THE DISCIPLINARY TRIBUNAL

OF THE TAXATION DISCIPLINARY BOARD

TDB/2025/18

THE TAXATION DISCIPLINARY BOARD

TDB

– and –

MR NAVEEN VELMURUGAN

(ATT Student Number 285627)

Defendant

Date of Hearing	1 September 2025
Venue	Virtual using Microsoft Teams
Tribunal Members	
Legally Qualified Chair	Jacqueline Findlay
Professional Member	Martin Brown
Lay Member	Michael McCulley
Taxation Disciplinary Board ("TDB")	
Case Presenter	Guy Micklewright, Counsel
Witness	Vicky Purtill, ATT's Director of Education
Tribunal Clerk	Nigel Bremner
Member	In attendance

DECISION AND REASONS

Introduction

1. The Disciplinary Tribunal ("the Tribunal") of the TDB sat remotely on 1 September 2025 to hear charges brought by the TDB against the Defendant, Mr Velmurugan, a student member of the Association of Taxation Technicians ("ATT").

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 147 pages, a supplementary bundle ("SB") of 80 pages, On-table papers (6 pages), the Costs Schedule and the 3 pages of further evidence filed by Ms Purtill at the hearing.

4. The Tribunal considered the provisions of Regulation 14 had been complied with. The Tribunal was satisfied that the Defendant had been notified of the date of the hearing and the documents as required under Regulation 14.1. The Tribunal was satisfied that the Defendant had been given reasonable notice of the hearing and a reasonable opportunity to prepare his case.

5. The Tribunal heard a submission from Mr Micklewright and oral evidence from the Defendant.

Preliminary Matters

6. The Clerk to the TDB wrote to the Defendant on 14 August 2025 to notify him that the Charges had been amended to replace 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. The Defendant confirmed at the hearing that he had no objection to the amendments and given the minor nature of the amendments the application was allowed.

7. In the Response Form (pages 4 to 13 MB), in his email dated 18 May 2025 (pages 14 to 17) and at the hearing the Defendant applied for the hearing to be held in private. He submitted that the misconduct arose due to a genuine mistake and there would be a catastrophic impact on third parties and on his health.

8. 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 reasons.

9. 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 pubic 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 directed that the hearing should be public save for privacy in relation to personal matters.

Background

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

11. The use of AI was identified through post-examination work. This included use of the AI tool Copilot which can be seen as being open through the taking of screenshots through the live examination.

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

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

14. The Charges are as follows:

Charge 1

1.1 When sitting the ATT Paper 1 – Personal Taxation Examination on 5 November 2024, the Defendant used a Generative Artificial Intelligence product ("GENAI").

1.2 The Defendant was dishonest, in that he 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 he acted in breach of the fundamental principle of integrity;

(b) Rules 2.1 and 2.6.2 and/or 2.6.3 in that he did an act which discredits the profession, in breach of the fundamental principle of professional behaviour in that he 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 his professional conduct and professional dealings; and/or

   (iii) performed his professional work improperly or negligently to such an extent as to be likely to bring discredit to himself, to the ATT or to the tax profession; and/or

   (iv) conducted himself 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.

Charge 2

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

2.2 The Defendant was dishonest, in that he 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 2.2.1 in that he acted in breach of the fundamental principle of integrity;

(b) Rules 2.1 and 2.6.2 and/or 2.6.3 in that he did an act which discredits the profession, in breach of the fundamental principle of professional behaviour in that he 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 his professional conduct and professional dealings; and/or
>
> (iii) performed his professional work improperly or negligently to such an extent as to be likely to bring discredit to himself, to the ATT or to the tax profession; and/or
>
> (iii) performed his professional work improperly or negligently to such an extent as to be likely to bring discredit to himself, to the ATT or to the tax profession; and/or
>
> (iv) conducted himself 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

15. In the Response Form signed on 17 May 2025 (pages 4 to 13 SB), the Defendant admitted Charges 1.1 and 1.4(b)(ii) and denied Charges 1.2, 1.3 and 1.4(a)(b)(i)(iii)

and (iv). The Defendant admitted Charges 2.1 and 2.4(b)(ii) and denied Charges 2.2, 2.3 and 2.4 (a)(b)(i)(iii) and(iv).

16. The Charges were put to the Defendant at the hearing by the Clerk and he confirmed that he denied all the Charges save for Charges 1.1 and 2.1.

The Defendant's evidence

17. In written and oral evidence, the Defendant admitted using the GenAI tool Copilot during the exams, however, he contested the allegations regarding dishonesty and intention to deceive. He asserted that he genuinely believed that the use of Copilot was allowed. He used Copilot because he had a belief that it was permissible, and it was not his intention to cheat or deceive. Had he known that his actions were in violation of the exam regulations he would have taken care to avoid using AI as would not want to jeopardise his professional standing. He did not receive any warning or notifications after the first exam to alert him to the fact the use of AI tools was prohibited so proceeded to use Copilot in the second exam.

18. In the Application of Consent Order Procedure dated 18 March 2025 (page 143) the Defendant stated that he should have read the rules more carefully. He stated that the exams in November 2024 were the first time he had encountered an open book format, and he mistakenly assumed that using Copilot was allowed.

19. The Defendant submitted that he was transparent in his use of AI and did not try to hide his actions and he is committed to professional integrity and has consistently maintained a high standard of professional ethics. He submitted supportive references from his former Professors who knew him from his previous studies. He submitted medical evidence in support of health difficulties. He urged the Tribunal to consider that this was an isolated incident, and he has no prior record of academic or professional misconduct. He deeply regrets and is deeply remorseful about what occurred. He has taken active steps to understand and comply with the relevant standards to ensure nothing like this happens again.

20. The Defendant told the Tribunal, using his own words, that he used Copilot as follows:

   - to direct himself;

   - to assist with the choice of language as English was not his first language;

   - as a word function;

   - to obtain structured answers;

   - to construct answers;

   - to improve his answers;

   - to make the exam easier for him;

   - to save time;

   - to get a better answer;

   - to 'leverage' AI to make his answers present better; and

   - to get a high-level structure to his answers.

21. The Defendant asserted he used Copilot to improve his answers by obtaining information which was not his own work. He admitted that by typing in entire questions into Copilot, some of the answers he gave to the exam questions were not his own work (page 26). He did not use Copilot as a search engine but in order to obtain answers to the questions in the exam paper. He asserted that he used Copilot as in 'work' mode only as shown on the screenshots which meant it would search only his notes and his employer's store of information accumulated from past work and clients. He admitted that the questions were not 'wholly' his own work as he used the words produced by Copilot rather than his own words.

22. In addition to stating that he believed the use of Copilot to be permissible, the Defendant stated that he used Copilot only as a search engine.

23. The Defendant admitted in evidence that the information he had given in the Application of Consent Order Procedure was incorrect because he had previously undertaken an ATT Open Book examination in April 2024.

24. The Defendant urged the Tribunal to consider that the decision would have an emotional and financial impact on his family which would be catastrophic.

25. The Defendant provided documentary evidence in support of his submissions.

26. The Defendant initially stated that he had been told by his employer that he could retain his position of employment irrespective of the outcome and sanction as long as the decision as not published. He later retracted this statement and stated that he had discussed the situation with his employer but did not know whether he would lose his job or not. He anticipated and feared that if he did lose his job, he would find it impossible to find alternative employment if the decision was published. He would not confirm that he would inform a prospective employer of these proceedings irrespective of the publication of the Tribunal's decision

27. The Defendant stated that he respected the need for publication to establish credibility, but that publicity would potentially cause great hardship to him in relation to his present and any prospective employment and to those for whom he was financially responsible.

Ms Purtill's evidence

28. Ms Purtill in evidence confirmed the contents of her witness statement and explained that the ATT Online Examination Regulations were changed for the November 2024 exams because there had been a number of queries about the use of AI and it as thought that clarification was needed. She confirmed that it was permissible to use an AI tool as a search engine to seek out information but that the answers had to be the candidates' own work and using an AI tool to produce answers was not permitted. This was made clear from the use of the instruction that "the direct use of GenAI is not permitted. Your answers must be your own work." In her view the Defendant's use of Copilot was extensive and he typed entire questions into Copilot to obtain answers. She filed a copy of the Regulations

as they would have appeared for the April 2024 exams before being changed on 16 October 2024.

Findings

29. 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.

30. 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 he has done by those standards to be dishonest.

31. 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 37 to 40 SB) which included instructions about the online exam regulations. The emails were timed as having been sent at 17:04 and 16:58. The emails stated: "*Remember to read the <u>Online exam regulations</u>. 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 24 and 25 of the MB and Exhibit VP1 of Ms Purtill's witness statement dated 19 June 2025 (page 48 SB).

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 his application to ATT to comply with and be bound by the Articles of Association, the ATT Regulations and the PRPG 2018 (pages 17 and 18 MB). The Defendant confirmed in oral evidence that he had signed the declaration and knew that it was important to comply with the declaration.

d) When undertaking ATT Paper 1 – Personal Taxation on 5 November 2024, the Defendant used the AI tool Copilot including typing whole questions into the tool and used Copilot in 29 out of 50 screen captures. When undertaking ATT Paper 2 – Business Taxation he used the AI tool Copilot including answers provided by Copilot to specific exam questions and used Copilot in 45 out of 46 screen captures.

e) The Tribunal found that he did read the 2024 regulations on the basis of his statement at page 143 that he should have read the rules more carefully. The Tribunal found it unlikely that he would have stated that he should have read the regulations more carefully if he had not read them. The Tribunal found it unlikely that the Defendant would not have stated at an early stage that he had not read the regulations if that was the case. He would have no reason not to state he had not clicked on the link in the emails dated 16 October 2024 and read the regulations if that was the case.

f) The Tribunal found the Defendant's evidence to be inconsistent and for that reason unreliable. For example, he stated both that he had never sat an Open Book exam and that he had sat an ATT Open Book exam in April 2024.

g) The Tribunal found that the Defendant knew that the use of GenAI was prohibited but chose to use it for the purposes as stated in paragraph 20 and the screenshots

showed that he used it extensively to type in questions as they appeared in the exam in order to obtain answers and he did not just it just as a search engine to obtain information to craft his own answers. The Defendant used the AI tool Copilot in order to gain an advantage.

h) The Tribunal found that during the exams Copilot did not just search the Defendant's own notes and the bank of information from his employer to produce answers to questions put. Copilot is a Microsoft AI-powered digital assistant that helps with tasks to create content, summarise information and provide intelligent suggestions. It connects with internet-based information even when on 'work' mode because it uses the information searched for by ChatGPT when last opened in 'web' mode. This is on the basis of Ms Purtill's evidence when she explained that although Copilot as not in 'web' mode during the exams it would still search information from ChatGPT which was operating in the background and ChatGPT made available information and functions retained from the last time the 'web' mode was activated.

i) The Defendant was aware when using Copilot to obtain answers to exam questions that he was producing work which was not his own and was in breach of the ATT Online exam Regulations 2024.

j) The Defendant acted dishonestly when applying the objective standards of ordinary decent people. There is no requirement for the Defendant to appreciate what he has done by those standards to be dishonest.

Decision on the Charges

32. The Tribunal found Charges 1.1 and 2.1 proven on the basis of the Defendant's admission in the Response Form, the evidence at pages 26 to 127 of MB and his oral evidence. The Tribunal found that when sitting the ATT Paper 4 - Corporate Taxation Examination on 5 November 2024 and ATT Paper 2 - Business Taxation on 6 November 2024 the Defendant used a GenAI.

33. The Tribunal found Charges 1.2 and 2.2 proven on the basis of the above findings. The Tribunal found that the Defendant was dishonest in that he knew at the time of the examinations that such conduct was in breach of the exam regulations that the work must be his own.

34. Having found that Charge 1.2 proved and 2.2 proved the Tribunal found the Defendant was in breach of Rules 2.1, 2.2.1, 2.6.2 and 2.6.3 (Charges 1.4 and 2.4). He 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. He failed to uphold the professional standards of the ATT, he failed to take due care of his professional conduct and professional dealings and performed his professional work improperly or negligently to such an extent as to be likely to bring discredit to himself, to the ATT or to the tax profession and conducted himself in an unbefitting or unlawful manner, which tends to bring discredit upon a member and may harm the standing of the profession and the ATT.

Sanction

35. 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.

36. 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.

37. 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.'*

38. 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.

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

40. The Tribunal considered the mitigating factors which are summarised as follows:
    a) There has been no previous regulatory history.
    b) The Defendant has expressed regret and remorse and stated he is committed to not repeating the mistake.
    c) The Defendant did not try to cover up his errors.
    d) The Defendant has co-operated with the investigation and the proceedings.
    e) There has been no repetition of any misconduct.
    f) He has completed an OpenLearn course with the Open University – All my own work: exploring academic integrity on 10 May 2025 (pages 22 and 23).
    g) The Defendant has submitted character letters of support in relation to his previous academic studies.

41. The Tribunal considered the aggravating factor that the Defendant used AI extensively during both examinations.

42. 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 not appropriate because the misconduct was of a serious nature and there were no particular circumstances or mitigation which satisfied the Tribunal that the misconduct was

not deliberate. A fine was not appropriate taking into account the Defendant's financial situation. A suspension was not appropriate given the nature and seriousness of the Charges found proven.

43. Taking account of all the circumstances, the Tribunal determined that there should be a recommendation that the Defendant be removed from the Register because the misconduct was so serious as to undermine confidence in the profession if a lesser sanction were to be imposed. In reaching its decision the Tribunal considered that the actions of the Defendant were a serious departure from the relevant professional standards and there was dishonesty in his actions. The Tribunal was satisfied that the wider public interest will be preserved by the imposition of this sanction.

44. 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.

Costs

45. The TDB, at the hearing, applied for costs in the sum of £4,410.

46. 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.

47. 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.

48. The Defendant asked that his financial circumstances and dependent responsibilities be considered, and he submitted some documentary evidence in support of his submissions.

49. The Tribunal was satisfied that costs of £4,410 were proportionately and reasonably incurred. The Tribunal was of the view that the costs of £4,410 were relevant to this case and would not have been incurred save for the Defendant's own failings and actions.

50. The Tribunal decided that the Defendant should pay £4,410 costs to the TDB. The costs can be paid by installments over 12 months taking into account the Defendant's present and potential financial circumstances.

Publicity

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

52. 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.

53. 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.

54. 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. The Tribunal considered the Defendant's submissions and documentary evidence but did not find that the impact of publicity amounted to exceptional circumstances.

55. The Tribunal found that the conduct was serious and there was a public interest in the Defendant's name being published.

56. 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

57. 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   **Signed: 15 September 2025**