

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Ponnambalam Balakumar

Heard on: Wednesday, 28 January & Monday, 16 March 2026

Location: Remotely via Microsoft Teams

Committee: Dr Helen Goulding (Chair)
Ms Dorothee Berg (Accountant)
Ms Diane Meikle (Lay)

Legal Adviser: Mr Robin Havard

Persons present

and capacity: Mr Mazharul Mustafa (ACCA Case Presenter)
Miss Nicole Boateng (ACCA Hearings Officer)
Mr Ponnambalam Balakumar (Member)

Summary Allegations 1(a), 1(b) & 2(a) were found proved.
Sanction – Exclusion from membership with immediate effect.

Costs: £6,943

PRELIMINARY APPLICATIONS

Application to adjourn

1. The Committee had considered the following documents: a Hearing Bundle (pages 1 to 206); an Additional Bundles 1 (pages 1 to 73); a Case Management Form ("CMF") (pages 1 to 15), and a Service Bundle (pages 1 to 20). The Committee had listened carefully to the application of Mr Balakumar for an adjournment and the submissions made by Mr Mustafa who resisted the application. It had considered legal advice, which it had accepted.
2. In essence, Mr Balakumar stated that this was a particularly busy time of year. He had a responsibility to act in the best interests of his clients and to ensure that their tax returns were submitted on time and by the end of January 2026. [REDACTED]. He needs to meet the necessary deadlines or risk losing his clients and causing damage to his reputation. [PRIVATE]
3. Mr Balakumar confirmed that this workload was the main reason for his application and his inability to prepare, but he also said that he had been endeavouring to obtain representation but [PRIVATE] which had been demanded by the solicitors he had consulted.
4. Mr Mustafa opposed the application on the grounds that Mr Balakumar has been on notice of the allegations being made against him since July 2023 and the investigation has been ongoing for some time. It was not realistic for Mr Balakumar to say that he has not had sufficient time to prepare.
5. As for Mr Balakumar's difficulties in obtaining representation [PRIVATE].
6. Mr Mustafa suggested that it would be appropriate to proceed. Mr Balakumar was present and he had submitted a detailed response.

The Committee's decision

7. The Committee was sympathetic to Mr Balakumar's submission that this was a particularly busy time for him. However, Mr Balakumar was present and he had also been able to submit a detailed response to the allegations.
8. As for Mr Balakumar securing representation, the Committee did not consider this was a valid reason for adjourning the hearing. He had had more than sufficient time to instruct a solicitor if he had wished to do so. Further [PRIVATE] it was difficult to see how an adjournment would resolve that problem.
9. Having taken advice, and having considered ACCA's guidance on adjournments, the Committee decided that any inconvenience to Mr Balakumar was outweighed by the public interest in hearings of this sort taking place within a reasonable time.
10. Mr Balakumar's application was therefore refused.

Application to add an allegation

11. Mr Mustafa stated that he wished to add the following as an alternative to the allegation of misconduct at 2(a):

"(b) In the alternative, liable to disciplinary action pursuant to bye-law 8(a)(iii)"
12. Mr Mustafa stated that the evidential basis on which ACCA presented its case would remain the same and Mr Balakumar would not be prejudiced in the conduct of his defence.
13. In the event that Allegation 1 was found proved, whilst ACCA would maintain that this amounted to misconduct, if the Committee disagreed, it would provide the Committee with the option of an alternative finding.
14. Mr Balakumar made reference to his response and maintained that there was no outstanding information to be supplied to ACCA. However, he did not put

forward any submissions to suggest that he would be prejudiced by the allegation being added as an alternative.

Committee's Decision

15. Having listened to the application, the Committee was satisfied that the factual basis of ACCA's case remained the same and that this did not involve ACCA introducing any new evidence. Having considered legal advice and having been referred to the section relating to amendments in the Guidance on Disciplinary hearings, the Committee was satisfied that the amendment would not cause any prejudice to Mr Balakumar in the conduct of his defence.
16. The Committee allowed the amendment application.

ALLEGATIONS as amended

Mr Ponnambalam Balakumar, an ACCA member,

1. On or around 9 March 2023, has failed to provide information requested by ACCA which is necessary to complete the audit monitoring process efficiently, in breach of The Chartered Certified Accountants' Global Practising Regulations 2003 ("GPR 2023"), namely:
 - a. GPR 14 (Monitoring and compliance); and
 - b. Appendix 1 – United Kingdom Audit Regulations 2016 ("AR 2016") 15(2) (Monitoring).
2. By reason of his conduct, Mr Balakumar is:
 - a. Guilty of misconduct pursuant to Bye-law 8(a)(i) in respect of any or all of the matters set out above.
 - b. In the alternative, liable to disciplinary action pursuant to Bye-law 8(a)(iii).

DECISION ON FACTS, ALLEGATIONS AND REASONS

17. As stated above, and in reaching its decisions with regard to the allegations, the Committee had considered the following documents: a Report and Bundle (pages 1 to 206); an Additional Bundle (pages 1 to 73); a CMF (pages 1 to 15), and a Service Bundle (pages 1 to 20). The Committee had listened carefully to the submissions made by Mr Mustafa the evidence provided by Mr Balakumar. It had also considered legal advice, which it had accepted.
18. The Committee kept in mind that the burden of proving the allegations rested with ACCA and the standard of proof to be applied was the civil standard, namely on the balance of probabilities.

Allegations 1(a) & (b)

19. Mr Balakumar denied Allegations 1(a) and (b).

ACCA's Case

20. Mr Mustafa relied on the documents contained in the Report and Bundle in outlining the case on behalf of ACCA.
21. Mr Balakumar is the Sole Director of Company C ("the firm") which holds a current Firm's Auditing Certificate.
22. On 9 March 2023, Mr Smith, an ACCA Compliance Officer ("CO"), undertook a Compliance monitoring review of the firm to confirm eligibility for registered auditor status and to monitor compliance with the Chartered Certified Accountants' Global Practising Regulations 2003 (GPRs) and ACCA Code of Ethics and Conduct (CECs).
23. During the review, it was confirmed that the firm subcontracted work to Company D, registered in [REDACTED]. Mr Balakumar managed the

[REDACTED] firm from the UK, and [REDACTED] was the Sole Director and shareholder. Furthermore, Company C is the sole client of Company D.

24. In Mr Smith's closing report dated 9 March 2023, Mr Balakumar was required to provide further information. This was set out at paragraph 9 of the report under the heading "Outstanding Matters":

"9. The firm should provide the following to ACCA as soon as possible:

i Confirmation that the firm has received this report and is dealing with the issues raised.

ii Confirmation that the firm has notified the PII providers that it avails of the services of a subcontractor ([Company D]).

iii Confirmation from the PII providers that [Company D] does not require separate PII cover.

iv Confirmation that the firm has notified ACCA's Authorisation department in Glasgow of the correct branch address of the firm.

v Confirmation that the firm has notified ACCA's Authorisation department in Glasgow of the correct shareholding details of the firm. The firm should also provide confirmation that Companies House records have been updated to reflect the correct structure of the firm.

vi Confirmation of account with [Company D] for the transfer of funds from [Company C]"

25. On 9 March 2023, the CO, Mr Smith, sent an email to Mr Balakumar stating that Mr Balakumar would receive a second email with a link to a portal enabling him to gain access to the report. In his email, he made reference to the fact that his firm was generally compliant but he pointed out certain breaches in terms of compliance with the Global Practising Regulations ("GPRs") and parts of the Code of Ethics and Conduct ("CEC").

26. In particular, Mr Smith required Mr Balakumar to respond to his report by 23 March 2023.

27. On 9 March 2023, Mr Balakumar responded as follows:

"I am flying out tomorrow evening to [REDACTED] on holiday and returning 24/3/23.

Unfortunately, I don't have enough time to reply to your request.

Can you please give me at least two weeks.

Thank you.

Kind regards

Pon"

28. Later on, that same day, Mr Balakumar sent a further email to Mr Smith, stating:

"Hi Kevin

This is just to let you know that my visit to [REDACTED] is obviously a mix with a business trip.

I will become a director of [COMPANY D], a company registered in [REDACTED].

I will forward [COMPANY D's] solicitors correspondence today on this matter for your information. Intention is to get the P II cover from UK company as soon as possible for the [REDACTED] company.

You have emailed me a Fit & Proper person form. I used the same form before. Can you please let me know why I have to complete the same form again.

You have enclosed Accounting to Clients for remuneration received factsheet can you please explain why this was enclosed?

Is it possible to speak to you tomorrow morning please.

Kind regards

Pon”

29. Mr Balakumar did not respond substantively to the email from ACCA of 9 March 2023 and failed to provide the information to Mr Smith by 24 March 2023.
30. As a result, Mr Smith sent a reminder email to Mr Balakumar on 24 March 2023. In this reminder, Mr Smith provided a list of the information he required Mr Balakumar to provide to enable him to complete his monitoring of Mr Balakumar's practice. The list was effectively the same as the one contained at paragraph 9 of his report. Mr Smith allowed Mr Balakumar until 7 April 2023 in which to do so. However, Mr Balakumar failed to respond.
31. On 11 April 2023, Mr Smith sent a further email to Mr Balakumar. In that email, he stated that he had agreed with Mr Balakumar an extension of time for Mr Balakumar to provide the requested information until 23 March 2023 and then agreed a further extension to 7 April 2023, but he had failed to provide the information by either date. Mr Smith stated that he required Mr Balakumar to provide the information by no later than 21 April 2023. However, once again, Mr Balakumar failed to respond.
32. On 27 April 2023, Mr Smith wrote once again to Mr Balakumar informing him that he was required to provide the requested information by 4 May 2023, failing which Mr Smith would report the matter to ACCA's Investigation Unit. Mr Balakumar failed to respond.
33. Mr Mustafa submitted that, if the Committee found that Mr Balakumar failed to provide to Mr Smith by 4 May 2023 the information requested, this amounted to a breach of GPR14(3) and Regulation 15(2) of the Audit Regulations 2016

- ("AR"). That was all ACCA was required to establish in order to prove Allegation 1.
34. Mr Mustafa then provided his submissions in reply to Mr Balakumar's written response to the allegations.
 35. In essence, Mr Balakumar had stated that he had sent everything to ACCA and that it was not his fault that ACCA had been unable to open the document he had sent to them. However, Mr Mustafa maintained that this did not assist Mr Balakumar as he had failed to do so in the course of the monitoring process. Instead, he did so in response to the investigation which happened later and had only become necessary due to his failure to provide the information during the monitoring process.
 36. In the email and letter from the Investigation Officer ("IO") dated 17 July 2023, Mr Balakumar was asked to respond to the questions numbered 1 to 11. It was stated that Mr Balakumar must provide the information by no later than 31 July 2023. He endeavoured to do so but only in the early hours of 1 August 2023.
 37. However, Mr Mustafa submitted that this subsequent response did not cure the breach of GPR14 or AR15.
 38. Mr Balakumar's response was sent to Mr Smith for comment. On 5 October 2023, Mr Smith wrote to say that Mr Balakumar had still not provided the necessary information.
 39. It was not until 7 May 2024 that Mr Balakumar sent emails to ACCA with information relating to the change of shareholdings but in the same email he attached his emails of 10 May 2023, 31 July 2023 (which must relate to his email of 1 August 2023) and 6 March 2023.
 40. However, Mr Mustafa repeated his submission that this did not assist Mr Balakumar.

41. Firstly, Mr Balakumar suggested that he notified ACCA of the change of shareholding on 10 May 2023, but this did not cure the breach in Allegation 1 as, even had he done so, this was after the final deadline of 4 May 2023 set by Mr Smith to provide the information. It meant that his suggestion that it was ACCA's fault that they were unable to open the document was a red herring as he did not provide the information until after the deadline of 4 May 2023.
42. Mr Mustafa suggested that the second difficulty for Mr Balakumar was that Mr Smith was not making a new request as he suggested. He was repeating the request already made in his closing report at paragraph 9(iv), sent to Mr Balakumar on 9 March 2023.
43. Indeed, nowhere in the report was Mr Balakumar requested to provide documents. He was asked to provide confirmation that certain action had been taken. At no stage, for example, was Mr Balakumar requested to provide documents from Companies House.
44. ACCA therefore submitted that Mr Balakumar's account does not assist him in resisting Allegation 1.

MR BALAKUMAR's CASE

45. In advance of the hearing, Mr Balakumar had provided a written response to the allegations being made by ACCA. The Committee confirmed to Mr Balakumar that it had read his document and attachments.
46. Mr Balakumar decided to give oral evidence in support of his written submissions.
47. Mr Balakumar referred to the email from Mr Smith of 23 March 2023 which set out the requests for information at paragraph 9 of Mr Smith's report.
48. Mr Balakumar stated that, at the time, he did not have a professional indemnity insurance ("PII") policy in [REDACTED]. He focused on arranging for the bookkeeping work to be done in [REDACTED]. He believed that he did not need

PII in [REDACTED] but he could not obtain confirmation from the brokers in writing. Mr Balakumar then said that the person at PII brokers, Company A, included in the policy an exclusion for work done in [REDACTED] and Mr Balakumar did not read the policy when it came in.

49. After the monitoring visit, Mr Smith told Mr Balakumar to get a policy in [REDACTED] and Mr Balakumar confirmed that he did so.
50. Mr Balakumar stated that he had been talking to his contact at Company A and Mr Balakumar [PRIVATE]. He suggested that he uploaded this transaction to the ACCA portal three or four times. The share certificate was not there, and this was why he was not compliant.
51. As for his failure to respond to the email from Mr Smith of 23 March 2023, Mr Balakumar suggested that, as he was in [REDACTED], he was unable to do so.
52. When Mr Balakumar came back to the UK, he tried to upload the necessary documentation but just gave up. He then sent it to the Company B ("Company B"), a company which assisted his firm by carrying out hot reviews and sometimes cold reviews. He suggested that, in relation to the attachment ACCA was unable to open, Company B was able to do so straightaway. Consequently, he told ACCA it was their problem. He also tried to send the documentation to ACCA by post but was informed that ACCA would not accept anything by post.
53. Mr Balakumar maintained that he had not ignored anything sent to him by ACCA. He had tried to comply with everything and that he had responded, even though the response was late.
54. In answer to questions from Mr Mustafa, Mr Balakumar referred to the PII policy that related to [REDACTED], with the period of cover commencing on 28 July 2023. He had tried to obtain one policy for both firms but had been unable to do so. It had been difficult to find an insurer to provide the [REDACTED] firm with cover.

55. Mr Balakumar accepted that the first occasion on which he had sent the PII policy to ACCA was on 1 August 2023.
56. As for information relating to the shareholding, Mr Balakumar accepted that the first time he sent details to ACCA was on 10 May 2023, so after the deadline of 4 May 2023. He suggested that he had not been able to do so beforehand as he had been in [REDACTED].
57. Mr Balakumar had said to Mr Smith that if he could extract the information from Companies House, what was the point of Mr Balakumar telling him. However, he accepted that it was late, and he also accepted that the onus under GPR12 was on him.
58. In Mr Balakumar's email of 9 March 2023, he asked Mr Smith for an extension of two weeks, but he was in [REDACTED] for three weeks. Nevertheless, Mr Balakumar accepted he was given more than 2 weeks as the final date was 4 May 2023. He agreed that he was given almost two months to provide the information. However, he was trying to deal with the insurance policy and that took time.
59. Mr Balakumar accepted that he did not seek any further extensions from Mr Smith after the one he requested in his email of 9 March 2023. Mr Balakumar ceased to communicate with Mr Smith. He did not reply to Mr Smith's emails and, whilst he suggested he was working on the insurance policy, he accepted he did not communicate with Mr Smith to tell him about it.
60. Mr Balakumar conceded that he supplied the information during the investigation process and not during the monitoring process, but he suggested that he could not give something he did not have. The problem had been caused by Company A's insertion of an exclusion clause and so he had to sort something out.
61. Mr Balakumar accepted that he did not provide the information during the monitoring process, nor did he keep Mr Smith informed.

62. Indeed, in answering questions from the Committee, Mr Balakumar stated that he could not remember talking to Mr Smith. Mr Balakumar expected him to call but he never did and so Mr Smith sent Mr Balakumar a further email.
63. Finally, Mr Balakumar accepted that they were his manuscript responses to the questions in the letter from ACCA sent to him by email on 17 July 2023, in which he accepted that he had not responded to the correspondence from Mr Smith during the monitoring process.
64. In answer to the Committee, Mr Balakumar stated that he was aware in 2023 of the importance of replying to emails from ACCA in which they requested information. However, *“things were happening at the time which delayed things here and there.*[PRIVATE]

Findings of the Committee in respect of Allegations 1(a) & (b)

65. Global Practising Regulation 14 includes the following:

“(1) Persons subject to these regulations shall be subject to monitoring by the Association, in order to monitor compliance with these regulations and with the bye-laws, which may be carried out by post, by email, by visiting the person’s business premises and/or by any other form of communication.

(2) For the purposes of regulation 14(1), members must supply the Association with all the information necessary to enable the Association to complete its monitoring process efficiently.

(3) Persons subject to these regulations shall, and shall ensure (insofar as they are able) that all persons associated with them shall, co-operate with the Association in its monitoring and enforcement of compliance with these regulations and with the bye-laws.”

66. Regulation 15(2) of the Audit Regulations 2016 provides as follows:

“(2) Firms holding auditing certificates must comply with the Association’s monitoring arrangements, which may be performed by the UK competent authority or any recognized supervisory body to which the UK competent authority has delegated tasks in accordance with regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time).”

67. In reaching its findings in relation to the allegation, the Committee bore in mind that the alleged breaches of GPR14 and AR15 related to solely to ACCA’s claim that Mr Balakumar had failed to provide information to ACCA in the course of its monitoring process. It did not relate to an alleged failure on the part of Mr Balakumar to cooperate with ACCA’s investigation which may have given rise to an allegation of a breach of the Complaints and Disciplinary Regulations 2014 as amended.
68. It was not in dispute, and the Committee found that, on 9 March 2023, Mr Smith, a Compliance Officer with ACCA, carried out a monitoring visit of Mr Balakumar’s firm. This was an important process, its purpose being to reassure ACCA that it was appropriate for ACCA to confirm the firm’s eligibility for registered audit status and to monitor compliance with GPRs and ACCA’s CEC. Mr Smith prepared a report based on his findings. Paragraph 9 of that report contained a list of six outstanding matters as set out at paragraph **25** above.
69. On the same day, Mr Smith notified Mr Balakumar that he could access the report via a portal. In the same email, Mr Smith indicated that he required a response by 23 March 2023.
70. The Committee was satisfied that Mr Balakumar had access to the report as he responded to Mr Smith on the same day, asking for an extension of time to 24 March 2023 in which to comply, as he was travelling to [REDACTED].
71. On 24 March 2023, Mr Smith sent an email to Mr Balakumar stating that he needed a response to the report as this formed part of the monitoring procedure. Mr Smith set out in the email the matters which required a response from Mr Balakumar and allowed him a further extension until 7 April 2023 in

which to do so. Mr Balakumar failed to respond to that email, let alone provide Mr Smith with the necessary information.

72. In the absence of any response, Mr Smith wrote again to Mr Balakumar on 11 April 2023, saying that he had not received a response from Mr Balakumar to his previous email. In this email, Mr Smith reminded Mr Balakumar of his duty to cooperate and that if he failed to do so, he would be referred to the Assessment department to consider whether disciplinary action was appropriate. Mr Balakumar was allowed a further extension to 21 April 2023 to respond. Once again, Mr Balakumar failed to respond to that email, let alone provide Mr Smith with the necessary information.
73. Consequently, on 27 April 2023, Mr Smith wrote to Mr Balakumar in effectively the same terms as the email of 11 April 2023 with regard to Mr Balakumar's duty to cooperate. However, on this occasion, Mr Balakumar was told that if he did not respond and provide the necessary information by 4 May 2023, he would be reported to Investigations without further reminder or notification, and that this may result in disciplinary proceedings.
74. Despite this clear warning, and despite being given approximately two months to comply, it was not until 10 May 2023 that Mr Balakumar sent an email to Mr Smith.
75. Even then, ACCA was unable to open the attachment sent by Mr Balakumar, but he indicated that this was ACCA's problem and not his. He also stated that, for example, with regard to the change in shareholdings, if Mr Smith could obtain the necessary information from Companies House, then why did he require Mr Balakumar to supply it, although he did concede in answer to questions from Mr Mustafa that the obligation to respond and to provide information remained with him.
76. With regard to his obligation to respond to Mr Smith in the course of the monitoring process, Mr Balakumar had accepted that he had failed to do so. However, he indicated that, whilst he had not responded, he was taking steps to regularise the position regarding PII.

77. The Committee was satisfied that, in respect of the monitoring process following the preparation and submission of Mr Smith's report on 9 March 2023, Mr Balakumar had failed to provide the information requested and was therefore in breach of Regulation 14 of the GPR and Appendix 1 of GPR, specifically Regulation 15 of the ARs.
78. Mr Balakumar had not provided any reasonable explanation for his failure to acknowledge, let alone respond substantively, to Mr Smith's emails of 24 March 2023, 11 April 2023 and 27 April 2023.
79. The Committee did not consider that Mr Balakumar's explanations for his failure to do so held any merit. The fact that he may have been travelling to [REDACTED] did not mean that he was unable to communicate. It was unacceptable that Mr Balakumar not only did not provide the necessary information to Mr Smith but also did not respond at all to a number of the emails that had been sent to him.
80. On this basis, the Committee found Allegations 1(a) and 1(b) proved.

Allegation 2(a)

81. In its judgement, the Committee determined that the failure on the part of Mr Balakumar to respond to ACCA in the course of its monitoring process and to provide the necessary information was serious and amounted to misconduct.
82. The information requested by Mr Smith in his report was of considerable importance in order to confirm the ongoing eligibility of Mr Balakumar and his firm's registered auditor status.
83. Mr Balakumar endeavoured to explain the difficulties he faced, but the Committee was satisfied that such difficulties were surmountable and did not provide any excuse for failing to respond and cooperate with ACCA. It concluded that Mr Balakumar's failure to acknowledge the correspondence

from ACCA was deliberate and repeated and represented a lack of respect for ACCA's monitoring process.

84. Mr Balakumar's failure to cooperate had resulted in ACCA being unable to complete its monitoring process. The Committee accepted that the public interest was engaged as Mr Balakumar's failures related to the audit process which meant that it concerned financial information on which members of the public may wish to rely.
85. As an ACCA member, and holder of an audit certificate, it was of paramount importance that he complied with ACCA's regulations and cooperated with his regulator. Mr Balakumar's failure to do so had persisted over a period of months.
86. In the Committee's judgement, such conduct brought discredit to Mr Balakumar, the Association and the accountancy profession.
87. The Committee found Allegation 2(a) proved.

Allegation 2(b)

88. This allegation was pleaded in the alternative to Allegation 1(a) and therefore the Committee made no finding in respect of it.

SANCTION AND REASONS

89. In advance of the hearing on 16 March 2026, the Committee had received the following additional documents: a Tabled Additional Bundle (pages 1 to 4); a Service bundle (pages 1 to 11); a Detailed Costs Schedule (pages 1 and 2), and a Simple Costs Schedule (page 1). On the morning of the hearing, the Committee had been provided with a Statement of Financial Position (pages 1 and 2).
90. The Committee considered what sanction, if any, to impose taking into account all it had read in the bundle of documents, ACCA's Guidance for Disciplinary

Sanctions, and the principle of proportionality. It had listened to submissions from Mr Mustafa and Mr Balakumar. It had also taken legal advice from the Legal Adviser, which it accepted.

91. The Committee considered the available sanctions in increasing order of severity having decided that it was not appropriate to conclude the case with no order.
92. The Committee was mindful of the fact that its role was not to be punitive and that the purpose of any sanction was to protect members of the public, maintain public confidence in the profession and in ACCA, and to declare and uphold proper standards of conduct and performance.
93. Initially, and by reference to the Guidance, the Committee found that Mr Balakumar's failure to cooperate with ACCA's monitoring process was very serious.
94. The Committee went on to consider whether any mitigating or aggravating factors featured in this case.
95. The Committee accepted that there were no previous findings against Mr Balakumar. It also acknowledged that Mr Balakumar had shown a level of cooperation with ACCA's investigation, although the Committee bore in mind that, as a member of ACCA, Mr Balakumar has an obligation to cooperate with ACCA's investigation. Nevertheless, Mr Balakumar had participated in the disciplinary proceedings, in that he had attended the hearing and had provided evidence to the Committee.
96. However, Mr Balakumar's submissions to the Committee were such that it was unable to be satisfied that Mr Balakumar had any insight into the seriousness of his failings. Indeed, in his submissions, Mr Balakumar suggested that he had provided the necessary information from the outset, and that ACCA kept asking for information he had already submitted.

97. Mr Balakumar still did not seem to appreciate that he only provided information once the matter had been referred to the Investigation Officer, and that he had failed to respond to the correspondence from the Monitoring Officer which formed the basis of the allegations.
98. Mr Balakumar suggested that any delay or lateness on his part was caused by his frustration on the basis that ACCA kept chasing for information he had already provided. However, again, this related to ACCA's investigation, not the monitoring process.
99. Mr Balakumar stated that he was a member of Company B and that he had arranged an appointment with them in April 2026. Mr Balakumar also referred to the International Standards on Quality Management ("ISQM"), stating that he undertakes a review with them every few years. However, the Committee had not been provided with any information or documentation from either organisation to assist it in its deliberations.
100. Mr Balakumar submitted that no client had sustained a loss as a consequence of his conduct and his failure to respond was not deliberate. He stated that any delays were caused by frustration and that he had cooperated in many ways.
101. Mr Balakumar invited the Committee to conclude that there was no requirement for a sanction to be imposed because he had responded to ACCA, and that he had some [PRIVATE] which had caused him difficulty [PRIVATE].
102. Finally, Mr Balakumar had not provided the Committee with any references or testimonials.
103. As for aggravating features, on the basis of its findings, and for the reasons outlined above, the Committee noted that, whilst engaging with the process, Mr Balakumar had not shown any evidence of insight into his actions. Indeed, the Committee was particularly concerned that Mr Balakumar continued to show a complete lack of understanding of the nature of his failure to cooperate with ACCA's monitoring process and that he had expressed frustration at what he considered to be the lack of response from ACCA.

104. The Committee was also satisfied that, whilst there was no evidence that actual harm had been caused, in failing to cooperate with the monitoring process, there was the potential for harm or an adverse impact to the public. After all, the very purpose of the monitoring process was to ensure that no harm or adverse impact was being caused.
105. On the basis of its findings, the Committee was satisfied that this represented a pattern of misconduct over a period of time. Mr Smith had sent his initial email on 9 March 2023 with his report, asking for Mr Balakumar to respond by 23 March 2023. Mr Balakumar failed to do so but, in his emails of 24 March 2023, 11 April 2023 and 27 April 2023, Mr Smith provided further extensions to Mr Balakumar until 4 May 2023 when Mr Smith stated that the matter would be referred to the Investigation Team. However, Mr Balakumar still failed to respond, either substantively or at all.
106. There was no evidence to suggest that the emails from Mr Smith had not been delivered successfully and at no stage had Mr Balakumar suggested this was the case. On this basis, the Committee found that Mr Balakumar had chosen not to respond to the emails of Mr Smith during the monitoring process.
107. The Committee concluded that neither an admonishment nor a reprimand would adequately reflect the seriousness of the Committee's findings.
108. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, the Committee did not consider that a severe reprimand would be sufficient or proportionate. There was no evidence to suggest that Mr Balakumar had a proper understanding and appreciation of the conduct found proved. By reference to the criteria in the Guidance, and for the reasons outlined above, the Committee found that the conduct had the potential to cause harm, and Mr Balakumar had shown no proper insight into his failings, nor had he provided a genuine expression of remorse or regret.

109. In this way, the Committee was satisfied that Mr Balakumar presented a risk to the reputation of ACCA and the accountancy profession. The ability of ACCA to regulate the profession effectively, and thereby protect the public, was predicated on its members fulfilling their responsibility to cooperate with ACCA in accordance with a member's regulatory obligations.
110. In the Committee's judgement, Mr Balakumar's overall conduct was fundamentally incompatible with being a member of ACCA and risked undermining the integrity of ACCA membership.
111. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Balakumar shall be excluded from membership of ACCA.

COSTS AND REASONS

112. The Committee had been provided with a Simple Costs Schedule (page 1) and a Detailed Costs Schedule (pages 1 and 2). It had taken account of the document entitled Guidance for Costs Orders 2023.
113. The Committee concluded that ACCA was entitled to be awarded costs against Mr Balakumar, all allegations having been found proved. The amount of costs for which ACCA applied was £6,943. Mr Mustafa confirmed that ACCA had not included a claim for the second day of the hearing, having initially provided Mr Balakumar with a time estimate of one day.
114. Taking account of the nature of the case, and the fact that the allegations had been denied, the Committee considered that the costs incurred were reasonable.
115. Mr Balakumar had only provided the Committee with a schedule of his financial means on the morning of the hearing. He had not provided any documentary evidence in support. The Committee noted that this was so despite being repeatedly requested and advised to do so by ACCA in its correspondence of 18 December 2025, 16 February 2026 and 13 March 2026.

116. Mr Balakumar's account for his failure to do so was restricted to the lack of time he had to provide the Committee with such information following ACCA's email of 13 March 2026 as he was not working on that day, [REDACTED]. Mr Balakumar stated that he had a letter from a [REDACTED] that he could send but the Committee stated that this was simply too late. The Committee was satisfied that Mr Balakumar had been provided with every opportunity to provide the necessary information if he wished to suggest that he was not able to pay the full amount of ACCA's costs. It also took account of ACCA's concession in not including the cost of today in its schedule.
117. In all the circumstances, the Committee exercised its discretion when determining the amount Mr Balakumar should be expected to pay. The Committee considered that it was reasonable and proportionate to award ACCA costs in the full amount of £6,943.

EFFECTIVE DATE OF ORDER

118. Taking into account all the circumstances, and on the application of Mr Mustafa, the Committee decided that it was necessary, and in the interests of the public, for this order to take immediate effect.
119. In reaching its decision, the Committee took account of its findings as set out above, particularly with regard to the lack of insight shown by Mr Balakumar throughout these proceedings. In the Committee's judgement, whilst this order may cause Mr Balakumar considerable difficulties, the interests of the public outweighed the interests of Mr Balakumar.
120. Therefore, as stated, the Committee concluded that it was in the interests of the public for the order to take immediate effect.

Dr Helen Goulding
Chair
16 March 2026