HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Miss Somaya Darwish**
Heard on:	**Thursday, 26 March 2026-Part Heard** **Tuesday, 20 October 2026-Resumed Hearing**
Location:	**Remotely via Microsoft Teams**
Committee:	**Mrs Carolyn Tetlow (Chair)** **Mr Ryan Moore (Accountant)** **Mr Geoffrey Baines (Lay)**
Legal Adviser:	**Ms Giovanna Palmiero**
Persons present and capacity:	**Mr Ryan Ross (ACCA Case Presenter)** **Ms Aimee Murphy (Hearings Officer) 26 March 2026** **Ms Sofia Tumburi (Hearings Officer) 20 October 2026** **Ms Somaya Darwish (Student) 20 October 2026**
Summary	**26 March 2026-Allegation 1(a) and 1(b) dismissed, no case to answer. Case adjourned.** **20 October-Severe Reprimand**
Costs:	**£500.00**

26 MARCH 2026 - PART HEARD HEARING

INTRODUCTION

1. The Disciplinary Committee ("the Committee") convened to hear allegations of misconduct against Miss Somaya Darwish (Ms Darwish).

2. Mr Ryan Ross (Mr Ross) presented the case on behalf of the ACCA.

3. Ms Darwish did not attend and was not represented.

4. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.

5. In accordance with Regulation 11(1)(a) of the Chartered Certificate Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.

6. The hearing was conducted remotely via Microsoft Teams.

7. The Committee was provided with, and considered in advance, the following documents:

   (i) A Report & Hearing Bundle with pages numbered 1-144
   (ii) Audio Recordings x 4
   (iii) A Service Bundle with pages numbered 1-18.

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

8. The Committee was informed that Ms Darwish had been served with notice of today's hearing, together with the necessary papers via electronic mail, on 26 February 2026.

9. The Committee was satisfied that notice had been sent to Ms Darwish's registered email address in accordance with Regulation 22 of the 2014 Regulations as amended. The Committee noted that the email had been delivered successfully. Regulation 22(8) stipulates that, when a notice has been sent by email, it is deemed to have been served on the day it was sent.

Accordingly, the Committee was satisfied that Ms Darwish has been given 28 days' notice with the necessary information required in accordance with Regulation 10.

10. The Committee decided that Ms Darwish had been properly served with Notice of Proceedings.

PROCEEDING IN ABSENCE

11. The Committee was informed that the ACCA Hearings Officer (HO) had emailed Ms Darwish on 09 March 2026 requesting confirmation of her attendance at today's hearing. Ms Darwish responded the same day via email confirming that she was aware of the hearing and would be attending the hearing. She confirmed receipt of the evidence bundle.

12. Ms Darwish had not requested an adjournment of the hearing at the beginning of the hearing.

13. It was noted that the Hearings Officer further emailed Ms Darwish prior to the hearing date, on 12 March and 23 March 2026 requesting any documents on which Ms Darwish wished to rely and there was no response. A further email on 25 March 2026 had included the link to enable Ms Darwish to join the hearing.

14. The Committee noted that due to the difference in time zones, the hearing had been specifically scheduled for later in the day, to facilitate Ms Darwish's attendance.

15. The Committee considered that ACCA had taken reasonable steps to encourage Ms Darwish to attend the hearing. The Committee was satisfied that the emails had been sent to the email address on ACCA's register and that there was a record of the emails having been delivered successfully. The Committee noted that Ms Darwish had been given sufficient notice of the hearing and notified that if she did not attend then the Committee could proceed in her absence. Ms Darwish had stated that she intended to attend but had not done so.

16. The Committee was satisfied that Ms Darwish was aware of today's hearing and had the means to attend but had voluntarily absented herself from the hearing.

17. The Committee was also satisfied that taking the seriousness of the allegations into account, and the delay in this case reaching a hearing, it was in the public interest to proceed expeditiously. The Committee did not consider that any benefit would be derived by adjourning the hearing and in any event no such application was made by Ms Darwish.

ALLEGATIONS

Miss Darwish, an ACCA student:

1. On 06 June 2024, during a remotely invigilated Financial Reporting (FR) exam session:

    (a) Caused or permitted a third party or third parties to be present with her in the room where she sat the exam during the exam session, contrary to Examination Regulation 19 and/or;

    (b) Possessed and/or used an unauthorised item, namely a mobile phone, during the examination, contrary to Examination Regulation 5(a) and therefore intended to gain an unfair advantage in the exam within the meaning of Examination Regulation 6(b);

DISMISSED-NO CASE TO ANSWER

2. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Miss Darwish failed to co-operate with the investigation of this complaint, in that she did not respond to any or all of ACCA's correspondence sent on:

    (a) 24 October 2024;
    (b) 02 December 2024;
    (c) 23 December 2024;

(d) 13 January 2025;
(e) 06 August 2025.

DENIED-FOUND PROVED

3. By reason of any or all her conduct, Miss Darwish is:

a. Guilty of misconduct pursuant to bye-law 8(a)(i) or in the alternative;

b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

BRIEF BACKGROUND

18. On 24 July 2023, ACCA registered Miss Darwish as a student. As such, she is bound by the Association's bye-laws and regulations, including the Examination Regulations and Examination Guidelines.

19. On 06 June 2024, Miss Darwish sat her Financial Reporting (FR) examination (the "Exam").

20. As part of the exams booking process, and immediately before the commencement of the exam, Miss Darwish would have agreed to ACCA's terms and conditions on sitting exams remotely. This would have included the Information Sheet for On-demand CBE Students sitting exams at home (the Student Information Sheet) which contains the Examination Regulations and Guidelines and CBE announcements.

21. During the exam session the Proctor (online invigilator) noted a number of concerning behaviours which, after Ms Darwish's exam was ended, were reported to ACCA.

22. On 01 July 2024 ACCA wrote to Miss Darwish confirming receipt of a Proctor's report in respect of her FR examination which indicated she was in possession of an unauthorised mobile device. On 15 July 2024 Miss Darwish submitted her response. In her email she explained:

"*I am very shocked to have received this letter because I never tried to use any prohibited devices by the ACCA, and I'm always following the ACCA Examination Guideline and Regulations. During the exam, the proctor frequently questioned me throughout the exam about why I am looking down, I have answered her multiple times that I am correcting my spelling mistakes. I had to assure her many times that I did not have another device. I provided multiple 360-degree views of my room (as she requested) and I respected and followed all her instructions. I ensured that my mobile phone was kept away and out of reach at all times. At one point, the proctor requested to see my phone, and I stood up to retrieve it to show that it was not with me. I did not have access to or use any mobile device inappropriately during the exam.*

Please refer to the Exam recording. Before the protector shut down the exam, she told me that she is "feeling there is some suspicious activities going on" and she threatened to close the exam. Accordingly, she ended up shutting the exam down and made me rebook and take the exam again. While the first exam was easier for me than the second exam. Sir / Madam, I am 19 years old, and it is NOT fair to shut down my exam and to cost me to rebook and take the exam again because of Her feelings?! Second question, is it legal in the UK to destroy the student's life because of a feeling?

I'm requesting kindly to review my exam video to prevent this situation from happening to another student because it hurt a lot. Looking forward to hearing your reply."

23. On 24 October 2024, ACCA wrote to Miss Darwish informing her that ACCA was in receipt of a report from the Proctor of her remote invigilation exam of 06 June 2024. The Proctor's report stated:

"*The candidate was caught using phone once and were suspected that there are other people in the room. The candidate disagreed but still shadows were seen behind them. The candidate was given three warnings for suspicious eye and arm moments they were warned against it but still the proctor was not satisfied with her eye moments. Since their behaviour was suspicious, the exam was ended and the candidate was informed to contact ACCA for further support.*"

The letter also contained the allegations as well as a number of questions for Miss Darwish to answer, in order for ACCA to investigate the matter further. An email was also sent to Miss Darwish with a link to the relevant phone logs (but not, it appears, to the video of the exam).

24. Miss Darwish did not provide a response to this or any further correspondence sent to her by ACCA during the course of this investigation. All emails were sent to Miss Darwish at the email address she registered with ACCA which is the same address used by her to send her above response on 15 July 2024. This email address has not changed throughout the course of the investigation. None of the emails have been returned or bounced back into ACCA's case management system.

25. As ACCA had not received a response from Miss Darwish to their letter of 24 October 2024, ACCA wrote a password protected email and an email which was not password protected to Miss Darwish, on 02 December 2024. In the password protected email, ACCA requested that Miss Darwish provide her response to the allegations raised against her and the questions asked of her. She was referred to ACCA's Complaints and Disciplinary Regulation 3(1) which states that she (as an ACCA student) is required to cooperate with this investigation and that a failure or partial failure to do so, may render her liable to disciplinary action. ACCA also attempted to phone Miss Darwish on the telephone number she had registered with ACCA. However, there was no answer to the phone call.

26. Miss Darwish did not provide a response to ACCA's further two emails to her, of 02 December 2024 and 23 December 2024 or answer the telephone calls made to her by the Investigations Officer, on the same dates. ACCA therefore sent a further email to Miss Darwish on 13 January 2025 asking her to respond to the questions set out in their letter to her dated 24 October 2024 and advising her that as a consequence of her failure to co-operate with the investigation, an allegation under Complaints and Disciplinary Regulation 3(1) would be raised against her if ACCA did not receive a satisfactory response from her. ACCA again also attempted to phone Miss Darwish on the telephone number she had registered with ACCA. However, there was no answer to the phone call.

27. As Miss Darwish did not provide a response to ACCA's letter and emails or answer any of the telephone calls made to her by the Investigations Officer. ACCA sent a final email to Miss Darwish on 06 August 2025. This asked her to respond to the questions set out in their letter to her dated 24 October 2024 and advised her that as a consequence of her failure to co-operate with the investigation, an allegation under Complaints and Disciplinary Regulation 3(1) would be raised against her if ACCA did not receive a satisfactory response from her. ACCA again also attempted to phone Miss Darwish on the telephone number she had registered with ACCA. However, there was no answer to the phone call.

28. Miss Darwish has not provided a substantive response to any of ACCA's questions since 24 October 2024. The only communication ACCA have had from Miss Darwish in relation to this matter was her email of 15 July 2024 when she denied using any prohibited devices during her exam. She also provided her account of what happened during her exam and her concerns about the Proctor's questions. However, as stated, ACCA have not received a response from Miss Darwish to any of ACCA's questions regarding her exam and her representations of 15 July 2024.

29. As part of the investigation, documents, video footage and phone logs relating to Miss Darwish's exam on 06 June 2024 have been obtained. Although ACCA have footage of part (13 minutes) of Miss Darwish's exam set up, they do not have access to the video footage of the whole of Miss Darwish's exam. ACCA has made every effort to obtain the full recording of Miss Darwish's exam but the online platform provider no longer has access to the recording owing to the passage of time. No video recordings were provided to the Committee.

30. ACCA does however have phone logs of four brief conversations between the Proctor and Miss Darwish where the Proctor identifies and communicates the breaches of the exam regulations that she has witnessed. The concerns raised by the Proctor to Miss Darwish were in relation to the Proctor's belief that third parties were in the testing area and that Miss Darwish had been using her phone when she was not permitted to do so. Although Miss Darwish has denied

these allegations, she has failed to provide a full response to the allegations and questions put to her in this investigation.

31. The key incidents identified from reviewing the Proctor's reports and phone logs are set out below:

Proctor (P) – Student (S)

Phone Log 9

- P – Show me your phone…..I can't see you right now….please place the camera in the right position and can you please show me your phone…it should be in the right place, is it in the right place…I'm saying move your camera a little bit…and it should be in the centre….I can't see you….I have to see your face yes….this is better and please show me your phone, where is it right now…
- S – it's all the way over there..I put it all the way..(inaudible);
- P – But I did see you using your phone and you were smiling and I think there was someone else in the room…and can you please close the door right now
- S – inaudible
- P – you please please get up and close the door.
- S – it is closed.
- P – you please get up and close the door.
- S – the door is closed….(inaudible)
- P- what mumbling (inaudible)
- P- yeah place your camera yeah…you've closed the door right ?
- S – yes
- P – ok you can continue with your exam.

Phone log 10

- P – Hi Somaya, Somoya, am I audible…Hello
- S - ah yes
- P – am I audible to you ?

- S – yes I can hear you.
- P – Somaya I am just watching and you are consistently laughing and putting your fingers to your mouth is there
- S – no no no
- P – I still doubt and sorry but yes
- S – inaudible
- P – Do you have any (inaudible) in the room right now ?
- S – Sorry ?
- P – Do you have anyone with you ? I mean someone who is accompanying you ?
- S – inaudible
- P – And this is , ok I am giving you the last warning otherwise we will be
- revoking the exam as of now ok and this is your last chance ok….I hope you
- got that. You shouldn't be laughing and I because its you are consistently you are laughing that's why I call you again.
- S – No I (inaudible) I promise I am not laughing.
- P – It's ok, my eyes are on you, you can just check that and you can continue with the exam…
- S – inaudible
- P – Thanks…bye

Phone log 11

- P – Hello, can you hear me ?
- S – Yes I can hear you.
- P – Ok so twice we have found something suspicious moment going on ok from your end…can you hear me…
- S – I can hear you.
- P – wait I cannot hear you properly. Can you hear me.
- S – yes, yes.
- P – Yeah ok, so I am saying that twice we found that there is some suspicious activity going on at your place
- S – inaudible.
- P – Hello

- S – inaudible
- P – wait give me one second, one second. Ok I am calling you on your phone right now, please do pick up ok.
- S – Inaudible
- P – ok ok, please get it, yeah you have to get it

Phone log 12

Proctor phones Miss Darwish' mobile phone

You have reached mailbox number [PRIVATE], please leave your message after the tone…….

- P – Hello ?

ACCA PRELIMINARY APPLICATION REGARDING HEARSAY EVIDENCE

32. Mr Ross on behalf of ACCA, made a preliminary application to admit hearsay evidence in this case, which was the substantive evidence in ACCA's case against Ms Darwish in relation to Allegation 1 (a) and (b).

33. Mr Ross confirmed that the Proctor's incident reports and call logs were hearsay evidence and accepted that this was the main and sole evidence against Ms Darwish. Mr Ross submitted that the hearsay application was in relation to the two Proctor's/Supervisor's incident report forms and the four recordings of the Proctor's conversations with Ms Darwish.

34. Mr Ross stated that when assessing hearsay evidence, the Committee had to adopt a two-stage process. Firstly, the Committee had to determine whether the evidence was relevant (he contended it clearly was) and whether it was fair and in the interests of justice to admit the hearsay evidence. Secondly, if it was admitted, then the Committee should consider what weight should be attached to that evidence.

35. Mr Ross stated that it would be prejudicial to ACCA if the Committee did not admit this evidence as it would in effect put an end to Allegation 1 (a) and (b),

as he acknowledged that it was the decisive evidence. He submitted that Ms Darwish had been given prior notice of this evidence and acknowledged that she had challenged the evidence. He submitted that ACCA had done everything possible to obtain better evidence and to secure the evidence of the Proctor but had been unable to do so because that person had not been employed in that role since, at least, June 2025, and could not now be contacted. The video footage had been automatically deleted after 122 days and was no longer available.

36. Mr Ross argued that the four audio files are a contemporaneous record of the Proctor raising their concerns of what was happening at the time with Ms Darwish and that they corroborated the Proctor's accounts in the incident report forms.

37. Mr Ross addressed the Committee on the issue of whether the incident reports are from two different people (Proctor and Supervisor) or whether this was one person who had submitted two separate forms. There is some confusion because two incident report forms have been submitted in evidence, one with the 'Proctor' box ticked which implied it had been completed by the Proctor and one with the 'Supervisor' box ticked which implied it had been completed by the Supervisor. These incident reports contain slightly differing accounts of events.

38. Mr Ross also confirmed that the Proctor no longer worked for the British Council, but there again was some inconsistency in the evidence as to when the Proctor left that employment.

39. The Committee noted an email dated 22 January 2026 from the British Council to ACCA, which confirms that the Proctor and Supervisor were *"the same person".* This directly conflicts with the fact that two separate incident report forms had been completed, ostensibly from the Proctor and the Supervisor (but with the names redacted) and the accounts contained within differed. The Committee further noted that the Supervisor's report referred to the Proctor in the third person: *"…the proctor was not satisfied with the eye moments [sic]…".* Mr Ross was unable to assist further in clarifying this issue.

40. The Committee then asked Mr Ross for clarification as to whether the exam video had ever been viewed by ACCA, as the email dated 24 October 2024

from ACCA to Ms Darwish stated *"I have conducted a review of the video footage, phone logs and chat logs from your exam…".* Mr Ross was unable to assist the Committee in clarifying whether ACCA had ever seen the whole exam video. The Committee noted reference to a 13 minute video of the 'exam set up' which had apparently been in ACCA's possession at some point but was not before the Committee.

41. Further the Committee noted that a letter to Ms Darwish from ACCA on the 2 December 2024 stated that the link to the '*relevant video footage'* of the exam had been sent to her. However, the Committee noted that the email from an ACCA administration officer to Ms Darwish in fact stated that they had been *'asked to share the exam phone logs with you…'.* No evidence was provided that Ms Darwish had in fact been sent the exam video (rather than the phone logs), despite what was said in the email of 02 December 2024.

42. In relation to ACCA's hearsay application the Committee took advice from the Legal Adviser who referred it to Regulation 12(2)(a) of the CDR and the principles for admission of hearsay evidence in disciplinary proceedings.

43. The Committee also took into account the case law regarding the admissibility of hearsay, in particular the guidance referred to by the Legal Adviser as set out in the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 Admin.

44. The Committee determined that the evidence contained within the two incident reports and four phone recordings could properly be described as 'hearsay'. It was satisfied that Regulation 12 (2) of the CDR allows the Committee, *"subject to the requirements of justice and fairness",* to admit evidence *"whether or not that evidence would be admitted in a court of law".* The CDRs further state that the *"Disciplinary Committee shall take into account the fact that any disputed oral evidence of a witness has not been tested in cross-examination when considering what weight, if any, should be attached to it".*

45. The Committee determined that the two incident reports and the call logs were hearsay, and concluded that it would not be fair to admit them as evidence. The Committee had particular regard to the following factors:

a. Sole or decisive nature: The hearsay evidence was the sole and decisive evidence in respect of allegations 1 (a) and 1 (b) and ACCA did not intend to rely upon any other evidence to prove those allegations.

b. Nature of the challenge: Ms Darwish had challenged the evidence of the Proctor at the time of the exam, and shortly afterwards in writing. She had requested that the recording of the exam be reviewed. There is no clear evidence as to whether the exam recording had indeed been reviewed by ACCA or that it had ever been sent to Ms Darwish. It appeared from the documents that the video had been deleted after 122 days, which was prior to ACCA's response to Ms Darwish on 24 October 2024. However, Ms Darwish's letter of 15 July 2024, denying the allegations and requesting that the footage be reviewed, was sent prior to the date the video was apparently deleted. It appeared to the Committee that the opportunity for ACCA to review the exam video may have been missed.

c. Reason for non-attendance: The incident report which was purported to have been completed by the Supervisor refers to the Proctor's account of events in the third person, giving the impression that two people had completed separate incident reports and given slightly different accounts. However, the British Council stated that only one person was involved and that person had left their employment and could not be contacted. Given the uncertainty about this issue, the Committee was in some doubt as to whether there was a good reason for the Proctor/Supervisor's absence (which could perhaps have been secured at an earlier stage before the Proctor left the British Council) and whether all reasonable steps had been taken to secure the Proctor's and/or Supervisor's attendance.

d. Reliability of the evidence: The Proctor's/Supervisor's accounts are brief. The phone log records: *"I did see you using your phone and you were smiling and I think there was someone else in the room".* The Committee had no evidence of the credentials of the Proctor/Supervisor, or even their name(s). The reports and logs do not explain what they saw Ms Darwish doing with her phone, where the phone was, or whether she was attempting to conceal it. The four call recordings are dated 16 July 2024

but the exam took place on the 06 June 2024. There was no explanation for this discrepancy in the dates. The recordings have not been exhibited by the Proctor/Supervisor as no statements had been obtained from them, and the provenance of the recordings and the identity of the participants in the calls are therefore unverified.

e. Seriousness of the charges: Ms Darwish is facing serious allegations of misconduct which, if proved, would have a negative and serious adverse impact on Ms Darwish's professional standing and future career.

46. The Committee did consider the need to balance the use of hearsay evidence against ACCA's need to be able to proceed on referrals from Proctors during exams, where issues arise quickly, and to take necessary action in such situations to protect the integrity of the exam system. However, the Committee determined that the hearsay evidence in this case, being the sole and decisive evidence before it, was unreliable in all the circumstances and in the interests of justice and fairness was not admissible.

NO CASE TO ANSWER

47. In light of the Committee's decision to refuse the application to admit the hearsay evidence, Mr Ross did not 'formally concede' that allegations 1 (a) and (b) could not proceed, and confirmed that he was instructed to proceed with those allegations.

48. The Committee understood that it could of its own volition consider whether or not ACCA has presented sufficient evidence to establish a case to answer on the facts. There is no useful purpose served in continuing proceedings if, based upon the case before it (excluding the hearsay evidence), the Committee determines that there is no real prospect of ACCA proving the facts alleged.

49. The Committee invited Mr Ross to make representations on no case to answer. He conceded that there was no admissible evidence in respect of Allegation 1(a) and (b).

50. The Committee accepted advice from the Legal Adviser on the application of the relevant test from *R v Galbraith* [1981] 1 WLR 1039. The Galbraith Test has two parts: first, if there is no evidence on an essential element, the case is stopped. Second, if there is some evidence, but it is so weak or unreliable that no reasonable jury could properly convict upon it, the case should be stopped.

51. The Committee found that having excluded the hearsay evidence, there was no real prospect of ACCA proving the facts alleged in relation to allegations 1(a) and (b). The hearsay evidence, which the Committee determined was inadmissible, was the only evidence relied upon by ACCA in respect of those allegations.

52. The Committee therefore dismissed allegations 1(a) and (b) as there was no case to answer due to a lack of evidence.

ADJOURNMENT

53. During the Committee's deliberations on the above preliminary points, Ms Darwish entered the hearing's virtual waiting room for a short period then left. The Committee was unaware of this at the time. She then sent an email to the Hearings Officer apologising for missing the hearing which she said had been 'unintentional', and requesting the hearing be re-scheduled because she wished to attend and address the Committee as she continued to deny the allegations.

54. The Committee invited the views of Mr Ross on adjourning the proceedings. Mr Ross was concerned as to the time remaining to complete the hearing, given that Ms Darwish would need to be apprised of the developments so far, and apparently intended to give evidence. He adopted a neutral stance on the question of adjournment.

55. Regulation 10 (8) (c) states that the Committee may at any time during the hearing, direct that the case should be adjourned to an appropriate date.

56. The Legal Advisor referred to the guidance in *Crown Prosecution Service v Picton [2006] EWHC 1108*.

57. The Committee was advised to consider its primary duty to ensure the protection of the public, and to consider whether, if they granted an adjournment, they could discharge this duty in light of the seriousness of the allegations. There is a strong public interest in the expeditious disposal of the case.

58. The Committee was also advised to have regard to the overall interests of justice and fairness to all parties. In this case, it was clear that an adjournment was in the interest of justice and fairness.

59. The Committee concluded that there were two main reasons to grant Ms Darwish's request for an adjournment. Firstly, there were the practical considerations. The proceedings had commenced at 2pm due to the time difference between Ms Darwish and the Committee and, given the time already taken to consider the preliminary matters, it was not feasible to conclude the hearing in the time remaining, whether or not Ms Darwish attended the remainder of the hearing.

60. The Committee therefore determined that there was nothing to be gained in trying to contact Ms Darwish, during the hearing, to request further information as to the reasons why she did not attend at the correct time. This would have taken further time, and the Committee noted that it was already late in the day. It was unclear whether Ms Darwish was available to attend that day but if she did then attend the hearing, there would be insufficient time to complete the proceedings in any event.

61. Secondly, the Committee, on considering the factors outlined in the case of Picton, considered that an adjournment was fair in all the circumstances:

- There were no witnesses who would be inconvenienced;
- Ms Darwish was unrepresented;
- Ms Darwish would need to see the Committee's written reasons on the hearsay application in order to understand what had happened during the proceedings and prepare her case based on the remaining allegations. There was not time to produce those reasons today;

- This was the first request for an adjournment;
- the consequences for Ms Darwish were significant if she was not given the opportunity to address the Committee on the remaining allegations.

62. The Committee therefore agreed to adjourn the hearing, part heard. The same Committee will re-convene to hear the remainder of the evidence and Ms Darwish will be able to attend if she chooses to do so.

63. The Committee then made directions under Regulation 10(8)(e) for the efficient future management of the hearing.

64. The Committee considered Mr Ross's request for a direction for Ms Darwish to provide an explanation for her non-attendance at this hearing, however the Committee decided that this would serve no purpose given the reasons for the adjournment.

DIRECTIONS

65. Mr Darwish is directed to provide to ACCA within 7 days her dates to avoid for the next 6 months.

66. Ms Darwish is required to provide any documentation upon which she intends to rely to ACCA no less than 14 days prior to the reconvened hearing date.

RESUMED HEARING 20 October 2026

67. The Disciplinary Committee ("the Committee") re-convened on 20 October 2026 after the hearing on the 26 March 2026 was adjourned part heard. The Committee convened to hear the remaining allegations of misconduct against Miss Darwish.

68. The Committee reiterated its previous determination from 26 March 2026, that Allegations 1(a) and 1(b) had been dismissed due to a finding of no case to answer, as a result of its finding that ACCA's hearsay evidence was inadmissible. The hearing was resumed on 20 October 2026 to hear the case in relation to Allegations 2 and 3 which remained outstanding.

69. The Committee did not intend to revisit the evidence in relation to its previous determination.

70. Mr Ross presented the case on behalf of the ACCA.

71. Miss Darwish attended and was not represented.

72. Miss Darwish formally denied Allegation 2 in its entirety.

73. In accordance with Regulation 11(1)(a) of the Chartered Certified Accountants Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public and partly in private.

74. The hearing was conducted remotely via Microsoft Teams.

ACCA SUBMISSIONS

The following submissions were made by ACCA in the case report and adopted by Mr Ross:

75. It is submitted that the allegations referred to above are capable of proof by reference to the evidence contained in the bundle.

76. ACCA submits that if the allegation is found to be proved, Miss Darwish has acted in a manner which brings discredit to her and the accountancy profession and her conduct amounts to misconduct pursuant to bye-law 8(a)(i).

77. ACCA submits that Miss Darwish has not responded to the majority of ACCA's correspondence throughout the course of the investigation and has not provided a response to the allegations and the questions asked of her. ACCA submits that in failing to respond to the requests of ACCA, Miss Darwish has breached Complaints & Disciplinary Regulation 3(1).

78. Miss Darwish is under a duty to co-operate, and therefore respond, to ACCA's investigation correspondence, in which she was asked for a response to the allegations raised against her.

79. The failure is particularly egregious. Miss Darwish's failure to co-operate has meant that ACCA have not been able to fully investigate this serious matter.

80. The requirement to co-operate with one's regulator must be complied with to ensure there is no opportunity for a student sitting an exam to gain an unfair advantage in the exam. Miss Darwish's failure to co-operate with ACCA is therefore a matter of misconduct.

81. Mr Ross further submitted that Allegation 2 required no motive to be alleged. Allegation 3 is a parasitic allegation dependent upon the findings of the Committee on Allegation 2.

82. Mr Ross stated that whilst Miss Darwish had formally denied the allegation, it was a factual issue, and Miss Darwish had in fact admitted not responding to ACCA's emails. Her oral evidence was mitigation, which contextualised the reason for her not responding to the correspondence. Mr Ross submitted that there was no independent evidence to back up Miss Darwish's oral evidence in mitigation.

83. In relation to Allegation 3, this was a matter for the judgement of the Committee. Misconduct was alleged due to the seriousness of Miss Darwish's actions in failing to respond five times over a period of months, which constituted a serious falling short of the standards required.

HEARING PARTLY IN PRIVATE

84. The Committee was concerned that Miss Darwish might be intending to raise issues in her evidence, which pertained to her private life. The Committee raised the issue, of its own volition, as to whether parts of the hearing should be held in private.

85. Mr Ross stated that ACCA's position was neutral and asked whether the private family matters could be separated from the main thrust of the evidence, in order to determine whether the hearing could be partially in public and partially in private.

86. The Committee heard the advice of the Legal Adviser, which it accepted. Under the Regulations, due to the principle of open justice, the starting point is that Disciplinary Committee hearings are held in public and that any member of the public may therefore attend and observe the proceedings. However, the Committee does have a discretion to exclude the public from attending all or part of the hearing at any time during the case, if it decides that the particular circumstances of the case outweigh the public interest in holding the hearing in public, or it finds exceptional circumstances.

87. The Committee decided that the hearing should be held partly in private, when Miss Darwish's personal issues were discussed.

MISS DARWISH'S EVIDENCE

88. Miss Darwish decided to give evidence to the Committee. During her evidence Miss Darwish admitted that she did not respond to ACCA's correspondence as alleged, and stated that this was because [PRIVATE]

89. [PRIVATE] She stated that if she could go back, she would have dealt with the situation differently and responded to ACCA and explained the situation, but that it was too late now and she had to accept her mistake. Her intention was not to be silent or circumvent the investigation process, but due to her personal situation [PRIVATE]. She wanted to be honest and wished it had not come to this point.

90. Mr Ross put to Miss Darwish in cross examination, that she had admitted that she did not respond to the emails sent by ACCA during their investigation. Miss Darwish stated that she had not appreciated that she had a duty to cooperate with the ACCA but now understood this.

91. Mr Ross referred Miss Darwish to the bundle of evidence and Miss Darwish's first email in July 2024 in response to the allegation of cheating. Miss Darwish responded that this was her third or fourth ACCA exam and that she had not had any issues previously despite all the exams being in the same setting and she had not changed anything. She confirmed that she had not mentioned her personal circumstances to ACCA prior to today but may have made some

mention of her difficulties to the Hearings Officer in March 2026 during correspondence.

92. Mr Ross asked Miss Darwish if there was any evidence which supported her oral evidence about what happened in her private life. Miss Darwish stated that[PRIVATE]. Miss Darwish stated that she could obtain [PRIVATE] documentation or banking information. No such evidence had, however, been provided to the Committee in advance of the hearing.

93. The Committee asked a number of questions. Miss Darwish was asked [PRIVATE].

94. Miss Darwish confirmed that [PRIVATE]

95. She wanted to be honest and wished it had not come to this point.

96. Miss Darwish's hope was to eventually continue with a career in accountancy, [PRIVATE].

97. Miss Darwish confirmed [PRIVATE] trying to move forward with her life. Attending this hearing was part of that.

98. The Committee asked why Miss Darwish had not attended the first hearing in March 2026. Miss Darwish confirmed that she did not have a laptop at that time and had been trying to log on to the link sent for the hearing on her phone, however this did not work due to connectivity issues. She tried to join the hearing but the link was not working, at which point [PRIVATE] continue.

99. On being asked about the emails from ACCA by the Committee, Miss Darwish confirmed that she did receive the emails in 2024 and 2025 and that she opened them but could not recall if she read them or simply saw the first couple of lines. [PRIVATE]. When she did find the strength to read the emails the link had expired. On each subsequent email, the correspondence became more [PRIVATE].

100. Miss Darwish also clarified that she did not recall receiving any phone calls from ACCA and confirmed that her phone filtered out spam calls.

101. Miss Darwish concluded that at the time it felt as if this had all take place over a much shorter period of time. She had learnt a big life lesson, she would never ignore correspondence again, and [PRIVATE].

DECISION ON ALLEGATIONS AND REASONS

102. The Committee considered all the evidence in this case including the bundle of documents, ACCA's written submissions, which were supplemented by Mr Ross orally, and Miss Darwish's oral evidence.

103. The Committee considered legal advice from the Legal Adviser, which it accepted. The Committee bore in mind that the burden of proving the allegations rests on ACCA and the standard to be applied is proof on the balance of probabilities. It was not for Miss Darwish to disprove them.

104. The Committee was mindful that the evidence in relation to Allegation 1, which had been dismissed, played no part in its decision-making process.

105. The Committee heard that there had been no previous disciplinary findings against Miss Darwish and accepted that it was relevant to consider her good character in relation to her credibility.

Allegation 2

106. The Committee noted that Allegation 2 was a factual allegation, which alleged that Miss Darwish had not responded to ACCA correspondence sent to her ACCA registered email address on 24 October 2024, 02 December 2024; 23 December 2024; 13 January 2025 and 6 August 2025.

107. The Committee had regard to the documentary evidence, including copies of the five emails alleged to have been sent to Miss Darwish in respect of the investigation. It also had regard to the telephone calls ACCA had made to her which had apparently not been answered.

108. Regulation 3(1) of the ACCA Complaints and Disciplinary Regulations 2014 creates a positive and continuing obligation on the member to assist ACCA's disciplinary processes.

109. The Committee noted that during her evidence Miss Darwish admitted that she had received these emails and that she did not respond to them, but had provided an explanation as to why. It noted that, during Miss Darwish's evidence, she admitted that she did open the emails and read parts of them.

110. The Committee noted that Miss Darwish had confirmed during her evidence that she had been unaware of the positive duty upon her to cooperate with her regulator. It was only today that she fully appreciated this and she expressed her apology.

111. The Committee noted that Miss Darwish had remonstrated with the Proctor at the time of the incident and had subsequently sent an email denying the allegation of cheating. However, these matters were not relevant to the remaining allegations to be determined. The Committee accepted Miss Darwish's oral evidence about the personal difficulties she had subsequently encountered. Nevertheless the Committee concluded that Miss Darwish, as a student member, had a positive duty to cooperate with ACCA's investigation, irrespective of her denials of Allegations 1(a) and (b).

112. The Committee concluded that Miss Darwish had not responded to any of the five emails from ACCA as alleged. She had not discharged her duty to cooperate with ACCA's investigation and the Committee found Allegation 2 proved in its entirety.

Allegation 3

113. Having found the facts of Allegation 2 proved, the Committee then moved on to consider whether Miss Darwish was guilty of misconduct under Allegation 3.

114. The Committee noted that misconduct is a matter of judgment for a professional panel, and had regard to the test in *Roylance v. General Medical Council (No 2) [2000] 1 AC 311*, at p330, where it was said:

'Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a medical practitioner in the particular circumstances.'

115. The Committee decided that there was an overriding duty on all members to answer questions during an ACCA disciplinary investigation. All members, including students, have to engage with their regulator during an investigation into alleged misconduct, regardless of their view as to their guilt or innocence of the factual allegations, and regardless of whether they had already given an account of their position.

116. Miss Darwish's lack of cooperation had frustrated and delayed the investigation process and had hindered the possibility of further enquiries.

117. The Committee concluded that the failure by Miss Darwish to cooperate with this investigation was very serious, as it had undermined ACCA's ability to fully investigate the complaint. ACCA acts in the public interest by ensuring its students, affiliates and members uphold proper standards, thereby maintaining public confidence in the accountancy profession. Frustrating ACCA's ability to do so is a serious matter.

118. The Committee therefore found that Miss Darwish was guilty of misconduct pursuant to ACCA byelaw 8(a)(i) and did not go on to consider the alternative allegation under 3(b) as this had been alleged in the alternative.

SANCTION

119. In reaching its decision on sanction, the Committee considered the oral submissions made by Mr Ross on behalf of ACCA. Mr Ross confirmed that there was no disciplinary record for Miss Darwish prior to the hearing.

120. Mr Ross made no submission as to the actual sanction, confirming ACCA's neutral position on sanction, but referred to the Guidance for Disciplinary Sanctions (GDS) and particularly the summary of the general principles. He

commented on potential mitigating and aggravating features of the case, referring to the fact that Miss Darwish had no known previous disciplinary findings.

121. 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 advice of the Legal Adviser.

122. The Committee considered that the conduct in this case was very serious due to its finding of not cooperating with the regulator during a disciplinary investigation.

123. The Committee had specific regard to the public interest including the necessity to declare and uphold proper standards of conduct, and maintain public confidence in the profession and ACCA. Miss Darwish's behaviour had seriously undermined these functions. The Committee referred to specific guidance in Section F of the SG, which indicated that failure to cooperate with a regulatory investigation was regarded as "very serious".

124. The Committee balanced this against the personal mitigation advanced by Miss Darwish during her evidence. She had expressed her sincere apology and her regret about her failures. She had demonstrated that she now has good insight into the importance of cooperation with ACCA's investigation and of responding to correspondence, and the effect of her failings on the profession and fellow students. The Committee concluded that the risk of repetition of this type of behaviour was low.

125. The Committee assessed the Aggravating and Mitigating features as follows:

Aggravating features:

- There was a pattern of misconduct over a period of 10 months;
- The action frustrated and delayed the investigation process.

Mitigating features:

- Immediate initial response to the allegation at the time;
- Has now engaged fully, albeit belatedly, with the proceedings;
- No previous disciplinary findings;
- Significant personal difficulties;
- Regret, remorse and apology;
- Insight into the repercussions of her actions.

126. Having found that Miss Darwish's actions were very serious, taking no further action was clearly not appropriate. The Committee therefore considered the available sanctions in ascending order of seriousness.

127. The Committee considered that a sanction of admonishment would clearly not be appropriate or proportionate as it would not adequately mark the seriousness of the allegations found proved.

128. The Committee was aware that a Reprimand will ordinarily be appropriate where the conduct is of a minor nature, there appears to be no continuing risk to the public, and there is sufficient evidence of genuine insight. Relevant considerations include early acceptance, short duration of the misconduct, little or no adverse consequences and conduct which was not a deliberate disregard of professional obligations. Whilst Miss Darwish had shown insight, now understood her professional obligations and there was no continuing risk to the public, the Committee concluded that this was not the appropriate sanction, as the conduct was not minor in nature and had continued over a period of months.

129. In considering a Severe Reprimand the Committee was mindful that this sanction is ordinarily appropriate where the conduct is serious, but the circumstances and mitigation satisfy the Committee that there is no continuing risk to the public and there is evidence that the Respondent understands and appreciates the conduct found proved. Relevant factors include insight, regret, previous good record, absence of repetition, corrective measures and cooperation during the investigation.

130. The Committee, whilst accepting that the allegations were serious in nature, concluded that there was no continuing risk to the public and little risk of repetition of the misconduct. Miss Darwish was of previous good character, had shown remorse, had gained insight to her actions and appreciated the impact of her lack of cooperation with her regulator during the investigation stage. The Committee accepted Miss Darwish's explanation that her failure to respond was in the context of the personal circumstances she found herself in at the time

131. In considering whether a Severe Reprimand was the proportionate and necessary sanction the Committee went on to consider the sanction of Exclusion. The Committee was mindful that this was reserved for the most serious misconduct and is appropriate where the conduct is fundamentally incompatible with continued membership. The guidance identifies serious departures from professional standards, actual adverse impact, abuse of trust, dishonesty, lack of insight, prolonged misconduct, concealment and persistent denial. None of these features were present in Miss Darwish's case. Failure to cooperate during an investigation with ACCA is usually a very serious deliberate act. However, the Committee found that in relation to Miss Darwish's unique and exceptional set of circumstances, her failure had not been deliberate.

132. Whilst this is a finely balanced decision, the Committee believed that Miss Darwish's actions were not fundamentally incompatible with continuing membership.

133. Given the nature of the misconduct and the impact on the reputation of the profession, the Committee considered that no sanction less than a Severe Reprimand could be justified.

134. Therefore, pursuant to CDR 13(4), the Committee ordered that Miss Darwish be given a Severe Reprimand.

COSTS AND REASONS

135. ACCA applied for costs in the sum of £10,409.00.

136. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing.

137. Mr Ross explained that the amount claimed reflected the fact that there had been two hearing dates. The Committee raised the concern that the extended time for the hearing had, to some extent, been due to the time difference and the legal arguments, which were not the fault of Miss Darwish. It also noted that it had found no case to answer in relation to the primary allegations.

138. Miss Darwish gave evidence about her financial circumstances, however, there was no supporting documentation in relation to this. This Committee accepted her evidence [PRIVATE].

139. The Committee considered that, in principle, a costs order should be made in favour of ACCA, and it was satisfied that the costs claimed had been reasonably incurred.

140. The Committee determined that the appropriate order was that Miss Darwish is ordered to pay ACCA's costs in the sum of £500.00. This sum took into consideration and reflected Miss Darwish's [PRIVATE].

Ms Carolyn Tetlow
Chair
20 October 2026