

## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Mr Neel Shah

**Heard on:** Monday, 13 July 2026

**Location:** Remote link via Microsoft teams

**Committee:** Dr Helen Goulding (Chair)  
Ms Morenike Asaju (Accountant)  
Ms Sue Heads (Lay)

**Legal Adviser:** Mr Alastair McFarlane

**Persons present**

**and capacity:** Ms Joanna La Roche (Case presenter on behalf of ACCA)  
Ms Anna Packowska (Hearings Officer)

**Outcome:** Removal from the student register and costs awarded to  
ACCA in the sum of £360

1. ACCA was represented by Ms La Roche. Mr Shah attended and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 121, a video and an audio recording of the exam, and a service bundle numbered pages 1-18.

**ACCA**



+44 (0)20 7059 5000



info@accaglobal.com



[www.accaglobal.com](http://www.accaglobal.com)



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

## **SERVICE**

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

## **ALLEGATIONS**

Mr Neel Shah, a student of ACCA, in respect of his on-demand remotely invigilated Financial Management (FM) exam taken on 13 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 on or about his desk or 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 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 false or misleading information about the said unauthorised item, contrary to Exam Regulation 3.
5. Mr Shah's conduct in respect of any or all of the above was dishonest, in that:
  - a) he was in possession of and/or used an unauthorised item, namely a mobile phone, during the Exam and/or

b) he intended to use or used an unauthorised item, namely a mobile phone, to gain an unfair advantage for himself and/or others in the Exam and/or for a future exam, and/or

c) he intended to use or used an unauthorised item, namely a mobile phone with camera, to take photographs and/or recordings of the Exam content and/or

d) he attempted to give/gave the exam Proctor false or misleading information about the presence or use of an unauthorised item, namely a mobile phone.

6. In the alternative, on the same facts, in respect to the conduct referred to in Allegations 1 to 4, Mr Shah failed to demonstrate integrity.

7. By reason of the above, Mr Shah 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.

## **BACKGROUND**

3. Mr Shah became an ACCA student on 27 June 2022.

4. On 13 June 2025, Mr Shah sat an ACCA remotely invigilated Financial Management ("FM") exam.

5. Mr Shah was provided with a copy of the examination regulations and guidelines when he accepted the terms and conditions at the time of booking the exam.

6. On 30 July 2025 a complaint was made to ACCA as it appeared that Mr Shah was in breach of the exam regulations and guidelines in his FM exam taken on 13 June 2025.
7. ACCA's Investigation Officer reviewed the video recording of the exam which is two hours 47 minutes and 26 seconds long. ACCA contended that during that time Mr Shah had an unauthorised item in his possession, namely a grey coloured mobile phone. This is seen numerous times throughout the footage and in particular, at various times from the 7-minute mark to the 47-minute mark and then from the 2-hour 17-minute mark to the 2 hour 33-minute mark.
8. Further, ACCA relies upon the following chat box record of conversation between the exam's Proctor and Mr Shah.
  - At approximately 02.33.29 the Proctor writes in the chat box *"complete 360-degree scan"* and Mr Shah replies *"yaa sure"*. He is then seen conducting a pan of the room using his laptop.
  - At approximately 02.35.14 the Proctor then writes *"show your desk area...show what is on your desk"*. Mr Shah responds *"a mouse"*
  - The Proctor then writes *"where is your mobile phone"* and Mr Shah responds, *"in cupboard"*.
  - At approximately 02.37.11 the Proctor contacts Mr Shah. In the conversation, the Proctor says *"Can you please show me your mobile phone?"* Mr Shah is seen responding *"I'm not....it's not here"*, then *"Is it ok if I show you"*. The Proctor then requests that Mr Shah show the bed and surrounding area.
  - At approximately 02.39.50 the Proctor says *Can you please bring your cell phone* and Mr Shah is seen putting the laptop down before leaving the screen area and returning at 02.40.21 with his phone and showing it to the webcam.

- At approximately 02.41.23 the Proctor says *“So we have ended your session because (inaudible) we have you holding your phone on the screen so we have to end your session now. This will be reported to ACCA and later investigated. Ok?”*
  - Mr Shah responds, *“No but where is the mobile phone, I’m not having my mobile phone nearby it is in the cupboard”*.
  - The Proctor then says, *“Ok we still have to end your session and this will be reported to ACCA and investigated”*, to which Mr Shah responds *“No but its not fair”*
  - At approximately 02.42.10 the Proctor says, *“We saw you hold your phone on screen”*. Mr Shah then says *“It can’t be possible my mobile phone was in the cupboard”*
  - At approximately, 02.42.41 Mr Shah is heard saying *“No but its not fine, my mobile phone was not near...I can show you whatever you want...Its not right...My mobile phone was not near to me”*
  - At approximately 02.46.47, the exam is terminated
9. On 12 August 2025 the Investigation Department provided Mr Shah with the footage of the exam and wrote to him requesting his comments regarding his appearing to use a mobile phone during the exam.
10. On 26 August 2025, Mr Shah responded stating:
- “I admit that I failed to adhere to this specific guideline. My mobile phone was inadvertently left on the bed after the check-in process. This was a genuine and regrettable oversight on my part, not a premeditated act to violate the rules. I sincerely apologize for this mistake.”*
11. Regarding his statements to the Proctor during the exam, Mr Shah said in his same response to ACCA:

*“I admit that my statement to the Proctor was inaccurate. However, I deny that my intention was to mislead the Proctor in a calculated way. When the Proctor questioned me, I felt a sudden wave of panic and anxiety, realizing I had made a serious error. My response was not a premeditated lie, but an immediate, panicked reaction made under immense stress. I deeply regret not being truthful at that moment and causing this confusion. As explained above, my incorrect statement was a direct result of panic. In the high-pressure environment of the exam, being confronted with a rule violation caused my judgment to be clouded. My response was impulsive and born out of fear of the consequences of my oversight, rather than a thought-out attempt to deceive the Proctor to continue any misconduct. I was not thinking clearly and I am truly sorry for my poor reaction.”*

12. When asked whether he admitted or denied that he had used the phone to gain an unfair advantage in the exam and to take photographs or video recordings of exam content, Mr Shah said:

*“I unequivocally deny this allegation. While the phone was present and I did interact with it briefly, at no point did I use it to gain an unfair advantage. I did not search for answers, access notes, communicate with anyone for assistance, or use any application that would have aided me in the exam.*

*I did not take any photographs, screenshots, or videos of the exam content. My phone was not used for any such purpose.”*

13. Mr Shah says that the reason for his appearing to use the phone during the exam is as follows:

*“The screen of my phone lit up due to strong alarm vibration. My action, as seen in the video, was a reflexive and brief interaction to silence this alarm. I picked up the phone, dismissed the alarm, and immediately placed it back down. I was not opening applications, typing messages, or browsing. My sole intention was to stop the distraction of the illuminated screen so I could refocus on my exam.”*

14. On 03 September 2025, ACCA sent a further email to Mr Shah with some follow up questions, in particular relating to why if as Mr Shah had said, he interacted with the phone briefly to silence an alarm, the phone is seen in a manner consistent with taking photographs on at least 12 further occasions throughout the exam?

15. On 09 October 2025, Mr Shah provided further responses to ACCA:

Could you please advise at approximately what point in the exam this incident took place so that I may correlate it with the footage?

*My best recollection is that the alarm on my phone first went off approximately one hour into the examination period.*

Why did you not bring the matter of the alarm to the Proctor's attention?

*I deeply regret not doing so. As I mentioned previously, when the Proctor first questioned me, I reacted with panic and was not truthful. After that initial interaction, I was honestly too scared to bring any more attention to myself and the phone. I was afraid that admitting the alarm had gone off would lead to my immediate removal from the exam. It was a poor decision driven by fear, not by an intent to hide any further misconduct. I now understand that immediately informing the Proctor would have been the correct and honest thing to do.*

Could you also explain, given that you say you only interacted with the phone briefly to silence an alarm, why your phone is seen in a manner consistent with taking photographs on at least 12 further occasions throughout the exam

*My statement that I interacted with the phone to silence an alarm is correct, and I believe it explains the multiple instances you have observed. When the alarm initially sounded, my immediate and panicked reaction was to silence it as quickly as possible. In hurry, I am certain I must have inadvertently hit the "snooze" button instead of fully dismissing the alarm. This single mistake would have caused the*

*alarm to repeat every 5 or 10 minutes. Each subsequent time the phone lit up or vibrated, it was the same snoozed alarm activating again.*

*Each of the "12 further occasions" you mention would correspond to me reflexively reaching over, picking up the phone just enough to tap the screen to silence the recurring snooze alert, and immediately placing it back down.*

*I understand that the way I picked up the phone may have appeared "consistent with taking photographs," but my sole and repeated intention was simply to stop the noise and distraction from the snoozing alarm. I can state with absolute certainty that at no point did I open the camera, access any other application, or attempt to use the phone to gain an unfair advantage. The multiple interactions were all part of a single, unfortunate event - a forgotten alarm that I failed to properly dismiss due to panic.*

#### **ACCA's SUBMISSIONS**

16. ACCA's case was that Mr Shah 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 he used it to gain an unfair advantage in the exam on 13 June 2025. In effect, he was cheating or intending to cheat, and this was dishonest conduct. As an alternative to dishonesty ACCA alleged a lack of integrity. It was also alleged that he lied to the Proctor and this was dishonest.
17. ACCA submitted that Mr Shah has accepted that he had a mobile phone on him which was not kept out of arm's reach as directed by the Proctor. It contended that Mr Shah was advised to keep his phone out of reach as required by the Proctor and the Guidelines.
18. ACCA submitted that at multiple, repeated times on the video footage the mobile phone is seen in Mr Shah's hand and that him raising the mobile phone to the laptop screen is in a manner consistent with taking a photograph or recording. Mr Shah has stated that he was simply turning off multiple alarms that were disturbing him, but ACCA submitted that this is not consistent with the footage.



19. ACCA submitted it was appropriate to rely on Exam Regulation 6b whereby if the Committee was satisfied that he was in possession of an unauthorised item, it will be therefore assumed that Mr Shah intended to use the unauthorised item to gain an unfair advantage.
20. ACCA's primary position was that Mr Shah's repeated use of his mobile phone during the exam was an attempt to cheat and was dishonest. Further, he was dishonest when he told the Proctor his mobile phone was in the cupboard and this was an intent to deceive the Proctor rather than just a comment made in panic as he contended.
21. ACCA submitted that Mr Shah intended to gain an unfair advantage by using/ attempting to use his phone during the exam. Such conduct amounts to dishonesty in that taking and/or retaining of photographs of live exam content, could potentially assist him in the exam and/or in any re-sit of the same exam, and by his actions he sought to gain an unfair advantage in the exam and/or any re-sit of the exam. In effect, his conduct amounted to cheating in the exam. Cheating in an exam would be regarded as dishonest by ordinary decent people.
22. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Mr Shah has acted without integrity.
23. 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.

#### **MR SHAH'S SUBMISSIONS**

24. Mr Shah had made detailed responses to ACCA's investigation. He also gave evidence to the Committee. Whilst he accepted that he had the mobile phone with a camera in his possession he denied using it to take a photograph of the exam question; he denied cheating; he denied being dishonest or lacking integrity and in effect, denied wrongdoing. He maintained that he only picked up the phone to repeatedly turn off vibrating alarms.

## **DECISION ON ALLEGATIONS AND REASONS**

25. 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 heard that there had been no previous findings against Mr Shah and accepted that it was relevant to put his good character into the balance in his favour.

### **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 which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.**

26. The Committee was satisfied that Mr Shah was under a duty under the Exam regulations to keep mobile phones out of arm's reach and that the video recording clearly showed a mobile phone in Mr Shah's hands during the exam and it was therefore not out of arm's reach. Mr Shah gave a variety of explanations as to where his phone was at different times, saying that the phone was in a cupboard and on the bed. However, the Committee was satisfied that on many of the images on the footage that a mobile phone was in his hands. It was not out of arm's reach so this was a breach of the examination guidelines and therefore a breach of Exam Regulation 1. Accordingly, Allegation 1 was proved.

### **Allegation**

- 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).**

27. The Committee had regard to the video footage and still images taken from it and was satisfied that ACCA had established that Mr Shah was in possession of, and did use, a mobile phone during his examination attempt. It noted that Mr Shah stated he only had the mobile phone in his hand when its vibrating alarm disturbed him and he retrieved it from a cupboard. It was satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item and Exam Regulation 5b prohibiting mobile phones at the desk had been breached. Accordingly, Allegation 2 was proved.
28. Included in this Allegation is a reference to “thereby” seeking an unfair advantage. The Committee was therefore satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item was breached. The Committee was satisfied that the evidence showed Mr Shah using a phone and that under Exam Regulation 6 there was a burden on him to prove that he did not use the phone to gain an unfair advantage. The Committee was satisfied that Mr Shah lifting the phone and pointing it at the screen in landscape and portrait was consistent with gaining an unfair advantage. The Committee rejected his account as to having multiple alarms to turn off as implausible given the number of occasions he was holding the phone and its position. It considered it was wholly unlikely he was just silencing alarms. Accordingly, Mr Shah had not rebutted the presumption and not established that he had not intended to use the unauthorised item to gain an unfair advantage.

**Allegation 3.**

**Used the above referenced unauthorised item to take photographs and/or recordings of the Exam content, contrary to Exam Regulation 13.**

29. This allegation was repeatedly denied by Mr Shah in responses to ACCA during the investigation and in his evidence. The Committee had specific regard to his explanation and the video footage.

30. Mr Shah referred to multiple alarms that he had pre-set on his mobile phone repeatedly going off and disturbing him. He denied using it to take any photographs of the exam content. He explained in evidence that the first sighting of his mobile phone on the video was not his phone but a similar coloured calculator. This was the first time he had referred to one of the sightings being a calculator.
31. The Committee rejected this account as implausible. There was no good explanation from Mr Shah why if it was an alarm going off, or why he had not attended to turning off all alarms on one occasion. It was significant that the video plainly shows him holding up the phone to take photographs of his computer screen on no less than a dozen occasions. The Committee considered it a reasonable inference to draw from these facts that he was holding up the phone to take photographs of the screen or make a recording. Accordingly, Allegation 3 was proved.

#### **Allegation 4**

**Gave the exam Proctor false or misleading information about the said unauthorised item, contrary to Exam Regulation 3.**

32. Mr Shah's explanation was that he panicked and told the Proctor that the phone was in the cupboard when the Proctor had been seen it in his hands. He stated he made "*a panicked reaction made under immense stress*". It was evident that the phone was not in the cupboard and that his answer to the Proctor was false and misleading. Mr Shah had accepted in answer to ACCA's written questions that his answer was false and misleading. Accordingly, Allegation 4 was proved.

#### **Allegation 5**

5. **Mr Shah's conduct in respect of any or all of the above was dishonest, in that:**

**a) he was in possession of and/or used an unauthorised item, namely a mobile phone, during the Exam and/or**

**b) he intended to use or used an unauthorised item, namely a mobile phone, to gain an unfair advantage for himself and/or others in the Exam and/or for a future exam, and/or**

**c) he intended to use or used an unauthorised item, namely a mobile phone with camera, to take photographs and/or recordings of the Exam content and/or**

**d) he attempted to give/gave the exam Proctor false or misleading information about the presence or use of an unauthorised item, namely a mobile phone.**

33. The Committee first asked itself whether Mr Shah's conduct was dishonest in that by using his mobile phone during the exam he intended to gain an advantage in the exam. The Committee asked itself what Mr Shah's belief was as to the facts - what was his state of mind as to the facts at the time. The Committee was satisfied that Mr Shah had confirmed before the exam started that he knew the Exam Regulations and knew that he should not have his mobile phone with him or use it during the exam or take photos. The Committee was fully mindful of the operation of the reverse burden under Exam Regulation 6 b.

34. The Committee was satisfied on the evidence that Mr Shah was using his phone to cheat. It accepted that Mr Shah had confirmed to the Proctor that he had read the rules and therefore knew that the mobile phone was an unauthorised item. The Committee rejected any innocent explanation for the use of the phone. The Committee was satisfied that the use of this phone was not accidental and was intentional. The video footage shows Mr Shah holding the phone at numerous times in a manner, which is consistent with the taking of photographs or make a recording. A likely intention was to assist himself with future exams. It was satisfied that he intended to gain an unfair advantage. He had not rebutted the assumption that he intended to use it to

gain an unfair advantage under Exam Regulation 6 b). The Committee concluded he was taking a photograph for nefarious reasons.

35. The Committee was satisfied that intending to cheat in the exam would be considered dishonest by the standards of ordinary decent people. Accordingly, it was satisfied that Allegations 5 a) to c) were proved.
36. The Committee then considered Allegation 5 d) and the false explanation to the Proctor. The Committee rejected Mr Shah's explanation of panic and was satisfied that the reason he gave false information was to try and hide his wrongdoing. It was satisfied that this state of mind would be considered dishonest by ordinary decent people and therefore Allegation 5 d) was proved.

#### **Allegation 6**

- 6. In the alternative, on the same facts, in respect to the conduct referred to in Allegations 1 to 4, Mr Shah failed to demonstrate integrity.**
37. Given its finding on Allegation 5, the Committee did not need to go onto consider Allegation 6 which was an alternative.

#### **Allegation 7**

- 7. By reason of the above, Mr Shah 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.**
38. The Committee next asked itself whether, having been dishonest, Mr Shah was guilty of misconduct.

39. 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 Mr Shah's actions brought discredit on him, 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. His 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.
40. 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 the Committee did not consider the alternative of Allegation 7 (b).

### **SANCTIONS AND REASONS**

41. 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.
42. 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 or student member.
43. The Committee identified only one mitigating factor:
- Mr Shah was of previous good character with no previous disciplinary record
44. The Committee identified the following aggravating factors:
- No evidence of insight

- This was deliberate conduct for personal gain
  - Attempt to cover up the misconduct by lying to the Proctor
  - 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.
45. Given the Committee's view of the seriousness of Mr Shah'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 Mr Shah and was satisfied that his conduct was fundamentally incompatible with him 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 of his conduct.

## **COSTS AND REASONS**

46. ACCA claimed costs of £5,480 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 Mr Shah has not provided a statement of means and there was no documentary evidence as to any income and savings. He told the Committee he had a job earning the equivalent of £150 a month, has large debts and was of very limited means. 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 a reduction in the costs given the fact that the case took less time than anticipated today. It concluded that it was appropriate to make a further significant reduction given what it accepted were Mr Shah's limited means. On the



information before it, the Committee considered the proportionate and appropriate amount of costs was £360. Accordingly, it ordered Mr Shah to pay ACCA's costs in the amount of £360.

#### **EFFECTIVE DATE OF ORDER**

47. The Committee was satisfied that it was in the interest of the public to make an immediate order. This was because of the continuing risk to the public presented by Mr Shah from the potential risk of him sitting further exams if the order is not made immediate.

**Dr Helen Goulding**  
**Chair**  
**13 July 2026**