

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Miss Elna John
Heard on:	Friday, 03 July 2026 and reconvened on Tuesday, 15 September 2026
Location:	Remote link via Microsoft teams
Committee:	Mrs Colette Lang (Chair), Ms Morenike Asaju (Accountant) Mr Geoff Baines (Lay)
Legal Adviser:	Mr Alastair McFarlane
Persons present and capacity:	Miss Elna John (ACCA Student) Mr Mazharul Mustafa (ACCA Case Presenter) Miss Mary Okunowo (Hearings Officer)
Outcome:	Removal from the student register
Costs:	Awarded to ACCA in the sum of £1,000

1. ACCA was represented by Mr Mustafa. Miss John did attend but was not represented. The Committee had before it a bundle of papers, numbered pages

- 1 – 69, and service bundles numbered pages 1-19 and 1-18, table additional bundles numbered pages 1-4, and two transcripts of earlier hearings.
2. The case commenced on 03 July 2026 but was adjourned when Miss John [PRIVATE].

ALLEGATIONS

Miss Elna John (“Miss John”), a student of the Association of Chartered Certified Accountants (“ACCA”):

1. On 01 December 2025, during an Audit and Assurance (“AA”) examination (“the exam”) was in possession of unauthorised materials comprising of notes (“the unauthorised materials”), contrary to Examination Regulation 4.
2. Used, or intended to use, the unauthorised materials during the exam to gain an unfair advantage in the exam.
3. Miss John's conduct set out in Allegation 1 and/or 2 above was:
 - a. Dishonest, in that she gained, or intended to gain, an unfair advantage in the exam;
 - b. In the alternative, such conduct demonstrates a failure to act with integrity.
4. By reason of any, or all, of her conduct set out in Allegation 1 to 3 above, Miss John is:
 - a. Guilty of misconduct pursuant to bye-law 8(a)(i);
 - b. In the alternative, liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1 above.

BACKGROUND

3. Miss John registered as an ACCA student on 22 August 2023. She has had two previous attempts at the Audit and Assurance (AA) exam and has previously passed no ACCA examinations.
4. Miss John attended the [REDACTED] exam centre on 01 December 2025 in order to sit the Audit and Assurance examination. The exam commenced at 9:00am and was due to last for 3 hours 20 minutes.
5. All candidates for ACCA examinations are made aware of the Examination Regulations and prior to an examination, all candidates receive an attendance docket which contains the ACCA guidelines and Regulations.
6. When an untoward incident is suspected in an exam a series of forms are completed – by the Invigilator, by the Supervisor, by the Examiner and by the Examinee. The SCRS1B form, completed on the day of the exam by the Invigilator, gives Miss John's ACCA student number, and among other things, gives the following information:

"2. Did they have their examination docket? – Yes

4. Please confirm whether the student was in possession of unauthorised materials. – Yes

7. Please confirm where on their person the unauthorised materials were found in their possession. – under the work sheets

10. Please confirm whether you believe the unauthorised materials have been used by the student?? If so, please indicate whether there is evidence of the material being used. Please specify what this is (providing copies of the same if possible). – Yes. Unauthorised materials hand over to the supervisor

11. Have you obtained the original unauthorised materials from the student? – Yes

12. *Did you take a photo of the unauthorised materials? (If yes, please submit this to ACCA along with the unauthorised materials). – No*
14. *Please describe the student's behaviour when he/she was found in possession of the unauthorised material. – She just afraid*
7. A second SCRS1 form has been completed on the day of the exam by the Supervisor and, among other things, records:
- “2. *Did they have their examination docket? – Yes*
4. *Please confirm whether the student was in possession of unauthorised materials. – Yes*
5. *Please specify the exact unauthorised materials that were found to be in their possession describing the material fully (pages, size, shape, folds). – An A4 size paper consisting of 2 paged notes on either side folded 5 times.*
7. *Please confirm where on their person the unauthorised materials were found in their possession. – Under the rough sheet*
8. The Supervisor stated:
- “On Monday 1st December 2025, invigilator ... had caught the candidate Elna John at 11.35am using a 2 paged note. [They] let me immediately and I when I confronted the candidate, she denied using the paper, also begging not to let ACCA know as she's be banned from writing the exam for 5 years. She also mentioned that she had failed the last 2 exams.”*
9. On the day of the Audit and Assurance examination, Miss John completed an SCRS2B form. In this she confirmed she was in possession of “paper” which was found “*during exam – 11.35*” by the “*invigilator.*” Miss John stated, “No Yes” in response to whether the unauthorised materials were relevant to the syllabus being examined and were “*short remembrance notes.*” Miss John stated “*I was short notes*” (sic) and “*not intentional purpose*” and “No” in

response to whether she used, attempted to use, or intended to use the unauthorised materials.

10. In an Examiner's irregular script report, the examiner has stated "YES" in response to whether the material is relevant to the syllabus, "YES" to whether the material is relevant to this particular examination and "POSSIBLY" in response to whether the notes have been used when the student was attempting the examination. The examiner has also stated:

"The notes are relevant to the AA syllabus.

[REDACTED] – notes would have had limited use in their answer for part (d) but do not appear to have been used

[REDACTED] – part (c) – notes answer the question of [REDACTED]. Similar words used in candidates answer to their notes but not every word the same so not possible to say with complete confidence it is a direct lift but looks likely. The marker [REDACTED] marked this as 0.5 but after my supervisor sampling the mark should have been 2.5 for part c. The script was therefore subject to a supervisor remark and part c now adjusted and awarded 2.5 marks on RM. {Part d was reduced by 0.5 marks as part of this review too}.

[REDACTED] – the notes are not relevant to this question."

11. On 05 January 2026, ACCA's Exams department wrote to Miss John asking about the incident which had occurred at the exam centre. In her response of 07 January 2026, Miss John stated:

"Thank you for providing me with the opportunity to explain the incident that occurred during my AA examination held on 01 December 2025. I am writing this email with complete honesty and sincere regret.

During the examination, I unexpectedly realised that a small piece of paper was in my pocket. I had forgotten that it was there prior to entering the examination hall. When I felt it, I briefly took it out to identify what it was, at which point the invigilator noticed and approached me. I fully cooperated with the

invigilator, immediately handed over the paper, and accepted that it belonged to me.

I would like to respectfully clarify that I did not use this paper to gain any advantage during the examination, nor did I refer to it for assistance at any time. The content on the paper was not related to the examination questions, and I completed the exam solely based on my own knowledge and preparation. There was no intention on my part to breach ACCA's examination regulations. I fully acknowledge that bringing unauthorised material into the examination environment, even unintentionally, is a serious matter. I deeply regret my carelessness in not checking my pockets properly before entering the exam hall and take full responsibility for this oversight. This is the first time such an incident has occurred, and it has been a very important and difficult lesson for me.

ACCA is extremely important to me, and I have great respect for the integrity and standards of the qualification. I sincerely apologise for the concern this incident may have caused and assure you that I will exercise the highest level of care and discipline in all future examinations. I kindly request your understanding that there was no intention to cheat and that no unfair advantage was gained.

Thank you for taking the time to consider my explanation."

12. On 17 February 2026, Miss John provided a response to ACCA's Investigation Department's questions of 16 February 2026, stating:

"Thank you for the opportunity to respond regarding case [REDACTED]. I confirm that I will cooperate fully with the investigation.

- 1. I accept that I was in possession of a small piece of paper during the AA examination on 1 December 2025. The paper had remained in my pocket unintentionally and I only became aware of it once the examination was in progress.*
- 2. The paper contained brief personal study notes. I did not rely on the material when answering the examination questions.*

3. *I did not intend to use the paper to gain any advantage. When I became aware of it, I informed the invigilator and handed it over.*
4. *I did not use the material in answering any examination questions and my script was completed from my own preparation and knowledge.*
5. *I regret my carelessness in not checking my pockets properly before the examination. I cooperated with the invigilators and understand the seriousness of the regulations. I assure ACCA that this was an isolated mistake and will not happen again.*

ACCA's SUBMISSIONS

13. ACCA's case is that Miss John was in possession of unauthorised materials – namely revision notes that she dishonestly intended to use to cheat in the exam. As an alternative to dishonesty, ACCA alleged a lack of integrity.
14. ACCA submitted that the evidence showed the notes were relevant to the syllabus being examined and therefore it was open to the Committee to use the "reverse burden" - the assumption under Exam Regulation 6(a) namely that it will be assumed that Miss John intended to use the notes to gain an unfair advantage in the exam and that, in those circumstances, Miss John has to prove that she did not intend to use those notes to gain an unfair advantage. Mr Mustafa contended that on the basis of the evidence supplied, the Committee could be satisfied that Miss John's intention was to cheat, even if the Committee did not avail itself of the reverse burden. The central question for the Committee was whether she was dishonest or not. ACCA pointed out that Miss John had consistently denied any intention to cheat maintaining that she had accidentally brought the notes into the exam which she had previously been using as revision notes before the exam.

MISS JOHN'S SUBMISSIONS

15. Miss John has denied any intention to cheat. She accepted that she was in possession of unauthorised materials as alleged in Allegation 1 and admitted that allegation but denied that she intended to use them to cheat or that her conduct was dishonest or lacking integrity as alleged in Allegations 2 and 3.

She made detailed responses to ACCA investigation, which are summarised at paragraphs 11 and 12 above.

DECISION ON ALLEGATIONS AND REASONS

16. The Committee accepted the advice of the Legal Adviser. The Committee reminded itself that the burden of proving the case was on ACCA and had regard to the observation of Collins J in *Lawrance v General Medical Council* on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the 'balance of probabilities'. The Committee reminded itself to exercise caution in relation to its reliance on documents. The Committee heard that there had been no previous findings against Miss John and accepted that it was relevant to put her good character into the balance in her favour.

Allegation 1

On 01 December 2025, during an Audit and Assurance ("AA") examination ("the exam") was in possession of unauthorised materials comprising of notes ("the unauthorised materials"), contrary to Examination Regulation 4.

17. Miss John admitted this allegation and the Committee was satisfied that her admission was clear and unequivocal and therefore found it proved by virtue of the operation of CDR 12 3(c). Accordingly, Allegation 1 was proved.

Allegation 2

Used, or intended to use, the unauthorised materials during the exam to gain an unfair advantage in the exam.

18. The Committee had sight of a copy of Miss John's notes, which were very small notes of information relevant to the exam syllabus. It accepted the Examiner's evidence that the material was relevant to the exam syllabus of the Audit and Assurance (AA) exam. Given their size and nature and location, the Committee was satisfied that they had been pre-prepared by Miss John for her to use in

the exam, if she needed to. Further, the Committee found Miss John had given inconsistent explanations as to whether she handed the notes over immediately to the invigilator or whether they had been placed under the worksheet and whether they were discovered first when the invigilator was passing. These inconsistencies reinforced the Committee's conclusion Miss John's explanation of possession of the notes in error was implausible.

19. The Committee noted that the supervisor described the notes as two pages of A4 Notes folded over five times. The Committee was satisfied both from the nature of the notes and the totality of the evidence that the notes had, more likely than not, been prepared in a premeditated way to conceal in a pocket. The Committee rejected Miss John's explanation that they were revision notes that she had forgotten she had with her as implausible. It did not accept her explanation that she suddenly found something in her pocket and when she found it, she realised what it was, and only then took them out. The Committee was satisfied on the balance of probabilities she had deliberately prepared unauthorised material to take with her in the exam which she had intended to use if she needed to.
20. Further, the Committee was satisfied that under Exam Regulation 6(a) there was a burden on Miss John to prove that she did not use the notes to gain an unfair advantage. The Committee rejected Miss John's explanation of an innocent error as to why the notes were with her in the exam and was satisfied that Miss John had not rebutted this presumption that she had intended to use the unauthorised items to gain an unfair advantage.
21. Accordingly, Allegation 2 was proved.

Allegation 3

Miss John's conduct set out in Allegation 1 and/or 2 above was:

- a. **Dishonest, in that she gained, or intended to gain, an unfair advantage in the exam;**
- b. **In the alternative, such conduct demonstrates a failure to act with integrity.**

22. The Committee first asked itself whether Miss John's conduct was dishonest in that by having these notes with her during the exam she intended to gain an advantage in the exam. The Committee asked itself what Miss John's belief was as to the facts - what was her state of mind as to the facts at the time? The Committee was satisfied that Miss John had confirmed before the exam started that she knew the Exam Regulations and knew that she should not have these notes with her or use them during the exam. The writing on the notes was tiny and being folded many times. She had signed the exam docket and taken the exam several times. She would have known that it was wrong to take these notes into the exam.
23. The Committee was satisfied on the evidence that Miss John did intend to use the notes to cheat. It was satisfied that the notes were created and prepared in a way that they could be concealed. It was not a credible explanation that she had forgot they were with her or that she suddenly felt something in her pocket and that when she realised what it was, decided to take them out. The Committee was satisfied that the possession of these notes was not accidental and was intentional. The most likely intention was to assist herself in the exam. It was satisfied that she intended to gain an unfair advantage. She had not rebutted the assumption that she intended to use it to gain an unfair advantage under Exam Regulation 6(a).
24. It was satisfied that this state of mind would be considered dishonest by ordinary decent people and therefore Allegation 3 a) was proved.
25. Given its finding on Allegation 3 a), the Committee did not need to go on to consider Allegation 3 b) which was an alternative.

Allegation 4

By reason of any, or all, of her conduct set out in Allegation 1 to 3 above, Miss John is:

- a. Guilty of misconduct pursuant to bye-law 8(a)(i);**
- b. In the alternative, liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of Allegation 1 above.**

26. The Committee next asked itself whether, having been dishonest, Miss John was guilty of misconduct. It noted the submissions of ACCA.
27. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Miss John's actions brought discredit on her, the Association and the accountancy profession. It was satisfied that cheating in a professional exam was deplorable conduct and reached the threshold of seriousness for misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. Her conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.
28. In the light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 4 (a) was proved and the Committee did not consider the alternative of Allegation 4 (b).

SANCTIONS AND REASONS

29. The Committee noted its powers on sanction are those set out in Regulation 13(4). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.
30. The Committee considered that the conduct in this case was very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any accountant.
31. The Committee identified the following mitigating factors:
- Miss John was of previous good character with no previous disciplinary record.
 - Genuine remorse expressed.
 - Co-operation with the Regulator.
32. The Committee identified the following aggravating factors:

- Evidence of only limited insight as Miss John continued to refer to her conduct as careless.
 - This was deliberate pre-planned course of conduct for personal gain.
 - The conduct breached the trust placed in examinees undertaking professional exams remotely.
 - Potential damage to the examination system.
 - Potential to undermine the reputation of the profession.
33. Given the Committee's view of the seriousness of Miss John's conduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present and, in particular, there was only limited evidence of insight, and the conduct had not been unintentional. Further, the Committee had regard to Section E2 of the Guidance on Dishonesty and the seriousness of such a finding on a professional. There was no remarkable or exceptional mitigation in this case, and the Committee has found that the conduct was deliberate, intentional and pre-meditated. It considered the factors listed at C5 of the Guidance for removal of Miss John and was satisfied that her conduct was fundamentally incompatible with her remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public of her conduct.

COSTS AND REASONS

34. ACCA claimed costs of £11,629.50 and provided a schedule of costs. The Committee had regard to ACCA's guidance on costs and the submissions of both parties on costs. [PRIVATE]. The Committee decided that it was appropriate to award costs in this case. It made some reduction as the July hearing did not last as long as expected and that today's hearing also took less time than anticipated today. The Committee also had regard to Miss John's [PRIVATE] and concluded that given the information before it, the proportionate and appropriate amount of costs was £1,000. Accordingly, it ordered Miss John to pay ACCA's costs in the amount of £1,000.

EFFECTIVE DATE OF ORDER

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

Colette Lang
Chair
15 September 2026