

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Ms Abina P

Heard on: Tuesday, 29 September 2026

Location: Remote via Microsoft Teams

Committee: Dr Mike Kelly (Chair)
Ms Nimra Syeda (Accountant)
Mr Roger Woods (Lay)

Legal Adviser: Mr Robin Havard

**Persons present
and capacity:** Mr Mazharul Mustafa (ACCA Case Presenter)
Ms Aimee Murphy (Hearings Officer)
Ms Abina P (Student Member)

Summary Allegations 1, 2, 3, 4, 5(a), 5(b) & 6(a) proved
Removal from student register with immediate effect

Costs: £3,500

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Allegations

Ms Abina P, a student of ACCA, during an on-demand remotely invigilated Performance Management exam taken on 10 September 2025 ('the exam'):

- 1. Possessed of and/or used an unauthorised item, namely a mobile phone with camera ('the unauthorised item'), contrary to Exam Regulation 5(a) and/or 5(b).*
- 2. Used the unauthorised item to take photographs and/or recordings of the exam content presented to her, contrary to Exam Regulation 11 and/or 13.*
- 3. 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.*
- 4. Gave false or misleading information to the exam proctor as to the possession and/or use of the unauthorised item, contrary to Examination Regulation 3.*
- 5. Ms Abina P's conduct set out in Allegation 1,2,3 and/or 4 above was:*
 - (a) Dishonest in that she gained or intended to gain an unfair advantage for herself and/or others in the exam and/or a future ACCA exam via the conduct set out in Allegation 1, 2 and/or 3 above;*
 - (b) Dishonest in that she attempted to deceive the exam proctor as to the possession and/or use of the unauthorised item by giving the false or misleading information set out in Allegation 4 above;*
 - (c) In the alternative, such conduct demonstrates a failure to act with integrity.*

6. *By reason of any, or all of her conduct set out in Allegation 1 to 5 above, Ms Abina P 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 allegations 1,2,3 and/or 4 above.*

DECISION ON FACTS, ALLEGATIONS AND REASONS

1. In reaching its findings in respect of the allegations, the Committee relied upon the documents contained in ACCA's bundle, to include the report (pages 1 to 110), and a service bundle (pages 1 to 23). It had also viewed the video footage from the video taken on 10 September 2025. The Committee had taken account of the submissions of Mr Mustafa. It had also considered the written responses provided by Ms Abina P in the course of the investigation and the oral submissions she made at the hearing. The Committee also listened to legal advice, which it accepted.
2. The Committee bore in mind that, save where indicated to the contrary in respect of allegation 1, the burden of proving the allegations rests with ACCA and the standard of proof to be applied is the civil standard, namely on the balance of probabilities.
3. Ms Abina P became an ACCA registered student on 30 August 2016.
4. In October 2025, a complaint referral was made to ACCA's Regulation and Conduct Department as it appeared that Ms Abina P was in breach of ACCA's Exam Regulations and Guidelines due to her conduct during the on-demand remotely invigilated Performance Management examination held on 10 September 2025.

Allegation 1

5. This allegation was admitted by Ms Abina P and the Committee found it proved.

6. In order to understand the background to this matter, the Committee made the following additional findings of fact.
7. Allegation 1 concerned an allegation that Ms Abina P had acted contrary to Exam Regulations (“ER”) 5(a) and/or 5(b).
8. ER5(a) and (b) provide as follows:

“5(a) The use of dictionaries, electronic devices, and/or translators of any kind is not permitted during the exam by you or any other person. You must not have on or at your desk a calculator which can store or display text. Further, the use of any electronic communication device, camera, smart watch, or any other item with photographic, recording or smart technology functionality, including mobile phones, is not permitted by you or any other person (unless the exam is being conducted remotely in which case the mobile phone must only be used only in accordance with ACCA’s Exam Guidelines). Such items are regarded as ‘unauthorised items’ and are taken into the examination room at the candidate’s own risk.

5(b) ‘Unauthorised items’ must not be worn, or placed on your desk, in pockets of clothing, in your bag or personal belongings, or be kept anywhere else on or about your person or desk by you or another person. If you, or another person, bring ‘unauthorised items’ to the exam, you must declare them to the exam personnel prior to the start of the exam. For Centre-Based exams, mobile phones (or communication devices of any type), smartwatches or other wearable technology, must be switched off and stored as directed by the examination personnel.”

9. As the allegation related to conduct contrary to ER5(a) and (b), ER6(b) was also of relevance. ER6(b) states as follows:

“6(b) If you breach exam regulation 5(a) and/or 5(b), or permit another person to act contrary to those exam regulations, it will be assumed that you, and/or the other person, intended to use the ‘unauthorised items’ to gain an unfair advantage for you or others in the exam and/or a future exam. In any

subsequent disciplinary proceedings, you will have to prove that you, and/or the other person, did not intend to use the 'unauthorised items' to gain an unfair advantage for you, or others, in the exam and/or a future exam."

10. Based on the documentation presented to it, the Committee was satisfied that, at the beginning of all remotely invigilated examinations, students, including Ms Abina P, were made aware of the Examination Regulations and Exam Guidelines by being provided with a Student Information Sheet for Remote On-Demand CBEs. Indeed, in her email of 13 October 2025, Ms Abina P wrote,

"I fully understand and respect ACCA's exam regulations and took all necessary care to comply with them throughout the examination process."

11. The matter was referred to ACCA's Investigations Department on 21 October 2025 following the completion of a proctor's report. In the report, the proctor stated:

"The candidate used her mobile phone to take a photo of the screen (exam content). Confirmed the situation with my supervisor that she used her mobile phone to take a photo of the screen. The phone was clearly visible in the camera's view. The candidate was informed, ended the exam."

12. From a review of the video footage and the screenshots taken from the video, the Committee was satisfied that it showed Ms Abina P had an unauthorised item in her possession, namely a mobile phone. The Committee was also satisfied that the phone contained a camera as the lenses of the camera can be clearly seen. The Committee found that the video showed Ms Abina P using the mobile phone during the exam over a period of 1 minute 14 seconds between 2.48.15 and 2.49.29.
13. Indeed, in her email of 13 November 2025, Ms Abina P admitted that she had used her phone during her exam.
14. Accordingly, the Committee was satisfied that this was in breach of ER5(a) and 5(b).

15. As stipulated in ER6(b), as the Committee had found that Ms Abina P acted in breach of ER5(a) and (b), it was therefore assumed that she had used her phone in order to gain an unfair advantage in the exam and/or future exam; ER6(b) stipulates that the burden of proof shifts to Ms Abina P in that it was for her to satisfy the Committee that she had not intended to gain such an unfair advantage.
16. On 12 November 2025, the Investigation Department wrote to Ms Abina P requesting her comments regarding her appearing to use a mobile phone during the exam. The exam video was shared with Ms Abina P on 13 November 2025.
17. On 13 November 2025, Ms Abina P responded stating,

"Thank you for reaching out and for sharing the video recording from my exam session.

I completely understand the concern raised regarding my use of a phone during the exam. I want to clarify that I never used it to take photos, communicate with anyone, or look up any information. I believe I may have used it briefly as a calculator, not realising at that moment that it was against ACCA 's rules. I truly regret that decision and the misunderstanding it caused.

This was never an attempt to gain any unfair advantage. It was a genuine mistake made under pressure, and I take full responsibility for it. I have always respected ACCA 's values of honesty and integrity, and this experience has deeply affected me. I assure you that I will be much more careful in all future exams and will never repeat such an error.

I would also like to kindly request that my FI exam result be released, as no misconduct report was raised for that paper. I have worked very hard for these exams and hope that my genuine intentions and sincerity will be considered.

Thank you very much for your time, patience, and understanding. I deeply value being a part of the ACCA community and hope for a chance to continue my journey with honesty and commitment."

18. In her oral submissions, Ms Abina P maintained that the reason she used her mobile phone was to use the "*scientific calculator*" on the device and that there were only two questions when she needed to do so.
19. However, for the following reasons, the Committee did not find Ms Abina P's explanation plausible.
20. Firstly, in her initial response to ACCA on 13 October 2025, Ms Abina P denied that she had used or possessed any unauthorised mobile device during her exam. This followed her denial to the proctor in the course of the exam which, under allegation 4 below, was admitted by Ms Abina P.
21. It was only after the video footage was sent to her on 13 November 2025 that she accepted that she had done so, and it was only at this stage that Ms Abina P suggested that she had used her mobile phone but only to use its function as a calculator.
22. Secondly, the Committee was not satisfied that her explanation that she was using the phone as a calculator was consistent with what can be seen on the video footage or screenshots.
23. In the video, Ms Abina P can be seen holding up her phone horizontally, or in landscape, to her screen. Furthermore, Ms Abina P was holding the phone with one hand at the end of the phone furthest from the lenses of the camera, with her fingers wrapped around the edge of the phone. Throughout the time the phone can be seen on screen, it does not move, nor was there any suggestion that Ms Abina P was using her fingers to tap the screen of the phone. This was inconsistent with the suggestion that she was using it as a calculator.
24. The Committee found, on the balance of probabilities, that Ms Abina P had acted in breach of ER5(a) and (b). In doing so, the Committee was also satisfied

that Ms Abina P had used a mobile phone in order to gain, or attempt to gain, an unfair advantage for herself or others in the exam or a future exam. Ms Abina P had failed to satisfy the Committee on the balance of probabilities that she did not intend to use the phone to gain such an unfair advantage.

25. On this basis, the Committee found allegation 1 proved.

Allegation 2

26. This allegation was denied.

27. ER11 and 13 provide as follows:

“11. If you are taking a computer-based exam you are not permitted to copy exam content in any manner or take photograph(s) or videos of your screen or permit any other person to do the same.”

“13. Exam content (questions, scenarios, format) is owned by ACCA. You are prohibited from copying, photographing, videoing or reproducing in any manner exam content (questions, scenarios and/or format) or permitting another person to do the same. You are strictly prohibited from distributing or seeking to exploit for commercial/personal gain and/or any other reason, copies of exam questions or scenarios to any person including other ACCA registered candidates.”

28. In reaching its decision in respect of allegation 2, the Committee relied on its findings of fact in allegation 1 above.
29. Having discounted Ms Abina P’s explanation that she was using her mobile phone as a calculator, and on reviewing the video footage, the Committee concluded that it was appropriate to infer that the purpose of Ms Abina P holding up the mobile phone in the way that she did was to take photographs or make a recording of the exam content presented to her.

30. Consequently, the Committee found, on the balance of probabilities, that Ms Abina P had used the mobile phone to take one or more photographs or a recording of the exam content presented to her.
31. In doing so, Ms Abina P had acted contrary to ER11 and 13.
32. On this basis, the Committee found allegation 2 proved.

Allegation 3

33. This allegation was admitted by Ms Abina P and the Committee found it proved.
34. In order to understand the background to this matter, the Committee made the following additional findings of fact.
35. ER1 provides as follows:

“1. You are required to adhere at all times to ACCA’s Rulebook, the Exam Regulations and Exam Guidelines. If you are found to be in breach of any of the Exam Regulations or fail to adhere to the Exam Guidelines, you may become liable to disciplinary action pursuant to ACCA’s bye-law 8, which could result in your removal from the student register. You are liable to disciplinary action in accordance with the bye-laws, regulations and guidelines in force at the time of the breach. However, all disciplinary proceedings, shall be conducted in accordance with the byelaws and Complaints and Disciplinary Regulations in force at the time of such proceedings.”

36. The relevant sections of the Guidance provide as follows:

“Move mobile phones, electronic devices, headphones and watches out of arm’s reach.”

“During the exam your mobile phone must be kept on silent with vibration switched off to avoid disruptions. The invigilator will use the chat function to indicate if they will call, or if connection has been lost with the invigilator/proctor,

you should expect a call on the number you entered during the check-in process.”

- 37. The Committee relied on its findings of fact in respect of allegations 1 and 2 above.
- 38. Based on her admission, the Committee had found that Ms Abina P was aware of the requirements of the ERs and the Guidance.
- 39. Ms Abina P had admitted that she was in possession of a mobile phone.
- 40. The Committee was satisfied that being in possession of a mobile phone in the course of the exam was contrary to ER1 in that it was contrary to the Guidance.
- 41. Consequently, the Committee found allegation 3 proved.

Allegation 4

- 42. Ms Abina P admitted this allegation and the Committee found it proved.
- 43. In order to understand the background to this matter, the Committee made the following additional findings of fact.
- 44. ER3 states as follows:

“3. You may not attempt to deceive the exam supervisor(s), invigilator(s), remote invigilator(s), proctor(s) or any ACCA personnel by giving false or misleading information.”

- 45. The Committee had considered the exchanges which had taken place between Ms Abina P and the proctor as set out in the chat log which was recorded on 10 September 2025.

46. Taking account of its findings of fact under allegations 1 to 3 above, the Committee found the following exchanges between the proctor and Ms Abina P to be of particular relevance.

47. The first exchange took place prior to the commencement of the exam:

09-10-25, 09:44:05 **Abina P:** no
09-10-25, 09:44:[**proctor**] *Did you put your phone on a silent mode?*
09-10-25, 09:44:15 **Abina P:** yes
09-10-25, 09:44:[**proctor**]: *Is it out of arm's reach ?*
09-10-25, 09:44:36 **Abina P:** *yes its in my cupboard*
09-10-25, 09:45:[**proctor**]: *if it is too close to you please put it far away*
09-10-25, 09:45:16 **Abina P:** *no its not close to me*

48. The Committee was satisfied that the responses provided by Ms Abina P to the proctor were false and designed to mislead the proctor in that her mobile phone was in her possession and was therefore neither out of arm's reach nor in the cupboard.

49. The second exchange took place just before the proctor took the decision to end the exam:

"09-10-25, 12:49:02 [**proctor**]: *Hello, this is your proctor. We identified that you have used your mobile phone to take a photo of the screen. I will now end your exam and report the situation to ACCA. You can contact ACCA through the website for further information.*

09-10-25, 12:49:28 **Abina P:** *i didnt use my mobilr phone*
09-10-25, 12:49:42 **Abina P:** *my phone is not with me"*

50. The Committee relied on its findings of fact in respect of allegations 1, 2 and 3 and found that the responses provided by Ms Abina P were false and designed to mislead the Proctor.

51. Indeed, the Committee noted that in her initial response of 13 October 2025 in the course of the investigation, Ms Abina P denied using or possessing her mobile phone in the exam. It was only after she was sent the video recording on 13 November 2025 that she accepted that she had used her mobile phone.
52. Consequently, the Committee found allegation 4 proved.

Allegations 5(a) & (b)

53. In reaching its decision on whether Ms Abina P had acted dishonestly, the Committee had relied on the test for dishonesty as prescribed by the Supreme Court in the case of *Ivey v Genting Casinos t/a Crockfords* [2017] UKSC 67.
54. With regard to both allegation 5(a) and (b), the Committee relied on its findings of fact in respect of allegations 1, 2, 3 and 4 above.

Allegation 5(a)

55. This allegation was denied.
56. Based on its findings above, the Committee had rejected the submission put forward by Ms Abina P that her use of the mobile phone was restricted to its calculator. It had found that Ms Abina P had used the mobile phone to take photographs or make a recording of the exam content shown on the screen and, in doing so, intended to gain an unfair advantage for herself or others in the exam or future exam.
57. The Committee was satisfied that, by the standards of ordinary decent people, such behaviour would be considered dishonest.
58. The Committee therefore found allegation 5(a) proved.

Allegation 5(b)

59. This allegation was admitted by Ms Abina P and the Committee found it proved.

60. The Committee found that, in the replies she gave to the proctor in the course of the exam, Ms Abina P knew that she was providing false information with the aim of deceiving the proctor.
61. Again, the Committee was satisfied that, by the standards of ordinary decent people, such behaviour would be considered dishonest.

Allegation 5(c)

62. On the basis that this allegation was pleaded in the alternative to allegations 5(a) and (b), the Committee made no finding in respect of it.

Allegation 6(a)

63. Taking account of its findings in respect of allegations 1 to 5 regarding Ms Abina P's conduct during the examination, to include a finding of dishonesty, the Committee was satisfied that this was very serious and she was guilty of misconduct. The Committee was concerned that such behaviour risked compromising the integrity of the examination process and it could properly be described as deplorable. In the Committee's judgement, it brought discredit to Ms Abina P, the Association and the accountancy profession.
64. Therefore, the Committee found allegation 6(a) proved.

Allegation 6(b)

65. On the basis that this allegation was pleaded in the alternative to allegation 6(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

66. 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 also listened to the

submissions of Mr Mustafa and Ms Abina P and had accepted legal advice from the Legal Adviser.

67. 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.
68. 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.
69. The Committee considered whether any mitigating or aggravating factors featured in this case.
70. The Committee accepted that there were no previous findings against Ms Abina P. It also took into consideration that Ms Abina P had attended and engaged with the proceedings. She had also admitted certain of the allegations, to include an allegation of dishonesty.
71. The Committee had very little information regarding the personal circumstances of Ms Abina P. The Committee had not been provided with any testimonials or references as to Ms Abina P's character.
72. In terms of aggravating factors, whilst Ms Abina P had engaged by responding to correspondence from ACCA during the investigation, the Committee was not satisfied that she had shown an acceptable level of insight into the seriousness of her conduct and she had not expressed any remorse.
73. The Committee had found Ms Abina P to have acted improperly during the course of an exam, and that her motivation for doing so was to derive a personal benefit. She had also committed a second act of dishonesty when she sought to mislead the proctor. Whilst not part of the allegations, the Committee noted that she continued to try and mislead her regulator when she wrote her email to ACCA of 13 October 2025 in the course of the investigation maintaining that

she had not used her mobile phone in the exam. This represented a pattern of behaviour over a period of time. The Committee was satisfied that Ms Abina P's conduct represented an abuse of the trust placed in her to conduct herself properly and in a straightforward way in the exam.

74. On the basis of its findings, the Committee concluded that neither an admonishment nor a reprimand would represent a sufficient and proportionate outcome. Neither sanction would adequately reflect the seriousness of the Committee's findings.
75. The Committee then considered whether a severe reprimand would be an appropriate sanction. Again, taking account of the seriousness of its findings, and reflecting on the criteria suggested in the Guidance, the Committee did not consider that a severe reprimand would be sufficient or proportionate. The Committee was not satisfied that there was sufficient evidence of Ms Abina P's understanding and appreciation of the conduct found proved.
76. The whole purpose of the Exam Regulations was to maintain the integrity of the process to ensure that the process is fair and that it represented a proper test as to a person's competence to become an accountant. This was of crucial importance when considering the protection of the public.
77. In its judgement, and on the basis of its findings, to include findings of dishonesty, the Committee was not satisfied that Ms Abina P would behave in a manner expected of a member of ACCA. The Committee concluded that the misconduct was such that it was fundamentally incompatible with the behaviour expected of a student member of ACCA.
78. The Committee had considered whether there were any reasons which were so exceptional or remarkable that it would not be necessary to remove Ms Abina P from the student register but could find none.
79. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Ms Abina P shall be removed from the student register.

COSTS AND REASONS

80. The Committee had been provided with a simple costs schedule (page 1) and a detailed costs schedule (page 1) relating to ACCA's claim for costs.
81. The Committee concluded that ACCA was entitled to be awarded costs against Ms Abina P, all allegations having been found proved. The amount of costs for which ACCA applied was £8,013.50. The Committee did not consider that the claim was unreasonable but the hearing had taken less time than estimated, and therefore reduced the amount of the claim to £7,673, having discounted an amount of time for the Case Presenter and the Hearings Officer.
82. In advance of the hearing, Ms Abina P had not provided ACCA with a Financial Statement nor any documentary evidence. The Committee was satisfied that, in the correspondence sent to her, which would have included ACCA's Guidance on costs, Ms Abina P had been warned at the outset of the importance of providing details of her financial circumstances, to include documentary evidence to support information included in the Statement, and of ACCA's intention to apply for costs.
83. Having announced its decisions in respect of the allegations and having heard submissions from Mr Mustafa in respect of sanction, Ms Abina P was allowed an opportunity to complete and submit a Statement of Financial Position ("the Statement").
84. The Statement indicated that Ms Abina P was currently [REDACTED].
85. In the absence of such information and any supporting documents, the Committee was not satisfied that it was able to place much weight on the information contained in the Statement. The Committee therefore approached its assessment on the basis that Ms Abina P's [REDACTED].

86. In all the circumstances, and in exercising its discretion, the Committee considered that it was reasonable and proportionate to award costs to ACCA in the reduced sum of £3,500.00.

EFFECTIVE DATE OF ORDER

87. The Committee had considered whether the order should have immediate effect. ACCA applied for such an order and, taking account of the finding of dishonesty, Ms Abina P's removal from the student register, and the lack of information regarding her current activities and intentions to apply for employment, the Committee decided that she presented a current risk to the public.
88. The Committee therefore concluded that it was in the interests of the public to make an order which takes effect immediately.

Dr Mike Kelly
Chair
29 September 2026