



Institute
and Faculty
of Actuaries

Disciplinary Tribunal Panel

Information Note

Disciplinary Tribunal Panel (DTP)

Purpose of this Note

The purpose of this note is to provide information about disciplinary cases considered by a Disciplinary Tribunal Panel (DTP).

What is a DTP?

A DTP decides whether allegations against the Respondent amount to Misconduct and, if so, what the appropriate sanction (if any) would be.

The DTP meets to consider each case at a public or private hearing. The hearings can be [virtual or in-person](#). At the hearing, each party has the opportunity to present their case to the DTP before the DTP makes their decision.

Who will be at the hearing?

- **The DTP members** - each DTP consists of three or more people, at least one of whom shall be a Member of the IFoA and at least one shall be a Lay person who is not a Member of the IFoA. One member of the DTP will be the Chair of the hearing.
- **The Legal Adviser** - The independent Legal Adviser is an experienced lawyer who advises the DTP on points of law and procedure. The Legal Adviser has no role in the decision-making process. Where the DTP receives any legal advice during deliberations in private, that advice will be repeated when the DTP is back in public session. Parties can comment on the legal advice during the hearing.
- **IFoA Case Presenter** - A lawyer will present the case on behalf of the IFoA. This may be one of the IFoA's lawyers or an external lawyer. A representative of the IFoA's Disciplinary Investigation Team may also attend.
- **Respondent and their representative** - The Respondent can attend the hearing but is not required to do so. The Respondent may wish to instruct a legal representative, or they can represent themselves. The Respondent can also be accompanied by a friend/colleague/family member at the hearing.
- **Witnesses** - Witnesses may be called to give evidence at the hearing. This may include the Case Manager. If you are a Respondent intending to call witnesses, you should notify both the Case Manager and Judicial Committees Secretary. If you do call witnesses, the IFoA has the right to cross examine them and the DTP can ask them questions too.

Witnesses will be asked not to attend the DTP hearing until the DTP are ready to hear their evidence. After the witness has given evidence, they may remain at the hearing to observe the proceedings. We also have guidance for any [vulnerable witnesses](#) attending a DTP.

- **Investigation Actuary** - The Investigation Actuary assigned to the case may be present.
- **Secretary to the DTP** - The Judicial Committees Secretary is responsible for the administration of the hearing. They do not participate in the consideration of the evidence.

- **Observers** - DTPs are usually held in public (other than in exceptional circumstances). This means a limited number of observer places are available for people who may wish to watch the hearing. Requests to observe a hearing must be made to the Judicial Committees Secretary in advance of the hearing. If the hearing is taking place virtually, the observers are not seen on the screen and their names are anonymised.

What happens before the hearing?

The Charge and supporting documentation will be sent to the Respondent. It is also sent to the Judicial Committees Secretary who will arrange the DTP hearing. If you are a Respondent, you will be provided with a Case Management Form and a Charge Response Form which you should complete to confirm your availability and arrangements for the DTP.

The Judicial Committees Secretary will send the Respondent notice of the date, time and location of the hearing.

A member of the Disciplinary Investigation Team will keep any IFoA witnesses updated on the date of the DTP and the Judicial Committees Secretary will provide the details for accessing the hearing.

Details of the date, time and place of the hearing will be published on the [Forthcoming Hearings](#) section of the IFoA's website a short time in advance of the hearing. This notice will also include the Respondent's name, status, date of IFoA Membership and a summary of the Charge.

If you are attending a virtual hearing as a Respondent or witness, the Judicial Committees Secretary will arrange a pre-hearing call to make sure you are familiar with the technology used.

If you require assistance with participating in the DTP hearing, please advise the Judicial Committees Secretary before the hearing so any [reasonable adjustments](#) can be made.

If you are attending an in-person hearing and would like to see the hearing room before the DTP starts, or know more about the room layout, please contact the Judicial Committees Secretary. In-person hearings usually take place in Edinburgh or London.

If you are a Respondent...

Submitting grounds of defence

If you wish to defend the Charge against you, you should send any grounds of defence to the Judicial Committees Secretary and the Disciplinary Investigations Team, no later than 28 days after the Charge was served on you. Your grounds of defence should set out what parts of the Charge you do not accept and the reasons why. You can also provide copies of evidence and/or witness statements that you wish to rely upon at the hearing.

Submitting documents

If there are any additional documents which you are intending to rely upon as part of your case, such as documentary evidence, witness statements etc, you must send them to the Judicial Committees Secretary and the Disciplinary Investigations Team no later than 21 days prior to the hearing.

Capacity for membership

At any stage prior to the DTP hearing if you consider that the Capacity for Membership provisions of the Scheme (capacity process) may apply, it is open to you to make an application to the DTP. This may be relevant if you have significant and ongoing issues of health which are related to the Charge. There is a separate guidance note that explains the [capacity for membership](#) process.

Do I have to attend the DTP hearing?

No, but it is usually in your best interests to do so. The DTP may have questions about the Charge that only you can answer. The hearing may take place even if you do not attend if the IFoA requests this if the IFoA can show you have been sent the notice of the hearing, and the DTP considers that it is in the public interest that the hearing proceeds in your absence.

If you are not able to attend the hearing or do not wish to attend, please notify the Judicial Committees Secretary as soon as possible.

If you are a Respondent attending the hearing, please advise the Judicial Committees Secretary whether you will be represented and if so, who your representative(s) will be. Please also advise the Judicial Committees Secretary if you intend to bring someone to support you during the hearing.

How do I make an application to have part/all of the hearing in private?

You, your representative or the IFoA can, at any time, make an application to the DTP, to hear part or all of the hearing in private. The DTP can hold part or all of the hearing in private if they think there is good reason for doing so. If you wish to make an application in advance of the hearing for all or part of it to be held in private, please advise the Judicial Committees Secretary.

Will the DTP know how the case came to be at a DTP?

The IFoA will not advise the DTP whether the case was referred to the DTP by an Adjudication Panel or whether it was referred directly in accordance with Rule 8 of the Disciplinary Scheme. The DTP will not be provided with any previous determinations made by an Adjudication Panel or the Convener of Adjudication Panels in relation to the conduct included in the Charge.

Order of the DTP hearing

1. Introductions and preliminary issues

The DTP members, legal adviser, IFoA Representative and Respondent will introduce themselves. The Chair will then briefly explain the process to be followed.

If there are any preliminary issues, they will normally be addressed at the start of the hearing.

2. Evidence and submissions on the facts and Misconduct

The Charge will be read out by the Judicial Committees Secretary and the Respondent will be asked whether they accept or deny the Charge.

The IFoA will then open the case. The IFoA will set out the allegations and take the DTP through the evidence which it considers supports the allegations. The IFoA may also call witnesses. If witnesses are called, the IFoA will ask them questions first, then the Respondent or their representative can ask questions (this is called cross-examination), after this the IFoA have an opportunity to ask any further questions they may have. Finally, the DTP members can ask any questions they may have of the witness.

Once the IFoA has presented their case, the Respondent may present their case and call witnesses. The IFoA can cross-examine the Respondent's witnesses and the DTP members can also ask questions.

The IFoA will then make their closing submissions, which summarise the IFoA's case. Following this the Respondent or their representative make closing submissions.

3. Decision on facts and Misconduct

The DTP will then retire to make a decision on whether the facts of the Charge are proven and whether the proven facts amount to Misconduct. The [standard of proof](#) to be applied by the DTP is on the balance of probabilities. This means that for a case to be proved, there must be evidence that it is "more likely than not" that the conduct took place as alleged.

The DTP will discuss and make their determination in private without the IFoA or the Respondent present. The parties and any observers will be kept advised of when the DTP has made their decision and when the hearing will resume.

When the hearing resumes, the DTP will announce their decision on the facts and Misconduct. The DTP's full written determination will normally be served a short time after the hearing has concluded.

If the DTP makes no finding of Misconduct, the case is dismissed. The DTP will move directly to considering publication and costs (see below).

4. Decision on sanction

If the DTP makes a finding of Misconduct, they will go on to consider whether it is appropriate to impose a [sanction](#). Both the Respondent and the IFoA will be given the opportunity to inform the DTP of any information that may be relevant to the sanction, including any mitigating or aggravating factors.

If the Respondent has had a previous adverse disciplinary finding, the DTP will be provided with a copy of the determination at this stage. The Respondent may provide financial information to be taken into account should the DTP consider a fine to be appropriate. Any financial information provided will only be shared with the IFoA and the DTP.

The DTP will then retire again to make a decision on sanction. The parties and any observers will be kept advised of when the DTP has made their decision and when the hearing will resume.

Once a decision has been made, the hearing will resume and the decision on sanction will be announced. The full reasons for the decision will be included in the written determination which will normally be served a short time after the hearing has concluded.

5. Decision on costs

The IFoA and the Respondent may make an application for costs. This may be considered at the same time as the DTP considers sanction, or it may be considered after the Panel's decision on sanction. Further information about costs applications can be found in the [Costs Guidance Note](#).

The DTP will make their decision on costs in private and will announce their decision when the hearing resumes.

6. Decision on publication

The IFoA and the Respondent may also make submissions on the publication of the determination. Further information about the usual approach to publication of determinations can be found in the [Publication Guidance](#). The DTP will announce their decision on publication during the hearing.

When will the DTP's decision be available?

The DTP usually make their decision on the day of the hearing and announce it orally. If you are a Respondent and you were not present at the hearing, the Judicial Committees Secretary will contact you shortly after the hearing to notify you of the outcome. The Respondent may contact the Judicial Committees Secretary to request a copy of the transcript of the hearing.

The DTP's written determination will be provided to the Respondent and the IFoA shortly after the hearing. When the written determination is issued, the Respondent and the IFoA will be advised of any relevant timeframes, for example for the payment of any costs award or fine.

If the DTP has directed that the determination should be published, this will normally be available on the IFoA's website shortly after it is served on the IFoA and the Respondent.

Can the determination of the DTP be appealed?

There is a right of appeal to the Appeals Tribunal Panel. Further information is set out at Rule 18 of the [Disciplinary Scheme](#) and in the [Appeals Regulations](#).

Respondents will be notified of any right to appeal and the timescales for doing so in the decision letter issued to them from the Judicial Committees Secretary.

Further information

You are entitled to obtain independent legal advice in relation to any investigation or proceedings brought under the Disciplinary Scheme.

The Disciplinary Investigations Team and Judicial Committees Secretary may provide factual information about each stage of the disciplinary process, but cannot advise you in relation to your legal rights or position.

If you have any further questions, please contact the Judicial Committees Secretary at clerk@actuaries.org.uk. For general enquiries please email disciplinary.enquiries@actuaries.org.uk.

Document control

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Institute and Faculty of Actuaries

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