

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Jitendra Sah

Heard on: Wednesday, 18 February 2026

Location: Remote link via Microsoft teams

Committee: Dr Mike Kelly (Chair),
Dr David Horne (Accountant)
Ms Diane Meikle (Lay)

Legal Adviser: Mr Alastair McFarlane

Persons present

and capacity: Ms Holly Girven (Case Presenter on behalf of ACCA)
Miss Nicole Boateng (Hearings Officer)

Outcome: Removal from the student register and costs awarded to
ACCA in the sum of £5,128.

1. ACCA was represented by Ms Girven. Mr Sah did not attend and was not represented. The Committee had before it a Bundle of papers, numbered pages 1 – 81, a video recording of the exam, and a Service Bundle numbered pages 1 – 15.

SERVICE

2. Having considered the Service Bundle, the Committee was satisfied that notice of the hearing was served on Mr Sah in accordance with the Complaints and Disciplinary Regulations 2014 (“CDR”).

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Ms Girven 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 following the service of the Notice of Hearing on 20 January 2026, there was no response from Mr Sah. Further, on 6 February 2026 the Hearings Officer had attempted to telephone Mr Sah on the telephone number he had registered with ACCA in an attempt to ascertain if Mr Sah would be attending. Although the call was answered, no successful contact was made with Mr Sah and the call was ended by the recipient abruptly. The Hearings Officer sent a further chasing email on the same date – 6 February 2026 and a further email on 17 February 2026 containing the remote link. There was no response to any of the emails sent by the Hearings Officer.
6. 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 noted that there had been no response from Mr Sah at all. The Committee specifically considered the issue of fairness to Mr Sah of proceeding in his 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 that Mr Sah had voluntarily waived his right to attend the hearing. The Committee was not persuaded that any adjournment was likely to secure his attendance at a future date.

7. The Committee was satisfied that Mr Sah had been given every opportunity to engage and participate in the proceedings and had 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 Mr Sah.

ALLEGATIONS

Mr Jitendra Sah an ACCA student:

1. On 10 April 2023, during a remotely invigilated Business and Technology (FBT) exam (“the exam”) session:
 - (a) Caused or permitted a third party or parties to be present with him in the same room where he sat the exam contrary to Examination Regulation 20;
 - (b) Spoke out loud and or communicated or attempted to communicate with the third party or parties referred to in Allegation 1(a) above contrary to Examination Regulation 16;
2. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Mr Sah failed to co-operate with the investigation of this complaint, in that he did not respond to any or all of ACCA’s correspondence sent on:
 - (a) 19 May 2023;
 - (b) 16 June 2023;
 - (c) 10 July 2023 and
 - (d) 2 August 2023
3. By reason of his conduct, Mr Sah 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).

BACKGROUND

8. Mr Sah became an ACCA student on 11 February 2021.
9. On 10 April 2023, Mr Sah was attempting to sit his online Business and Technology examination. As part of the exams booking process, and immediately before the commencement of the exam, Mr Sah agreed to ACCA's terms and conditions on sitting exams remotely. This 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 CBE announcements.
10. During the exam the Proctor (online invigilator) noted a number of concerning behaviours which after Mr Sah's exam ended, were reported to ACCA. The Proctor's incident report states:

“During the session, the test taker looked off screen while the exam was in progress. This behaviour occurred 01:56:59 of the session recording. Also, another person can be heard whispering to the test taker. This is observable at 02:25:41 of the session recording. The proctor notified an intervention specialist, however, the test taker already submitted the exam before the intervention specialist could join the session. Based on the proctor observations and [PRIVATE] 's experience with cases of a similar nature, there is a possibility that the academic integrity of this exam has been breached.”

11. An investigation was commenced. Mr Sah has not provided any response to the correspondence sent to him during the course of the investigation. All emails were sent to Mr Sah at an email address he registered with ACCA. This email address has not changed throughout the course of the investigation. None of the emails have been returned or bounced back into ACCA's case management system.
12. On 14 April 2023, ACCA's CBE Delivery Team sent an email to Mr Sah at his registered email address. They informed him of the Proctor's incident report, that his conduct may have breached ACCA's examination regulations and/or guidelines and explained that as a result the matter would be referred to ACCA's Professional Conduct Department.

13. On 19 May 2023, ACCA sent a letter by email, to Mr Sah's registered email address, setting out the allegations and evidence before ACCA and asking him a series of questions, in order for ACCA to investigate the complaint (pages 34-40). The video footage of the exam was sent to Mr Sah's registered email address on 19 May 2023. He did not acknowledge receipt of the email, letter and video footage.
14. As ACCA had not received a response from Mr Sah to their letters of 14 April 2023 and 19 May 2023, ACCA wrote a password protected email to Mr Sah, on 16 June 2023. In this email, ACCA requested that Mr Sah provide his response to the allegations raised against him and the questions asked of him and he was referred to ACCA's Complaints and Disciplinary Regulation 3(1) which states that he (as an ACCA student) is required to co-operate with this investigation and that a failure or partial failure to do so, may render him liable to disciplinary action. ACCA also attempted to contact Mr Sah, on 16 June 2023, using the telephone number ACCA held on its database for him. Unfortunately, the phone call did not connect and there was no facility to leave a message.
15. ACCA wrote to Mr Sah on 10 July 2023, enclosing a further copy of ACCA's letter dated 19 May 2023, again asking him to respond to the questions set out in ACCA's letter to him dated 19 May 2023 and advising him that as a consequence of his failure to co-operate with the investigation, an allegation under Complaints and Disciplinary Regulation 3(1) would be raised against him if ACCA did not receive a satisfactory response from him. ACCA also attempted to contact Mr Sah, on 10 July 2023, using the telephone number ACCA held on its database for him. Unfortunately, the phone call did not connect and there was no facility to leave a message. Mr Sah failed to provide a response to ACCA. ACCA wrote to Mr Sah by email again, on 2 August 2023, asking him to respond to all the previous emails and letters to him. ACCA also attempted to contact Mr Sah using the telephone number ACCA held on its database for him on 2 August 2023. The phone call did not connect and there was no facility to leave a message. As part of the investigation, the video footage relating to Mr Sah's exam and documents including a translation of the video footage have been obtained. A review of the video footage and translation, from the exam has revealed before the exam started, a third party entered the testing area

while the exam set-up was active. Further, during the exam Mr Sah can be seen looking off-screen, a hand (that does not appear to be his) appears in a frame of the video footage and Mr Sah appears to mouth and say words out loud on a number of occasions throughout the exam and following his exam being submitted, Mr Sah can be heard speaking with a third party, in the testing area. Mr Sah has failed to provide a response to the allegations and the questions put to him in this investigation.

16. The key incidents from reviewing the video footage and screen recording and translation of Mr Sah's exam are set out in the chronology as follows:

- *00:02:10-00:02:59 – a third party can be seen in the testing area and is heard speaking with Mr Sah and the curtains/blinds in the testing area appear to be opened and closed. They are both speaking in Hindi throughout their exchanges.*
- *00:10:00-00:11:10 – whilst Mr Sah is plugging something in, a third party's voice can be heard.*
- *00:12:24-00:13:10 – Mr Sah leaves his desk to find something the proctor has asked for and can be heard knocking on a door, calling someone's name and talking to someone.*
- *00:14:10 – 00:14:30 - Mr Sah can be heard talking indistinctly to a third party (pages 57).*
- *00:24:09 – Mr Sah appears to begin his exam.*
- *00:26:00 – 00:26:50 – Mr Sah appears to be talking out loud though it seems to be that he is reading off the screen.*
- *00:30:00 – 00:30:13 Mr Sah says something out loud and looks quickly to his right-hand side.*
- *01:17:51 – 01:18:25 – Mr Sah appears to mouth words but there is no sound of him talking out loud.*

- *01:23:42 – a hand appears at the bottom left-hand side of the screen with a palm upward and it is not clear if it is Mr Sah’s hand or a third parties.*
- *01:33:10 to 01:36: 59 – Mr Sah’s arm stretches out to his left-hand side and he keeps looking down to his left hand side, paper can also be heard being moved.*
- *01:56:40-49 – Mr Sah moves his head closer to the monitor and toward his left-hand side and appears to pull something with his left hand.*
- *01:57:00-55 – Mr Sah keeps looking to his left-hand side.*
- *02:20:50 – the exam appears to end.*
- *02:25:30 – 02:33:37 - Mr Sah can be heard talking to the proctor and then a third party and rips up his scratch paper.*

ACCA’S SUBMISSIONS

17. ACCA submitted that the allegations are capable of proof by reference to the evidence in the video footage and documents.
18. Mr Sah has not responded to any of ACCA’s correspondence throughout the course of the investigation and has not provided any response to the allegations and the questions asked of him. ACCA submits that in failing to respond to the requests of ACCA, Mr Sah has breached Complaints & Disciplinary Regulation 3(1).
19. Mr Sah is under a duty to co-operate, and therefore respond to ACCA’s investigation correspondence, in which he was asked for a response to allegations raised against him. ACCA contend that the failure is particularly serious as Mr Sah has not explained why he permitted and communicated with a third party during his exam session, despite having been advised in the Exam Regulations and Exam Guidelines that this was not permitted. These remain unanswered due to Mr Sah’s failure to cooperate. In addition, questions regarding why he kept looking away from his screen to his left-hand side, what he and the third party were saying and the reasons for their communication

have not been answered. ACCA submitted that such conduct in a professional exam clearly reached the threshold for misconduct. There was an alternative liability to disciplinary action.

20. Further, ACCA contended that Mr Sah's non-responses amounted to a breach of the duty on students to cooperate with their regulator and that this was also sufficiently serious to amount to misconduct. ACCA submitted that owing to Mr Sah's failure to co-operate, ACCA have not been able to fully investigate this serious matter. Mr Sah's conduct during the exam appears to have been deliberate and intentional. The requirement to cooperate with one's regulator must be complied with to ensure there is no opportunity for a student sitting an exam to gain an unfair advantage in the exam. Mr Sah's failure to co-operate with ACCA is therefore a matter of misconduct.

MR SAH'S SUBMISSIONS

21. Mr Sah has not made any response to, or any submissions in respect of ACCA's case.

DECISION ON ALLEGATIONS AND REASONS

22. The Committee accepted the advice of the Legal Adviser. The Committee reminded itself that the burden of proving the case was on ACCA. 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.

Allegation 1

On 10 April 2023, during a remotely invigilated Business and Technology (FBT) exam ("the exam") session:

- (a) Caused or permitted a third party or parties to be present with him in the same room where he sat the exam contrary to Examination Regulation 20;

- (b) Spoke out loud and or communicated or attempted to communicate with the third party or parties referred to in Allegation 1(a) above contrary to Examination Regulation 16;
23. The Committee was satisfied that the video recording clearly showed that a third party was present in the same room. The video indicated at differing times the corner of a face and a hand of another person. This was a breach of the examination guidelines and therefore a breach of Exam Regulation 20. Accordingly, Allegation 1a) was proved.
24. The Committee was satisfied that this allegation was proved by the evidence of the video in which Mr Sah can be heard speaking to a third party in the room. The transcript of the conversation supported this. The speaking had also been pointed out to Mr Sah by the remote proctor.
25. The Committee was satisfied that this conduct was contrary to Exam Regulation 16. Accordingly, Allegation 1b) was proved.

Allegation 2

Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014 (as amended), Mr Sah failed to co-operate with the investigation of this complaint, in that he did not respond to any or all of ACCA's correspondence sent on:

- (a) 19 May 2023;
 - (b) 16 June 2023;
 - (c) 10 July 2023 and
 - (d) 2 August 2023
26. The Committee was satisfied that under paragraph 3(1) of the Complaints and Disciplinary Regulations 2014; there was an obligation on Mr Sah to cooperate fully with ACCA in the investigation of any complaint. It accepted the documentary evidence that showed attempts were made by ACCA to contact Mr Sah. However, Mr Sah made no response to ACCA's correspondence requesting his cooperation on 19 May 2023, 16 June 2023, 10 July 2023 and 2 August 2023. It was satisfied that Mr Sah had a duty to respond under

Regulation 3(1) and that his lack of response amounted to a breach of the duty on him and was therefore a failure. Accordingly, Allegation 2 was proved.

Allegation 3

By reason of his conduct, Mr Sah 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).

27. The Committee next asked itself whether the proven conduct amounted to misconduct.
28. 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 Mr Sah's actions brought discredit on him, the Association and the accountancy profession. It was satisfied that breaching the exam regulations by having a third-party in the room and speaking to that third-party had the potential to undermine the integrity of ACCA's examination system and public confidence in those taking the examinations and thus was deplorable conduct and reached the threshold for misconduct.
29. Further, the Committee was satisfied that a failure to co-operate with the regulator was very serious as it undermined the ability of the regulator to regulate the profession and amounted to misconduct.
30. 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 did not consider the alternative of Allegation 3(b).

SANCTIONS AND REASONS

31. The Committee noted its powers on sanction were 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.

32. 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. Complying with exam regulations in a professional exam was fundamental requirement of any student accountant. Similarly, not co-operating with your regulator was a very serious failing.
33. The Committee identified only one mitigating factor:
- Mr Sah was of previous good character with no previous disciplinary record.
34. The Committee identified the following aggravating factors:
- No evidence of insight;
 - The conduct breached the trust placed in examinees undertaking professional exams remotely;
 - Potential damage to the examination system; and
 - Potential to undermine the reputation of the profession.
35. Given the Committee's view of the seriousness of Mr Sah'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. It considered the factors listed at C5 of the Guidance for removal of Mr Sah and was satisfied that his conduct was fundamentally incompatible with 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.

COSTS AND REASONS

36. ACCA claimed costs of £5,803 and provided a Schedule of costs. The Committee had regard to ACCA's guidance on costs and the submissions of

ACCA on costs. It noted Mr Sah 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 some reduction in the costs given the fact that the case took less time today than anticipated. It concluded that given the information before it, the proportionate and appropriate amount of costs was £5,128. Accordingly, it ordered that Mr Sah pay ACCA's costs in the amount of £5,128.00.

EFFECTIVE DATE OF ORDER

37. The Committee was not satisfied that it was in the public interest to make an immediate order as Mr Sah was a student member and was mindful of the age of the conduct.

Dr Mike Kelly
Chair
18 February 2026.