Think Ahead

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mr Yunfei Yao**
Heard on:	**Tuesday, 12 August 2025**
Location:	**Remotely via Microsoft Teams.**
Committee:	**Mr Martin Winter (Chair)** **Dr David Horne (Accountant)** **Ms Sue Heads (Lay)**
Legal Adviser:	**Miss Chloe Hudson**
Persons present and Capacity:	**Mr James Halliday (ACCA Case Presenter)** **Miss Sofia Tumburi (Hearings Officer)**
Summary:	**Allegations 1(a) (c) (d) (e) (f), 2, 3(a) and 4 found proved.** **Allegation 1(b) found not proved.**
Sanction:	**Removal from student membership, order to take immediate effect.**
Costs:	**£7,951.50**

1. The Committee heard an allegation of misconduct against Mr Yunfei Yao ("Mr Yao"). Mr James Halliday appeared for ACCA. Mr Yao was not present and was not represented.

2. The hearing was conducted remotely by Microsoft Teams.

SERVICE OF PAPERS

3. The Committee considered the Service Bundle (1) with pages numbered 1-20 in order to determine whether the Notice of Hearing ("the Notice") dated 15 July 2025 had been served in accordance with the provisions of the Complaints and Disciplinary Regulations 2014 (amended 2020) ("the Regulations").

4. The Notice had been sent to Mr Yao's registered email address held on file by ACCA and in the Committee's view complied with the other requirements of the Regulations.

5. The Committee was satisfied that this was effective service under the Regulations.

PROCEEDING IN ABSENCE

6. The Committee considered whether it should proceed in Mr Yao's absence and recognised it could only do so with care and caution.

7. The Committee considered both of the emails that Mr Yao had sent to the ACCA, dated 28 July 2025 and 04 August 2025.

8. The Committee recognised that there was a strong public interest in regulatory proceedings being considered and concluded expeditiously, particularly given the serious nature of the allegations. The Committee concluded that Mr Yao was aware of the date and place of the hearing and had voluntarily absented himself.

9. The Committee determined that it was fair and just to proceed in Mr Yao's absence in accordance with its discretionary power at regulation 10(7) and that

a fair hearing could take place in his absence.

BRIEF BACKGROUND

10. The Committee was provided with the following bundles: Service Bundle (1-20) and a Disciplinary Committee Bundle (1-64).

11. The Committee had read the papers prior to the hearing.

12. Mr Yao was admitted as student member of ACCA on 25 July 2023.

13. On 03 September 2024, ACCA received a complaint enclosing photographs from the check in process of Mr Yao's SBL ('Strategic Business Leader') exam and a 30-minute video relating to a task from the exam. The student's full name and exam access code could be seen in the photographs. It was alleged in the whistleblower's complaint that the student had used plug in software which enabled third parties to see the exam questions and complete the exam for him.

14. A witness statement obtained from Neil Smith of ACCA's exam production team confirmed that, having reviewed the photographs and video footage provided by the whistleblower, the access code [PRIVATE] featured in the evidence uniquely relates to the SBL exam attempted on 03 September 2024 by the individual registered as Yunfei Yao on ACCA registration number [PRIVATE].

15. In his statement Mr Smith states he observed evidence of multiple screens and applications being accessed and used simultaneously as well as the use of a messaging application and the transfer of exam content to ChatGPT. Mr Smith further observed in the evidence that the logo relating to [PRIVATE] software was pinned to the toolbar of a secondary screen and the partial URL [PRIVATE] in a secondary screen featured in the background of one of the pieces of evidence relates to the Chinese simplified language 'Google' search engine.

16. ACCA alleges that Mr Yao has gained an unfair advantage for himself and/or others in the exam and/or a future exam.

ALLEGATIONS

Mr Yao, as an ACCA student:

1. **In relation to his RIE Strategic Business Leader (SBL) exam ("the Exam") on 03 September 2024:**

    (a) **Enabled and/or used, and/or caused or permitted a third party (or parties) to enable and use, ToDesk remote access technology; and/or:**

    (b) **Used a third-party proxy exam taker or takers to complete all or part of the Exam on his behalf via remote-access technology; and/or:**

    (c) **Used, and copied live exam content into, ChatGPT, generative artificial intelligence software, to assist him and/or others in completing the Exam; and/or permitted a third party to do so; and/or:**

    (d) **Shared or distributed, with a person or persons unknown, live exam content from the Exam on a chat messaging application; and/or permitted a third party to do so; and/or:**

    (e) **By himself or by a third party, captured, alternatively caused or permitted to be captured, the exam check in process and/or live exam content; and/or:**

    (f) **Had multiple tabs open on his desktop, including the Google search engine, during the Exam.**

2. **In relation to Allegations 1(a) to 1(f) above, such conduct or any of it, was in breach of one or more of:**

    (a) **Exam Regulation 5(a);**
    (a) **Exam Regulation 10;**
    (b) **Exam Regulation 11;**

(c) Exam Regulation 13;

(d) Exam Regulation 15.

3. Further, in relation to Allegations 1(a) to (f) above, such conduct, or any of it:

(a) Was dishonest in that he gained or intended to gain an unfair advantage for himself and/or for others in the Exam and/or in a future exam; or in the alternative:

(b) Such conduct demonstrates a lack of integrity.

4. By reason of any or all of the above Mr Yunfei Yao 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).

17. The Committee accepted the advice of the Legal Adviser.

DECISION ON FACTS/ALLEGATION(S) AND REASONS:

ALLEGATION 1

18. On the balance of probabilities Allegation 1(a), (c), (d) (e) and (f) were found proved. Allegation 1(b) was found not proved.

19. The Committee considered the screen shots, photographs and witness statement from Neil Smith of ACCA's exam production team in which he confirmed that having reviewed the footage the access code [PRIVATE] featured in the evidence uniquely related to the SBL exam attempted on 03 September 2024 attempted by Mr Yao in the ACCA registration number [PRIVATE].

20. Mr Smith observed evidence of multiple screens and applications being accessed and used simultaneously as well as the use of a messaging

application and the transfer of exam content to ChatGPT.

21. The Committee found Allegation 1(a) proved. The screen shot showed that at 19:46 ToDesk, a remote access application, was being used by Mr Yao at the time the examination was taking place. The inference the Committee drew is that it was being used by or on behalf of Mr Yao during the examination with his consent. The name of the exam, the time remaining and the student's access code can be seen at the top.

22. In his response Mr Yao states he was looking for a 'debugger' to help him but said that it had been uninstalled before the examination started. The Committee found that the evidence would suggest that ToDesk was being used at the time of the exam. The Committee did not find that it had been removed as Mr Yao stated in his written response.

23. The Committee found Allegation 1(b) not proved. The Committee found there was no clear evidence that any third party was assisting to complete the examination on behalf of Mr Yao. Whilst it was clear that a third party was in contact with Mr Yao there was no clear evidence that third parties were seeking to assist or complete the examination on his behalf.

24. The Committee found Allegation 1(c) proved. The Committee observed the screen shot attached to Mr Smith's statement. This showed Mr Yao using AI technology GPT in a separate window/tab during the exam to generate an answer to the examination question. A Chat GPT tool was being used in real time and answers were being elicited in real time and used as Mr Yao's answers. This was either being done by Mr Yao himself or a third party to assist Mr Yao or others to complete the examination.

25. The Committee found Allegation 1(d) proved. The screenshot evidence shows that the examination content was being copied into a chat messaging application during the examination process in real time. Mr Yao in his response stated that he had experienced issues with his camera during the exam login/launch process and had used a Chinese instant messaging service called WeChat to resolve his issues. Given Mr Yao had allowed remote access to be granted during his examination and WeChat had been used to contact others, the Committee found that the information from the examination had been

shared or distributed by him.

26. The Committee found allegation 1(e) proved. Having considered the photographs of Mr Yao's check-in process bearing his unique code the Committee concluded that he had caused or permitted the check-in process and/or live examination content to be captured, either by himself or by a third party.

27. The Committee found Allegation 1(f) proved. The Committee observed from the screenshots provided that the logo relating to [PRIVATE] software was pinned to the toolbar of a secondary screen and the partial URL [PRIVATE] in a secondary screen featured in the background of one of the pieces of evidence relates to the Chinese simplified language 'Google' search engine. The Committee found this proved Mr Yao had multiple tabs open during his examination.

28. The Committee took into account Mr Yao's responses to the ACCA investigation in an email dated 06 January 2025. He denied bringing any electronic devices or mobile phones with cameras into his exam and using AI technology during the exam. He denied copying/filming any exam content and sharing photographs and videos with others. He states he did not receive or aid others in his and their exam attempts and that he had read the exam regulations and guidelines.

29. Mr Yao also states that his ACCA account has been 'tampered' with. Mr Yao's student membership account has been revoked as he is currently under suspension.

30. The Committee concluded that the screenshots from the recording show a sophisticated method of cheating whereby the examination question is attached to ChatGPT and generative AI is used to obtain the answer to an examination question. The AI generated answer is then copied into the examination answer box.

31. Mr Yao and or a third party were clearly using a chat messaging application during the exam and he was communicating with others during the examination, which is prohibited. The screenshots provided to the Committee

show that the live examination content is being shared on the chat messaging application. Mr Yao also had multiple tabs on his desktop including the Google search engine during the examination.

32. The Committee has considered Mr Yao's explanations but find they lack credibility.

ALLEGATION 2

33. On the balance of probabilities Allegation 2 was found proved.

34. The Committee determined that Mr Yao was fully aware of the examination regulations and guidelines as they would have been brought to his attention during the examination launch process and he would have to acknowledge, agree and accept ACCA's rules and regulations before starting the examination. Mr Yao said as much during his written submissions.

35. The Committee determined that all of the irregularities as found proved at Allegations 1(a) –(f) were in breach of Exam Regulation 10.

36. The Committee found that Mr Yao was further in breach of Exam Regulation 11, Exam Regulation 13 and Exam Regulation 13 in relation to Allegation 1(c), 1(d) and 1(e).

ALLEGATION 3(A)

37. The Committee applied the test in Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 in which it was said:

When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of mind if the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his believe is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by

applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.

38. The Committee relied upon its findings of fact in respect of Allegation 1(a) (c), (d), (e) and (f) and 2. The Committee found that Mr Yao knew that he was cheating in the examination to provide him with answers and disseminating this to unauthorised persons. The Committee considered there must have been elements of pre-planning to Mr Yao's actions and he attempted to gain an advantage on his entry into the profession. His explanations to ACCA are not plausible and his conduct would be considered dishonest by the standards of ordinary decent people.

ALLEGATIONS 3 AND 4

39. The Committee having found Allegation 3(a) proved did not go on to consider Allegation 3(b), whether there was a lack of integrity in his conduct as this was put in the alternative in the event Allegation 3(a) was found not proved.

MISCONDUCT AND LIABILITY TO DISCIPLINARY ACTION

40. The Committee went on to consider misconduct and liability to disciplinary action. Mr Halliday made submissions on the issue of misconduct. The Committee considered the case of Roylance v GMC and byelaw 8(a).

41. In relation to Allegations 1, 2 and 3(a) the Committee considered that Mr Yao's dishonest conduct undermined the process of qualifying to become a member of ACCA. He was cheating in his examinations in a sophisticated and pre planned way. This was in the Committee's view a very serious breach of the regulations striking at the core role of the Regulator, to maintain standards and public confidence in the profession. In addition, this conduct bought discredit upon Mr Yao, the profession and undermined public confidence in ACCA.

42. The Committee determined that the persistent, planned dishonesty involved in cheating in examinations in this way was an act of serious dishonesty. In the Committee's view it was a breach of a fundamental expectation of the profession to be open and honest and undermined the protections put in place

to protect the public. Such conduct fell far below the standards expected of a student member of ACCA and could properly be described as deplorable. In the Committee's judgment, it brought discredit to Mr Yao, the ACCA and the accountancy profession.

43. The Committee found that Allegations 1, 2 and 3(a) taken together amounted to serious misconduct and Allegation 4(a) was found proved.

SANCTION AND REASONS

44. Mr Halliday, the case presenter, made submissions on the appropriate and proportionate sanction. The Committee received advice from the Legal Adviser that in determining the appropriate and proportionate sanction, if any, consideration must be given to the least restrictive sanctions first before moving onto the more serious ones. The Committee was mindful of the fact that the purpose of any sanction was not to be punitive, although it may have that effect. Rather the purpose of any sanction was to protect the public interest, namely to protect members of the public, maintain public confidence in the profession and ACCA and to declare and uphold proper standards of conduct and behaviour.

ALLEGATIONS 1, 2, 3(A) AND 4

45. The Committee considered what sanction, if any, to impose in light of its findings, having regard to ACCA's Guidance for Disciplinary Sanctions (2024). Any sanction should be proportionate and consider the least severe sanction first.

46. The Committee first sought to identify aggravating and mitigating factors.

47. In respect of mitigating factors, the Committee took into account Mr Yao had no previous disciplinary findings against him. It also took account of his limited engagement in the investigatory process and previous good character. However there was no reflection by Mr Yao on his behaviour and that it was wrong and he had not admitted his dishonesty. The Committee found there was no insight in any of Mr Yao's communication.

48. The Committee considered the aggravating factors in relation to these

allegations. In the Committee's view it was an aggravating factor that the dishonesty was not a spur of the moment breach, as the conduct was deliberate and premeditated for advantage in the examination. Mr Yao was conspiring with at least one other individual in the course of his dishonesty.

49. The Committee considered that this was sophisticated dishonesty and the use of AI was of particular concern given the remote nature of examinations which are more vulnerable to abuse. It was an aggravating factor that Mr Yao had sought to undermine the integrity of the examination process and taken a deliberate course of conduct for his own benefit. The Committee considered that the dishonesty was at the more serious end of the scale of misconduct and that there was a continuing risk to the public. It took into account section E2 of the ACCA Guidance for Disciplinary Sanctions regarding findings of dishonesty.

50. The Committee considered that taking no further action or imposing an admonishment did not reflect the seriousness of the misconduct and noted that there was no evidence of insight.

51. In respect of a reprimand the Committee considered the dishonest conduct to be serious and not minor. Given the lack of insight of Mr Yao the Committee considered that a Severe Reprimand was not a sufficient sanction as there was a continuing risk to public confidence, the potential risk of harm and the risk to the validity of the ACCA examination process.

52. The Committee considered the factors listed at C5.1 in the guidance. It noted that in addition to showing no insight or remorse there was no reflection. This was behaviour that was fundamentally incompatible with membership. There was a breach of trust that is placed in students to abide by the Exam Regulations. The Committee considered the information provided by Mr Yao. There was no remarkable or exceptional mitigation presented by Mr Yao which would warrant anything less than exclusion from student membership. It took into account the importance of protecting the integrity of the profession's examination process and therefore determined that the only proportionate sanction was to direct that Mr Yao be excluded from student membership.

53. The Committee did not deem it necessary to impose a specified period before

which Mr Yao could make an application for readmission to the register.

COSTS AND REASONS

54. Mr Halliday applied for costs totaling £8,571.50.

55. Mr Yao did not supply any information about his financial means and the Committee noted it should not speculate as to his ability to pay any costs.

56. The Committee was satisfied that the proceedings had been properly brought and that ACCA was entitled in principle to its costs. The Committee also recognised that it needed to consider the principle that the majority of those paying ACCA's fees should not be required to subsidise the minority who, through their own misconduct, have found themselves subject to disciplinary proceedings. The Committee considered that the time spent, and the sums claimed were reasonable, noting that the hearing took less time than estimated.

57. The Committee determined that there should be a reduction to the amount claimed. The hearing did not take as long as had been anticipated. Mr Halliday confirmed his preparation had been 2 hours not 4. The Committee made a costs order to reflect these deductions in the sum of £7,951.50.

INTERIM ORDER

58. An interim order was imposed suspending Mr Yao’s student membership on 10 October 2024. The interim order of suspension is rescinded.

IMMEDIATE ORDER

59. Mr Halliday did not invite the Committee to direct that the order come into effect immediately.

60. The Committee directed that the order should come into effect immediately as it was necessary to protect the public. The Committee concluded that there was an identified and continuing risk to the public due to Mr Yao’s ability to continue holding himself out as a student member of ACCA.

ORDER

61. The Committee ordered as follows:

a) Mr Yao shall be excluded from the ACCA Student Register.

b) The order is directed to come into effect immediately.

Mr Martin Winter
Chair
12 August 2025