

HEARING

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

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| In the matter of: | Miss Kushbu Shah |
| Heard on: | Friday, 22 May 2026 |
| Location: | Remotely via Microsoft Teams |
| Committee: | Mr Gerard Wareham (Chair) Ms Morenike Asaju (Accountant) Professor Roger Woods (Lay) |
| Legal Adviser: | Mr Elliott Kenton (Legal Adviser) |
| Persons present and capacity: | Mr Leonard Wigg (Case Presenter on behalf of ACCA) Miss Mary Okunowo (Hearings Officer) |
| Summary | Removed from the student register, with immediate effect |
| Costs: | £5,400.00 |

INTRODUCTION AND PRELIMINARY MATTERS

1. The Disciplinary Committee of ACCA (the “Committee”) convened to consider a report concerning Miss Kushbu Shah (“Miss Shah”).

ACCA



+44 (0)20 7059 5000



info@accaglobal.com

www.accaglobal.com

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

2. The Committee had before it a bundle of documents (96 pages) and a service bundle (18 pages). The Committee also had copies of exam footage and telephone logs.

PROCEEDING IN ABSENCE

3. Miss Shah did not attend the hearing and was not represented.
4. Notice of today's hearing was sent by email to Miss Shah on 21 April 2026. Service was to her registered email address, and the Committee was provided with a delivery receipt.
5. ACCA made a number of further attempts to contact Miss Shah by email and telephone on 11 May 2026, 18 May 2026, and 21 May 2026.
6. The Committee was satisfied that the requirements of regulations 10(1) and 22(5) of the of the Chartered Certified Accountants' Complaints and Disciplinary Regulations ('CDR') as to service had been complied with.
7. Having satisfied itself that service had been effected in accordance with the regulations, the Committee went on consider whether to proceed in the absence of Miss Shah. The Committee bore in mind that the discretion to do so must be exercised with the utmost care and caution.
8. The Committee was satisfied that Miss Shah was aware of the hearing and noted in particular that she had not made any application for an adjournment. In those circumstances, there was no reason for concluding she would attend on a further occasion if the hearing was adjourned, and accordingly there would be no benefit in doing so. Given the need to progress this matter expeditiously, the Committee was satisfied it was in the interests of justice to proceed in Miss Shah's absence.

ALLEGATION(S) / BRIEF BACKGROUND

9. The allegations faced by Miss Shah were as follows:

Miss Kushbu Shah, a student of ACCA, in respect of her on-demand remotely invigilated Financial Management (FM) exam taken on 05 September 2025 ('the Exam'):

Allegation 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 her desk or person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.

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).

Allegation 3

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

Allegation 4

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

Allegation 5

Miss Shah's conduct in respect of any or all of the above was dishonest in that:

- a) She was in possession of and / or used an unauthorised item, namely a mobile phone, during the Exam and / or
- b) She intended to use or used an unauthorised item, namely a mobile phone to gain an unfair advantage for herself in the Exam and / or for a future exam and / or

- c) She 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) She attempted to give / gave the exam proctor false or misleading information about the presence or use of an unauthorised item, namely a mobile phone.

Allegation 6

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

Allegation 7

Failed to co-operate with the consideration or investigation of this complaint in that she failed to respond to any or all of ACCA's correspondences, contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014, on the following dates:

- a) 04 November 2025
- b) 19 November 2025
- c) 04 December 2025.

Allegation 8

By reason of the above, Miss 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 and / or 7.

- 10. Miss Shah became an ACCA registered student on 21 January 2025.
- 11. Miss Shah undertook a remotely invigilated Financial Management (FM) exam on 05 September 2025 ('the Exam').

12. Before the Exam commenced, the proctor directed that all mobile phones must be on silent mode and out of arm's reach. During the Exam, it was identified that Miss Shah was using her phone. On being questioned by the proctor, Miss Shah denied she had been using a mobile phone.
13. An ACCA investigation was commenced, and Miss Shah was invited to provide her comments regarding her evident use of her mobile phone. Emails were sent to Miss Shah's registered ACCA email address. No acknowledgment was received from Miss Shah following on from ACCA correspondence on 04 November 2025, 19 November 2025 and 04 December 2025.

DECISION ON FACTS / ALLEGATION(S) AND REASONS

14. The Committee considered the documents before it, the submissions of Mr Wigg on behalf of ACCA and the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities.

Allegation 1

15. The Committee considered that Allegation 1 was proved. It was clear based on the video footage that Miss Shah did not follow ACCA Exam Guidelines to move mobile phones out of arm's reach, as she can be seen holding her mobile phone in her hand in parts of the exam. Therefore, the Committee considered this was clearly within arm's reach, contrary to ACCA's Exam Guidelines.

Allegation 2

16. The Committee considered this allegation in its component parts. Firstly, they considered whether Miss Shah was in possession of her mobile phone. The Committee considered she was in possession of her mobile phone, by virtue of the video evidence presented. Secondly, the Committee considered whether Miss Shah was using her mobile phone. The Committee considered that there were several examples of Miss Shah holding her phone directed towards the screen. Therefore, the Committee determined that Miss Shah was using her phone.

17. The Committee then considered whether in possessing and using her phone, she was seeking to secure an unfair advantage in the Exam and / or a future exam. The Committee bore in mind that Exam Regulation 6(b) contains a reverse burden on Miss Shah to prove that she did not intend to use the mobile phone to gain an unfair advantage. The Committee considered that Miss Shah had not provided any alternative explanation as to why she possessed and used her mobile phone, and therefore this Allegation is found proved.

Allegation 3

18. The Committee determined that from the video stills, Miss Shah was holding her phone in such a way, pointed to the screen that she was taking photographs and / or recordings of the Exam content. Therefore, this Allegation is found proved.

Allegation 4

19. The Committee considered the audio transcripts of the conversation that the exam proctor had with Miss Shah. It was clear from that transcript that having been found with her mobile phone, Miss Shah made continued denials to the proctor. The Committee considered based on the video evidence that the continuous denial amounted to giving the proctor false and misleading information about her use of her mobile phone.

Allegation 5

20. Having found Allegations 1 – 4 proven, the Committee next considered whether Miss Shah was acting dishonestly for each of the sub-components of Allegation 5, which correlated to Allegations 1 – 4.
21. The Committee first considered the state of Miss Shah's mind and determined that her actions were deliberate. The Committee was satisfied that she had awareness of the direction from the proctor to keep her phone out of arm's reach and therefore had awareness she should not be possessing or using her phone.
22. The Committee considered that when applying the objective test for dishonesty, the ordinary decent person would consider Miss Shah's actions to be dishonest

with the purpose of gaining an unfair advantage to her or others in the Exam or future exam.

23. Therefore, the Committee found that Miss Shah's conduct was dishonest for Allegation 5 a) – d).

Allegation 6

24. As dishonesty has been found pursuant to Allegation 5, the Committee did not consider this alternative Allegation 6.

Allegation 7

25. The Committee considered whether Miss Shah has failed to cooperate with ACCA's investigation contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 ("CDR"). They bore in mind that ACCA had written to Miss Shah on three separate dates seeking further information from Miss Shah for the purposes of their investigation.
26. Miss Shah had failed to respond to this correspondence. The evidence made available demonstrated that Miss Shah had opened these emails and there was no justification put forward from Miss Shah for her non-engagement.
27. Accordingly, the Committee found this Allegation proven.

Allegation 8

28. The Committee next considered whether the facts proven at Allegations 1-5 and 7 would constitute misconduct. The Committee determined that the allegations found proven do constitute misconduct, as Miss Shah had fallen far short of the professional standards expected of her as a student member. She had been dishonest in possessing and using her mobile phone and taking photographs of exam content on her mobile phone. The Committee considered that Miss Shah's actions could be described as deplorable and brought discredit to the profession and therefore did constitute misconduct. Therefore, Allegation 8(a) was proven.

29. As Allegation 8(b) was brought in the alternative, the Committee did not consider this allegation.

SANCTION(S) AND REASON(S)

30. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of Mr Wigg and the advice of the Legal Adviser.
31. The Committee considered both the aggravating and mitigating factors in this case. The Committee considered that there were a number of aggravating factors present.
32. Firstly, the Committee considered there was a lack of insight from Miss Shah in her conduct. Whilst Miss Shah is at liberty to deny the allegations, even in the presence of denial, some insight can be shown which is not present in this case.
33. Secondly, the Committee considered that Miss Shah's misconduct caused considerable harm and had an adverse impact on the profession as conduct of this nature would allow student members to obtain an unfair advantage within the profession.
34. Thirdly, the Committee were satisfied that Miss Shah's misconduct took place over a period of time, as she failed to engage with ACCA during their investigation and these proceedings.
35. In mitigation, the Committee took into account that no previous disciplinary findings had been made against Miss Shah.
36. Having found that Miss Shah's actions amounted to misconduct, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.

37. The Committee had regard to the GDS. Given the seriousness of the allegations, the serious departure from the relevant professional standards and the adverse impact to members of the public, the Committee considered, neither an admonishment nor reprimand would be an appropriate sanction.
38. The Committee considered severe reprimand. Whilst a severe reprimand could be applied for misconduct of a serious nature, the Committee noted that there were not any particular circumstances of the case or mitigation advanced that would satisfy the Committee that there was no continuing risk to the public. This misconduct was intentional, it caused indirect harm, there was no insight and there was no cooperation.
39. The Committee then considered the sanction of removal from the student register. The Committee determined that Miss Shah's misconduct was fundamentally incompatible with being a student member. Her behaviour was a significant departure of the professional standards expected of a student member. She had acted dishonestly and abused her position as a student member to seek an unfair advantage. The Committee bore in mind that the GDS guidance on dishonesty and the body of case law which indicates that exclusion is the appropriate sanction in such cases. The Committee considered that there was no evidence or mitigation presented which would warrant anything other than a removal from the student membership.
40. The Committee considered that Miss Shah should be removed from the register and not allowed to apply for readmission for a period of 12 months from the effective date of removal, which is the minimum period allowed.

COSTS AND REASON(S)

41. ACCA applied for costs in the sum of £5,894.00. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the investigation and hearing.
42. The Committee considered that in principle a costs order should be made in favour of ACCA. It was satisfied that the costs sought were appropriate and had been reasonably incurred. Miss Shah had not provided any information in respect of her means.

43. The Committee determined that the appropriate order was that Miss Shah pay ACCA's costs in the sum of £5,400.00 after applying a small reduction for hearing efficiencies.

EFFECTIVE DATE OF ORDER

44. The Committee determined that the Order would have immediate effect pursuant to CDR 20(1)(b).

**Mr Gerard Wareham
Chair
22 May 2026**