



## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Miss Neroshi Janine Nagularaj

**Heard on:** Thursday, 13 June 2024

**Location:** Remotely by Microsoft Teams

**Committee:** Mr Maurice Cohen (Chair)  
Ms Andrea White (Accountant)  
Ms Sue Heads (Lay)

**Legal Adviser:** Miss Juliet Gibbon

**Persons present  
and capacity:** Miss Elaine Skittrell (ACCA Case Presenter)  
Miss Sofia Tumburi (Hearings Officer)

**Outcome:** Allegations 1, 2a and 3 (misconduct) proved.

**Sanction:** Exclusion from membership of ACCA with immediate effect with a specified period of five years before which Miss Nagularaj can make an application for readmission as a member of ACCA

**Costs:** £5,200.00

## **PRELIMINARY**

1. The Disciplinary Committee (“the Committee”) convened to hear allegations of misconduct against Miss Neroshi Nagularaj. The hearing was conducted remotely through Microsoft Teams. The Committee had a bundle of papers numbered pages 1-66, an additional bundle, numbered pages 1-16, and a service bundle, numbered pages 1 to 20. During the course of the hearing it was provided with two schedules of costs.
2. Miss Skittrell represented ACCA. Miss Nagularaj did not attend the hearing and was not represented.

## **SERVICE AND PROCEEDING IN ABSENCE**

3. The notice of hearing, containing all the requisite information about the hearing, was sent by email on 16 May 2024 to Miss Nagularaj’s registered email address. ACCA produced a receipt confirming delivery of the email to that address. The link for the hearing was sent to Miss Nagularaj on 12 June 2024.
4. The Committee was satisfied that the requirements of Regulations 10(1) and 22(1) of The Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014, as amended (‘the Regulations’) as to service had been complied with.
5. 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 Miss Nagularaj. It accepted the advice of the Legal Adviser. The Committee bore in mind that whilst it had a discretion to conduct a hearing in the absence of the relevant person, it should exercise that discretion with the utmost care and caution. The Committee paid due regard to the factors set out in the cases of *Hayward & Others* [2001] 3 WLR 125 and *R v Jones* [2002] UKHL 5.
6. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously. Miss Nagularaj had not asked for an adjournment and the Committee noted that in the Case Management Form (“the CMF”) she had indicated that she consented to the Committee dealing with her case in her absence if she did not attend the hearing.

7. The Committee determined that it was in the public interest to proceed in the absence of Miss Nagularaj.

### **APPLICATION TO AMEND**

8. Miss Skittrell made an application to amend the allegations. She informed the Committee that the date in Allegation 1 should be 25 July 2022 and not 22 July 2022 and that the word 'a' was missing in Allegation 2a.
9. The Committee accepted the advice of the Legal Adviser. It considered that the proposed amendments were typographical and of a minor nature. The Committee determined that the proposed amendments would not prejudice Miss Nagularaj in the conduct of her defence, particularly as she had made admissions to the allegations. It, therefore, allowed ACCA's application to amend the allegations.

### **AMENDED ALLEGATIONS**

Miss Neroshi Nagularaj, an ACCA student:

1. On 25 July 2022, submitted to her employer, Company A, a false Exam History Transcript which was purported to have been issued by ACCA when it had not been.
2. Miss Nagularaj's conduct in respect of the matters described in allegation 1 above was:-
  - a. Dishonest, in that she knew that she submitted or caused to be submitted, a false Exam History Transcript to Company A as referred to in Paragraph 1 above; or in the alternative
  - b. Demonstrates a failure to act with integrity
3. By reason of the conduct above, Miss Nagularaj is:
  - a. Guilty of misconduct pursuant to bye-law 8(a).

## **ADMISSIONS**

10. Miss Nagularaj had admitted Allegation 1 in the CMF and the Chair, therefore, announced the facts of that allegation proved in accordance with Rule 12(3)(c) of the Regulations.

## **BACKGROUND**

11. Miss Nagularaj registered as a student of ACCA on 19 September 2019. She was employed by Company A from 10 January 2022 to 09 August 2022. Miss Nagularaj had provided her consent for Company A to be added to her employer's exchange code. Through this code the employer has access to all of the student's account details, including their official exam history. Within both the student's myACCA portal and the employer's exchange portal, there is an option to generate an official ACCA transcript.
12. On 26 July 2022, ACCA received an email from Company A raising concerns as the exam history transcript that they had printed did not match the transcript provided by Miss Nagularaj. The transcript she provided was missing the introductory page, the columns did not align and one of the exam passes had the month 'April' against it which would not be possible as any exam pass or fail is always attributed to one of the four ACCA exam sessions of March, June, September or December. The transcript sent by the student showed two exam passes, in April and June 2022, and one exam fail in June 2022. The transcript printed off by Company A, however, showed just one exam fail in June 2022.
13. The student portal showed that Miss Nagularaj had only sat the Financial Accounting exam in April 2022. Miss Nagularaj subsequently attempted the Management Accounting exam on 01 August 2022 but had failed this. ACCA provided Company A with a copy of the exam history transcript for Miss Nagularaj, showing the two exam failures, on 03 August 2022.
14. On 11 August 2022 Person 1 wrote to ACCA indicating that Miss Nagularaj had sent the following message to her via Microsoft Teams earlier in the week and had resigned from Company A with immediate effect.

*"Hi Person 1*

*Wanted to inform [PRIVATE].*

*In regards to my ACCA I unfortunately didn't pass those exams. The transcript I sent was an error and related to exams at university.*

*I didn't complete the exams properly and received a warning from ACCA as I didn't end the exams correctly but I didn't get a response from proctor when I ended the exam and wasn't told if I failed.*

*I feel very disappointed and thinking to reconsider as I feel I cannot handle studies and work together" (sic).*

15. ACCA wrote to Miss Nagularaj by email on 01 December 2022 informing her that a complaint from her previous employer enclosing a copy of a false exam history transcript would be referred to ACCA's Investigations Department. The letter set out a chronology of events and asked Miss Nagularaj to answer a number of questions. It appears that there was no response from Miss Nagularaj and another letter was sent to her by ACCA. Miss Nagularaj responded by email on 20 January 2023.

*"... I accept the chronology stated in the pdf. At that time (July 2022) when I sent the transcript I thought it was actual ACCA exams I took few years ago and only later I realised the results of exams I did few years ago were ACCA practice exams from their website. The results were not official ACCA results.*

*When I did my financial and management accounting exams I didn't get results at the end of exam to say I passed or fail. Assuming as I passed the mock exams I thought I passed these exams. However my portal didnt have my results of the exams I did. I joined ACCA in September 2019 and attempted to study for ACCA and for my degree. At first I thought I cannot consider the examinations as it was few years ago and it wouldnt be valid therefore I did the exam again in 2022 according to the latest specification and as I have joined an apprenticeship with my employer I thought the exams certification will be different. I assumed the portal is not updating with my current results as I have already taken the financial and accounting exams few years ago therefore I sent these results which I kept for records to my workplace. When my workplace emailed me saying they still can't see my results on their portal I called ACCA to see why my portal is still not updated with my results and for my employer. I was informed by ACCA that I failed my financial accounting and management accountng and they have no records of me passing even from previous years. I realised that I mis understood the exams I did few years ago even though I joined ACCA*

*in 2019 and was studying it was the practice exams I did from the ACCA website and not the actual exams. I thought as I was doing exams through an apprenticeship I received a ACCA ID and proctor for exams but I found out in August 2022 that all exams conducted from ACCA requires an ACCA ID and goes through a proctor and exams on their website is for practice and not official ACCA results. Also I received a warning from ACCA that I didnt end the exam properly as I didnt have proctor at the end to speak to me where I dismantle any materials I used in the exam. This made me realise that this is why I didnt get to know if I passed or failed the exams. I dont know why I didnt get a proctor to come online at the end of the exam. I felt disappointed with my actions even though it wasnt deliberate I felt I should have been organised and cautious of my examinations. I resigned my job as it was also hard to handle exams and work, especially after finding out failing the exam it will be harder to cope with work.*

*After 07 August I understood that the transcript I sent were false. At that moment in July 2022 as my portal wasnt updated, I thought the exams I did few years and I completed these exams that's why my portal isnt showing the exams I did in 2022. According to my understanding in July 2022 I thought I passed and to provide my employer with the evidence that I passed the exams I sent the results as i thought my portal wasnt showing the results from exams in 2022 as I took the exam a few years ago which I kept record of. Then on 07 August I realised what I sent was false and I failed the exams and the exams I did few years ago were not actual, official ACCA exams even though it was exams from ACCA website. I accept the documents I sent to my employer was not provided by ACCA but at that time when I sent it to my employer I thought it was results generated by ACCA when I did the exams on their website. Then I realised it was practice exams I did on ACCA website and not actual ACCA exams and results were not generated or sent by ACCA officially.*

*Yes I accept I failed financial and management accounting exam.*

*I have deleted the results of exams I did few years ago whilst at university as they were not valid and not official ACCA results and were not generated by ACCA ...” (sic).*

16. Miss Nagularaj sent a further email to ACCA on 16 February 2023 in which she stated:  
*“I got possession of these results as I thought the exams I did a few years ago on the ACCA website were actual ACCA exams and the results were official but then I realized in August 2022 when I was told by ACCA that they have no records of previous years results I realized the exams I did on their website were not official ACCA exams and were practice exams.*

*I did not make any amendments to original documents by ACCA as I was not provided any documents from ACCA. My portal did not have any results of examinations. I thought the exams results I did on ACCA website few years ago were generated by ACCA but in August 2022 I found out the examination done on their website are practice exams and not official, actual results.*

*No I didn't want to falsely represent I passed as according to my understanding in July 2022 I thought I passed exams as I didn't get notification to say I failed the exams ... To provide my employer's I sent the results of the exam I took few years ago as at that time (July 2022) I thought these results were official and to show evidence I passed ... If I knew these results were not official and I failed the exams I would have informed my employer without providing them with incorrect results" (sic).*

17. Miss Nagularaj subsequently sent two further emails to ACCA. In the first email she stated:  
*"I didn't do anything intentionally, when I realised my error I accepted my mistake and informed my employer. If I knew it wasn't correct at first I wouldn't have sent it to my employer".*

18. In the second email Miss Nagularaj stated:

*"I left Company A on 09 August 2022. After contacting ACCA on 08 August I realised my misunderstandings of the results as it was invalid and not official.*

*Due to the misunderstandings and error I made I decided to resign as I felt it was inappropriate for me to continue work there after failing the exams despite the immense support provided by the firm. Also of the error I made with results I was disappointed with myself as I should have been more organised".*

19. In the CMF, dated 02 June 2023, however, Miss Nagularaj had answered the question  
*"please say which allegations you admit" by stating "yes all of it".*

## **SUBMISSIONS**

20. Miss Skittrell invited the Committee to find that the transcript sent by Miss Nagularaj was a false document. She referred to the fact that the transcript was missing the introductory page; the columns did not align, and one of the exam passes had the date 'April' which

would not have been possible as any exam pass achieved by a student is attributed to one of the four exam sessions of March, June, September and December. Miss Skittrell submitted that the various explanations given by Miss Nagularaj, both to her employer and ACCA, were incoherent and lacked credibility.

21. In respect of Allegations 2a, Miss Skittrell submitted that Miss Nagularaj's conduct was clearly dishonest as she would have known that the exam history transcript she provided to her employer was false when she submitted it as she had not passed the two exams referred to on the transcript. Miss Skittrell submitted that such conduct would clearly be regarded as dishonest by the standards of ordinary decent people.
22. In respect of Allegation 3, Miss Skittrell submitted that Miss Nagularaj's dishonest conduct in submitting a false document to her employer, in an attempt to make the employer believe that she had passed ACCA exams, when she had not, fell far short of the standards expected of an ACCA student. She submitted that there was a potential risk of harm to the public if an individual was able to become an Affiliate of ACCA without passing the professional exams. Miss Skittrell submitted that Miss Nagularaj had shown no insight or remorse for her dishonest conduct and misconduct, as defined by bye-law 8(c), was clearly made out.

### **DECISION ON FACTS**

23. The Committee considered all of the documentary evidence before it, including the false exam history transcript that Miss Nagularaj sent to her employer and her actual exam history transcript. It took into account the unchallenged evidence of Mr 1, a Customer Service Account Manager within ACCA Customer Operations, as set out in his witness statement, dated 25 April 2023.
24. The Committee also considered the submissions made by Miss Skittrell and accepted the advice of the Legal Adviser. It bore in mind that it was for ACCA to prove the allegations made against Miss Nagularaj and that the standard of proof to be applied was the balance of probabilities.

### **ALLEGATION 2 - PROVED**



25. The Committee was provided with a copy of the false exam history transcript and a copy of the actual exam history transcript. It took into account the unchallenged evidence of Mr 1, a Customer Service Account Manager within ACCA Customer Operations, as set out in his witness statement, dated 25 April 2023.
26. The Committee considered whether the conduct found proved in Allegation 1 was dishonest, applying the test set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*. The Committee was satisfied, on the balance of probabilities, that Miss Nagularaj had provided a false exam history transcript to her employer that she knew was false at the time she provided it. It was also satisfied that she had done this for personal gain. The Committee was also satisfied that such conduct would be considered dishonest by the standards of ordinary, decent people. The Committee therefore found Allegation 2a proved.
27. Having found Allegation 2a proved, the Committee did not go on to consider Allegation 2b, which was pleaded in the alternative.

### **ALLEGATION 3 – MISCONDUCT FOUND**

28. Having found Allegations 1 and 2a proved, the Committee then considered whether the facts found proved amounted to misconduct.
29. In the Committee's view Miss Nagularaj had produced a false exam history transcript to her employer in a deliberate attempt to persuade her employer that she had passed the two ACCA exams, when she had not. This was premeditated conduct; a breach of trust and the dishonesty had continued over a period of time. The Committee considered that such dishonest conduct also had the potential to undermine the integrity of the examination process and the good standing of ACCA.
30. The Committee determined that Miss Nagularaj's conduct had brought discredit to her, the accountancy profession and ACCA. The Committee determined that Miss Nagularaj's dishonest conduct was very serious and clearly amounted to misconduct.

## **SUBMISSIONS ON SANCTION AND COSTS**

31. Miss Skittrell informed the Committee that Miss Nagularaj had no previous findings recorded against her, for which she should receive credit. Miss Skittrell submitted, however, that dishonesty lies at the top of the spectrum of misconduct. She further submitted that Miss Nagularaj's dishonesty involved an element of premeditation and planning and that the dishonest conduct was solely for her own benefit.
32. Miss Skittrell referred the Committee to ACCA's 'Guidance for Disciplinary Sanctions' and, in particular, section E2 which provides guidance on dishonesty cases and C5 which gives guidance on removal from the student register. She reminded the Committee that this was a deliberate act for personal gain and a breach of trust that continued over a period of time and Miss Nagularaj had shown no insight. Further, the dishonest conduct had been premeditated as Miss Nagularaj had deliberately sent a false document to her employer in an attempt to deceive it that she had passed two professional exams when she had not. Miss Skittrell invited the Committee to consider imposing a specified period before which Miss Nagularaj can make an application period for re-admission.
33. In respect of costs, Miss Skittrell referred the Committee to the two costs schedules. She accepted that the £5,764.00 costs claimed by ACCA should be reduced as the hearing had taken less than the time allowed for in the schedules. Miss Skittrell informed the Committee that Miss Nagularaj had not provided any evidence to support [PRIVATE].

## **SANCTION AND REASONS**

34. In reaching its decision on sanction, the Committee took into account the submissions made by Miss Skittrell. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and had in mind the fact that the purpose of a sanction was not to punish Miss Nagularaj, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct, and that any sanction it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.
35. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features of the case.

36. The Committee considered that the only mitigating features were that Miss Nagularaj had no previous disciplinary findings recorded against her and she had made admissions to the allegations in the CMF.
37. The Committee considered that the misconduct involved the following aggravating features:
  - a. This was premeditated dishonest conduct for personal gain that involved a degree of planning;
  - b. Miss Nagularaj had sent a false transcript to her employer in a deliberate attempt to deceive it that she had passed professional exams when she had not;
  - c. Miss Nagularaj had not shown any insight or remorse into her dishonest conduct;
  - d. This was a breach of trust and Miss Nagularaj's employer had suffered a financial loss as it had invested six months training her;
  - e. There would have been a potential risk to the public had Miss Nagularaj managed to falsely gain Affiliate status with ACCA when, in fact, she was not competent to pass the necessary exams.
38. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not think it appropriate, or in the public interest, to take no further action or to order an admonishment in a case where a student of ACCA had sent a false document in order to make her employer believe that she had passed two ACCA exams when she had not.
39. The Committee then considered whether to reprimand Miss Nagularaj. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature; there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding; together with genuine insight into the misconduct found proved. The Committee did not consider that Miss Nagularaj's misconduct was of a minor nature and there was no evidence of any insight into her dishonest behaviour or the

impact thereof on the reputation of the profession and ACCA, as the regulator. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of the dishonest conduct in this case.

40. The Committee then considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature but where there are particular circumstances of the case, or mitigation advanced, which satisfy the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The guidance suggests that this sanction may be appropriate where most of the following factors are present:
  - a. The misconduct was not intentional and no longer continuing;
  - b. Evidence that the conduct would not have caused direct or indirect harm;
  - c. Insight into failings;
  - d. Genuine expression of regret/apologies;
  - e. Previous good record;
  - f. No repetition of failure/conduct since the matters alleged;
  - g. Rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur;
  - h. Relevant and appropriate references;
  - i. Co-operation during the investigation stage.
  
41. The Committee considered that apart from Miss Nagularaj's previous good record and there being no evidence of repetition, none of the other factors were present. Accordingly, the

Committee considered that a severe reprimand would not adequately reflect the seriousness of Miss Nagularaj's dishonest misconduct.

42. The Committee noted that ACCA provides specific guidance on the approach to be taken in cases of dishonesty, which is regarded as a particularly serious matter, even when it does not result in direct harm and/or loss, because it undermines trust and confidence in the profession. The guidance states that the courts have consistently supported the approach to exclude members from their professions where there has been a lack of probity and honesty and that only in exceptional circumstances should a finding of dishonesty result in a sanction other than exclusion. The guidance also states that the public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a professional accountant to do the right thing in difficult circumstances. It is 'a cornerstone of the public value which an accountant brings'.
43. The Committee bore these factors in mind when considering whether there was anything remarkable or exceptional in Miss Nagularaj's case that warranted anything other than removal from the student register of ACCA. The Committee was of the view that there were no exceptional circumstances that would allow it to consider a lesser sanction and concluded that the only appropriate and proportionate sanction was to remove Miss Nagularaj from the student register.
44. The Committee was mindful that the sanction of removal from the student register was the most serious sanction that could be imposed. The Committee took into account the guidance that this sanction was likely to be appropriate when the behaviour of the student was fundamentally incompatible with being a student of ACCA. The Committee was satisfied that Miss Nagularaj's dishonest conduct had reached that high threshold.
45. The Committee also considered that a failure to remove a student who had behaved in this way would seriously undermine public confidence in the profession and in ACCA as its regulator. The public needs to know that it can rely on the integrity, ability and professionalism of those who are members of ACCA.

46. The Committee therefore ordered that Miss Nagularaj be removed from ACCA's student register. It determined that it was necessary, given the particular circumstances of the dishonest conduct in this case, to impose a specified period of five years before which Miss Nagularaj can make an application for readmission as a member of ACCA.

### **DECISION ON COSTS AND REASONS**

47. The Committee was provided with two schedules of costs. ACCA applied for costs in the sum of £5,764.00 in respect of the investigation against Miss Nagularaj and the hearing.
48. The Committee noted that in her email to the Hearings Officer of 11 June 2024 Miss Nagularaj stated: "... I wanted to inform you about my financial position. [PRIVATE]. I hope you can take this into consideration when finalising the outcomes if there are any costs I need to pay". Miss Nagularaj had not completed a Statement of Financial Position or sent any supporting documentation to support her statement [PRIVATE].
49. The Committee took into account the guidance at Paragraphs 27 and 28 of the Costs Orders Guidance: "*27 Before making any reduction as to costs, the Committee must have evidence of the relevant person's financial circumstances. Importantly, the relevant person must provide some documentary proof, ideally through a completed Statement of Financial Position and supporting documents*" and "*28 If a relevant person does not provide proof of financial means, the Committee is entitled to infer that the relevant person is able to meet the costs that it orders*". In the circumstances, the Committee did not consider that it could make a reduction in the sum of costs claimed that took into account Miss Nagularaj's current financial circumstances.
50. The Committee was satisfied that the costs sought by ACCA were appropriate and had been reasonably incurred. It determined that the costs claimed should be reduced, however, to reflect the fact that the hearing had taken less time than accounted for in the schedules of costs.
51. The Committee determined that, in all the circumstances, it would be fair and proportionate to order Miss Nagularaj to pay ACCA's costs in the sum of £5,200.00.

## **ORDER**

- i. Miss Neroshi Nagularaj shall be removed from the student register of ACCA with immediate effect and no application for re-admission may be considered until the expiry of a period of five years.
- ii. Miss Neroshi Nagularaj shall pay ACCA's costs in the sum of £5,200.00.

## **EFFECTIVE DATE OF ORDER**

52. The Committee directed that it was in the interests of the public for the order for Miss Nagularaj to be excluded from membership of ACCA to have immediate effect, subject to the order being varied or rescinded on appeal as described in the Appeal Regulations.

**Mr Maurice Cohen**  
**Chair**  
**13 June 2024**