

## HEARING

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

**In the matter of:** Mr Muhammad Hammad Hassan

**Heard on:** Thursday, 18 July 2024

**Location:** Remotely by Microsoft Teams

**Committee:** Ms Ilana Tessler (Chair),  
Mr Abdul Samad (Accountant),  
Ms Jackie Alexander (Lay)

**Legal Adviser:** Mr Andrew Granville Stafford

**Persons present  
and capacity:** Mr Samuel Irving (ACCA Case Presenter)  
Ms Sofia Tumburi (Hearings Officer)

**Summary:** Allegations 1, 2 and 3(a) proved

**Sanction:** Removed from the student register

**Costs:** £5,500

**PRELIMINARY**

## ACCA



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1. The Disciplinary Committee of ACCA ('the Committee') convened to consider a report concerning Mr Muhammad Hammad Hassan. Mr Hassan is a student member of ACCA and is resident in Pakistan.
2. The Committee had before it a bundle of documents (89 pages), a service bundle (24 pages) and a video recording.
3. Mr Hassan did not attend the hearing and was not represented.

#### **PROCEEDING IN ABSENCE**

4. The notice of hearing was sent by email to the email address notified by Mr Hassan to ACCA on 19 June 2024. The Committee was provided with a delivery confirmation, showing the email had been delivered.
5. The Committee was therefore satisfied that the requirements of regulations 10(1) and 22(1) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 ('CDR') as to service had been complied with.
6. Mr Hassan has not replied to the notice of hearing. The Hearings Officer attempted to telephone him on 01 and 11 July 2024, but when she introduced herself the call was terminated. On 16 July 2024 she was able to speak to Mr Hassan. Her note of the conversation is:

'ST called back and the call was connected. ST apologised that the line appeared to be disconnected and asked Mr Hassan, again, whether he would be attending his hearing. Mr Hassan was confused as to why the hearing was taking place and said he had already resigned from ACCA. ST explained that the hearing is taking place as there have been various allegations against him that need to be determined. ST told Mr Hassan these allegations can be found in his SharePoint folder which ST has emailed him. The call disconnected.'

7. Having satisfied itself that service had been effected in accordance with the regulations, the Committee went on to consider whether to proceed in the absence of Mr Hassan. The Committee bore in mind that the discretion to do so must be exercised with care and in light of the public interest in dealing with matters such as this fairly, economically and expeditiously.

8. The Committee was satisfied that Mr Hassan was aware of the hearing and had chosen not to attend. The Committee considered that no useful purpose would be served by adjourning this hearing. There has been little engagement from Mr Hassan and nothing to indicate he would take part in the hearing on a future occasion if it were adjourned today.
9. The Committee considered that it was in the public interest to proceed in Mr Hassan's absence.

### **ALLEGATIONS AND BRIEF BACKGROUND**

The allegations against Mr Hassan are as follows:

Mr Muhammad Hammad Hassan ('Mr Hassan'), a student member of the Association of Chartered Certified Accountants ('ACCA'):

1. Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2021, Mr Hassan has failed to co-operate fully with the investigation of a complaint, arising out of his conduct during an on-demand MA1 Management Information examination, in that he failed to respond fully or at all to any or all of ACCA's correspondence sent on:
  - (a) 04 May 2021
  - (b) 18 June 2021
  - (c) 08 July 2021
2. On 08 February 2021 before and during a scheduled MA1 Management Information examination Mr Hassan:
  - (a) Failed to ensure he was in a room without distractions and not disturbed by anyone, in breach of Regulation 1 and the Examination Guidelines (as applicable in 2021);
  - (b) Had an item not permitted at his desk or about his person contrary to Examination Regulation 1 and the Examination Guidelines (as applicable in 2021).

3. By reason of his conduct, Mr Hassan is:
  - (a) Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters set out at Allegations 1 to 2 above; or, in the alternative,
  - (b) Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of any or all of the matters set out above
  
10. Mr Hassan was admitted as a student member of ACCA on 12 November 2020.
  
11. On 08 February 2021, he took ACCA's MA1 Management Information examination. This is a computer-based exam which is taken online. The candidate is invigilated remotely by a proctor using the camera and microphone on their computer.
  
12. Prior to examinations, all candidates receive a copy of ACCA's Examination Regulations and Examination Guidelines.
  
13. The Exam Regulations include the following regulations:
  1. *You are required to adhere at all times to the examination regulations. If you are found to be in breach of any of these regulations or fail to adhere to the guidelines below, you may become liable to disciplinary action, pursuant to ACCA Byelaw 8, which could result in your removal from the student register.*
  
  3. *You may not attempt to deceive the exam supervisor/s, invigilator/s, proctor/s and any ACCA personnel by giving false or misleading information.*
  
  4. *You are not permitted during the exam to possess, use or attempt to use any books, notes or other materials except those expressly permitted in the guidelines below. These are known as 'unauthorised materials'.*
  
  5. *You are not permitted to use a dictionary or an electronic translator of any kind or have on or at your desk a calculator (if applicable to your exam) which can store or display text. You are also not permitted to use mobile phones, electronic communication device, camera, or any item with smart*

*technology functionality in your examination room. These are known as “unauthorised items” . . .*

16. *Candidates must not talk to, or attempt to communicate with, people other than the exam supervisor/s, invigilator/s or proctor/s for the duration of the exam.*
14. The Examination Guidelines state that exams should take place in a walled room, with a closed door and without distractions. They go on to say that the candidate must ensure they are not disturbed by anyone. The only items permitted at the candidate’s desk are a bottle of water, two sheets of paper on which to make notes (‘scratch paper’) and a pocket calculator.
15. The proctor monitoring Mr Hassan’s MA1 exam on 12 November 2020 terminated the exam on the grounds of suspicious behaviour. The proctor filed an Incident Report in which they stated:
- ‘During the session, the proctor noticed that another person entered the testing area. This can be observed at 02:21:01 and 02:33:54 of the session recording. The proctor warned that another person is not allowed during the exam. However, another person entered the testing area for the second time. An Intervention Specialist was invited to the session and shutdown the exam due to a breach in academic integrity.’
16. ACCA’s case was that the following occurred during the exam (the numbers relating to timings on the video footage):

Whispers from a third party close by, likely in the exam room, are heard at points including:

- 0:02:38 – 0:02:50
- 0:25:11 – 0:25:13 (a creaking sound like a door can be heard concurrently)
- 2:16:15 – 2:16:25

Mr Hassan is notably distracted:

- 0:28:30 – 0:30:00 – Mr Hassan looks off screen and fidgets as whispers and the sound of a door opening/closing can be heard.
- 1:25:51 – 1:26:20 – Mr Hassan appears to be stifling a laugh, and faint whispers can be heard from a third party.
- 2:09:20 – 2:09:25 – Mr Hassan leans back and looks off screen.
- 2:22:50 – a third party is heard speaking within or very close to the room; Mr Hassan looks to his left. This appears to relate to the inadvertent entry of a cleaner or sweeper, as discussed immediately afterwards with the online proctor.

Mr Hassan appears to be communicating with a third party within or very near to the examination room:

- 0:00:00 – 0:01:20 A third party appears to whisper from very nearby; by 0:01:00 Mr Hassan is whispering/speaking too.
- 0:02:17 – 0:02:20 Mr Hassan appears to react to a third party by smiling.
- 2:05:40 – 2:06:50 Mr Hassan and a third party appear to exchange intermittent whispers.
- 2:08:35 – 2:09:25 Mr Hassan and a third party appear to exchange whispers and/or materials. Mr Hassan also shakes his head in response at 2:08:42.
- 2:09:48 – 2:10:14 Mr Hassan and a third party appear to exchange whispers and/or materials.
- 2:17:58 – 2:18:08 and 2:23:08 – 2:23:23 Mr Hassan's exam room is apparently entered by a cleaner or sweeper. Mr Hassan asks this sweeper to leave. The following is heard:

From 02:18:20 to 02:20, the candidate said in English, "Yes, yes, the sweeper has come and he - can you see this - chair and door? This is table - the sweeper

has come in the room and he go. He doesn't know. This is the chair"

From 02:20:10 to 2:20: 40 the candidate said in English, "Hello, yes, yes, okay, okay."

From 02:21:30 to 2:31:40 the candidate said in English, "Hello, can you hear me."

From 2:23:10 to 2:23:20 the candidate said in Urdu, "I am taking my exam, please leave, no mate, they don't want anyone in the room. Close the door."

Prior to the exam launch, Mr Hassan can be heard telling the proctor at 0:59:22 *"I have no cell phone. I gave the cell phone to my friend; he's not in the room"*.

A phone can be heard vibrating close to the computer microphone at points including:

- 0:06:00 – 0:06:15 – Mr Hassan whispers, and when the vibration occurs, he appears to look down.
  - 2:10:36 – 2:11:00 – Mr Hassan appears to react to the vibration by sitting back in his chair and gesturing; at 2:10:40 a whisper can be heard nearby.
  - 2:11:13 – Mr Hassan does not visibly react to the vibration.
  - 2:37:14 – Mr Hassan does not visibly react to the vibration.
17. Prior to the exam commencing, Mr Hassan shows his authorised materials, as defined in the Examination Guidelines, to the proctor during the pre-exam checks. These are two pieces of paper on which to make notes ('scratch paper') and a calculator.
18. At 2.19.2 an item is seen on Mr Hassan's desk. ACCA's case was that this could be a mobile phone, which is not permitted, or a calculator cover. However, the calculator shown to the proctor during the pre-exam checks did not appear to have a cover on it. At this point papers can be seen which the ACCA alleged may be additional to the permitted two pieces of scratch paper.
19. On 15 February 2021, Mr Hassan emailed ACCA saying:

*'I BOOKED A REMOTE EXAM FOR MA1 EXAM WAS HELD TODAY 08- 02- 21 I WAS DURING AN EXAM AND CONTROLLER TERMINATED MY EXAM WITHOUT GIVING A PROPER REASON THEY TOLD ME TO CONTACT EXAM TAKER I CALLED ACCA THEY TOLD ME TO CONTACT BRITISH COUNCIL PLEASE HELP ME OUT AM SO WORRIED.'*

20. On 20 February 2021, Mr Hassan emailed ACCA again saying:

*'I was attempting remote exam session of MA1. An unfortunate event which was happened unintentionally while I was attempting exam in my hostel room our hostel sweeper entered the room and my exam was terminated.*

*I want to know that do I have to pay Exam fee to enter for exam again?'*

21. ACCA replied on 23 February 2021, saying that if someone enters the exam room it is a violation of the exam rules and he would have to pay the exam fee again.
22. On 04 May 2021, ACCA sent a letter to Mr Hassan's registered email address informing him that an investigation had been opened into his conduct during the exam and seeking his response by 25 May 2021. No response was received.
23. On 08 June 2021, ACCA sent two further emails to Mr Hassan's registered email address, one unencrypted and one password protected. They drew his attention to the email of 04 May 2021, and advised him that he was required to respond. No response was received.
24. On 18 June 2021, ACCA sent another letter to Mr Hassan's registered email address reminding him of his obligation to co-operate with the investigation and seeking his response by 02 July 2021. No response was received.
25. On 08 July 2021, ACCA sent another email to Mr Hassan's registered email address, reminding him again of his obligation to co-operate and seeking his response by 15 July 2021. Again, there has been no response.
26. ACCA alleged that Mr Hassan's failure to respond to this correspondence amounted to a breach of CDR 3(1), which states:



- (a) *Every relevant person is under a duty to co-operate with any investigating officer and any assessor in relation to the consideration and investigation of any complaint.*
- (b) *The duty to co-operate includes providing promptly such information, books, papers or records as the investigating officer or assessor may from time to time require.*
- (c) *A failure or partial failure to co-operate fully with the consideration or investigation of a complaint shall constitute a breach of these regulations and may render the relevant person liable to disciplinary action.*

## **DECISIONS ON ALLEGATIONS AND REASONS**

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

### **ALLEGATION 1(A)-(C)**

- 28. The Committee considered the correspondence. It was satisfied that Mr Hassan had a duty to reply to the correspondence sent by email on 04 May, 18 June and 08 July 2021, but had not done so. The Committee was satisfied this was a breach of CDR 3.
- 29. The Committee therefore found Allegation 1 proved in its entirety.

### **ALLEGATION 2(A)**

- 30. ACCA made it clear that it did not rely on the fact that, at a point during the exam, a cleaner had attempted to enter the room. Mr Hassan could not be culpable for that. ACCA's case was that there was someone else in the room with him when he took the exam, and he could be heard having whispered conversations with them.

31. Having considered the evidence in this case, including the video footage and the log of the conversations between the proctor and Mr Hassan, the Committee was satisfied that there was a second person in the room during the exam.
32. The Committee noted in particular that there are a number of occasions when whispering can be heard on the video recording, coming both from Mr Hassan and another person. At one point Mr Hassan is seen apparently stifling laughter and putting his hand over his mouth.
33. The Committee was satisfied, on the balance of probabilities, that there was someone else in the room with Mr Hassan during the exam.
34. The Committee was also satisfied this was a breach of Exam Regulation 1 and the Examination Guidelines.
35. The Committee therefore found Allegation 2(a) proved.

#### **ALLEGATION 2(B)**

36. ACCA's case was that, at 1.00.35 and 2.19.2 on the video, an item is seen on Mr Hassan's desk next to his calculator which could be a mobile phone or a calculator cover.
37. Also at 2.19.2, a piece of paper of approximately A4 size can be seen on the floor, in addition to the scratch paper which was on Mr Hassan's desk.
38. The Committee was satisfied that this additional piece of paper was an unauthorised item and, on this basis alone, Mr Hassan had a non-permitted item with him during the exam.
39. It was not clear from the video what the item next to Mr Hassan's calculator was. The Committee considered it could be a mobile phone. It noted that there was some evidence that vibration noises, consistent with a mobile phone ringing, were heard during the exam. However, there were a number of extraneous noises heard during the exam and it was difficult, therefore, to be sure it came from a mobile phone.

40. The Committee was satisfied that, whatever this object was, taken together with the piece of paper on the floor which was clearly unauthorised, Mr Hassan had with him during the exam items that were not permitted by the Exam Regulations.
41. The Committee therefore found that there had been a breach of Exam Regulation 1 and the Examination Guidelines.
42. Accordingly, it found Allegation 2(b) proved.

### **ALLEGATION 3(A)**

43. The Committee was satisfied that the conduct in Allegations 1 and 2 amounted to misconduct.
44. Both the breach of the Exam Regulations and CDR 3 were serious breaches. They bring discredit on the student member and would be regarded as deplorable by fellow members of the profession. They were sufficiently serious departures from accepted standards to amount to misconduct.
45. The Committee therefore found Allegation 3(a) proved.

### **ALLEGATION 3(B)**

46. As the Committee found Allegation 3(a) proved, there was no need for it to consider Allegation 3(b), which was in the alternative.

### **SANCTION AND REASONS**

47. 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. Having found that Mr Hassan's actions amounted to misconduct, taking no further action was clearly not in the public interest. The Committee therefore considered the available sanctions in ascending order of seriousness.

48. The Committee took into account that no previous findings had been made against Mr Hassan in his limited time as a student member. That apart, it was unable to identify any mitigating features.
49. The Committee considered the following were aggravating features. Conduct of this nature undermines the integrity of the exam system and damages the reputation of ACCA and the profession. Mr Hassan's conduct was deliberate and was compounded by his lack of co-operation with the ACCA investigation. He persisted in the conduct, both during the exam and during the investigation, over a lengthy period. There was no evidence of any insight or remorse on Mr Hassan's part.
50. It was, in the Committee's view, inappropriate to admonish or reprimand Mr Hassan. The conduct in question was too serious for either of these sanctions to be justified. Neither would provide the necessary degree of protection for the public. Further, the factors in the GDS which suggest that these might be appropriate sanctions were not present.
51. The Committee considered whether a severe reprimand would be an appropriate sanction. It considered the guidance in the GDS. The fact that Mr Hassan's conduct was deliberate and the absence of any insight or apology strongly indicated that this would not be a proportionate sanction. This view was strengthened by Mr Hassan's failure to co-operate with ACCA during the investigation stage. The Committee was satisfied that a severe reprimand would not be a sufficient sanction.
52. The Committee concluded that Mr Hassan's actions in this case were fundamentally incompatible with being a student member of a professional association. They constituted a serious departure from relevant standards. Trust is placed in student members who take exams remotely to abide by the exam rules, and Mr Hassan had abused that trust. Further, the duty to co-operate with his regulator in the investigation of a suspected disciplinary offence is fundamental, and Mr Hassan had repeatedly failed to comply with that obligation. The Committee did not feel that any order which allowed Mr Hassan to retain his student membership of ACCA could be justified.
53. Therefore, the Committee made an order under CDR 13(4)(c) of the Disciplinary Regulations removing Mr Hassan from the student register.

## **COSTS AND REASONS**

54. ACCA applied for costs against Mr Hassan in the sum of £6,033.50. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing.
55. The Committee found that there was no reason in principle not to make an order for costs in ACCA's favour. Nor did it consider that the application was for an unreasonable amount, save that some reduction to the hearing costs was appropriate to reflect the actual rather than estimated hearing time.
56. The Committee had no information about Mr Hassan's financial circumstances.
57. The Committee ordered Mr Hassan to pay ACCA's costs in the sum of £5,500.

## **EFFECTIVE DATE OF ORDER**

58. The order will come into effect from the date of expiry of the appeal period, namely after 21 days from service of this written statement of the Committee's reasons for its decision, unless Mr Hassan gives notice of appeal in accordance with the Appeal Regulations prior to that.

**Ms Ilana Tessler**  
**Chair**  
**18 July 2024**