



Institute
and Faculty
of Actuaries

Interim Orders

Information for Respondents

February 2018

Interim Orders

This note is intended to provide helpful information for Respondents when the Institute and Faculty of Actuaries (IFoA) make an application for an Interim Order. 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 online that deals directly with your query, please contact us for assistance.

What is an Interim Order?

The IFoA has a duty to protect the public. An Interim Order is an order which imposes certain restrictions on you pending the outcome of the disciplinary case. The Interim Order can;

- place you under a period of supervised practice; and/or
- suspend your Practising Certificate; or
- suspend your Membership of the IFoA.

How is an application for an Interim Order made?

The Case Manager and Investigation Actuary will make an application for an Interim Order by submitting a statement setting out their reasons for the application and with that they will include a copy of the allegations and any relevant material. The Case Manager and Investigation Actuary can apply for an Interim Order at any time up to a Disciplinary Tribunal Panel hearing.

The application will be submitted to the secretary to the Interim Orders Panel (a member of the IFoA staff), who will make arrangements for the application to be considered by an Interim Orders Panel (the Panel). A copy of the application will be sent to you at the same time it is submitted to the secretary. The secretary to the Interim Orders Panel will advise you of the date that the Panel is meeting to consider your application. More details about that are given below.

What is the Interim Orders Panel?

The Panel will make a decision as to whether or not an Interim Order should be granted. The Panel is comprised of at least three people. The Panel will be chaired by a “lay member” who is not a Member of the IFoA, but is a Solicitor, Advocate or Barrister. The remaining Panel members will be Fellow Members of the IFoA.

The Panel is advised by an independent Legal Adviser. The secretary to the Panel also attends to advise on procedural matters but does not participate in the consideration of the facts.

Can I respond to the application?

Yes. Once you have been served with a copy of the application you will be given a reasonable opportunity to make representations to the Panel. You can make representations in writing or orally as to;

- whether the Panel should make an Interim Order; and/or
- the duration of any Interim Order.

If you wish to make your representations in writing they should be submitted to the Secretary to the Panel. If you wish to make your representations orally, you must advise the secretary to the Panel, in writing, at least seven days before the date of the Panel hearing.

Are hearings in private or public?

If you do not advise the secretary to the Panel of an intention to make oral representations to the Panel, they will meet and consider the application in private. The only people who will be able to attend are the Panel members, their Legal Adviser and the secretary to the Panel.

If you do advise that you want to make oral representations to the Panel, then a hearing will take place which you can attend, as can the Investigation Actuary and Case Manager. You have the right to be legally represented, as does the Case Manager/Investigation Actuary. Such an Interim Order hearing will not be open to members of the public unless you request it. If you do want the Panel hearing to be public, then you must advise the secretary to the Panel of this.

If the Panel hearing is in public, you or the Case Manager can apply to the Panel to have part or all of the hearing in private. Even if neither you nor the Case Manager make an application for part of a public hearing to be in private, the Panel can, acting of their own motion, hold part or all of the hearing in private if they think there is good reason for doing so.

What happens at the Interim Order hearing?

The Panel will consider the application and if you are present to make oral representations, they will first hear from the Case Manager/Investigation Actuary or their legal representative and then you can make representations as to whether the Panel should make an Interim Order and/or the duration of any such order.

The Interim Orders Panel will consider whether or not to make an Interim Order and if they do make an Interim Order they must be satisfied that the application is necessary and proportionate, and they have seen sufficient *prima facie* evidence to support the allegations and the alleged Misconduct is serious enough to warrant the granting of an Interim Order. *Prima facie* broadly means that the Interim Order Panel is satisfied, on the face of it, there is sufficient evidence to support the allegation made about you. The Panel will also consider the effect that an Interim Order would have on you and the protection of the public, which includes the likelihood of further Misconduct occurring.

If an Interim Order is granted will it be made public?

Yes. Details of the Interim Order will usually be published on the IFoA website and in The Actuary magazine. Further information about publication is available on the IFoA's website.

What can the Interim Orders Panel do?

The Interim Orders Panel will determine, by majority, whether or not an Interim Order will be made. The Interim Order can;

- place you under a period of supervised practice, in accordance with the guidelines issued by the Disciplinary Board; and/or
- suspend any Practising Certificate issued by the IFoA; and/or
- suspend your Membership of the IFoA.

How long will an Interim Order last?

When making an Interim Order, the Interim Orders Panel will specify how long it shall last for. An Interim Order can last for a maximum of six months. Any Interim Order will cease to have effect if the case is concluded via an Adjudication Panel or Disciplinary Tribunal Panel, if Panel is an earlier date, at which point the findings of the Adjudication/Tribunal Panel will override the Interim Order.

Can I appeal against an Interim Order?

Yes. You can submit a notice of appeal within 14 days of the making of an Interim Order. The Interim Order will continue whilst the appeal is underway. The secretary to the Interim Orders Panel can provide you with details about the appeal process.

If the circumstances upon which the Interim Order was made materially change, you or the Case Manager can apply to the Chairman of the Interim Orders Panel, via the secretary to the Panel, for the Interim Order to be varied or cancelled. This is different from appealing the Interim Order.

Key relevant part of the Scheme

Rules 5.26 – 5.42.

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 brought under the Scheme. The IFoA is 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 secretary to the Interim Orders Panel whose contact details are;

Secretary to the Interim Orders Panel
Institute and Faculty of Actuaries
Level 2 Exchange Crescent
7 Conference Square
Edinburgh
EH3 8RA

Telephone: +44 (0)20 7632 2189

Email: clerk@actuaries.org.uk

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.