

THE DISCIPLINARY TRIBUNAL
OF THE TAXATION DISCIPLINARY BOARD

TDB/2025/06

THE TAXATION DISCIPLINARY BOARD

TDB

– and –

MS CHARLOTTE BEAN
(ATT Student Number 282314)

Defendant

Date of Hearing 11 and 16 June 2025
Venue Virtual using Microsoft Teams

Tribunal Members

Legally Qualified Chair Jacqueline Findlay
Professional Member Abdul Nabi
Lay Member Mac McCulley

Taxation Disciplinary Board (“TDB”)

Case Presenter Guy Micklewright, Counsel
Witness Matthew Spiller, Student Services
Officer
Tribunal Clerk Nigel Bremner

Member In attendance

DECISION AND REASONS

Introduction

1. The Disciplinary Tribunal (“the Tribunal”) of the TDB sat remotely on 11 and 16 June 2025 to hear charges brought by the TDB against the Defendant, Ms Bean,

a student member of the Association of Taxation Technicians (“ATT”). There was insufficient time to complete the hearing on 11 June 2025, so Tribunal reconvened on a second day.

2. The following abbreviations are used in this Decision:

The “CIOT” means the Chartered Institute of Taxation;

The “ATT” means the Association of Taxation Technicians;

The “Regulations” means the Taxation Disciplinary Scheme Regulations 2014 (as amended November 2016 and January 2024);

“PRPG 2018” means the Professional Rules and Practice Guidelines effective from 9 November 2018 (updated 2021);

The “ISG” means the Indicative Sanctions Guidance as revised.

3. The Tribunal had regard to a main bundle (“MB”) of 131 pages, a supplementary bundle (“SB”) of 15 pages, On-table papers (15 pages), additional documents relating to the application for costs and post-hearing a witness statement from Ms Vicky Purtill, ATT’s Director of Education, dated 19 June 2025 and a transcript of Ms Purtill’s evidence given on 24 July 2025.
4. The Tribunal considered the provisions of Regulation 14 had been complied with. The Defendant confirmed she was content to proceed with the hearings without representation and by MS Teams. The Tribunal found no injustice in so doing.
5. The Tribunal heard a submission from Mr Micklewright and oral evidence from Mr Spiller and the Defendant.
6. The case was determined over two days on 11 and 16 June 2025, and the decision of the Tribunal was given orally. Post-hearing the TDB filed a witness statement made by Ms Purtill, ATT’s Director of Education, dated 19 June 2025 which was issued to the Defendant. The Defendant was sent a copy of the witness statement and given the opportunity to make comments. The Defendant declined to make any comments.

7. Post-hearing further cases with issues similar to this case came before the Tribunal. In one of these cases the Tribunal received oral witness evidence from Ms Purtill relating to the witness statement she had provided. This oral evidence was not before the Tribunal when determining this case. The Defendant was provided with a transcript of Ms Purtill's evidence on 24 July 2025 to enable her to consider whether or not there was anything contained in that oral evidence upon which the Defendant wished to make comment or whether in the light of Ms Purtill's evidence the Defendant might have presented her defence in a different manner. The Defendant was invited to make representations to the TDB by no later than 8 August 2025. The Defendant made no representations.
8. The Tribunal was of the view that the witness statement of Ms Purtill and her oral witness evidence would have made no difference to its decision had it been available at the hearing taking into account the evidence from Mr Spiller. The Tribunal have proceeded on the basis that the Defendant does not wish her case to be revisited.

Preliminary Matters

9. Mr Micklewright applied to amend Charge 1 and Charge 2 by replacing the reference to the ATT Code of Conduct with the correct reference of the ATT Online Examination Regulations in Charges 1.2, 1.3, 2.2 and 2.3.
10. The Defendant did not object to this amendment and given that it was of a minor nature the application was allowed.
11. In the Response Form (page 7 SB) the Defendant applied for the hearing to be held in private. The Tribunal had regard to the provisions of Regulations 29.1 that all hearings shall be held in public, but the press and public can be excluded from all or any part of the proceedings if it appears desirable to do so in the interests of justice or for any other reason.

12. Mr Micklewright submitted that the TDB had no objection to those parts of the hearing relating to personal or health matters being in private but that the public interest in the hearing being in public and the general principle of open justice required openness and transparency. It was important for the reputation of the profession to be protected by openness and public interest in transparency outweighed any person embarrassment to the Defendant. The Hearing Chair was satisfied that there were no compelling reasons to depart from the normal principle and the Defendant withdrew her application at the hearing and agreed to the hearing being in public save for privacy in relation to personal matters.

Background

13. The complaint relates to the Defendant who is a student member of the ATT. It is alleged that she made direct use of AI during the ATT examinations in November 2024.

14. The use of AI was identified through post-examination work, which included checks on websites which can be seen as being open through the taking of screenshots through the live examination.

15. The Defendant was referred to the ATT Examinations Steering Group who reviewed the evidence and disqualified the Defendant and requested she be referred to the TDB.

16. The allegations appear to involve potential breaches the PRPG 2018.

17. The Charges are as follows:

Charge 1

1.1 When sitting the ATT Paper 2 – Business Taxation Examination on 6 November 2024, the Defendant used a Generative Artificial Intelligence product (“GENAI”).

1.2 The Defendant was dishonest, in that she knew at the time of the examination that such conduct was in breach of the ATT Online Examination Regulations.

1.3 Alternatively, the Defendant ought to have known at the time of the examination that such conduct was in breach of the ATT Online Examination Regulations.

1.4 If charges 1.1 and 1.2 and/or 1.3 are proved, The Defendant is in breach of:

- (a) Rules 2.1 and 2.2.1 in that she acted in breach of the fundamental principle of integrity;
- (b) Rules 2.1 and 2.6.2 and/or 2.6.3 in that she did an act which discredits the profession, in breach of the fundamental principle of professional behaviour in that she failed to:
 - (i) uphold the professional standards of the ATT as set out in the Laws of the CIOT and ATT; and/or
 - (ii) take due care in her professional conduct and professional dealings; and/or
 - (iii) performed her professional work improperly or negligently to such an extent as to be likely to bring discredit to herself, to the ATT or to the tax profession; and/or
 - (iv) conducted herself in an unbecoming or unlawful manner, which tends to bring discredit upon a member and/or may harm the standing of the profession and/or the ATT.

Charge 2

2.1 When sitting the ATT Paper 4 – Corporation Taxation on 5 November 2024, the Defendant used a GENAI product.

2.2 The Defendant was dishonest, in that she knew at the time of the examination that such conduct was in breach of the ATT Online Examination Regulations.

2.3 Alternatively, the Defendant ought to have known at the time of the examination that such conduct was in breach of the ATT Online Examination Regulations.

2.4 If charges 2.1 and 2.2 and/or 2.3 are proved, The Defendant is in breach of:

- (a) Rules 2.1 and 22.2.1 in that she acted in breach of the fundamental principle of integrity;
- (b) Rules 2.1 and 2.6.2 and/or 2.6.3 in that she did an act which discredits the profession, in breach of the fundamental principle of professional behaviour in that she failed to:
 - (i) uphold the professional standards of the ATT as set out in the Laws of the CIOT and ATT; and/or
 - (ii) take due care in her professional conduct and professional dealings; and/or
 - (iii) performed her professional work improperly or negligently to such an extent as to be likely to bring discredit to herself, to the ATT or to the tax profession; and/or
 - (iv) conducted herself in an unbefitting or unlawful manner, which tends to bring discredit upon a member and/or may harm the standing of the profession and/or the ATT.

Response to Charges

18. In the Response Form, the Defendant admitted all of the Charges (pages 2 to 8 SB). At the hearing when the Charges were put to her, the Defendant admitted all the Charges save for Charges 1.2, 1.3, 2.2 and 2.3.

Evidence

19. Mr Spiller, Student Services Officer, explained that the ATT Online Regulations 2024 were changed on 16 October 2024, the day the emails of that date were sent to Ms Bean. He was 95% certain that the hyperlinks marked: “*Online exam regulations*” contained in those emails (pages 9 to 12 SB) would have led Ms Bean to the information as it appears at pages 22 and 23 of the MB. It had not been possible to reproduce the hyperlinks for the Tribunal because the link information had been changed. The hyperlinks now connected to the ATT Online Examination Regulations 2025. Mr Spiller stated that the ATT Exam Notice Board

was also updated on 16 October 2024 with the ATT Online Examination Regulations 2024

20. In the Response Form the Defendant admitted that she used GENAI during the examinations (pages 2 and 4 SB). She stated that she understood that what she did was unacceptable and wrong. She understood that an examination was meant to test her knowledge, and her use of AI was wrong and unprofessional. She should have known better and was worried. She had never been in this situation before and had learnt from this. She had never had disciplinary action brought against her before. She apologised to the ATT for not upholding the ATT's professional standards. She admitted and understood the Charges.

21. In the Application of Consent Order Procedure (page 128 MB) the Defendant stated that she did not fully comprehend the extent to which using AI was prohibited given the exam was open book. She was not trying to hide the fact that she used the online free version of ChatGPT. Her understanding was that using AI was similar to consulting an online resource such as Google, but she now understands this was a mistaken assumption. Had she been more aware of the specific restriction on AI she would not have used it. The ATT website clearly outlined the exam regulations, and it was her responsibility to read them clearly. It was never her intention to deceive, cheat or act dishonestly and had she fully understood that her actions were in violation of the exam regulations she would have contacted ATT immediately. She takes full responsibility for her own misunderstanding and actions. It was an honest, genuine mistake and misunderstanding for which she sincerely apologises. She prides herself on being an honest individual and the incident is not reflective of her personal or professional values. She should have acted with greater care and awareness of the regulations, and she understands that the use of AI is considered to be an unfair advantage. She informed her employer as soon as she was aware of the situation as she prides herself as being an honest person with integrity. Her employer told her he would support her throughout the process, which shows a true reflection of the person he knows her to be and how he sees her professionally. She is truly sorry, particularly to the ATT, and will never make

such a careless and unprofessional mistake ever again. She accepts her wrongdoings and hopes that she is given the chance to learn from her mistake.

Findings

22. In making its findings, the Tribunal has borne in mind that the burden of proof rests on the TDB. The standard of proof is of the civil standard, which is the balance of probabilities.

23. When considering the question of dishonesty, the Tribunal has borne in mind the test for dishonesty in the case of *Ivey v Genting Casinos* [2017] 3 WLR 1212 that the Tribunal must first ascertain subjectively the state of the Defendant's knowledge or belief as to the facts. The reasonableness or otherwise of the Defendant's belief is a matter of evidence but it is not an additional requirement that the belief must be reasonable, the question is whether it is genuinely held. The question of whether the conduct was honest or dishonest is to be determined by applying the objective standards of ordinary decent people. There is no requirement for the Defendant to appreciate what she has done by those standards to be dishonest.

24. The Tribunal made the following findings of fact:

a) The Education Team of ATT sent two emails to the Defendant dated 16 October 2024 (pages 9 to 12 SB) which included instructions about the online exam regulations. The emails stated: "*Remember to read the Online exam regulations. If you do not behave according to the exam regulations it can lead to disqualification.*" The "Online exam regulations" was a hyperlink to the 2024 examination regulations which are reproduced at pages 22 and 21 of the MB and Exhibit VP1 of Ms Purtill's witness statement dated 19 June 2025.

b) Paragraphs 1 and 12 of the ATT Online exam regulations 2024 stated:

1. The direct use of GenAI is not permitted. Your answers must be your own work.

12. The Online exams will again be Open book, this means you may refer to any books, study manuals, pre-prepared notes and online resources during the exams.

- c) The Defendant signed a registration declaration when making her application to ATT to comply with and be bound by the Articles of Association, the ATT Regulations and the PRPG 2018 (page 14 to 16 MB).
- d) When undertaking Paper 2 Business Taxation the Defendant used Chat GPT in 20 out of 40 screen captures. She used AI for calculating tax liability and tiered tax rates.
- e) When undertaking Paper 4 Corporation Taxation on 5 November 2024, the Defendant used Chat GPT in 17 out of 45 screen captures.
- f) The Defendant looked at the Online examination regulations but did not comprehend the extent to which AI was prohibited taking into account that they were open book exams.
- g) The Defendant made an honest mistake and did not act with the intention of obtaining an advantage. She thought she could use AI as a quicker way to get information than using textbooks. She did not use AI to gain an unfair advantage, and she did not intend to cheat.
- h) The Defendant fully appreciates her mistake and the breaches and immediately informed her employer and is committed to never making the same mistake.
- i) The Defendant appreciates the seriousness of the breaches and has taken full responsibility for her actions.

Decision on the Charges

25. The Tribunal found Charges 1.1 and 2.1 proven on the basis that the Defendant admitted the Charges at the hearing and in her Response Form (pages 3 and 5 SB), and on the basis of the evidence at pages 24 to 113 MB. When sitting the ATT Paper 2 – Business Taxation Examination on 6 November 2024 and the ATT Paper 4 – Corporation Taxation on 5 November 2024, the Defendant used a GENAI.

26. The Tribunal found Charges 1.2 and 2.2 not proven on the basis of its findings above. The Tribunal found that the Defendant had an honest understanding and belief that using AI was similar to consulting an online resource such as Google because these were open book exams and she did not act with sufficient care. The Defendant acknowledged that it was her responsibility to inform herself fully and she failed to do so. The Tribunal found that her belief was genuinely held and applying the objective standards of ordinary decent people the Tribunal was of the view that such conduct was not dishonest. The Tribunal found that the Defendant held a genuine belief that at the time of the examinations her conduct was not in breach of the ATT's Online Examination Regulations.

27. The Tribunal found Charges 1.3 and 2.3 proven on the basis of the Defendant's evidence that she ought to have known at the time of the examinations that in using AI her conduct was in breach of ATT's Online Examinations.

28. Having found that Charges 1.3, and 2.3 proved the Defendant was in breach of Rules 2.1, 2.2.1, 2.6.2 and 2.6.3. She acted in breach of the fundamental principle of integrity and did acts which discredit the profession, in breach of the fundamental principle of professional behaviour. She failed to uphold the professional standards of the ATT, she failed to take due care of her professional conduct and professional dealings and performed her professional work improperly or negligently to such an extent as to be likely to bring discredit to herself, to the ATT or to the tax profession and conducted herself in an unbecoming

or unlawful manner, which tends to bring discredit upon a member and may harm the standing of the profession and the ATT.

29. In determining what, if any, sanction to impose the Tribunal had regard to the ISG as revised and applying to all cases on or after 1 January 2025.

30. The Tribunal has borne in mind in approaching the task that it should start by considering the least severe sanction and only consider more serious sanctions if satisfied that the lesser sanction is not appropriate.

31. The Tribunal noted that the purpose of imposing a sanction upon a member, *'is not simply to discipline the individual or firm for any wrongdoing of which he or it may be culpable, but to protect the public and maintain the reputation of the profession by sending a signal as to how serious the Tribunal judges the conduct to be.'*

32. Any sanction imposed must be appropriate and proportionate, taking into account the member's own interests and should be the least onerous measure that adequately meets the facts of the charges found proved.

33. The Clerk informed the Tribunal that there were no previous disciplinary findings against the Defendant.

34. The Tribunal considered the mitigating factors which are summarised as follows:

- a) There has been no previous regulatory history.
- b) The Defendant is a young and inexperienced person.
- c) As soon as she realised what she had done the Defendant informed her employer.

- d) The Defendant immediately and fully accepted her wrongdoings and apologised fully. She has shown great remorse and expressed commitment to ensuring there is no repetition.
- e) The Defendant has demonstrated an understanding and appreciation of her failings.
- f) The Defendant did not try to cover up her errors.
- g) The Defendant acted without due care, but her actions were not deliberate, undertaken recklessly or with the intention of gaining an advantage.
- h) There has been no repetition of any misconduct.
- i) In relation to protecting the public and the public confidence in the profession the Defendant has learned from her mistakes and has expressed her commitment not to repeat her mistakes.

35. The Tribunal considered the aggravating factors which are summarised as follows:

- a) The Defendant used AI in two exams.
- b) The Defendant has filed no character references although stated her employer was supporting her.

36. The Tribunal has assessed the different sanctions in ascending order of seriousness. The Tribunal was of the view that taking no further action or allowing the matter to rest on the file was disproportionate to the seriousness of the Charges. An apology was clearly not appropriate in the circumstances. The Tribunal was of the view that a warning was not appropriate because the

misconduct was more than minor and the imposition of a fine was not appropriate. The Tribunal was of the view that a censure was appropriate because the misconduct was of a serious nature but there were particular circumstances and mitigation which satisfied the Tribunal that there was no risk to the public, the Defendant demonstrated her understanding and appreciation of her failings, although there were two exams the incidents were isolated and not deliberate, there was evidence of insight including genuine regret, a previous good history and no repetition and no risk of repetition. A suspension was not appropriate given the nature and seriousness of the Charges found proven.

37. Taking account of all the circumstances, the Tribunal determined that there should be a censure which should remain on the TDB's public record for a period of three years.

38. In reaching its decision the Tribunal considered Section 4(10) of ISG Student Issues. The Tribunal noted that the examples of misconduct although not strictly analogous to this case did provide some guidance in relation to obtaining improper assistance during an examination and the guideline that if the Tribunal is satisfied that there was no intention to cheat then in the absence of other misconduct factors, a lesser sanction than removal from the Register should be considered.

39. In the Tribunal's judgement, public confidence in the profession, its reputation and its standards would be upheld by a censure as a reasonable and informed member of the public would feel concerned with any lesser sanction for the same reasons that the Tribunal has outlined above and throughout this determination. Thus, the Tribunal concluded that the wider public interest will be preserved by the imposition of this sanction.

Costs

40. The TDB, at the hearing, applied for costs in the sum of £3,080.

41. The Tribunal had regard to the ISG's Guidance on Awarding Costs in dealing with a Defendant against whom a charge has been proved. The presumption that an unsuccessful Defendant should pay costs is based on the principle that the majority of professional members should not subsidise the minority who, through their own failings, have brought upon themselves disciplinary proceedings.

42. The power to award costs is discretionary. The general principle requires exceptional circumstances for a Tribunal not to award costs against an unsuccessful Defendant. The Tribunal found no reason to depart from that presumption as it found that there were no exceptional circumstances.

43. The Tribunal considered costs of £3,080 and considered that the Defendant should not be responsible for the costs of the second day of hearing. It was necessary to have a second day because the Tribunal ran out of time. The Defendant was not responsible for this. Accordingly, the Defendant should be responsible only for the costs of the 11 June 2025 of £2,520.

44. The Tribunal was satisfied that costs of £2,520 were proportionately and reasonably incurred. The Defendant made no submission in relation to the level of costs or her ability to pay.

45. The Tribunal was of the view that the costs of £2,520 were relevant to this case and would not have been incurred save for the Defendant's own failings and actions.

46. The Tribunal decided that the Defendant should pay £2,520 costs to the TDB.

Publicity

47. The Tribunal noted the guidance in Annex A of the ISG on the publication of disciplinary findings and Regulation 28.

48. The Tribunal noted the general principle that any disciplinary finding made against a member would be published and the member named in the publication of the finding. The purpose of publishing such a decision was not to add further punishment for the member. It was to provide reassurance that the public interest was being protected and that where a complaint was made against a member of one of the professional bodies covered by the Taxation Disciplinary Scheme, there were defined, transparent procedures for examining the complaint in a professional manner and for imposing a sanction upon a member against whom a disciplinary charge had been proved.

49. The Tribunal further noted that while regulation 28 makes a presumption in favour of publishing the findings made by a Tribunal, there is a discretion to order that there should not be publication of the name of the member, or the details or orders made against the member. The Defendant made a submission in relation to publicity. The Tribunal has borne in mind the guidance in the ISG in Annex A that the discretion not to publish the findings where in exceptional circumstances both the conduct was not serious, and publication might have an adverse impact on innocent third parties. This was not applicable in this case. Additionally, a Tribunal might exercise its discretion not to publish in exceptional circumstances where the conduct was not serious and where publication would be unduly harsh and have an adverse impact on a member's health. Again, this was not applicable in this case.

50. The Tribunal found that the conduct was serious and although the Defendant would prefer her name to be redacted there was a public interest in her name being published.

51. The Tribunal ordered that, in accordance with Regulation 28.1, this Decision and Reasons should be published as soon as practicable. The Decision and Reasons should remain on the TDB website for a minimum period of five years in accordance with Annex A of the ISG.

Effective Date

52. Pursuant to Regulation 20.10 of the Regulations, this decision will be treated as effective from the date on which it is deemed served on the Defendant.

Jacqueline Findlay

Hearing Chair, Disciplinary Tribunal

15 August 2025