



Institute
and Faculty
of Actuaries

Timeframes

Guidance policy

by Disciplinary Board

November 2017

MONITORING TIME FRAMES FOR INVESTIGATIONS AND PROCEEDINGS UNDER THE DISCIPLINARY SCHEME

The Disciplinary Board (“the Board”) of the Institute and Faculty of Actuaries (IFoA) has prepared these guidelines for use by Disciplinary Investigation Team, Adjudication Panels, Interim Order Panels, Disciplinary Tribunal Panels and Appeal Tribunal Panels.

The Board’s objective in offering the guidelines is to seek to achieve consistency and fairness in the operation of the IFoA Disciplinary Scheme (“the Scheme”). The guidelines will be published on the IFoA website, to assist the transparency of the procedures, and printed copies will be made available on request to inquirers.

The guidelines are not directives, nor do they limit the discretion under the Scheme of the Chair of the relevant panel. They will be developed in the light of experience of cases under the Scheme. Panels should ensure that if they anticipate a delay in the issuing of determinations, Respondents should be kept informed.

Rule 10.1 (e) of the Scheme states that the Board is responsible for setting and monitoring time frames for investigations and proceedings under the Scheme. These arrangements are set out below.

The Board reports on time frames each year in the Disciplinary Board Annual Report and reviews compliance or otherwise at each meeting.

The Board is keen to ensure that allegations under the Scheme are dealt with as speedily as possible whilst also ensuring that the process is fair and thorough. The Board will make enquiries into causes of delay when target times are exceeded. Respondents are also required to cooperate with the Investigations and failure to do so can result in a further allegation of misconduct being added.

Indicative time frames

1. Investigations

The Board has indicated time frames for the variety of allegations that are investigated under the Scheme from receipt of the allegation.

- Simple cases: six months
- Intermediate cases: nine months
- Complex cases: 18 months

An example of a case that would be considered to fall within the ‘simple’ category would be a case relating to a criminal conviction or a CPD breach.

2. Interim Orders

An Interim Order application should be heard by an Interim Orders Panel within three weeks of an application for an Interim Order.

The written determination of an Interim Order Panel should be issued within one week of the hearing.

3. Adjudication Panels

- (a) Adjudication Panels should be held within six weeks of the Clerk receiving the written Case Report.
- (b) If the Adjudication Panel dismiss the allegations contained within the Case Report or refer the allegation to the Disciplinary Tribunal Panel, the written determination should be issued to the Respondent within three weeks of the Panel hearing.
- (c) Where a sanction is offered, written determinations should be issued in writing within six weeks of the Adjudication Panel. This should include 21 days for the Respondent to consider and respond in accordance with rule 4.11 of the Disciplinary Scheme.
- (d) The Judicial Committees Secretary should orally inform the Respondent as to the outcome of the Adjudication Panel on the day of the hearing.

4. Independent Examiner

Independent Examiners should produce their written report within four months of receiving a referral.

5. Disciplinary Tribunal Panels

Disciplinary Tribunal Panels should usually be held within six months of referral to the Tribunal and up to a maximum of eight months for more complex cases.

Within that timeframe:

- (a) The written Charge and accompanying witness statements should be served on the Respondent and Secretary to the Tribunal within 12 weeks from the date of referral to Disciplinary Tribunal Panel. This can be extended to 16 weeks in more complex cases.
- (b) Hearing dates will usually be fixed within three weeks of receipt of the Charge unless steps are taken under 6.11 and 6.12 of the Disciplinary Scheme.
- (c) The Respondent should be given a minimum of four weeks notice in writing of the date of the hearing.
- (d) The written determination of the Disciplinary Tribunal Panel should be issued within six weeks of the hearing.

6. Appeal Tribunal Panels

Appeal Tribunal Panels should usually be heard within five months of notification by the Respondent of the request for an appeal.

Within that timeframe:

- (a) The Respondent and the IFoA should be given 4 weeks notice of the date of the hearing.
- (b) The Respondent and the IFoA should have exchanged all papers in relation to the appeal within 12 weeks of notification of the appeal. This timeframe can be extended to 16 weeks in more complex cases.