



Institute
and Faculty
of Actuaries

Membership Committee

Policy for dealing with disclosed convictions

1. Introduction

The profession requires that applicants disclose details of any historic criminal convictions held by them in the course of them making the following applications:

- Affiliate membership applications;
- Student membership applications;
- Applications for reinstatement to the profession; and
- Practising Certificate applications.

The Professional Regulation Executive Committee have delegated responsibility for administering applications for practising certificates to the Practising Certificate Committee (the PCC). The PCC has a policy in place for considering criminal convictions disclosed in the course of those applications. The information set out in this policy document, therefore, does not apply to disclosures made by applicants within the course of a Practising Certificate application.

The Membership Committee has responsibility for taking decisions on applications for affiliate and student membership and for reinstatement to the profession.

This document sets out the policy and procedure to be adopted when criminal convictions are disclosed by applicants who seek membership of the profession and provides guidance for the Membership Committee when determining whether a disclosed conviction represents a bar to the approval of an application for affiliate or student membership of the profession or for reinstatement to the profession.

2. Policy

On receipt of an application for affiliate or student membership or reinstatement to the profession, the Membership Team will consult the register of disclosed convictions to ascertain whether any precedent has been established in relation to the conviction disclosed.

The Membership Team will complete a referral notice (in the form set out at Appendix A to this paper) and submit it together with the full application to the Membership Committee for consideration.

The Membership Committee will determine whether the conviction disclosed operates as a bar to the applicant's membership of the profession in accordance with the guidance set out at section 3 of this document.

The Committee will aim to take a decision on the referred application within 10 working days of receipt of the application from the Membership Team. Where this is not possible, the reason for the delay will be communicated by a member of the Committee to the Membership Team and, if necessary, to the applicant.

Where the Committee require additional information from the applicant in order to make a decision, the request will be passed to the Membership Team who will then contact the applicant.

Once a decision is reached, the Committee will communicate the decision and its reasoning to the Membership Team.

The Membership Team will record the decision in the register of disclosed convictions before processing the application in accordance with approved procedures.

3. Guidance on decision making

The significance of criminal convictions in the context of the membership application process is that they provide an indicator of the risk or danger that the applicant may pose to clients, the public's confidence in the profession or to the confidence of the profession itself.

These guidelines have been prepared to assist the Membership Committee (the Committee) to assess whether an application can be approved where a criminal conviction is disclosed by the applicant.

Tests

The following tests ought to be considered and applied in reaching this decision.

On the basis of the evidence laid before the Committee:

- Is there confidence that the applicant is trustworthy and honest?
- Is there confidence that the applicant is willing to comply with legal and regulatory requirements?
- Is there a risk that the applicant's admission would diminish public confidence in the profession?

1. Is there confidence that the applicant is trustworthy and honest?

Unless there are exceptional circumstances there will not be confidence if the applicant has convictions for offences involving dishonesty.

In such circumstances, unless confidence can be established, the application should be refused.

The following might enable confidence to be established in the applicant's trustworthiness and honesty:

- The behaviour occurred many years ago and there was subsequent evidence of rehabilitation;
- The incident was not of a severe nature, as indicated by the sentence or sanction applied.

The evidence considered may include the following:

- At least one independent account of the event(s), including sentencing remarks following a criminal conviction;
- References from at least two independent people who know the applicant well and are familiar with the matters being considered;
- Evidence of rehabilitation, e.g. probation reports, references from employers;
- The applicant's account of events and attitude towards them.

2. Is there confidence that the applicant is willing to comply with legal and regulatory requirements?

Unless there are exceptional circumstances there will not be confidence if the applicant has been convicted of a criminal offence.

In such cases, and unless confidence can be established, the application should be refused.

The following might enable confidence to be established in the applicant's willingness to comply with legal and regulatory requirements:

- The incident occurred many years ago and there is evidence of rehabilitation;
- A matter that was not disclosed was trivial or occurred many years ago or the breach was not serious, as indicated by the sanction;
- The incident was the result of a genuine mistake or oversight.

The evidence considered may include the following:

- At least one independent account of the event(s);
- References from at least two independent people who know the applicant well and are familiar with the matters being considered;
- Certificates of standing or statements from the relevant regulatory body or disciplinary tribunal and any limitations on the applicant's freedom to act;
- The applicant's explanation for his or her failure to comply.

3. Is there a risk that granting membership to the applicant would diminish public confidence in the profession?

Unless there are exceptional circumstances there is a risk that public confidence in the profession would be diminished by the following:

- Allowing entry to the profession to an individual who has served a prison sentence, who remained on licence or who was listed on the sexual offences register;
- Allowing entry to the profession to an individual who had been responsible for dishonest or violent behaviour;
- Allowing entry to the profession to an individual who had been convicted of offences associated with obstructing the course of justice;
- Allowing entry to the profession to an individual who had been convicted of a racially motivated offence.

In such cases, unless the risk can be addressed satisfactorily, the application should be refused.

The risk might be addressed satisfactorily if:

- The misbehaviour occurred many years previously and there was subsequent evidence of rehabilitation;
- The misbehaviour was not of a serious nature, as indicated by the sentence or sanction applied.

The evidence considered may include independent accounts of the convictions, e.g. sentencing remarks where available.

**Appendix A
Referral Notice**

Referral Notice

Name of applicant _____

Type of application _____

Date application received by
Membership Team _____

Details of conviction disclosed

Established precedent for
conviction? _____

Recommendation of the Membership
Team _____

Date of referral to the Membership
Committee _____

Application appended Yes/No