



Institute
and Faculty
of Actuaries

Taking a statement from the Respondent

February 2018

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This note is intended to provide helpful information for Members who have had an allegation of misconduct made against them, and are subsequently asked by us to provide a statement. There are a number of notes like this available on our website, dealing with different stages of our Disciplinary and Capacity for Membership Schemes (the Scheme). If you cannot find a note that deals directly with your query, please contact us for assistance.

Any statement that we take as part of an investigation is called a “witness statement”. A witness statement is a written record of the evidence of a witness. It is used to record and present evidence that will inform the decisions of any Adjudication Panel and/or Disciplinary Tribunal Panel that the matter is referred to.

Witness statements are sometimes taken as part of the initial investigation by the appointed Case Manager, into any allegation of Misconduct made to the Institute and Faculty of Actuaries (IFoA). The Case Manager and Investigation Actuary appointed to investigate the allegation(s) against you may wish to take a witness statement from you. They are sometimes accompanied by a legal adviser. You are entitled to bring a support person and/or legal representative to the interview with you if you want to.

If the Case Manager and Investigation Actuary do want to meet you for this reason, the Case Manager will contact you to advise and agree arrangements for a suitable venue etc.

Why do I have to be interviewed?

The purpose of the interview is to give you a chance to record your account of what happened. It also gives the Case Manager and Investigation Actuary the chance to ask any questions they have and find out more about the background to the allegations.

Do I have to attend?

Meeting with the Case Manager and Investigation Actuary will assist the investigation into the allegations against you. The Scheme gives the Case Manager and the Investigation Actuary the power to require any Member of the IFoA to meet with them, answer questions and provide information relevant to the investigation. Failure to do so will amount to *prima facie* evidence of Misconduct. *Prima facie* broadly means that an Adjudication Panel can be satisfied that, on the face of it, there is sufficient evidence to make a finding of Misconduct. This meant that failure to agree to meet could lead to a further allegation of Misconduct being made against you, if you refuse to attend a meeting to take a witness statement.

Will the interview be recorded?

In some cases the Case Manager might record the interview to help them draft the witness statement. If so, the Case Manager will ask for your permission to do this. You can have a transcript if you request one.

If you want to record the interview yourself, please notify the Case Manager in advance and make your own arrangements for recording the interview. The Case Manager might ask for a copy of the transcript of the recording.

What happens after the interview?

The Case Manager will prepare a witness statement, based on their notes of the meeting and/or any transcript recording. It will not be a “word for word” transcript of your meeting, but it will set out all the key information obtained at the meeting.

The Case Manager will send you the draft statement for you to review. If you wish to make changes, please do so and return the amended draft statement to the Case Manager. Once you are happy with the content of the statement, you will be asked to sign and date it and return it to the Case Manager.

If there is any dispute over what is said at the meeting the Case Manager may submit a further document to accompany the statement, to explain the disputed recollection of events.

The witness statement will be submitted to the Adjudication Panel along with the Case Report and to the Disciplinary Tribunal Panel if matters progress to that stage.

Key relevant parts of the Scheme

Paragraphs 4.14, 4.19, 5.9, 5.10 and 5.11.

Where can I get advice or support?

You are entitled to obtain the support or advice of colleagues in the workplace or profession at any time, as well as having a general right to obtain independent legal advice about your rights in relation to any case that you have brought to the attention of the IFoA. In speaking with people other than the IFoA or your legal advisor, please remember that the investigation is not in the public domain. The IFoA are happy to provide factual information about each stage of the disciplinary process, but cannot advise you in relation to your legal rights or position.

Further information

If you have any further questions, please do not hesitate to contact the Case Manager assigned to your case.

For general enquiries please email disciplinary.enquiries@actuaries.org.uk or call +44 (0)131 240 1326.

Please note that this document is not legal advice. It is not intended to be a substitute for the Scheme.