try to develop another learning habit, [REDACTED]. Although I have tried hard to study every time my condition is not good every time, especially [REDACTED] during exams, which prevents me from performing normally during exams. Before that, I did not realise the seriousness of my problem deal with [REDACTED].*

*This is not an excuse for the mistakes I did. I must also be responsible for my mistakes. Through this mistake, I lost future opportunities, which is very disappointing, at the same time I learnt from this lesson to seriously realize my own problems and change myself so as not to make the same mistake again.”*  
(sic)

### **ACCA's SUBMISSIONS**

9. ACCA's case was that Miss Kuan was in possession of an unauthorised mobile phone in the exam which was not kept out of arm's reach as required by the exam guidelines, and that she used it to gain an unfair advantage in the exam on 02 June 2025. Miss Kuan has further admitted to retrieving the phone whilst on a break to use the toilet, from where it was placed during the setup process. As stated above, a careful review of the exam footage shows that Miss Kuan does indeed look offscreen at numerous points in the exam once she returns from her break. In effect, she was cheating or intending to cheat, and this was dishonest conduct. As an alternative to dishonesty ACCA alleged a lack of integrity.
10. ACCA submitted that whilst it is to her credit that Miss Hui Kuan has self-referred to ACCA, fully admitting that she tried to refer to her "own notes for AA SP questions" on her mobile phone during the Exam, nevertheless such conduct amounts to dishonesty.

### **Allegation 1 – Breach of Exam Regulation 1**

11. It is ACCA's submission that Miss Kuan failed to adhere to Exam Regulations in that she failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk or about her person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.

### **Allegation 2 – Breach of Exam Regulation 5**

12. It is ACCA's further submission that Miss Kuan was in possession of and/or used an unauthorised item, namely a mobile phone, during the Exam, and that this was contrary to Exam Regulation 5(a) and/or 5(b).

13. ACCA relied on Exam Regulation 6(b) to the effect that that once a student is found to have used an unauthorised item (in this case a mobile phone) it will be assumed that they intended to gain an unfair advantage in the exam. It is ACCA's submission that Miss Kuan has failed to discharge the reverse burden of proof.

### **Allegation 3 – Dishonesty or Lack of Integrity**

14. ACCA submitted that Miss Kuan intended to gain an unfair advantage by using/ attempting to use her phone during the exam, which she admits. Such conduct amounts to dishonesty in that Miss Kuan knew such conduct amounted to cheating in the exam. Cheating in an exam would be regarded as dishonest by ordinary decent people.
15. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Miss Kuan has acted without integrity.

### **Allegation 4 - Misconduct**

16. ACCA contended that the dishonest conduct of trying to cheat in a professional exam clearly reached the threshold for misconduct. There was an alternative liability to disciplinary action in respect of Allegation 1 and 2.

### **MISS KUAN'S SUBMISSIONS**

17. Miss Kuan has admitted Allegations 1, 2, and 3 (a) (dishonesty).
18. Miss Kuan made the responses to ACCA as set out above in paragraphs 6 to 8. Further, in an email dated 13 September 2025 she stated:

*"Dear ACCA,*

*I am here to sincerely acknowledge and take full responsibility for the misconduct I committed during the exam. I understand that my actions were a serious violation of ACCA's examination regulations, and I deeply regret the decision I made. I decided to report the matter myself as part of my commitment*

*to being honest and accountable for my actions. I believe it is important to face up to mistakes openly, even when it is difficult.*

*At the time, I was under intense pressure, both emotionally and [REDACTED]. I had put in a lot of effort to study, but the [REDACTED] and my mind going blank during exam had been getting worse over time. That exact feeling came back during this particular exam, and I also couldn't stop thinking about how [REDACTED] through my studies. That emotional weight became overwhelming, and in that moment, I made a terrible mistake—one that I now recognise as a serious lapse in judgment, and one I deeply regret.*

*This is not an attempt to excuse the behaviour, but an acknowledgement of the serious reflection on the failure to adhere to the ethical and professional standards expected by ACCA. Regret is felt for disappointing both the ACCA community and oneself.*

*Since the incident, I have taken steps to reflect and grow. I have paused my studies and started working to [REDACTED]. I am also receiving help to manage the challenges that contributed to my poor decision-making. In the future, I intend to take a professional ethics course when [REDACTED], to rebuild the values I failed to uphold.*

*Regardless of the outcome, I am prepared to accept the consequences with honesty and humility. I remain committed to aligning my actions with the standards of ACCA and the profession.*

*Thank you for taking the time to read my statement.”*

19. Miss Kuan provided a further written statement, dated 24 December 2025 containing reflections and a further apology. She also made oral submissions to the Committee. She confirmed to the Committee her admissions to Allegations 1, 2, and 3 (a) that she had made at the first hearing on 25 November 2025. In respect of the misconduct allegation (Allegation 4) she accepted that her conduct reached the threshold for misconduct.

## **DECISION ON ALLEGATIONS AND REASONS**

20. The Committee accepted the advice of the Legal Adviser.

### **Allegation 1**

**Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk or about her person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.**

21. This allegation was admitted by Miss Kuan, and the Committee was satisfied that it was proved by virtue of her admission in accordance with CDR Regulation 12 (3).

### **Allegation 2**

**Was in possession of and/or using an unauthorised item, namely a mobile phone, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b) and therefore intended to use the unauthorised item to gain an unfair advantage within the meaning of Exam Regulation 6(b).**

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

### **Allegation 3**

**Miss Hui Kuan's conduct in respect of any or all of the above was:**

- a) **Dishonest, in that she intended to use or used an unauthorised item, a mobile phone, during the Exam to gain an unfair advantage, or in the alternative:**
- b) **Such conduct demonstrates a failure to act with integrity.**

23. Allegation 3(a) was admitted by Miss Kuan and the Committee was satisfied that it was proved by virtue of her admission in accordance with CDR Regulation 12 (3). Accordingly, it did not go onto consider allegation 3 b) which was an alternative.

#### **Allegation 4**

**By reason of the above, Miss Hui Kuan 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 2 above.**
24. The Committee next asked itself whether, having been dishonest, Miss Kuan was guilty of misconduct. It noted the submissions of ACCA and the acceptance of misconduct by Miss Kuan.
25. 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 Kuan's actions brought discredit on her, the Association and the accountancy profession. It was satisfied that cheating in a professional exam was deplorable conduct and reached the threshold of seriousness for misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. Her conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.
26. In the light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 4 (a) was proved and the Committee did not consider the alternative of Allegation 4 (b).

#### **SANCTIONS AND REASONS**

27. The Committee noted its powers on sanction are 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.

28. 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.
29. The Committee identified the following mitigating factors:
  - Miss Kuan was of good character with no previous disciplinary record
  - She self-reported the matter within 8 days
  - Isolated incident
  - She had made full admissions and expressed remorse and apologised
  - Significant personal stress at the time
  - She has demonstrated insight and remediation
  - She has co-operated fully with the investigation
30. The Committee did not identify any aggravating factors.
31. Given the Committee's view of the seriousness of Miss Kuan'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.
32. In considering a Severe Reprimand, the Committee accepted that Miss Kuan's actions were spontaneous and were not pre-meditated and was committed impulsively at a time when she was overwhelmed by anxiety both from the exam and from personal family circumstances. The Committee considered, exceptionally, whilst this was a case of dishonesty, there were particular circumstances of the case which satisfied it that there was no continuing risk to the public. There was also strong evidence of Miss Kuan's understanding and appreciation of the conduct proved. She had voluntarily self-reported this matter in a very short period of time and made full admissions. She had explained the overwhelming anxiety and circumstances that caused her to make this impulsive and out of character decision. She had undertaken significant steps to address her conduct and whilst dishonesty is hard to

remediate the Committee was satisfied that real and successful efforts had been undertaken by her to remediate and, further, that after this incident she had behaved with integrity in self-reporting to the ACCA, making early admissions and fully cooperating.

33. The Committee noted that a majority of the factors listed in the Guidance for a Severe Reprimand were present and that there were remarkably good reasons in mitigation as to why it was not necessary either for the protection of the public or for the protection of the reputation of the profession to impose the sanction of removal in this case. The Committee had regard to Section E3 of the Guidance on Dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the Guidance for removal of Miss Kuan and was satisfied that her conduct was not fundamentally incompatible with remaining on the register and that removal from the register was in her case disproportionate and not needed to mark the seriousness to the profession and the public. Accordingly, it imposed the sanction of a Severe Reprimand.

#### **COSTS AND REASONS**

34. ACCA claimed costs of £5,469 and provided a schedule of costs. The Committee had regard to ACCA's guidance on costs and the submissions of both parties on costs. It noted Miss Kuan is in employment and has provided detailed evidence of her means and commitments to supporting her family. The Committee decided that it was appropriate to award costs in this case, and considered the costs claimed to be reasonably incurred. The Committee considered it appropriate to reduce the costs given Miss Kuan's restricted disposable means. It concluded that the proportionate and appropriate amount of costs was £600.00. Accordingly, it ordered that Miss Kuan pay ACCA's costs in the amount of £600.00.

**Colette Lang**  
**Chair**  
**15 January 2026**