

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Mohammed Salih S A
Heard on:	Wednesday, 25 February 2026 & Monday, 27 April 2026
Location:	Remotely via Microsoft Teams
Committee:	Ms Ilana Tessler (Chair) Mr Abdul Samad (Accountant) Mr Nigel Pilkington (Lay)
Legal Adviser:	Ms Valerie Charbit
Persons present and capacity:	Mr Samuel Irving (ACCA Case Presenter) Mr Mohammed Salih S A (Student Member) Ms Fahima S A (Mr Mohammed Salih S A's Sister) Miss Sofia Tumburi (Hearings Officer)
Summary	Removed from the Student Register
Costs:	Mr Mohammed Salih S A to pay £500 to ACCA

ACCA



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PRELIMINARY APPLICATIONS/SERVICE OF PAPERS

1. The Committee convened to consider three allegations. Mr Mohammed Salih S A was not legally represented, but he was represented by his sister Ms Fahima S A. Mr Mohammed Salih S A's native language is Malayalam. An interpreter was present to interpret for Mr Salih and his sister in Malayalam. Ms Fahima spoke English and Malayalam. Mr Mohammed Salih S A was located in [PRIVATE] and Ms Fahima was located in [PRIVATE].
2. Before the allegations were read by the Committee's Hearings Officer to Mr Salih, Mr Irving on behalf of ACCA applied for a typographical error to be amended in Allegation 3, to change the word "her" to "his". There was no objection to the proposed amendment by Ms Fahima S A on behalf of Mr Salih. The Committee allowed the amendment since there was clearly a typographical error and there was no prejudice to Mr Salih in allowing the amendment.
3. Mr Salih faced the following allegations:

Mr Mohammed Salih (Mr Salih), a student of the Association of Chartered Certified Accountants (ACCA):

1. During an FFA Financial Accounting examination taken on 12 February 2025:
 - a) Failed to promptly comply with the Intervention Specialist's request to conduct a pan of the room contrary to exam regulation 2.
 - b) Failed to comply with Exam Regulation 15 which requires that candidates must not whisper or speak out loud during the exam or communicate or attempt to communicate with any person, or permit another person to communicate with them, other than the exam supervisor(s), invigilator(s) or remote invigilator(s) or proctor(s).
 - c) Failed to prevent another person from entering the room in which he was sitting the exam contrary to Exam Regulation 19.
2. The conduct referred to in Allegation 1 above, or any of it, was:

- a) Dishonest, in that Mr Salih intended to gain an unfair advantage in the exam attempt and/or to assist others in the exam and/or a future exam and/or to mislead or provide false information to the proctor; or in the alternative:
 - b) Such conduct demonstrates a failure to act with integrity.
3. By reason of any or all of his conduct, Mr Salih 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), in respect of the allegations above.
4. The Committee had before it a Service bundle numbering 15 pages, a Disciplinary Committee Report and Bundle numbering 94 pages, a Tabled Additional Bundles numbering 24 pages, an Account Statement numbering 8 pages and a further Tabled Additional Bundles numbering 4 pages (the adjournment decision from the last hearing) and an Examination video.
5. Mr Salih admitted Allegation 1(a).
6. Mr Salih denied Allegations 1(b), 1(c), 2(a), 2(b).

BRIEF BACKGROUND

7. The Allegations related to Mr Salih's conduct during an on-demand remotely invigilated FFA Financial Accounting exam (the exam) on 12 February 2025.
8. Mr Salih became an ACCA registered student on 09 August 2023. Mr Salih's exam history is set out in the bundle. He had passed one exam and failed two others.
9. On 12 February 2025, Mr Salih sat the exam and as part of the exams booking process, and immediately before the commencement of the exam, Mr Salih would have agreed to ACCA's terms and conditions on sitting exams remotely. This would have included the Information Sheet for On-Demand CBE Students

sitting exams at home (the Student Information Sheet) which contains the Examination Regulations and Guidelines, and the CBE announcements.

10. A referral was made to ACCA's Professional Conduct Department in respect of irregular conduct identified by a proctor during the on-demand remotely invigilated FFA examination held on 12 February 2025. As part of the investigation, documents and video footage relating to Mr Salih's exam were produced by ACCA.
11. ACCA relied on various key incidents during the exam video which were set out in a schedule. Essentially, they identified various points in the video in which ACCA alleged that Mr Salih communicated through whispering with another person who then whispered a reply to him before he answered each question. This person was alleged to be in the room with him based on various points in the video in which shadows appear on the wall behind Mr Salih. ACCA said that Mr Salih did this with the intention to cheat during the exam.
12. ACCA alleged that in the video there were sounds of whispering by Mr Salih and another person as well as shadows which were indicative of another person being present. ACCA relied on the fact that whispering and the shadows were not heard or present during the first part of the examination, before Mr Salih starts attempting the exam questions. Mr Irving submitted that on twelve occasions throughout the period of the exam there were examples of Mr Salih speaking, another voice whispering, seemingly in response, and Mr Salih then selecting an answer to a question.
13. Mr Irving also drew the Committee's attention to other examples which were not in the log:
 - i) In which Mr Salih was coughing. He submitted coughing was relevant when considering the context of Allegation 2 which was to cover up whispering by another person;
 - ii) When the examination was terminated, Mr Salih was seen looking upwards to his left as though communicating with someone else.

14. On 13 February 2025 ACCA's Professional Conduct's Administration team notified Mr Salih that a complaint had been received in connection with the exam and would be allocated to an Investigations Officer.
15. On 14 February 2025, Mr Salih responded to the above stating; *"I would like to reiterate that I was alone in the room during the exam and fully complied with the examination guidelines. I also showed my full room twice to the invigilators as required and I am unaware of how the reported incident occurred, as I took all necessary steps to ensure compliance"*.
16. On 26 February 2025, the Assessment & Investigations Manager responded to a chasing email from Mr Salih providing the extract from the proctor's report and asked a series of questions about the exam, Mr Salih responded to the above on 27 February 2025, stating *"I would like to categorically deny speaking aloud during the exam"*. He went on to state *"I am unsure what the proctor may have heard, but I assure you that I did not intentionally make any sounds. However, I believe the sounds heard might be quietly whispering or mouthing words to myself while reading. This is a habit that helps me concentrate, especially during complex questions. I suspect it might be misinterpreted as speaking aloud"*

"I was not communicating with anyone else during the exam. I was alone in the room and I showed the room twice to the invigilators. However, I would like to mention that I live in a residential area near a main road, and it's possible that external noises from neighboring rooms, houses or traffic may have been misinterpreted"

"The shadow behind me might have been caused by the movement of the curtains due to the outside wind or blinds in the room, which were not fully closed. It might be the sunlight streaming through the window could have created a shadow on the wall"

"I would like to reiterate that I took all necessary steps to ensure compliance with the examination guidelines and regulations. I am confident that a thorough investigation will confirm that I did not engage in any misconduct or cheating during the exam."

17. On 12 March 2025, Mr Salih again requested an update stating *“I would like to reiterate that time is of the essence, as I need to prepare for the upcoming June session exams. The uncertainty surrounding this issue is causing me significant distress and impacting my ability to focus on my studies”*.
18. Mr Salih again requested an update on 20 March 2025 expressing concern *“about the delay in resolving this matter. It has now been almost a month since the incident, and I have not received a final response or update on the matter”*.
19. On 28 March 2025 ACCA wrote to Mr Salih at his registered email address and asked a series of follow-up questions about the exam footage.
20. On 01 April 2025, Mr Salih stated, as follows:

“I did not allow any individual into the room during my exam, nor did I receive any assistance. I am confident that the exam was completed independently, adhering to all regulations. Any perceived breach may be attributed to a misunderstanding or technical issues, and I assure you that I followed the exam regulations in full.”
21. Mr Salih’s fuller response to the allegations was given in an email dated 01 April 2025. In summary he stated that the sounds identified by ACCA were due to technical errors or glitches in the recording system or sounds that can occur in a computerised environment or due to the fact they were from the residential area which is located in a busy neighbourhood with surrounding houses traffic and other environmental noise. He also stated that the shadows were likely due to the movement of curtains or a fan in the room. He denied that there were any individuals in the room, and he said he did not receive any external assistance during the exam.
22. ACCA also produced “the chat” during which various instructions were given by the invigilator on the day including that the questions should not be read aloud.

ACCA’s case

23. ACCA relied on its Examination Regulations:

Regulation 2 states:

You are required to promptly comply in all respects with any instructions issued by ACCA, the exam supervisor(s), invigilator(s), remote invigilator(s), proctor(s), or any ACCA personnel before, during and at the conclusion of an exam.

Regulation 15 states:

Candidates must not whisper or speak out loud during the exam or communicate or attempt to communicate with any person, or permit another person to communicate with them, other than the exam supervisor(s), invigilator(s) or remote invigilator(s) or proctor(s). This includes from the time that you log into the remote proctoring platform until 5 minutes after the time that you submit your exam, or your exam is terminated.

Regulation 19 states:

If you are taking a Remotely Invigilated Exam, no one else is permitted in the room in which you are sitting your exam. This includes from the time that you log into the remote exam platform until 5 minutes after the time that you submit your exam, or your exam is terminated.

24. Further, ACCA replied on the Exam Guidelines (applicable 2025)
- If any other person is detected as being present in your physical location, whether visible or not; or overheard in any manner, whether physically detected through movement and/or sound, irrespective of whether or not they are in your current location during your exam, your exam may be terminated and you may be reported to ACCA.
 - Do not whisper or read out loud any of the exam content.
25. ACCA submitted that the Committee could infer the presence of another person in the room with Mr Salih and that Mr Salih was communicating with that person during the examination.
26. Mr Irving submitted that Mr Salih's explanation that the whispering is "*due to technical errors or glitches in the recording system*" or that it was from outside noise is not consistent with the footage. No whispering sounds could be heard

during the setup period or whilst Mr Salih was conducting a pan of the room at the request of the Intervention Specialist, though during the delay between the request and Mr Salih actually complying with the same, the whispering is heard repeatedly.

27. Similarly, Mr Irving submitted that the explanation for the shadows is not consistent with the footage. Mr Salih said that they are "*caused by the movement of curtains in the room....and the fan*", but the shadows are not seen during the setup period or during the pan of the room at the request of the intervention specialist.
28. ACCA submitted that Mr Salih was dishonest in that he sought to gain an unfair advantage in the exam by reading the exam questions out loud and only answering them after a third-party present in the room replied.
29. Further, Mr Salih had accepted that he delayed in providing a room pan for the exam intervention specialist. ACCA submitted that this was deliberate on the part of Mr Salih and was designed to avoid the intervention specialist detecting the third party in the room with him during the exam.
30. Accordingly, ACCA alleged that such action was dishonest or alternatively a failure to act with integrity, and that if found proved by the Committee, such behaviour amounted to misconduct.

Mr Salih's case

31. Mr Salih gave evidence in which he said that the shadows were caused by the curtains because it was so hot. He said the windows were open and shadows were caused by the wind and unusual weather in [PRIVATE]. He said that the noises were from outside. He said that other members of his family were in the same home but in another room and they and his neighbourhood knew he was taking an exam so they would have been whispering. He said he was reading the words from the exam out loud because he was very stressed during the exam. He said he looked up to the left at the end of the exam because he was very stressed. He said he coughed because he had a sudden urge to cough.
32. Mr Salih accepted that there were no shadows or whispering during the first 14 minutes of the video before he started to answer questions but he said the

sounds were not picked up by the video during that time. He agreed he had been instructed by the invigilator not to read the questions out loud. He said he was not doing so but that he was very quietly speaking to himself. He said he was reading a word from the exam paper and then translating it by saying it out loud. He denied there was anyone else in the room or that they were whispering to him. He accepted that on the video recording the pitch and volume of the sounds that could be heard were the same. He denied whispering first and then someone else whispering to him so he could answer the exam question. He maintained that if what he was saying on the video could not be understood then he was not cheating as alleged. He said the reason he took two and a half minutes to respond to the invigilator asking him to pan around the room was because he panicked. He denied looking at another person in the room at the end of the video. He denied cheating.

33. Ms Fahima S A submitted on Mr Salih's behalf that this was all evidentially a coincidence. She said that Mr Salih had waited a long time for this hearing which he would not have done if he had been cheating. She submitted that shadows and inaudible whispering were not sufficient as evidence to persuade the Committee that Mr Salih had cheated. She submitted that the shadows were from the erratic weather in [PRIVATE]. She said that her brother's reaction at the end of the video was a natural reaction to what had happened.

DECISION ON FACTS/ALLEGATIONS AND REASONS

34. The Committee heard evidence from Mr Salih and submissions from both Mr Irving and Ms Fahima S A. It considered all of the evidence it heard including the video footage and the submissions before making its decision.

Allegation 1(a)

35. Since Mr Salih admitted Allegation 1(a) at the start of the hearing, the Chair announced that Allegation 1(a) was proved on the basis of his admission.

Allegation 1(b) and 1(c)

36. The Committee noted that Mr Salih did not maintain that the whispering noises were due to technicalities arising from the recording. However, it did not consider this inconsistency to be significant.

37. The Committee was satisfied that another person was in the room with Mr Salih during the examination. It concluded that this was the case on the basis of whispering heard (which was not Mr Salih) and which it did not accept could have come from outside. It found it unlikely that a whispering noise from outside or from another room behind a closed door, would be picked up by the microphone of the computer Mr Salih was using for his exam. It also concluded that the microphone was unlikely to pick up the sound of whispering if it was outside or in another room. Further it noted that the coughing by Mr Salih appeared to be to cover up another noise most likely another person in the room.
38. The Committee was also satisfied that there were shadows on the video footage. It rejected Mr Salih's evidence that this was due to the sunlight or curtain moving as it was more consistent with the shadow of a person. It found Mr Salih's explanations about the shadows being due to the weather outside to not be credible given the shape of the shadow. The Committee also concluded that the shadows were likely to be from that other person and in one instance the shadow was in the form of a person.
39. The Committee therefore concluded from the whispering that did not come from Mr Salih and from shadows that were visible on the footage that it was likely there was another person in the room.
40. The Committee accepted Mr Salih's point that it could not hear (or interpret) what Mr Salih was saying when he was whispering. However, Mr Salih had conceded when he gave evidence that he was translating from English to Malayalam words that he was reading from the exam paper so it would not be possible for the Committee to understand the whispering. It was therefore evident to the Committee that Mr Salih was whispering words for another person to hear. It noted that he had agreed to the exam integrity policy which included "Speaking/reading aloud during the exam is not permitted" at the start of the exam. It further noted that he had continued to do so even after the proctor had told him not to and in contravention of Exam Regulation 15. The Committee decided that it was likely Mr Salih was whispering words from the exam paper to another person in the room to cheat and that he had breached Exam Regulation 15.

41. The Committee accepted the evidence from ACCA that after Mr Salih whispered words, other whispering then took place from another person before he answered the questions and that this pattern happened 12 times for each of the questions he answered. The Committee also accepted ACCA's evidence that only after whispering took place did Mr Salih answer a question.
42. Finally, the Committee considered that at the end of the video, another voice could be heard just as Mr Salih looked up towards his left just before the exam was terminated. It concluded at that point, it was likely that Mr Salih was looking at the other person in the room.
43. The Committee also accepted ACCA's case in that there was whispering from Mr Salih and then whispering from someone else in the room followed by Mr Salih answering an exam question.
44. The Committee therefore found Mr Salih to have breached Exam Regulations 2,15, and 19.
45. Accordingly, it found Allegations 1(b) and 1(c) proved.
46. The Committee was further satisfied that the delay by Mr Salih in panning the room for the intervention specialist when requested to do so was because he was trying to avoid the other person being seen. It therefore rejected his explanation for his admission in relation to Allegation 1(a) as explained by panic.

Allegation 2(a)

47. The Committee went on to consider Allegation 2(a). It had decided that Mr Salih was whispering to another person in the room, who was also whispering to him and that this went on before he answered each question, and that he was doing so in order to cheat in the exam. The Committee was therefore satisfied that Mr Salih knew he was cheating and that ordinary, decent people would consider such conduct to be dishonest. It therefore found that the conduct in relation to Allegation 1(a),(b) and (c) was dishonest in accordance with the test for dishonesty set out in the cases of Ivey v Genting Casinos [2017] UKSC 67 at para 74 and R v Barton and another [2020] EWCA Crim 575.

48. Accordingly, the Committee found Allegation 2(a) proved. Since it had found Allegation 2(a) proved it did not go on and consider Allegation 2(b) as that was an alternative allegation.

Allegation 3(a)

49. The Committee was satisfied that all of the conduct it had found proved cumulatively amounted to misconduct. It decided that cheating in an ACCA exam in breach of three of the Exam Regulations was conduct which fell far below the standard to be expected of an ACCA student. It was therefore satisfied that this amounted to misconduct. It further noted that such conduct is discreditable to both Mr Salih and ACCA as a regulator of accountancy students.

SANCTION AND REASONS

50. The Committee went on to consider what if any sanction to impose in respect of the matters it had found proved. It took into account ACCA's Guidance for Disciplinary Sanctions (updated on 10 February 2026) (GDS). It also took into account the submissions made by Ms Fahima S A and Mr Irving.
51. Mr Irving confirmed that Mr Salih had no disciplinary findings against him.
52. Ms Fahima S A submitted that any sanction imposed would have an adverse effect on Mr Salih's family because he would no longer be able to obtain a good job.
53. Aside from Mr Salih's admission to Allegation 1(a), the Committee determined that the fact that Mr Salih had not shown any insight or remorse is an aggravating factor. It also considered that Mr Salih's dishonesty was planned and undermined the integrity of the exam process in that he could have passed an exam which he might otherwise not have passed and therefore would not have been properly qualified.
54. The Committee found the following mitigating factors:
- Mr Salih had admitted Allegation 1(a)
 - Mr Salih had no previous disciplinary findings against him

- The charges related to one isolated incident.
55. The Committee also took into account in Mr Salih's favour the fact that he had engaged with the disciplinary process and had attended all the hearings.
56. When considering the GDS, the Committee took into consideration the factors appropriate for each sanction and the section in the GDS in relation to dishonesty -E2. It noted that it said that *"the public is entitled to expect a high degree of probity from a professional who had undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in difficult circumstances. It is a cornerstone of the public value which an accountant brings. The Committee should bear these factors in mind when considering whether any mitigation presented by the member is so remarkable and exceptional that it warrants anything other exclusion from membership or removal from the student register."*
57. The Committee considered the sanctions available to it in increasing order of severity. It decided that due to the seriousness of the matters it had found proved that an order was necessary and that the sanctions of Admonishment or Reprimand were insufficient to meet the public interest and to protect the public. Neither sanction would adequately reflect the seriousness of the Committee's findings.
58. The Committee took into consideration 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 accountancy profession and in ACCA, and to declare and uphold proper standards of conduct and performance. It decided that for a student to cheat in an examination by relying on another person present was pre-planned behaviour which undermined the examinations process. Having determined that Mr Salih had acted dishonestly the Committee was satisfied that even taking into consideration the mitigating factors that a sanction of a Severe Reprimand was insufficient to meet the public interest. It found nothing so remarkable or exceptional within Mr Salih's mitigation that allowed him to be sanctioned for these charges by way of a Severe Reprimand.
59. The Committee was satisfied that the conduct found proved was fundamentally incompatible with remaining on the register as a student member and that

accordingly Mr Salih should be removed from the Student Register. It decided that this was the only appropriate and proportionate sanction taking into account both the aggravating and mitigating factors.

COSTS AND REASONS

60. The Committee had been provided with a Simple Costs Schedule (1 page) and a Detailed Costs Schedule (2 pages). In addition, it had a statement of means for Mr Salih, a bank statement of Mr Salih and written submissions about the effect any financial order would have on Mr Salih and his family.
61. The Committee took into account ACCA's Costs Guidance. It decided that ACCA had properly brought the case against Mr Salih. It also took into account the submissions made by Mr Irving that the costs could be proportionately reduced if the Committee determined that the hearing today did not last a full day. Further he indicated that preparation costs for the Case Presenter for each hearing involved both attendance and preparation.
62. Ms Fahima S A submitted that any costs order would have an adverse effect on Mr Salih and his family [PRIVATE]. She submitted that Mr Salih was not earning at this time.
63. The Committee noted that ACCA were claiming £13,906 for the costs of the hearing. It decided that due to Mr Salih having limited financial means it therefore decided to reduce the costs order payable by Mr Salih to ACCA to an amount of £500. It decided that it was reasonable and proportionate for Mr Salih to pay something towards the costs of the hearing and that £500 was a reasonable amount taking into account his financial circumstances.

EFFECTIVE DATE OF ORDER

64. Mr Irving did not invite the Committee to make an immediate order. The Committee determined that since Mr Salih was not working that as a student member he posed a limited risk to the public during any appeal period. The Committee therefore decided that its orders would come into effect at the conclusion of the appeal period of 21 days.

**Ms Ilana Tessler
Chair
27 April 2026**