

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Ms Tanvi Pungliya

Heard on: Thursday, 16 April 2026

Location: Remote link via Microsoft Teams

Committee: Mr Andrew Gell (Chair)
Ms Joanne Royden-Turner (Accountant)
Ms Deborah Fajoye (Lay)

Legal Adviser: Mr Alastair McFarlane

Persons present

and capacity: Mr Richard Ive (Case Presenter on behalf of ACCA)
Miss Mary Okunowo (Hearings Officer)

Outcome: Removal from the student register with immediate effect

Costs: Awarded to ACCA in the sum of £5,400

1. ACCA was represented by Mr Ive. Ms Pungliya did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 126, a video recording of the exam, and service bundles numbered pages 1-19 and 1-18 and 1-17, two table additional bundles (1) and (2) numbered pages 1-8 and 1-7, two transcripts of earlier hearings and two sets of adjournment reasons numbered pages 1 to 6 and 1 to 4.

SERVICE

2. Having considered the service bundle, the Committee was satisfied that notice of the hearing was served on Ms Pungliya in accordance with the Complaints and Disciplinary Regulations 2014 (“CDR”).

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Ive and accepted the advice of the Legal Adviser.
4. The Committee reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution.
5. The Committee noted that the hearing had originally been listed for 24 February 2026 following the service of the Notice of Hearing dated 27 January 2026. The hearing had been adjourned, resumed on 19 March and adjourned again and relisted for 16 and 17 April 2026. These dates were confirmed to Ms Pungliya by the Hearings Officer in an email dated 24 March 2026 and had been two of the dates that Ms Pungliya had requested for the rescheduled hearing in her email of 26 March 2026. The Hearings Officer received an email dated 12 April 2026 from Ms Pungliya’s family member. It stated:

“I am writing on behalf of my [REDACTED], Tanvi Pungliya, ACCA Registration Number [REDACTED], regarding the scheduled meeting on 16th and 17th April.

Due to the ongoing situation related to this case, her [REDACTED]. She is currently [REDACTED] and has been [REDACTED] with this matter has [REDACTED]. In light of her current condition, she is not in a position to attend or participate in the scheduled meeting.

Given these circumstances, and after careful consideration, she has decided not to continue with the ACCA qualification any further. Therefore, we kindly request you to initiate the necessary process to remove her from the student register.

We also respectfully request that, considering her present [REDACTED] and her decision to discontinue, the matter be treated as closed without requiring her further participation.

We sincerely appreciate your understanding and consideration during this difficult time.

Thank you for your support.”

6. The Hearings Officer sent a further email in response dated 14 April 2026 in which she stated the proceedings cannot be discontinued without a hearing and asking whether Ms Punliya was content for the hearing to proceed in her absence. Neither she nor her family member have further responded.
7. The Committee had specific regard to the listing history of this matter. It noted that this matter had been listed for hearing on the 24 February 2026. Ms Punliya had attended with her representative Ms Bherwani. That Committee had concluded it was necessary to adjourn in order to arrange for an interpreter to attend to ensure that Ms Punliya received a fair hearing. It had not been Ms Punliya's application. That Committee had made directions including that the matter be relisted after 24 March 2026. The case was then actually relisted for 19 March 2026 and although Ms Punliya had initially indicated that she was available that day, she subsequently stated that she did not agree a hearing earlier than 24 March 2026 as this would be prejudicial to her as she needed time to respond to the tabled additional documents that had recently been made available to her. The 24 February 2026 Committee had also directed that she serve a statement of defence by 17 March 2026. The case did resume on 19 March 2026. Ms Punliya did not attend that hearing but had submitted an email on 19 March 2026 asking for an adjournment to 29 March 2026 as her legal representative was not available owing to "[REDACTED]". The 19 March 2026 Committee noted that Ms Punliya's approach to the whole disciplinary process had been one of full engagement throughout, that she had not caused the first adjournment and that the 24 February 2026 Committee had adjourned the case until after 24 March 2026. They held that it was important that she should be able to have representation and concluded that this adjournment application was not an *"attempt by [Ms Punliya] to prevaricate or lengthen the duration of the proceedings"*. The 19 March 2026 Committee therefore

adjourned the case, and it was listed for the hearing today and tomorrow (16 and 17 April 2026).

8. The Committee noted that until the email from her family member dated 12 April 2026 Ms Pungliya had fully engaged with the process and had consistently maintained her defence throughout the correspondence that she was not cheating and had not been dishonest. The Committee considered the contents of the 12 April 2026 email, whilst not touching at all on any change to her denial of the allegations, did constitute a real change in her intention to participate in the case. She had not, through her family member, sought an adjournment, but asserted [PRIVATE] rendered her *“not in a position to attend or participate in the scheduled meeting”*.
9. The 12 April 2026 email appears to blame this case for affecting Ms Pungliya’s [PRIVATE]. There is no [PRIVATE] evidence before the Committee to support this assertion or that she cannot participate because of her [PRIVATE]. Further, and in any event, there is no application contained in this email to adjourn the case because of Ms Pungliya’s [PRIVATE], so that she can attend a future hearing when she is [PRIVATE]. Rather, in the Committee’s judgment the email is indicative of a person who no longer wishes to engage with the process. The email specifically requested discontinuance of the proceedings – asking them to be *“closed”*.
10. The Committee was mindful of the observations of Sir Brian Leveson in *Adeogba v. General Medical Council [2016] EWCA Civ 162* as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made against them. The Committee specifically considered the issue of fairness to Ms Pungliya of proceeding in her absence, but also fairness to the ACCA and the wider public interest in the expeditious discharge of the Committee’s function. The Committee was satisfied on the basis of the 12 April 2026 email that Ms Pungliya had voluntarily waived her right to attend the hearing. The Committee was not persuaded that any adjournment was likely to secure her attendance at a future date.
11. The Committee was satisfied that Ms Pungliya has been given every opportunity to engage and participate in the proceedings and has decided not

to do so. Accordingly, in all the circumstances the Committee was satisfied that it was in the public interest to proceed in the absence of Ms Pungliya.

ALLEGATIONS

1. Ms Tanvi Pungliya, a student of the Association of Chartered Accountants (ACCA), during an on-demand remotely invigilated Financial Management (FM) examination on 07 June 2024:
 - a) Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.
 - b) Was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b).
 - c) Used the above referenced unauthorised item to take photographs/recordings of the Exam content, contrary to Exam Regulation 13.
2. Ms Pungliya's conduct as referred to in any or all allegations above:
 - a) Was dishonest in that the taking and/or retaining of photographs of live exam content could potentially assist her in the exam and/or in any resit of the same exam, and by her actions she sought to gain an unfair advantage in the exam and/or any resit of the exam within the meaning of Exam Regulation 6(b), or in the alternative:
 - b) Demonstrates a failure to act with integrity.
3. By reason of any or all of her conduct, Ms Pungliya is:
 - a) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative:

- b) Liable to disciplinary action by virtue of bye-law 8(a)(iii) in respect of breaches of the exam regulations as set out in allegation 1 above.

BACKGROUND

- 12. Ms Pungliya became an ACCA student on 08 July 2023.
- 13. On 07 June 2024, Ms Pungliya sat an ACCA remotely invigilated Financial Management exam.
- 14. Ms Pungliya was provided with a copy the examination regulations and guidelines when she accepted the terms and conditions at the time of booking the exam.
- 15. On 01 July 2024 Ms Pungliya was notified that a proctor report had been received in respect of her conduct in the exam.
- 16. On 18 June 2025 Ms Pungliya, having been sent by ACCA the video footage of the exam, responded to a series of questions asked by ACCA's Investigation Department on 16 June 2025. In her responses she admitted that she had her phone with her in the exam room and that she had picked it up to cut a call that had been received. She stated:

"During the examination attempt, The Mobile phone was placed by my side and continuous call was disturbing me, that is the reason I picked up the call and cut the call."
- 17. Further, Ms Pungliya explained that the position of the phone seen in the footage was due to the fact that her hand [PRIVATE]. [PRIVATE]. Ms Pungliya denied misleading the proctor and denied taking and/or sharing any images or video of the exam content.
- 18. ACCA's Investigation Officer reviewed the video recording of the exam and the relevant chat logs were reviewed by the current Investigations Officer on 30 June 2025. In summary, the Investigations Officer noted the following:

- At 00.04.37 Ms Pungliya shows her desk and a mobile phone is visible in front of calculator
- From the chat log Ms Pungliya is advised “Tanvi, you can not have your mobile on your desk. Please place it away. You can put it on the floor for example”
- In the chat log the Proctor advises that they will call the phone.
- At 00.06.14 Ms Pungliya is seen answering the call and the following conversation takes place:

Proctor – *“after I end this call I will need you to put the phone on silent and out of arms reach. It cannot be on your table, please don’t keep it on your desk.”*

Ms Pungliya – *“yes [REDACTED]”*

- At 00.06.52 the call ends but Ms Pungliya is not seen getting up or leaving the desk and appears to put the phone down to her right.
- From the chat log, the proctor says *“The greet process is now complete and I will release your exam shortly. Please put your phone on silent mode and out of arm’s reach. If you are using a laptop, please make sure your power cord is plugged in so that your laptop does not run out of battery. You must remain for the full duration of your scheduled exam time. You cannot leave the room unless it is for your one 5-minute break. If you complete your exam early you are required to remain under the proctor’s supervision. If you are having difficulty reaching a proctor during your exam via the chat function, please wave your hands to the webcam or speak out loudly and ask the proctor to call you. Please acknowledge that you have read and understood the above.”*
- Ms Pungliya responds *“OKAY [REDACTED] I READ ALL THE INSTRUCTION”*
- At approximately 00.10.00 the exam begins

- At approximately 02.16.15 Ms Pungliya is seen with her mobile phone
- At approximately 02.17.00 the audio indicates the following conversation:-

Proctor – *Hello..Can you hear me*

Ms Pungliya - Yes [REDACTED]

Proctor - *I saw that you were using your phone, maybe taking pictures of the exam*

Ms Pungliya - No [REDACTED]

Proctor - *I saw and so that's why I should end your exam right now and I should write a report to ACCA in this case.*

Ms Pungliya - No [REDACTED] *I have not take any photo*

Proctor - *So what were you doing*

Ms Pungliya - [REDACTED], *any call, I was cut the call*

Proctor - *But you had your phone in your hand, I saw*

Ms Pungliya - [REDACTED] *yes [REDACTED] but I was called*

Proctor - *So why, you you were using your phone*

Ms Pungliya - [REDACTED] *because of calls and things*

Proctor - *Because what?*

Ms Pungliya - *Because a call was coming and I was cutting the call*

Proctor - *I cannot hear you, speak up. Ok, you were using your phone but why?*

Ms Pungliya - [REDACTED] *because a call was coming, I cut the call.*

Proctor - *Could you type in the chat box, I cannot understand you*

- From Chat log

Ms Pungliya - [REDACTED] *call was coming i was just cut the call sorryu [REDACTED]"*

- At approximately 02.20.47, the audio indicates the following conversation took place:

Proctor - *Ok actually regardless of the reason, using a phone is not allowed during the exam, so that is why I should end the exam.*

Ms Pungliya - [REDACTED] *I'm sorry, I was not taking any (inaudible), I was not cheating, I just cut the call and put the phone away from my side, you can check my camera also*

Proctor - *Actually, but before starting your session you should have put the phone away*

Ms Pungliya - Yes [REDACTED], *I put the phone on the floor but call was coming then I was put on the desk. Please please please don't report me*

Proctor - *Please talk to my supervisor*

- At approximately 02.22.00, the audio indicates the following conversation took place

Proctor - *Good afternoon miss, can you hear me*

Ms Pungliya - Yes

Proctor - *Ok we noticed that you use your phone during the exam.*

Ms Pungliya - No [REDACTED]

Proctor - *But you use the phone for this is for this reason we will end your exam, the case will be reported to ACCA. If you do not agree with that, you can complain to ACCA There will be investigation and if you are right, there will be they will give the exam to you. But now we will end your exam.*

Ms Pungliya - [REDACTED], *I was not cheating so please don't end my...*

Proctor - *This is recorded to the video that you are shooting, photo or video from the screen. That is prohibited and you cannot do it and that's why your phone should be away from you. (inaudible) without any permission. If there was something urgent you needed to write to text to our proctor and (inaudible).*

19. On 08 July 2025 Ms Pungliya responded to further clarification sought by the Investigation Officer, stating:

"I confirm that my phone, which has a camera, was with me during the exam. I only picked it up to cut a call and did not use it for any other purpose. I realise this was against the rules and sincerely apologise.

Yes, my phone has a camera and was present with me during the exam. Before the exam started, I placed it on the floor, but when I received a call, I picked it

up and put it on the desk beside me. I apologise for any confusion and for not following the rules correctly.

The call logs are no longer available on my phone, but I have already emailed my mobile provider to request them. As soon as I receive the details, I will share them with you.

As I mentioned earlier, my hand was [REDACTED]. I picked up the call quickly just to cut it, and that's when the photo was taken. I know this was a big mistake, but I assure you it won't happen again.

Sorry regarding these case I had never done these type of mistake again !!"

20. On 21 July 2025 a chasing email was sent to Ms Pungliya asking when the call log information could be expected, On the same date Ms Pungliya responded:

"As i consulted with customer care they didnt had the data too I also hereby request you to let me know that , may i can apply for the registration for my upcoming exam." [sic]

21. A further email was sent by ACCA on 21 July 2025 advising Ms Pungliya that while the investigation is on-going, she would not be able to retake the exam and requesting evidence in the form of an email or letter confirming that the mobile provider no longer has the call logs for the date of the exam.

22. On 25 July 2025, Ms Pungliya advised that she had already re-sat the exam in March 2025 and in relation to the call logs advised:-

"I have also contacted the call provider by email, but have received no response; unfortunately they are unable to send details from a year ago."

ACCA's SUBMISSIONS

23. ACCA's case was that Ms Pungliya was in possession of an unauthorised mobile phone in the exam which was not kept out of arm's reach as required by the exam guidelines, and that she used it to gain an unfair advantage in the exam on 07 June 2024. In effect, she was cheating or intending to cheat, and

this was dishonest conduct. As an alternative to dishonesty ACCA alleged a lack of integrity.

24. ACCA submitted that Ms Pungliya has accepted that she had mobile phone on her which was not kept out of arm's reach as directed by the proctor. It contended that a careful review of the exam footage shows Miss Pungliya clearly being asked to remove her mobile phone from the desk and place it out of arm's reach. Despite this instruction, the footage appears to show Ms Pungliya placing the phone down to her right.
25. At 02.16.15 of the footage Ms Pungliya is seen then raising the mobile phone to the screen in a manner consistent with taking a photograph or recording. Ms Pungliya has stated that she was simply cutting a call, but ACCA submitted that this is not consistent with the footage and despite repeated requests for copies of the call logs evidencing the call that was being cut, none has been received.
26. ACCA submitted it was appropriate to rely on Exam Regulation 6b whereby if the Committee was satisfied that she was in possession of an unauthorised item, it will be therefore assumed that Ms Pungliya intended to use the unauthorised item to gain an unfair advantage.

Allegation 1 a – Breach of Exam Regulation 1

27. It is ACCA's submission that Ms Pungliya failed to adhere to Exam Regulations in that she failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk or about her person which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.

Allegation 1 b – Breach of Exam Regulation 5

28. It is ACCA's further submission that Ms Pungliya was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, and that this was contrary to Exam Regulation 5(a) and/or 5(b).

Allegation 1 c) – Breach of Exam Regulation 13.

29. ACCA relied on the video footage in support of its contention that Ms Pungliya used the mobile phone to take photographs/recordings of the Exam content, contrary to Exam Regulation 13.

Allegation 2 – Dishonesty or Lack of Integrity

30. ACCA submitted that Ms Pungliya intended to gain an unfair advantage by using/ attempting to use her phone during the exam. Such conduct amounts to dishonesty in that taking and/or retaining of photographs of live exam content, could potentially assist her in the exam and/or in any re-sit of the same exam, and by her actions she sought to gain an unfair advantage in the exam and/or any re-sit of the exam. In effect, her conduct amounted to cheating in the exam. Cheating in an exam would be regarded as dishonest by ordinary decent people.
31. ACCA submitted that if the Committee does not make a finding of dishonesty, then it should find that Ms Pungliya has acted without integrity.

Allegation 3 - Misconduct

32. ACCA contended that the dishonest conduct of trying to cheat in a professional exam clearly reached the threshold for misconduct. There was an alternative liability to disciplinary action in respect of exam breaches set out in Allegation 1.

MS PUNGLIYA’S SUBMISSIONS

33. Ms Pungliya has made detailed responses to ACCA investigation. Whilst she accepts that she had the mobile phone with a camera in her possession she denies using it to take a photograph of the exam question; she denies cheating; she denies being dishonest or lacking integrity and in effect, denies wrongdoing. She has consistently maintained that she only picked up the phone to cut a call.
34. In her email reply dated 18 June 2025 to ACCA’s questions

"1: Please confirm whether you read the Exam Regulations and Guidelines before sitting your exams?"

Yes, I confirm that I read and understood the Exam Regulations and Guidelines prior to sitting my exams.

2 Do you admit or deny allegation 1, namely that you failed to adhere to ACCA's exam guidelines by keeping an unauthorised device – namely your mobile phone – within arm's reach during your examinations?"

I admit that mobile phone was with me in the exam room and I picked up my phone to cut the phone call I received during the exam, The posture of the phone call was horizontal because one of my hand was [REDACTED] and I was unable to pick up the mobile phone. hearby i attach the [REDACTED] for your reference.

3. Do you admit or deny allegation 2, namely misled the proctor by giving false or misleading information to them during your FM exam attempt?

I hereby deny the allegation that I misled the proctor by giving false or misleading information during my FM exam attempt. I affirm that all information I provided to the proctor was truthful and accurate to the best of my knowledge.

4. Do you admit or deny allegation 3, namely that you used an electronic device, During your FM exam attempt?

I admit that electronic device was with me during my FM exam however i confirm that i was not using in it an inappropriate manner.

5. Do you admit or deny allegation 4, namely that had on or about your person an unauthorised item with a camera throughout your examination

I hereby deny the allegation that I had on or about my person an unauthorized item with a camera throughout my examination.

6. *Do you admit or deny allegation 5, namely that you had on or about your person an unauthorised item with a camera throughout your examination attempt?*

I hereby deny the allegation that I had on or about my person an unauthorized item with a camera throughout my examination attempt.

7. *Please explain where your mobile phone was placed during the above referenced examination attempt.*

During the examination attempt, The Mobile phone was placed by my side and continuous call was disturbing me, that is the reason I picked up the call and cut the call.

8. *If you admit that there was a mobile phone in the examination room, please confirm whether this phone is owned by you or a third party, and what you were doing with it at the time.*

I confirm that the mobile phone present in the examination room was owned by me. I picked the mobile phone, cut the call I I received.

9. *Please provide me with all images and/or videos that you took of the above Referenced examination.*

I did not take any images or videos of the examination at any time. Therefore, I have no such images or videos to provide.

10. *Please explain if the images you took during the aforementioned FM examination were shared with any other person or any platform.*

I did not take any images during the FM examination. Therefore, no images were shared with any other person or platform.

11. *Please provide me with any other information you would like considered as part of this investigation.*

I would like to emphasize that throughout the examination, I acted with integrity and complied fully with all exam rules and regulations. I had no intention to gain any unfair advantage, and I cooperated fully with the proctors and exam authorities.

Furthermore, I request that the investigation consider the following:

- I did not take or share any images, videos, or unauthorized materials related to the examination.*
- I am willing to cooperate fully with the investigation and provide any additional information or clarification needed to establish the facts.*

I trust that a fair and thorough investigation will confirm my adherence to the examination policies.”

35. In Ms Punliya's email reply dated 08 July 2025 to ACCA's further questions she stated:

- “1. I confirm that my phone, which has a camera, was with me during the exam. I only picked it up to cut a call and did not use it for any other purpose. I realise this was against the rules and sincerely apologise.*
- 2. Yes, my phone has a camera and was present with me during the exam. Before the exam started, I placed it on the floor, but when I received a call, I picked it up and put it on the desk beside me. I apologise for any confusion and for not following the rules correctly.*
- 3. The call logs are no longer available on my phone, but I have already emailed my mobile provider to request them. As soon as I receive the details, I will share them with you.*

As I mentioned earlier, my hand [REDACTED]. I picked up the call quickly just to cut it, and that's when the photo was taken. I know this was a big mistake, but I assure you it won't happen again.

Sorry regarding these case I had never done these type of mistake again !!”

36. In a further response also dated 08 July 2025 Ms Pungliya stated:

“1. I confirm that my phone, which has a camera, was with me during the exam. I only picked it up to cut a call and did not use it for any other purpose. I realise this was against the rules and sincerely apologise.

2. Yes, my phone has a camera and was present with me during the exam. Before the exam started, I placed it on the floor, but when I received a call, I picked it up and put it on the desk beside me. I apologise for any confusion and for not following the rules correctly.”

37. In a further response to ACCA dated 21 July 2025 about finding proof of who had called her during the exam Ms Pungliya stated: *“As i consulted with customer care they didnt had the data too”.*

38. Further, in her completed Case Management Form Ms Pungliya stated:

“I admit that mobile phone was with me in the exam room and I picked up my phone to cut the phone call I received During the exam, The posture of the phone call was horizontal because one of my hands [REDACTED] and I was unable To pick up the mobile phone. Hearby i attach the [REDACTED] for your reference in point number 7.”

DECISION ON ALLEGATIONS AND REASONS

39. The Committee accepted the advice of the Legal Adviser. The Committee reminded itself that the burden of proving the case was on ACCA and had regard to the observation of Collins J in *Lawrance v General Medical Council* on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the ‘balance of probabilities’. The Committee reminded itself to exercise caution in relation to its reliance on documents. The Committee heard that there had been no previous findings against Ms Pungliya and accepted that it was relevant to put her good character into the balance in her favour.

Allegation 1 a)

Failed to adhere to ACCA's Exam Guidelines to 'move mobile phones... out of arm's reach' and/or possessed an item at her desk which was not on the list of permitted items in the Exam Guidelines, contrary to Exam Regulation 1.

40. The Committee was satisfied that Ms Pungliya was under a duty under the Exam regulations to keep mobile phones out of arm's reach and that the video recording clearly showed a mobile phone in Ms Pungliya's hands during the exam and it was therefore not out of arm's reach. It was clearly a mobile phone and as it was not out of arm's reach this was a breach of the examination guidelines and therefore a breach of Exam Regulation 1. Ms Pungliya also accepted this in her correspondence. Accordingly, Allegation 1 a) was proved.

Allegation 1 b)

Was in possession of and/or used an unauthorised item, namely a mobile phone with camera, during the Exam, contrary to Exam Regulation 5(a) and/or 5(b).

41. The facts of this allegation also appear to have been accepted by Ms Pungliya. She states she had a phone in her camera and that she used the phone – although the purpose was “to cut” or terminate a call. Further, the Committee had regard to the video footage and still images taken from it and was satisfied that ACCA had established that Ms Pungliya did use a mobile phone during her examination attempt. It was satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item was breached.
42. Accordingly, Allegation 1 b) was proved.

Allegation 1 c)

Used the above referenced unauthorised item to take photographs/recordings of the Exam content, contrary to Exam Regulation 13.

43. This allegation was clearly and repeatedly denied by Ms Pungliya in her extensive responses to ACCA during the investigation. The Committee had specific regard to her explanation and the video footage.

44. Ms Pungliya's account was:

"I admit that mobile phone was with me in the exam room and I picked up my phone to cut the phone call I received during the exam, The posture of the phone call was horizontal because one of my hand [REDACTED] and I was unable to pick up the mobile phone."

45. The Committee rejected this account as implausible. It also noted that it was inconsistent with an earlier occasion when she was shown on the video picking up the phone in a normal manner when the proctor had called at 6.14 minutes. From what the Committee could see on the video footage, it was satisfied that it was reasonable to infer that when she was holding the phone in landscape she was in fact taking a photograph of the computer screen as the positioning of the phone and her fingers was entirely consistent with this.

46. The Committee was therefore satisfied that Exam Regulation 5a prohibiting the use of an unauthorised item was breached. The Committee was satisfied that the evidence showed Ms Pungliya using her phone and that under Exam Regulation 6 there was a burden on her to prove that she did not use the phone to gain an unfair advantage. The Committee was satisfied that Ms Pungliya had not rebutted this presumption and not established that she had not intended to use the unauthorised item to gain an unfair advantage. Accordingly, Allegation 1 c) was proved

Allegation 2

Ms Pungliya's conduct as referred to in any or all allegations above:

a) Was dishonest in that the taking and/or retaining of photographs of live exam content could potentially assist her in the exam and/or in any resit of the same exam, and by her actions she sought to gain an unfair advantage in the exam and/or any resit of the exam within the meaning of Exam Regulation 6(b), or in the alternative:

b) Demonstrates a failure to act with integrity.

47. The Committee first asked itself whether Ms Pungliya's conduct was dishonest in that by using her mobile phone during the exam she intended to gain an advantage in the exam. The Committee asked itself what Ms Pungliya's belief was as to the facts - what was her state of mind as to the facts at the time. The Committee was satisfied that Ms Pungliya had confirmed before the exam started that she knew the Exam Regulations and knew that she should not have her mobile phone with her or use it during the exam or take photos. The Committee was fully mindful of the operation of the reverse burden under Exam Regulation 6 (b).
48. The Committee was satisfied on the evidence that Ms Pungliya was using her phone to cheat. It accepted that Ms Pungliya had confirmed to the Proctor that she had read the rules and therefore knew that the mobile phone was an authorised item. The Committee was satisfied that the use of this phone was not accidental and was intentional. The video footage shows Ms Pungliya holding the phone in a horizontal manner and then pressing the button, which is consistent with the taking of a photograph. A likely intention was to assist herself with future exams. It was satisfied that she intended to gain an unfair advantage. She had not rebutted the assumption that she intended to use it to gain an unfair advantage under Exam Regulation 6(b). The Committee concluded she was taking a photograph for nefarious reasons.
49. It was satisfied that this state of mind would be considered dishonest by ordinary decent people and therefore Allegation 2 b) was proved.
50. Given its finding on Allegation 2 a), the Committee did not need to go onto consider Allegation 2 b) which was an alternative.

3. By reason of any or all of her conduct, Ms Pungliya is:

- a) Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative:**

b) Liable to disciplinary action by virtue of bye-law 8(a)(iii) in respect of breaches of the exam regulations as set out in allegation 1 above.

51. The Committee next asked itself whether, having been dishonest, Ms Pungliya was guilty of misconduct. It noted the submissions of ACCA.
52. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. It was satisfied that Ms Pungliya's actions brought discredit on her, the Association and the accountancy profession. It was satisfied that cheating in a professional exam was deplorable conduct and reached the threshold of seriousness for misconduct. Being honest and trustworthy is a fundamental tenet of the accountancy profession. Her conduct therefore had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus the profession.
53. In the light of its judgment on misconduct, no finding was needed upon liability to disciplinary action. Accordingly, it was satisfied that Allegation 3 (a) was proved and the Committee did not consider the alternative of Allegation 3 (b).

SANCTIONS AND REASONS

54. The Committee noted its powers on sanction are those set out in Regulation 13(4). It had regard to ACCA's Guidance for Disciplinary Sanctions and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.
55. The Committee considered that the conduct in this case was very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any accountant.
56. The Committee identified only one mitigating factor:
 - Ms Pungliya was of previous good character with no previous disciplinary record

57. The Committee identified the following aggravating factors:

- No evidence of insight
- This was deliberate dishonesty for personal gain
- The conduct breached the trust placed in examinees undertaking professional exams remotely
- Potential damage to the examination system
- Potential to undermine the reputation of the profession.

58. Given the Committee's view of the seriousness of Ms Pungliya's conduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present and, in particular, there was no evidence of insight or remorse. The Committee had regard to Section E2 of the Guidance on Dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the Guidance for removal of Ms Pungliya and was satisfied that her conduct was fundamentally incompatible with her remaining on the register. The Committee was satisfied that only removal from the register was sufficient to mark the seriousness to the profession and the public of her conduct.

COSTS AND REASONS

59. ACCA claimed costs of £9,298 and provided a schedule of costs. The Committee had regard to ACCA's guidance on costs and the submissions of both parties on costs. It noted Ms Pungliya has not provided a statement of means and there was no documentary evidence as to any income and savings. The Committee decided that it was appropriate to award costs in this case, and considered the costs claimed to be reasonably incurred. The Committee considered it appropriate to make a reduction in the costs given the fact that the case took one day not two and less time than anticipated today. It concluded that given the information before it, the proportionate and appropriate amount of costs was £5,400. Accordingly, it ordered Ms Pungliya to pay ACCA's costs in the amount of £5,400.

EFFECTIVE DATE OF ORDER

60. The Committee was satisfied that it was in the interest of the public to make an immediate order. This was because of the continuing risk to the public presented by Ms Punliya from the potential risk of her sitting further exams if the order is not made immediate.

Andrew Gell
Chair
16 April 2026