



Institute
and Faculty
of Actuaries

Inappropriate Conduct Appeals Policy and Procedure

January 2020

Inappropriate Conduct Appeals Policy and Procedure

Introduction

The Institute and Faculty of Actuaries is committed to providing a fair and transparent route to achieving their qualifications.

This procedure is intended to provide a formal means for appealing the outcome of an assessment regulation investigation into inappropriate conduct. An appeal is distinct from a complaint which seeks to raise concerns about the quality or delivery of a service received from the IFoA. Complaints are considered under a separate Complaints Handling Procedure.

The policy set out below is designed to ensure that such requests are dealt with in a fair and consistent manner.

The IFoA aims to:

- Deal with any requests in a fair and timely manner and keep candidates appropriately informed of the progress of an investigation.
- Notify candidates of the outcome which has been reached and, where appropriate, what further action if any is to be taken.
- Monitor and track appeals to identify trends and patterns to be reported to Education Committee.

Acceptable Grounds for Appeal

The appeal will ONLY be considered where at least one of the following grounds is alleged to apply:

- There is evidence that the Board of Examiners failed to consider or did not have access to evidence that would have changed the outcome of the investigation and/or the penalty imposed;
- The penalties imposed by the Board of Examiners are demonstrably unreasonable (i.e. there is an obvious or clear quality to the unreasonableness of the resolution).
- There is evidence that procedural or administration error occurred during the Inappropriate Conduct investigation stage or Board of Examiners decision.

It is important to note that appeals based on, or arising from, the following will be deemed invalid and not upheld:

- The candidate's lack of knowledge or understanding of the assessment regulations and procedures.
- Challenging the Board of Examiners decision where no evidence or alternative explanation can be given i.e. submitting an appeal because the candidate wants a different outcome
- A reiteration of evidence or testimony which was provided during the Inappropriate Conduct investigation stage.

- The retrospective reporting of evidence which the IFoA could have reasonably been made aware of at the time of the investigation process.

To clarify, the IFoA will not pursue an appeal that does nothing more than question the investigation and decision exercised. For example, candidates cannot appeal using the procedures simply because they are unhappy with the decision made as a result of an investigation. This includes submitting the same evidence or testimony provided to the investigating officer during the initial investigation.

The IFoA is committed to promoting equality and diversity in all its activities. By submitting an appeal the candidate's privacy and confidentiality will be respected at all stages of the process. In submitting an appeal candidates must accept that limited disclosure of all, or part, of their submission will be required to enable investigation of the case to proceed.

Candidates have the right to expect that everyone who responds to, investigates or adjudicates upon an appeal will do so impartially. No individual, including assessors, will be permitted to act in any manner in a case which they have a material interest in, or in which any actual or potential conflict of interest may arise.

Stage One Appeal

Lodging an Appeal

- The appeal must be submitted within 30 days of the release of the Investigation outcome.
- Candidates should complete the *Inappropriate Conduct Appeal application form (Stage one appeals)* and include all supporting evidence. A form needs to be completed for each investigation outcome they wish to appeal. Appeals should be sent by email or post to the address given on the form.
- Candidates will need to provide reasons why they believe the grounds of appeal apply, and include any evidence to substantiate their claim.
- On receipt of the form an email will be sent to the candidate within 48 hours. This is an automatic response which acknowledges successful receipt.

Consideration of the Appeal

The Head of Quality and Assessment (or nominee) will oversee the appeal and will take all appropriate steps to ascertain the relevant facts. This can include checking that no administrative, numerical, data transcription, computing or procedural errors have taken place. It will involve reviewing the original investigation and consulting where necessary with examiners, assessors, Board Officers or IFoA staff.

The appeal will initially be reviewed to ascertain whether it meets the acceptable grounds listed above. Where the appeal does not meet these grounds the candidates will be informed of this in writing.

If the appeal meets the threshold for further consideration, the appeal and all supporting evidence will be sent to an Appeals Panel. The Panel will consist of three members of the Board of Examiners who are independent from and will have had no involvement in the original investigation or the outcome.

The Appeals Panel will review the appeal and all supporting documentation and will make a decision based on an appropriate outcome. The decision of the panel is final.

The outcome of the appeal, with reasons, will be communicated to the candidate by letter from the Head of Quality and Assessment (or nominee) within 30 days from the receipt, wherever possible. Any delays will be communicated to the candidate.

In the event the appeal is upheld this does not necessarily mean that the candidate is entitled to an amendment of the investigation outcome.

By way of an example, and not intended to be an exhaustive list, the following are available if the appeal is upheld:

- An explanation or apology.
- An undertaking to review the relevant administrative procedures.
- A review of the investigation outcome.
- Correction or reduction to the outcome previously given.

Stage Two Appeal – Review of the Stage One Process

If the stage one appeal was reviewed by the Appeals Panel and, following the outcome the candidate believes the Stage One appeal was not investigated correctly, they are entitled to have their appeal considered by the Director of Engagement and Learning (or nominee).

Candidates whose appeal was not considered by the appeals panel cannot submit a stage 2 appeal.

The candidate must request an appeal by completing an *Inappropriate Conduct Appeal application form (Stage two appeals)* and sending it to the Director of Engagement and Learning within 10 days of receiving the Stage one appeal outcome.

The Stage two appeal will **not re-investigate the details of the original appeal**. An appeal at Stage two will only consider evidence that:

- Stage one appeal has not been investigated correctly and the candidate has further evidence to support this.
- Evidence considered in the stage one appeal was incorrect or incomplete, to the extent it was reasonable to conclude the outcome may have been different.
- There was prejudice or bias during the stage one appeal.

If the appeal is successful the IFoA will undertake to re-review the case submitted at Stage one of the appeal process.

The outcome of the appeal, with reasons, will be communicated to the candidate by letter from the Director of Engagement and Learning (or nominee) within 30 days from the receipt of the Stage two appeal wherever possible. Any delays will be communicated to the candidate.

The decision of the Director of Engagement and Learning will be the final decision under this appeals process. Once this has been communicated to the candidate, the IFoA will not enter into any further correspondence regarding the appeal.

Document control

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Approving Committee: Education Committee

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