



Institute
and Faculty
of Actuaries

Sanctions involving Education, Retraining and/or Supervised practice

Guidance Note

by the Disciplinary Committee
of the Institute and Faculty of Actuaries

January 2020

1. General

- 1.1 These guidelines have been developed by the Disciplinary Committee primarily for use by Adjudication, Disciplinary and Appeal Tribunal Panels (“a Panel” or collectively “Panels”). Under the Disciplinary and Capacity for Membership Schemes (“the Scheme”), Adjudication Panels may invite a Respondent to accept a sanction, Disciplinary Tribunal Panels may determine to impose a sanction, and Appeal Tribunal Panels may uphold, vary or rescind sanctions imposed by Disciplinary Tribunal Panels. In these guidelines the phrase ‘apply a sanction’ is used to mean all three of these options, and the term ‘educational intervention’ means all sanctions involving periods of education, retraining and/or supervised practice. This Guidance Note does not override any provision of the Scheme.
- 1.2 This Guidance Note should be read in conjunction with the current [Indicative Sanctions Guidance Note](#) issued by the Disciplinary Committee.
- 1.3 The contents of this Guidance Note are reviewed at least every three years.

2. Circumstances in which educational intervention may be appropriate

- 2.1 The purpose of ordering that a Member complete an additional period of education, retraining and/or supervised practice, is to ensure that he/she is sufficiently trained and knowledgeable in areas where a breach of the Actuaries’ Code, or other professional standards, may demonstrate that they are lacking in the required expertise or standard of professionalism. It is a rehabilitative sanction and can often be appropriately combined with other sanctions.
- 2.2 Educational intervention was designed for those cases where a Panel considers that all the following apply, namely:
 - it is in the public and/or the profession’s interest for the Respondent to receive such a sanction;
 - it is the most appropriate means of response to a deficiency of knowledge, skills and/or behaviour, or to an error, which has come to light from the evidence in a case report or charge of Misconduct;
 - the identified deficiency is amenable to improvement through a period of education, and/or retraining, and/or supervision.
- 2.3 There may be cases where a Respondent is willing to co-operate with an educational sanction but where the public or professional interest requires a different response. It will be a matter for the Panel to consider the circumstances of the case and in consideration of the public interest, to make a decision as to the appropriate sanction to be imposed.
- 2.4 Educational intervention may also be applied, where appropriate, in conjunction with other sanctions, such as a reprimand, a fine, or suspension. If, however, this sanction is applied in conjunction with suspension or withdrawal of a practising certificate, or suspension of membership, the Panel must consider whether it is feasible for the Respondent to achieve the desired educational goals, given the limitations on practice caused by the other sanction.

3. Circumstances where educational intervention may not be appropriate

- 3.1 Educational intervention is unlikely to succeed where the Respondent has failed to engage in the disciplinary process or has failed to show any insight.
- 3.2 If educational intervention is not considered appropriate, other sanctions should be considered.

4. General principles

- 4.1 The purpose of educational intervention should be:
- clearly defined by the Panel;
 - demonstrably relevant to the needs of the Respondent;
 - proportionate to the allegations under consideration and the identified deficiency;
 - achievable by the Respondent;
 - affordable for the Respondent; and,
 - completion must be demonstrable.

5. Specification in Determination

- 5.1 For all types of educational intervention the Panel should clearly specify:
- Precisely which area(s) of the Respondent's knowledge, skills and/or behaviour are deficient and in need of educational intervention (eg timeliness of work, communications with clients, quality of work).
 - The specific learning outcomes and objectives of the intervention.
 - Which of the following is required: a period of education, or of retraining, or of supervised practice, or a combination of any of these sanctions.
 - The deadline for when the Respondent is required to complete the educational intervention.
- 5.2 It is important for Panels to be sufficiently clear in the written determination that compliance is the responsibility of the Respondent in order to avoid raising his or her expectations or that of others that the IFoA is under an obligation to provide education, or retraining; or that employers are under an obligation to provide sources of support.

6. Education and/or Retraining

6.1 For educational intervention involving education and/or retraining the Panel should specify:

- the concerns that education and/or retraining should redress and what the learning outcomes and objectives are in relation to these concerns. The Panel will not usually specify the type of course or learning material unless the Panel has something specific in mind.
- the minimum number of required hours of training expected and a completion date for submission of the training proposal. The training would be additional to that required under the IFoA's CPD Scheme.

7. Supervised practice

7.1 For education intervention involving supervised practice the Panel should specify:

- the time period over which supervision should occur and how often reports should be submitted by the supervisor to the IFoA's Head of Legal Services;
- the closeness of the supervision required, from simple peer review of completed work, to more stringent arrangements, taking into account:
 - the extent of the supervision may, for example, vary from 'adequately supervised' to 'close personal supervision' of work by the Respondent;
 - the differing levels of supervision - select that which is most appropriate in the individual case.
 - the referral should make as clear as possible to the Respondent to what extent supervision is required and over what particular practice areas.
 - supervision should normally be undertaken by a senior actuary.

7.2 Panels should direct the Respondent to identify a suitable supervisor. The proposed supervisor must submit a curriculum vitae and statement confirming the nature and extent of the supervision proposed to the IFoA's Head of Legal Services for its approval before the appointment of that person becomes effective. The costs associated with the periods of supervised practice are to be met by the Respondent.

7.3 The supervisor should be advised that upon completion of the period of supervision a report should be submitted to the IFoA. The report should detail the supervision undertaken; specify how the areas of practice identified by the Panel had been addressed; and how the Respondent demonstrated his or her commitment to the sanction. Where compliance has not been met by the Respondent, the supervisor should detail the reasons in that report.

7.4 A copy of the report should be provided by the supervisor, in writing, to the IFoA's Head of Legal Services.

8. Compliance

- 8.1 Panels should order that where any of the above sanctions have been imposed the Respondent is obliged to confirm to the IFoA's Head of Legal Services when compliance has been achieved by writing to the Head of Legal Services and providing any documentary evidence relevant to that sanction.

Disciplinary Committee
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