

HEARING

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

In the matter of: Ms Mahira Khan

Heard on: Thursday, 13 February 2025

Location: Remotely using Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Mr Ryan Moore (Accountant)
Dr Jackie Alexander (Lay)

Legal Adviser: Mr David Marshall

**Persons present
and capacity:** Mr Mazharul Mustafa (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)
Ms Khan (ACCA Student)
Ms Zarqa Shaikh (Interpreter)

Summary: Removed from student register with immediate effect.
Existing Interim Order rescinded.

Costs: £500.00

1. The Committee heard an allegation of misconduct against Ms Khan. Mr Mazharul Mustafa appeared for ACCA. Ms Khan was present and represented herself.
2. The Committee had a main bundle of papers containing 94 pages, a tabled additional bundle containing 9 pages, and a service bundle containing 17

pages.

ALLEGATION(S)/BRIEF BACKGROUND

3. Ms Khan became a student of ACCA on 02 September 2021. On 06 January 2022 she sat ACCA's Management Accounting (MA) exam at an examination centre in India. This was a computer-based exam.
4. On 21 December 2023 ACCA received a report that unauthorised persons had got possession of the text of certain ACCA exam questions and were exploiting them for payment. Following investigations, ACCA identified two photographs which they alleged showed the screen of the computer being used by Ms Khan during her MA exam attempt on 06 January 2022. Ms Khan faced the following allegations:

Allegations

Miss Mahira Khan, an ACCA student:

1. On 06 January 2022, in relation to the ACCA's computer-based Management Accountancy ("MA") exam ("the Exam"):
 - (a) Used a mobile telephone with camera during the Exam (an unauthorised item within meaning of Regulation 6(b) of the Exam Regulations) in breach of Regulation 5(a) of the Exam Regulations:
and/or:
 - (b) Engaged in irregular conduct designed to assist her with the Exam attempt contrary to Regulation 10 of the Exam Regulations in that she:
 - (i) Took photographs of exam questions which was on her computer screen with a mobile telephone during the exam;
 - (ii) Caused or permitted said photographs to be shared with a

third party or parties; and/or:

(c) Copied exam content by taking photographs of her computer screen with a mobile telephone with camera in breach of Regulation 12 of the Exam Regulations.

2. Further, Miss Khan's conduct in respect of any or all of the matters set out in allegations 1 (a) to (c) above was:

(a) Dishonest in that she intended to, and/or did, gain an unfair advantage in the Exam; or in the alternative:

(b) Such conduct demonstrated a lack of integrity.

3. By reason of Miss Khan's conduct above she is:

(i) Guilty of misconduct pursuant to bye-law 8(a)(i) in respect of any or all of the matters in allegations 1 and/or 2; or in the alternative:

(ii) Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of any or all of the matters in allegation 1.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

5. At the start of the hearing Ms Khan admitted allegations 1(a), 1(b)(i) and 1(c). The Chair announced that those matters had been found proved. The other allegations remained in issue.

6. ACCA did not call any oral evidence. It relied on a witness statement from an Exam Production Technician at ACCA who demonstrated that the photographs obtained by ACCA must have been of the exam in question because they showed Ms Khan's unique student registration number. This evidence was accepted by Ms Khan in the Case Management Form she completed on 29 December 2024, and she admitted that she took the photographs. Apart from this witness, ACCA relied on its business records and information obtained

during the course of the investigation.

7. Ms Khan gave evidence to the Committee and was cross-examined and questioned by the Committee. Her native language is [REDACTED], and a [REDACTED] interpreter was present, but Ms Khan's command of English was good. She only required more technical or complex matters to be translated.
8. Ms Khan had accepted throughout that she took her phone into the exam and took a photograph or photographs of one exam question. Her position throughout was that she knew this was wrong but had no intention to cheat and was not acting dishonestly. She said that this was her first ACCA exam. At that time, she was still at high school and very inexperienced. Since then she had taken eight more ACCA exams and her experience was that it would be impossible for a candidate who intended to cheat to get assistance during an exam taken at the centre in question. She questioned how taking a photograph of a question could amount to cheating or be dishonest. She said the reason she photographed the question was because it concerned a topic that she had found particularly difficult when studying and she wanted to satisfy herself that she had answered it correctly. She said that at the conclusion of the exam, the system told her that she had passed although the formal result had been withheld by ACCA because of the allegations. Ms Khan said that at the time, because of her inexperience, she did not realise how serious a breach of the rules she was committing. She said that other students had also taken their phones in and taken pictures and that the invigilators had not stopped them. She now did appreciate the seriousness and bitterly regretted her conduct. However, she maintained that it was not motivated by an intention to cheat or to gain an unfair advantage.

Allegation 1(a): 'used a mobile telephone with camera during the Exam (an unauthorised item within meaning of Regulation 6(b) of the Exam Regulations) in breach of Regulation 5(a) of the Exam Regulations'

9. Allegation 1(a) was admitted and found proved.

Allegation 1(b)(i): ‘took photographs of exam questions which was on her computer screen with a mobile telephone during the exam’

10. Allegation 1(b)(i) was admitted and found proved.

Allegation 1(b)(ii): ‘caused or permitted said photographs to be shared with a third party or parties’

11. Ms Khan denied ever sharing or passing her photographs to third parties. She said she did not know how the photographs had come into someone else’s possession. She could not offer any explanation. She said she had kept the same phone until last year (after they had come to ACCA’s attention). [REDACTED]. She had checked but she no longer had the photographs in question and thought she had deleted them soon after the exam. She did mention that another candidate, a friend of hers at the time, had taken the same exam and faced the same allegations from ACCA. She said she might have shown her photographs to that friend.
12. The Committee considered that it was much more likely than not that the photograph came into the possession of another party because Ms Khan caused or permitted that to happen. There was no evidence of a security breach or anything else which could have led to the photograph being appropriated without Ms Khan’s knowledge or consent.
13. Allegation 1(b)(ii) was found proved.

Allegation 1(c): ‘copied exam content by taking photographs of her computer screen with a mobile telephone with camera in breach of Regulation 12 of the Exam Regulations’

14. Allegation 1(c) was admitted and found proved.

Allegation 2: ‘... Miss Khan’s conduct ... was: (a) dishonest in that she intended to, and/or did, gain an unfair advantage in the Exam’

15. The Committee considered that Ms Khan did gain an unfair advantage. On her own case she took a picture relevant to what she found to be the most challenging topic in the exam. If she had failed, she would have been assisted when she came to re-take the exam. In addition, ACCA relied on the presumption in Exam Regulation 6(b). This provided that where a student breaks the Exam Regulations by (in this case) using a mobile phone with camera during the exam:

'it will be assumed that you intended to use the 'unauthorised items' to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, you will have to prove that you did not intend to use the 'unauthorised items' to gain an unfair advantage in the exam.'

16. Ms Khan failed to discharge that burden of proof. She deliberately breached the exam regulations while intending to gain an unfair advantage. She also published the question to another person who might have been able to use it to cheat.
17. The Committee had no doubt that Ms Khan's conduct as found proved was dishonest by the standards of ordinary decent people.
18. Allegation 2(a) was found proved. The Committee therefore did not have to consider the alternative allegation in 2(b).

Allegation 3(i): 'By reason of Miss Khan's conduct above she is: (i) guilty of misconduct'

19. The Committee was quite satisfied that Ms Khan's conduct amounted to misconduct. Her admitted breaches alone amounted to a very serious breach of the Exam Regulations as she herself recognised. She admitted misconduct, although it is a matter for this Committee to judge. With the additional finding of dishonesty, the misconduct moved to the upper end of the scale of seriousness.
20. The Committee found that Ms Khan was guilty of misconduct. It did not have to consider the alternative allegation 3(ii).

SANCTION(S) AND REASONS

21. The Committee considered what sanction, if any, to impose in the light of its findings, having regard to ACCA's Guidance for Disciplinary Sanctions (2024). It first sought to identify mitigating and aggravating factors.
22. Ms Khan had no previous disciplinary findings against her in the short period that she had been a registered student prior to the exam in question. She had fully cooperated with the investigation. She had made partial admissions from the start. These were mitigating factors, although not strong ones. Ms Khan had expressed remorse, but she had not demonstrated any insight given that she denied the more serious allegations against her.
23. There were aggravating factors. Taking the phone into the exam and using it required some premeditation and planning. This kind of exam misconduct has the potential to undermine the integrity of the exam system, and the validity of qualifications obtained. Even if Ms Khan passed the exam on her own merits, publishing the question could have enabled another student to cheat.
24. The Committee was satisfied that the misconduct required a sanction. The Committee considered the sanctions of admonishment and reprimand but concluded that these would be wholly inadequate to mark the seriousness of Ms Khan's actions. The Committee next considered the sanction of severe reprimand. The Guidance says that this sanction can be applied:

'in situations where the conduct is of a serious nature but 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.'
25. There is no evidence of insight in this case. While Ms Khan may have developed a good idea of the seriousness of her misconduct, and may perhaps be unlikely to repeat it, the Committee could not be satisfied of that. Further the breach was so serious that this sanction would not be sufficient at this time.

26. The next relevant sanction was removal from the student register. The Committee was satisfied that Ms Khan's conduct was incompatible with remaining registered as a student of ACCA and that this was the minimum sanction it could impose.
27. Ms Khan will be entitled to apply for readmission after one year. The Committee did not find it necessary to extend this period. If Ms Khan does apply, she will have to persuade the Admissions and Licensing Committee that she has learnt the relevant lessons, has taken steps to ensure that there will be no repetition, and has become a fit and proper person to be registered with ACCA.

COSTS AND REASONS

28. Mr Mustafa applied for costs totalling £7,658.
29. The Committee was satisfied that the proceedings had been properly brought, and that ACCA was entitled in principle to a contribution to its costs. The Committee was satisfied that the time spent and the rates claimed were reasonable, although a reduction might have been appropriate for the time estimated for today's hearing.
30. Ms Khan provided a statement of means. [PRIVATE]. The Committee accepted what Ms Khan said. [PRIVATE]. The Committee assessed her contribution at £500, [PRIVATE]. She will have to pay this sum before returning to student membership, if that is granted at a future hearing.

EFFECTIVE DATE OF ORDER

31. Mr Mustafa asked for the order to have immediate effect. He told the Committee that there was currently an Interim Order in force. He said that if the order were not made immediately Ms Khan would be free to take further exams which would provide the opportunity for further photographs to be taken. The Committee accepted these submissions.

ORDER

32. The Committee **ordered** as follows:

- (a) Ms Mahira Khan shall be removed from the student register with immediate effect.
- (b) Ms Mahira Khan shall make a contribution to ACCA's costs of £500.
- (c) The existing Interim Order is rescinded.

Ilana Tessler
Chair
13 February 2025