



Institute
and Faculty
of Actuaries

FRC Scheme Regulations

Disciplinary Committee

Version 1.1

1 November 2023

FRC Scheme Regulations

- A. These Regulations shall be read alongside:
 - (a) the Disciplinary Scheme of the IFoA; and
 - (b) any relevant guidance published by the Disciplinary Committee.
- B. Where there is any conflict or inconsistency between the Disciplinary Scheme and these Regulations, the Disciplinary Scheme shall prevail.
- C. Where there is any conflict or inconsistency between these Regulations and guidance, these Regulations shall prevail.
- D. With regard to the applicability of these Regulations:
 - (a) Any Complaint or application for readmission to membership received by the IFoA shall be considered under the version of these Regulations in force at the time the Complaint or application for readmission to membership is received by the IFoA.
 - (b) In the event these Regulations are amended after a Complaint or application for readmission to membership has been received by the IFoA:
 - (i) the Respondent or Applicant may provide written consent to the IFoA for the Complaint/application for readmission to membership to be considered in accordance with the most recent version of these Regulations, otherwise
 - (ii) the version of the Regulations in force at the time the Complaint or application is received shall be applied to the extent that it is possible to do so, having regard to the need to ensure the fair and just determination of the case, otherwise the most recent version of the Regulations shall apply.
- E. These Regulations shall be interpreted and applied in accordance with the principles of natural justice, procedural fairness, and any applicable human rights law.
- F. The Rules contained in these Regulations are inserted for convenience of reference only. They shall not be considered a part of the Regulations.

Rule 4.1 All Members may be subject to disciplinary proceedings under the FRC Scheme, regardless of whether the Misconduct took place before or after the commencement of the FRC Scheme.

Duty to Co-operate

1. Under Rule 5 all Members shall co-operate fully and promptly in the consideration of any complaint, any investigation and/or any misconduct proceedings under the FRC Scheme. All former Members shall co-operate fully in relation to any investigation or proceedings under the FRC Scheme concerning any conduct by them that occurred whilst they were a Member, regardless of their membership status at the time a complaint was made.

Referral to the Conduct Committee of the FRC by an Executive Officer of the IFoA

Rule 4.2 An Executive Officer of the IFoA may, before referring a Complaint to the Head of Disciplinary Investigations under Rule 3.2, refer a Complaint to the Conduct Committee.

2. Where the Conduct Committee accepts the referral of a Complaint under Rule 4.2, the Executive Officer of the IFoA shall:
 - (a) take no further action on the Complaint; and
 - (b) inform the Member/former Member and the Disciplinary Committee of the referral to the Conduct Committee.
3. Where the Conduct Committee does not accept the referral of the Complaint, the Executive Officer shall refer the Complaint to the Head of Disciplinary Investigations under Rule 3.2.

Referral to the Conduct Committee of the FRC before an Investigation

Rule 4.3 The Head of Disciplinary Investigations and the Chair of the Pool of Investigation Actuaries may, after an Allegation has been referred to them under Rule 7.1, refer an Allegation to the Conduct Committee.

4. If a referral is made under Rule 4.3, the Head of Disciplinary Investigations shall:
 - (a) suspend the investigation under this Scheme; and
 - (b) inform the Respondent, the Referrer and the Disciplinary Committee that the Conduct Committee is considering the referral.
5. Where the Conduct Committee accepts the referral of the Allegation under Rule 4.3, the Head of Disciplinary Investigations and the Chair of the Pool of Investigation Actuaries shall:
 - (a) not take any further action on the Allegation; and
 - (b) inform the Respondent, the Referrer, and the Disciplinary Committee of the referral to the Conduct Committee.

6. Where the Conduct Committee does not accept the referral of the Allegation, the investigation shall proceed under Rule 7.2 and the Head of Disciplinary Investigations shall inform the Respondent, the Referrer, and the Disciplinary Committee that the FRC has not accepted the referral.

Referral to the Conduct Committee of the FRC during an Investigation

Rule 4.4 At any stage after an investigation has commenced under Rule 7.2, but before the investigation has been completed under Rule 12.1, the Case Manager may send an Allegation to the Head of Disciplinary Investigations and the Chair of the Pool of Investigation Actuaries who shall consider whether it is appropriate for referral to the Conduct Committee.

7. If a referral is made under Rule 4.4, the Case Manager shall:
 - (a) suspend the investigation under this Scheme; and
 - (b) inform the Respondent, the Referrer and the Disciplinary Committee that the Conduct Committee is considering the referral.
8. Where the Conduct Committee accepts the referral of the Allegation under Rule 4.4, the Case Manager shall:
 - (a) take no further action on the Allegation under this Scheme; and
 - (b) inform the Respondent, the Referrer, and the Disciplinary Committee that the Conduct Committee has accepted the referral and that the Allegation will be investigated by the Conduct Committee.
9. Where the Conduct Committee does not accept the referral of the Allegation, the Case Manager shall recommence the investigation and shall inform the Respondent, the Referrer, and the Disciplinary Committee.
10. The Chair of the Pool of Investigation Actuaries may assign an Investigation Actuary.
11. Any Investigation Actuary assigned under Regulation 10 may be:
 - (a) the Investigation Actuary initially assigned to investigate the Allegation; or
 - (b) a newly appointed Investigation Actuary.

Referral to the Conduct Committee of the FRC by an Adjudication Panel

Rule 4.5 An Adjudication Panel may, before making any determination under Rule 13.3, refer any Allegation to the Conduct Committee.

12. Where an Adjudication Panel makes a referral under Rule 4.5, the Adjudication Panel shall:
 - (a) suspend its consideration of the Case Report; and
 - (b) inform the Respondent, the Referrer, the Case Manager, and the Disciplinary Committee that the Conduct Committee is considering the referral.

13. Where the Conduct Committee accepts the referral of the Allegation under Rule 4.5, the Case Manager shall:
 - (a) take no further action in respect of the Case Report; and
 - (b) inform the Respondent, the Referrer and the Disciplinary Committee that the Conduct Committee has accepted the referral and that the Allegation will be investigated by the Conduct Committee.
14. Where the Conduct Committee does not accept the referral of the Allegation under Rule 4.5:
 - (a) The Case Manger shall inform the Respondent, the Referrer and the Disciplinary Committee; and
 - (b) The Convener of Adjudication Panels shall determine whether the Case Report should be considered by the initial Adjudication Panel or a newly appointed Adjudication Panel; and
 - (c) the Adjudication Panel shall consider (or resume consideration of) the Case Report under Rule 13.1.

Call In of Cases by the Conduct Committee of the FRC.

Rule 4.6 At any stage before:

- (a) the Adjudication Panel makes a determination under Rule 13.3; or
- (b) the Respondent notifies the Case Manager that they wish to proceed directly to a Disciplinary Tribunal Panel hearing under Rule 12.2,

the Conduct Committee may issue a written notice to the IFoA, notifying them that it has decided to call in a case for investigation under the FRC Scheme.

15. Where the IFoA receives a written notice under Rule 4.6, it shall:
 - (a) suspend any further action on the Allegation under this Scheme; and
 - (b) inform the Respondent, the Referrer, the Case Manager, and the Disciplinary Committee that a written notice has been received from the Conduct Committee.
16. Where the Conduct Committee determines that the Allegation should be called in for investigation under the FRC Scheme, the IFoA shall:
 - (a) take no further action on the Allegation under this Scheme; and
 - (b) inform the Respondent, the Referrer, the Case Manager and the Disciplinary Committee that the Allegation will be investigated by the FRC.
17. Where the Conduct Committee determines that the Allegation should not be called in for investigation under the FRC Scheme, the IFoA shall:
 - (a) commence or resume investigation of the Allegation under this Scheme; and
 - (b) inform the Respondent, the Referrer, the Case Manager, and the Disciplinary Committee that the investigation of the Allegation under this Scheme has commenced or resumed.

Case in the Process of Investigation by the Conduct Committee of the FRC

18. Where a Complaint is received by the IFoA which relates to matters which are already the subject of an investigation under the FRC Scheme, the IFoA shall notify the Conduct Committee. The IFoA shall take no further action under this Scheme in relation to that Complaint unless otherwise agreed with the Conduct Committee.

Enforcement of FRC Findings, Sanctions and Costs

Rule 4.7 Any final finding made, sanction imposed, and/or costs awarded by the Conduct Committee shall be enforced as if it had been made under this Scheme.

19. The findings, sanctions and/or costs under Rule 4.7 shall only be enforced where there is no further right of appeal available under the FRC Scheme.

Definitions

| Term | Meaning |
|-------------------------------------|---|
| Adjudication Panel | A panel referred to in Rule 13 of this Scheme. |
| Bye-laws | The Bye-laws of the IFoA from time to time. |
| Case Manager | The person assigned to the management and investigation of an Allegation, all proceedings related to the Allegation or an application for readmission. Another Case Manager can act in place of the assigned Case Manager if they are not available. |
| Case Report | A report referred to in Rule 12 of this Scheme which sets out the Allegation made against the Respondent and contains the relevant facts and information obtained during the investigation. |
| Complaint | A complaint by any person, body or company, or by an Executive Officer, alleging that a named Member or former Member has committed Misconduct. |
| Conduct Committee | The Conduct Committee of the FRC, established under the FRC's Articles of Association or any successor entity. |
| Disciplinary Committee | The Disciplinary Committee of the IFoA or its successor. |
| Executive Officer | The Chief Executive of the IFoA and any other person nominated by the Chief Executive. |
| FRC | The Financial Reporting Council Limited, a company limited by guarantee incorporated in England and Wales, number 2486368 and any other body which takes over the functions of the FRC. |
| FRC Scheme | <p>The Actuarial Scheme of the FRC dated 1 January 2021 as amended from time to time by the FRC, or any actuarial scheme issued by any other body which takes over the functions of the FRC.</p> <p>The FRC Scheme was originally adopted by the Accountancy and Actuarial Disciplinary Board (AADB) on 13 September 2007. It was amended with effect from 13 October 2011 and 18 October 2012. It was amended by the FRC on 1 July 2013 and 1 June 2014.</p> |
| Head of Disciplinary Investigations | The person appointed as Head of the Disciplinary Investigations Team of the IFoA, and any person nominated by the Head of the Disciplinary Investigations Team. |
| IFoA | The Institute and Faculty of Actuaries. |
| Investigation Actuary | An actuary who may be assigned to a case from the Pool of Investigation Actuaries under Rule 7 of this Scheme. |
| Member | A member of the IFoA of any class other than an Honorary Fellow or an Affiliate. |

| Term | Meaning |
|-----------------------------------|---|
| Misconduct | The meaning under Rule 2 of this Scheme. |
| Pool of Investigation Actuaries | A pool of Investigation Actuaries appointed by the Regulatory Appointments Committee to assist and support the Case Manager. |
| Pool of Legal Advisers | A pool of Legal Advisers appointed by the Regulatory Appointments Committee to provide independent legal advisory support to panels. |
| Referrer | A person, body or company making a Complaint alleging that a Member or former Member has committed Misconduct. |
| Regulations | Any regulations issued by the Disciplinary Committee. |
| Regulatory Appointments Committee | The Regulatory Appointments Committee of the IFoA or any successor body. |
| Respondent | A Member or former Member whose conduct is the subject of an Allegation or investigation by the IFoA under this Scheme and/or the Conduct Committee under the FRC Scheme. |
| Rule | A rule of this Scheme. |
| Rules of the IFoA | The rules of the IFoA from time to time. |
| Scheme | The Disciplinary Scheme made under Bye-law 59 and forming part of the Rules of the IFoA. |

Document control

| Version | Date of publication | Overview |
|---------|---------------------|--|
| 1.0 | 1 August 2023 | To support Disciplinary Scheme effective 1 August 2023. |
| 1.1 | 1 November 2023 | To clarify the version of the Regulations that will apply to a Complaint or application. |



Institute and Faculty of Actuaries

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Beijing

Room 512, 5/F Block A Landgentbldg Center · No 20 East Middle 3rd Ring Road · Chaoyang District · Beijing100022
Tel: +86 10 5878 3008

London (registered office)

1-3 Staple Inn Hall · High Holborn · London · WC1V 7QJ
Tel: +44 (0)20 7632 2100

Malaysia

Arcc Spaces · Level 30, Vancouver Suite · The Gardens North Tower · Lingkaran Syed Putra · 59200 Kuala Lumpur
Tel: +60 12 591 3032

Oxford

Belsyre Court · 1st Floor · 57 Woodstock Road · Oxford · OX2 6HJ
Tel: +44 (0)20 7632 2100

Singapore

5 Shenton Way · UIC Building · #10-01 · Singapore 068808
Tel: +65 8778 1784

www.actuaries.org.uk

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