



Institute
and Faculty
of Actuaries

CPD Infringement Supplementary guidelines

by the Disciplinary Board
of the Institute and Faculty of Actuaries

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SUPPLEMENTARY GUIDELINES ON THE IMPOSITION OF SANCTIONS IN CPD INFRINGEMENT CASES

1. General

- 1.1 These guidelines have been developed by the Disciplinary Board primarily for use by Adjudication Panels when applying sanctions to Continuing Professional Development (“CPD”) infringement cases heard under the Disciplinary Scheme (“the Scheme”). They do not override any provision of the Scheme.
- 1.2 They should be read in conjunction with the current [Indicative Sanctions Guidance Note](#) issued by the Disciplinary Board. It is anticipated that these cases will only be referred to a Disciplinary Tribunal Panel in exceptional circumstances. However this guidance will be available to all other panels named under the Scheme.
- 1.3 The sanctions reflect the attitude of the profession towards CPD infringement. In the interests of maintaining public confidence and upholding the profession’s reputation. It is important that CPD infringement is treated seriously.
- 1.4 The sanctions outlined below are those that the Disciplinary Board consider are appropriate for Adjudication Panels to invite the Respondent to accept where the Case Report discloses a *prima facie* case of Misconduct.
- 1.5 The contents of this Guidance Note are reviewed at least every three years.

2. CPD Infringement Cases Considerations

- 2.1 It is anticipated that there may in any given case be grounds for up to four heads of allegations, as follows;
 - 2.1.1 that the Member has failed to maintain the required on-line record of CPD which he/she has undertaken for the year(s) in question as required by the IFoA and set out in the relevant CPD Scheme; and/or
 - 2.1.2 that the Member has failed to complete the required CPD for the year(s) in question as required by the IFoA and set out in the relevant CPD Scheme; and/or
 - 2.1.3 that the Member has failed to maintain appropriate documentary evidence of any CPD undertaken, as required by the IFoA and set out in the relevant CPD Scheme.
 - 2.1.4 that the Member has recorded the required amount of CPD online, but as part of a CPD monitoring audit has been asked to provide appropriate documentary evidence of the CPD undertaken and has failed to do so.

3. Imposing Sanctions – what is appropriate?

- 3.1 Different sanctions will be appropriate depending on which of the above grounds the

allegations are made under. Panels should consult the Indicative Sanctions Guidance Note in conjunction with these guidelines when considering the appropriateness of any given sanction.

3.2 Consideration should also be given to the following factors in each case:

- 3.2.1 the CPD category of the Respondent,
- 3.2.2 the Respondent's attitude in the case and the manner in which they respond to any disciplinary action.
- 3.2.3 Whether the Respondent has engaged with the numerous communications from the IFoA, and if not, whether this should be treated as an aggravating factor.

[A table of potential mitigating and aggravating factors has been attached at Annex A below].

3.3 Where the Adjudication Panel finds that a Case Report discloses a prima facie case of Misconduct under paragraphs 2.1.1 and/or 2.1.3 above, it would normally be appropriate to invite the Respondent to accept the following sanctions:

- 3.3.1 A reprimand; and
- 3.3.2 A fine of no less than £750.

3.4 Where the Adjudication Panel finds that a Case Report discloses a prima facie case of Misconduct under paragraph 2.1.2, it would normally be appropriate to invite the Respondent to accept the following sanctions:

- 3.4.1 **A fine** in excess of £750, but not exceeding the maximum fine as defined by the Disciplinary Board (currently £7,500), the exact amount of which should reflect the consideration given to all elements of the case, including but not restricted to the CPD category of the Member, the nature of the case, and the attitude of the respondent (for example: cases involving a Member with a Practising Certificate should be treated more seriously); and

- 3.4.2 **Mandatory education**, to include the number of additional hours to be completed and specified Professionalism Skills Course(s) where appropriate as approved by IFoA and in accordance with the appropriate category of the Member, unless this is inappropriate (for example where the Respondent has subsequently retired). The Panel should also ensure that the determination includes the timeframe by when the period of education ought to be undertaken and that the Respondent will be required to confirm in writing (including documentary evidence in support of attendance) to the Adjudication Panel via the secretary to the Adjudication Panel that compliance has been achieved.

3.5 It may also be appropriate to order that failure to complete the outstanding hours within the specified period will result in an automatic penalty (such as a fine) or referral to a Disciplinary Tribunal Panel as part of the written determination.

3.5 Where the Adjudication Panel finds that a Case Report discloses a prima facie case of Misconduct under paragraphs 2.1.4 (in isolation), it would normally be appropriate to invite the Respondent to accept the following sanctions:

3.5.1 **A reprimand** and

3.5.2 **A fine** of £200;

- 3.5 It shall be the responsibility of all Panels to satisfy themselves of the full discharge of any sanction it applies.
- 3.6 Where a Panel considers that its sanctioning power is insufficient relative to the seriousness of the case (and in consideration of the public interest) the Panel ought to remit the matter to a Disciplinary Tribunal Panel.

ANNEX A

Table of examples of relevant factors for consideration (noting that this is not an exhaustive list):

Mitigating Factors	Aggravating Factors
Attempts made to comply and/or co-operative responses to other IFoA enquiries	Lack of explanation
Co-operative with investigation	Substantial delay in completion of CPD
Expression of remorse	Persistent failures to respond
Short period of breach- Remedial action taken at an early point after late compliance	Previous finding/s for similar breach
Reason for breach is due to disability, illness, or other personal mitigating circumstances	Impact on clients/trustees
Financial hardship (directly impacting ability to comply with CPD obligations)	Failure to comply with offer of financial "charge"
	Recalcitrant behaviour displayed by Member