



Institute
and Faculty
of Actuaries

Adjudication Panels – Information for Respondents when the allegations are dismissed

February 2018

Adjudication Panel – for Respondents when the allegations are dismissed

The purpose of this note is to explain to Respondents what happens after a case is dismissed by an Adjudication Panel. 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. More general information about how Adjudication Panels work can be found on our website.

After an Adjudication Panel meets to consider your case, it will make a determination in writing. Determinations fall into two broad categories: (a) dismissal; or (b) prima facie finding of Misconduct (to either be referred to Disciplinary Tribunal, or to be dealt with conclusively at this stage).

After the Adjudication Panel has considered your case and decided to dismiss it, it will set out its reasons for dismissing the allegations against you. A copy of the written determination will be provided to you by the secretary to the Adjudication Panel within two weeks after the Adjudication Panel.

Will the determination be made public?

No. The fact that an allegation was made against you, and there was a subsequent investigation, is private. The Institute and Faculty of Actuaries (IFoA) staff, Investigation Actuary and Adjudication Panel members all treat such matters with the utmost confidentiality. The person who made the allegation and any others involved in the matter are informed throughout that the matter is private and confidential and that it should remain so. Where a matter is dismissed by an Adjudication Panel, we do not publish the determination on either our website, in the Actuary Magazine or by any other means.

Will the person who made the allegation see a copy of the determination?

Yes, the secretary to the Adjudication Panel will provide them with a copy and remind them that they are only provided with a copy of this document on the understanding that they respect the confidential nature of the document, and acknowledge that it is not a public document.

Can the person who made the allegation appeal against the decision of the Adjudication Panel to dismiss the case?

No. There is no appeal mechanism open to the person making an allegation, because they are not a party to the process.

The person who made the allegation can request a procedural review by the Independent Examiner in relation to the Adjudication Panel process and procedure relating to your case, if the case is dismissed by the Adjudication Panel and the limited grounds of referral are met. A separate note on this procedure is available elsewhere on our website to explain this more fully. If the person who made the allegation does make a referral to the Independent Examiner, the secretary to the Adjudication Panel will notify you in writing, and provide you with further information about the process at that time.

Is the matter at an end if dismissed by an Adjudication Panel?

If an Adjudication Panel decides to dismiss an allegation of Misconduct against you, and there is no relevant Independent Examiner referral by the person making the allegation, the IFoA will thereafter consider the matter to be at an end.

If my case is dismissed, can I apply for costs against the IFoA, or the person who made the allegation?

No. There is no provision under the Scheme for any award of costs at the adjudication stage.

Key relevant parts of the Scheme

6.1, 6.2, 6.4, 6.5, 6.12, 6.13, 6.15 and section 7.

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 has been 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 case, 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, or the secretary to the Adjudication Panel, whose contact details are;

Secretary to the Adjudication 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.