



Institute  
and Faculty  
of Actuaries

# Adjudication Panels -

Information for the Respondent where a *prima facie* finding of Misconduct is made

February 2018

## **Adjudication Panels – Information for the Respondent where a *prima facie* finding of Misconduct is made**

This note provides information for Respondents where an Adjudication Panel make a *prima facie* finding of Misconduct. *Prima facie* broadly means that an Adjudication Panel is satisfied, on the face of it, there is sufficient evidence to make a finding of Misconduct.

There are a number of notes like this available on our website, dealing with different stages of our Disciplinary and Capacity for Membership Scheme (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 elsewhere on our website.

The determination of the Adjudication Panel sets out their reasons for the finding of Misconduct and a copy of it will be provided to you by the secretary to the Adjudication Panel as soon as practicable after the Adjudication Panel have made their decision.

If an Adjudication Panel does think the Case Report discloses a *prima facie* case of Misconduct they may invite you to accept that Misconduct occurred and to accept one or more of the following sanctions;

- a reprimand;
- a fine to the maximum limit defined by the Disciplinary Board, which is currently £7,500;
- a period of education, retraining and/or supervised practice.

### **Can I appeal the determination of the Adjudication Panel?**

No, you cannot appeal the determination of the Adjudication Panel. If you do not agree with the finding of Misconduct and/or the sanction, then you do not have to accept it. If you do not accept it then the matter will be considered by a full Disciplinary Tribunal Hearing of the Institute and Faculty of Actuaries (IFoA). If you do not wish to accept the determination of the Adjudication Panel then please advise the secretary to the Adjudication Panel within the timescales set out in the letter providing you with the determination. You are usually given 21 days within which to accept the finding. Further information about Disciplinary Tribunal Panels can be found in the note about them, a copy of which is available on the website or from the secretary to the Adjudication Panel.

If you do not confirm your acceptance of the Adjudication Panel's invitation to accept there has been Misconduct and any sanction, in writing, by the deadline given, the case shall automatically be referred to a full Disciplinary Tribunal Hearing.

### **If I accept the finding of Misconduct, will the determination be made public?**

The determination will usually be published on the IFoA website and in The Actuary magazine. Further information about publication is available on the IFoA's website.

### **If I do not accept the determination of the Adjudication Panel, will the Disciplinary Tribunal Panel know this?**

No, the Disciplinary Tribunal Panel will not be made aware of how the case came to be before them.

**Will the person who made the allegation be provided with a copy of the determination?**

If you accept the determination of the Adjudication Panel the person who made the allegation will be provided with a copy of it. If you do not accept the determination of the Adjudication Panel however, and the matter is referred to a Disciplinary Tribunal Panel the person who made the allegation will not see a copy of the determination and the determination will not be published. The person who made the allegation will instead be advised that the matter has been referred to a Disciplinary Tribunal Panel.

**Key relevant parts of the Scheme**

Paragraphs 6.1, 6.2, 6.4 – 6.15 and section 8.

**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 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 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 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

Email: [clerk@actuaries.org.uk](mailto:clerk@actuaries.org.uk)  
Telephone: +44 (0)20 7632 2189

For general enquiries please email [disciplinary.enquiries@actuaries.org.uk](mailto: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.