

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Muhammad Ibrar Riaz

Heard on: Tuesday, 04 February 2025

Location: Remote via Microsoft Teams

Committee: Ms Kathryn Douglas (Chair)
Ms Joanne Royden-Turner (Accountant)
Ms Deborah Fajoye (Lay)

Legal Adviser: Mr Robin Havard (Legal Adviser)

**Persons present
and capacity:** Mr Matthew Kerruish-Jones (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary: Allegations 1, 2(a), (b), (c) & 3(a) proved.
Removed from student register.

Costs: £5,000.00

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

PRELIMINARY APPLICATIONS

SERVICE OF PAPERS

1. The Committee had considered the following documents: a hearing bundle (pages 1 to 96), a video recording of the exam session on 10 December 2020, a telephone attendance note of today's date (pages 1 and 2) and a service bundle (pages 1 to 20). The Committee had also considered legal advice which it had accepted.
2. The Committee had read the letter dated 06 January 2025 containing the Notice of Proceedings, sent on the same day by ACCA by email to Mr Riaz. It had noted the subsequent emails sent to Mr Riaz with the necessary link and password to enable Mr Riaz to gain access to the letter and the documents relating to this hearing.
3. The Committee was satisfied that such emails had been sent to his registered email address in accordance with regulation 22 of the Complaints and Disciplinary Regulations 2014 as amended ("CDR"). The Committee had noted that the emails had been delivered successfully. The emails and the documents to which Mr Riaz had access also contained the necessary information in accordance with CDR10.
4. Consequently, the Committee decided that there had been effective service of proceedings on Mr Riaz in accordance with CDR.

PROCEEDING IN ABSENCE

5. On 28 January 2025, in the absence of any response from Mr Riaz to the email of 06 January 2025, ACCA sent an email to Mr Riaz at the registered email address asking him to indicate whether he intended to attend the hearing or whether he was content for the hearing to proceed in his absence. The email reminded him of the date of hearing and of his ability to join the hearing either by telephone or video link. It also asked him whether he would need the assistance of an interpreter, informing him that the cost of the interpreter would be met by ACCA. The email had been delivered successfully. There was no response.

6. On 30 January 2025, ACCA sent a further email to Mr Riaz, reminding him of the date of hearing and asking him to confirm that, if he did not attend, he was content for the hearing to proceed in his absence. Again, he was informed of his ability to attend by phone or video and that, on request, ACCA would make the necessary arrangements for an interpreter to attend to assist him in the course of the hearing. He was also asked to send to ACCA any documents on which he wished to rely. There was no response.
7. On 03 February 2025, ACCA attempted to call Mr Riaz on the number registered with ACCA. On the first occasion, a male person answered but did not identify himself and the line was disconnected. On the second occasion ACCA called, a male person answered and confirmed that he was Mr Riaz. Mr Riaz was informed of the fact that an email had been sent to him with information relating to the hearing on 04 February 2025. Mr Riaz indicated that he had not received the emails from ACCA but stated that he would attend. When ACCA asked for his email address so that a further email could be sent to him, the line was disconnected.
8. When ACCA was able to reconnect, Mr Riaz provided his email address which was the same as the one on ACCA's register. ACCA indicated that a further email would be sent to him and asked him to reply to confirm safe receipt. Mr Riaz said that he would and confirmed that he would not need an interpreter.
9. On 03 February 2025, ACCA sent an email to Mr Riaz, containing the date and time of the hearing and the link enabling him to join. ACCA asked Mr Riaz to respond to confirm that he would be in attendance but there had been no response.
10. On the morning of the hearing, ACCA phoned Mr Riaz on a number of occasions. In summary, when ACCA was able to speak with him, Mr Riaz confirmed that he had received ACCA's email containing the link to the hearing and he was in the process of downloading MS Teams to enable him to join. However, when ACCA called on two further occasions, Mr Riaz did not reply and there was no facility to enable ACCA to leave a message.
11. Furthermore, at no point in the run-up to the hearing did Mr Riaz respond to any of the emails from ACCA and he did not join the hearing at any stage.

12. The Committee was satisfied that ACCA had done all that it could reasonably be expected to do to engage Mr Riaz in the hearing. The Committee concluded that Mr Riaz was clearly aware of the hearing taking place today, having spoken with ACCA this morning, but that he had no intention of participating in the hearing, nor had he requested an adjournment.
13. The Committee concluded that Mr Riaz had voluntarily absented himself from the hearing, which he could have joined by telephone or video link. He had therefore waived his right to attend. In reaching this conclusion, the Committee also took into account the failure on the part of Mr Riaz to respond to any of the correspondence that formed the substance of allegation 2.
14. The Committee was also satisfied that, taking account of the seriousness of the allegations, it was in the public interest to proceed. The Committee did not consider that any benefit would be derived in adjourning the hearing and as stated, no such application had been made.
15. Finally, the Committee considered that it was in a position to reach proper findings of fact on the evidence presented to it by ACCA.
16. The Committee ordered that the hearing should proceed in the absence of Mr Riaz. It did so, making it clear that if, at any stage, Mr Riaz did join the hearing, the Committee would ensure that Mr Riaz was provided with an opportunity to engage with the process.

ALLEGATIONS

Mr Muhammad Ibrar Riaz ('Mr Riaz') a student member of the Association of Chartered Certified Accountants ('ACCA'):

1. On 10 December 2020, failed to comply with instructions issued by ACCA personnel (as per the Student Information Sheet) before a MA2 Managing Costs and Finance exam, in that he failed to ensure no one else was around him in the room where he sat his exam, contrary to Examination Regulation 2.
2. Contrary to Paragraph 3(1) of the Complaints and Disciplinary Regulations 2014 (as applicable in 2021), failed to co-operate fully with

the investigation of a complaint, in that he did not respond to any or all of ACCA's correspondence dated:

- a. 08 June 2021
- b. 30 June 2021
- c. 15 July 2021

3. By reason of his conduct in respect of any or all in Allegations 1 and/or 2, Mr Riaz is:

- a. Guilty of misconduct pursuant to bye-law 8(a)(i); or, in the alternative,
- b. Liable to disciplinary action pursuant to bye-law 8(a)(iii).

DECISION ON FACTS, ALLEGATIONS AND REASONS

Allegation 1

17. In reaching its findings in respect of allegation 1, the Committee relied upon the email correspondence and documents contained in ACCA's bundle and noted the Incident Report provided by the proctor (i.e. the remote exam invigilator) prepared following the exam. It had also viewed the video footage from the video taken on 10 December 2020. The Committee had taken account of the submissions of Mr Kerruish-Jones. The Committee also listened to legal advice, which it accepted.
18. The Committee took into consideration that the evidence as presented by ACCA had not been challenged by Mr Riaz. Indeed, the only correspondence received from Mr Riaz was an email dated 26 December 2020 in which he maintained that he was completely alone during the course of the exam on 10 December 2020. However, this pre-dated ACCA's investigation in which he failed to participate.
19. On 19 December 2019, ACCA registered Mr Riaz as a student. As such, the Committee found that, throughout the material time, he was bound by ACCA's Bye-laws and Regulations. This included the Examination Regulations and guidance which were provided to Mr Riaz prior to him sitting the exam.

20. On 10 December 2020, Mr Riaz sat his MA2 Managing Costs and Finance examination (“the exam”) remotely. As part of the exams booking process, and immediately before the commencement of the exam, Mr Riaz would have agreed to ACCA’s terms and conditions on sitting exams remotely. This would have included the Student Information Sheet which contains the Examination Regulations and Guidelines, and the CBE announcements.

21. Examination Regulation 2 provides as follows:

“2. You are required to comply in all respects with any instructions issued by the exam supervisor/s, invigilator/s, proctor/s, and any ACCA personnel before, during and at the conclusion of an exam. Failure to comply with these instructions may result in the termination of your examination and potential disciplinary procedures being invoked.”

22. The following is an extract from ACCA’s Information Sheet for On-Demand CBE Students sitting exams at home (as applicable in 2020)

“PRIOR TO EXAM STARTING

• You will have a government-issued I.D. (Passport, Driving Licence or Government Issued Photographic Identification) ready and be located in a private, well-lit room with no one else around you.”

23. The proctor (remote invigilator) filed an Incident Report in respect of conduct observed during the exam, indicating that they ‘*noticed that there is someone who can be heard entering the exam area. Then during the camera pan, someone can be heard whispering at 01:00:10 of the session recording.*’

24. As part of the investigation, documents and video footage relating to Mr Riaz’s exam on 10 December 2020 had been obtained. The Committee had watched the video carefully. It had also considered the proctor’s report and section headed, “Chronology of events” as described in the letter to Mr Riaz dated 08 June 2021.

25. The Committee determined that the chronology of events was consistent with activities that can be seen and heard on the video. However, it noted that the

times shown on the chronology are approximately 14 minutes later than the times shown on the video.

26. The Committee was satisfied, on the balance of probabilities, that the video footage obtained suggested or showed the presence of another person in the room where Mr Riaz was taking the Exam, both prior to and during the Exam. The Committee found that there were occasions both prior to, and during the exam, when a third party can be heard whispering in the background. The Committee found, on the balance of probabilities, that a third party was in the room in which Mr Riaz was sitting the exam. It also found, on the evidence presented, that Mr Riaz was also whispering or speaking aloud to a third party both prior to, and during, the course of the exam.
27. Consequently, the Committee was satisfied that Mr Riaz had failed to follow the Examination Guidance and had failed to comply with instructions issued by ACCA personnel before a MA2 Managing Costs and Finance exam on 10 December 2020. He therefore acted in breach of Examination Regulation 2.
28. On this basis, the Committee found allegation 1 proved.

Allegations 2(a), (b) & (c)

29. ACCA commenced an investigation. Mr Riaz had not provided any response to the correspondence sent to him during the course of the investigation. All emails were sent to Mr Riaz at an email address he provided to ACCA. The email address has not changed throughout the course of the investigation. None of the emails have been returned or bounced back into the case management system. Indeed, the email address was the same as the one used by Mr Riaz in his email of 26 December 2020. It was also the same email address used by ACCA to serve notice of these proceedings on Mr Riaz who had confirmed in his conversations with ACCA on the morning of the hearing that he had received the email with the link to enable him to join this hearing.
30. On 08 June 2021, ACCA sent a letter attached to an email sent to Mr Riaz's registered email address informing him of the complaint, and of his obligation to cooperate with ACCA. The letter was password-protected and a separate email was sent, containing the password. The letter set out in detail the evidence obtained by ACCA. Based on that evidence, the letter then sets out a

list of questions for Mr Riaz to answer. He was required to provide his response by 29 June 2021. Mr Riaz failed to reply.

31. On 30 June 2021, ACCA sent another letter to Mr Riaz's registered email address, setting out the terms of CDR3(1), reminding him of his obligation to co-operate with the investigation and of the consequences of his failure to do so. The email also had attached to it the letter of 08 June 2021 as described above. Mr Riaz was required to respond by 14 July 2021. Mr Riaz failed to reply.
32. On 15 July 2021, ACCA sent a final letter to Mr Riaz's registered email address, reminding him again of his obligation to co-operate with the investigation. It enclosed the letters of 08 and 30 June 2021. Mr Riaz was required to respond by 22 July 2021. Once again, he failed to reply.
33. The Committee was satisfied, on the balance of probabilities, that the emails of 08 and 30 June 2021 and 15 July 2021 had been received by Mr Riaz and that he had failed to respond to this correspondence within the required timescale or at all.
34. The Committee was satisfied that this amounted to a failure to cooperate with ACCA in the course of its investigation.
35. On this basis, the Committee found allegations 2(a), (b) and (c) proved.

Allegation 3(a)

36. Taking account of its findings in respect of allegation 1 regarding Mr Riaz's conduct prior to, and during, the examination, and in the absence of any explanation from Mr Riaz, the Committee was satisfied that he was guilty of misconduct. The Committee was concerned that such behaviour risked compromising the integrity of the examination process. In the Committee's judgement, it brought discredit to Mr Riaz, the Association and the accountancy profession.
37. In respect of allegation 2, the Committee had found that, despite ACCA providing a number of reminders of his obligation to cooperate and warnings of potential consequences of his failure to do so, Mr Riaz had failed persistently to cooperate with ACCA and to respond to correspondence.

38. The need for members, including student members, to engage and cooperate with their regulator was fundamental. A failure by members to do so meant that ACCA's ability to regulate its members in order to ensure proper standards of conduct, protect the public, and to maintain its reputation was seriously compromised.
39. The Committee found that the failure of Mr Riaz to cooperate with his regulator amounted to misconduct in that such failure brought discredit to himself, ACCA and the accountancy profession.
40. Therefore, the Committee found allegation 3(a) proved.

Allegation 3(b)

41. On the basis that this allegation was pleaded in the alternative to allegation 3(a), the Committee made no finding in respect of it.

SANCTION AND REASONS

42. 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 Kerruish-Jones, and legal advice from the Legal Adviser which it accepted.
43. 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.
44. 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.
45. The Committee had found Mr Riaz to have acted improperly during the course of an exam and that he had failed to engage with ACCA during its investigation, both of which the Committee considered to be very serious.

46. The Committee considered whether any mitigating or aggravating factors featured in this case.
47. The Committee accepted that there were no previous findings against Mr Riaz. However, the Committee took into consideration the fact that, at the time the exam took place, Mr Riaz had only been a student member since 19 December 2019, i.e. a little under one year before he sat the exam.
48. The Committee had no information regarding the personal circumstances of Mr Riaz, nor had it been provided with any testimonials or references as to Mr Riaz's character. Indeed, there had been no constructive engagement by Mr Riaz in the course of the proceedings.
49. As a consequence, there was no evidence to enable the Committee to be satisfied that Mr Riaz had any insight into the seriousness of his misconduct, and he had not expressed any remorse.
50. The Committee found such serious misconduct to be aggravated in the following ways.
51. As stated, Mr Riaz had shown neither insight nor contrition. His lack of cooperation as described under allegation 2 above had also extended over a period of months and, therefore, it could not be described as an isolated incident.
52. 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.
53. 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. Indeed, the Guidance suggests that such a sanction may be appropriate when there is evidence of an individual's understanding and appreciation of the conduct found proved. No such evidence had been provided by Mr Riaz.

54. The whole purpose of the Exam Regulations is to maintain the integrity of the process.
55. Mr Riaz had also failed persistently to cooperate with his regulator, ACCA, in respect of an investigation of potentially serious allegations. His conduct during the exam and his lack of engagement in relation to the investigation of such conduct represented conduct which was fundamentally incompatible with being a student member of ACCA. His lack of engagement and his failure to show any insight or contrition for his lack of cooperation, led the Committee to conclude that, currently, there was no guarantee that Mr Riaz would behave in a manner expected of a member of ACCA.
56. The Committee concluded that the only appropriate, proportionate and sufficient sanction was to order that Mr Riaz shall be removed from the student register.

COSTS AND REASONS

57. The Committee had been provided with a simple costs schedule (page 1) and a detailed costs schedule (pages 1 and 2) relating to ACCA's claim for costs.
58. The Committee concluded that ACCA was entitled to be awarded costs against Mr Riaz, all allegations having been found proved. The amount of costs for which ACCA applied was £5,673.25. The Committee did not consider that the claim was unreasonable but the hearing had taken less time than estimated.
59. Mr Riaz had not provided ACCA with any evidence of his means. The Committee was satisfied that, in the correspondence sent to him, Mr Riaz had been warned at the outset of the importance of providing details of his financial circumstances and of ACCA's intention to apply for costs.
60. In the absence of any information from Mr Riaz, the Committee approached its assessment on the basis that he was able to pay any amount of costs awarded against him.
61. 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 £5,000.00.

EFFECTIVE DATE OF ORDER

62. The Committee had considered whether the order should have immediate effect. However, ACCA did not seek such an order and the Committee did not consider that Mr Riaz, as a student, presented a current risk to the public. It therefore concluded it was not in the interests of the public to make an order which takes effect immediately.

63. The Committee decided that this order shall take effect at the expiry of the period allowed for an appeal in accordance with the Appeal Regulations.

Ms Kathryn Douglas
Chair
04 February 2025