



Institute
and Faculty
of Actuaries

Appointments Regulations

Disciplinary Committee

1 August 2023

Appointments 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. The Rules contained in these Regulations are inserted for convenience of reference only. They shall not be considered a part of the Regulations.

Appointments

- Rule 20.1 Members of the following panels shall be appointed from the Disciplinary Pool in accordance with the Regulations:
- (a) an Assessment Panel;
 - (b) an Interim Orders Panel;
 - (c) a Disciplinary Orders Panel;
 - (d) an Adjudication Panel;
 - (e) a Disciplinary Tribunal Panel;
 - (f) a Capacity for Membership Panel; and
 - (g) an Appeals Tribunal Panel.
- Rule 20.2. Members of a Readmission Panel shall be appointed in accordance with the Regulations.

Disciplinary Pool

1. The Regulatory Appointments Committee shall appoint members of a Disciplinary Pool.
2. Members of the Disciplinary Pool shall consist of Members and Lay Persons all with an appropriate level of skill and experience to carry out the role.
3. The Regulatory Appointments Committee shall appoint a sub group within the Disciplinary Pool as a chairing pool for members it has identified as having an appropriate level of skill and experience to chair panels appointed under Rules 20.1 and/or 20.2. This is subject to the requirement that any Appeals Tribunal Panel must be chaired by a legally qualified Lay Person from the Disciplinary Pool.

4. The Regulatory Appointments Committee shall appoint the following role holders from within the Disciplinary Pool:
 - (a) a Convener of Disciplinary Tribunal Panels and a Deputy Convener of Disciplinary Tribunal Panels; and
 - (b) a Convener of Adjudication Panels and a Deputy Convener of Adjudication Panels.
5. Conveners will be selected from one of the Lay Persons of the Disciplinary Pool and Deputy Conveners will be selected from one of the members of the Disciplinary Pool who are Members.
6. No member of the Disciplinary Pool can hold more than one role under Regulation 4.
7. The panels set out in Rules 20.1 or 20.2 shall be appointed in accordance with Regulations 27-34 and guidance issued by the Disciplinary Committee.

Pool of Investigation Actuaries

8. The Regulatory Appointments Committee shall appoint a Pool of Investigation Actuaries which shall be made up of Members with an appropriate level of skill and experience to carry out the role.
9. The Regulatory Appointments Committee shall appoint two members of the Pool of Investigation Actuaries to the roles of the Chair of the Pool of Investigation Actuaries and Deputy Chair of the Pool of Investigation Actuaries.

Pool of Independent Reviewers and Appeals Assessors

10. The Regulatory Appointments Committee shall appoint a Pool of Independent Reviewers and Appeals Assessors who shall be legally qualified and who are identified as having an appropriate level of skill and experience to carry out the role.

Pool of Legal Advisers

11. The Regulatory Appointments Committee shall appoint a Pool of Legal Advisers with an appropriate level of skill and experience to provide independent legal advisory support to panels, including the chairs of panels, the Convener of Adjudication Panels and the Convener of Disciplinary Tribunal Panels appointed under Regulation 4.

General provisions relating to Appointments

12. The Regulatory Appointments Committee, as an independent appointment body, has responsibility for ensuring that appropriately diverse, skilled and experienced individuals are appointed to each of the pools.
13. No individual can hold an appointment in more than one pool at the same time.
14. When formalising appointments the Regulatory Appointments Committee will clearly state the tenure. Appointments will end at the expiry of that tenure, by resignation or where the Regulatory Appointments Committee is satisfied that it is appropriate to do so in the public interest or to maintain the reputation of the IFoA and its regulatory and disciplinary function.
15. In appointing individuals to any pool, the Regulatory Appointments Committee shall have regard to the number of individuals and skills likely to be required to allow for the effective operation of the Scheme.

16. The following individuals cannot be appointed by the Regulatory Appointments Committee to any of the pools:
- (a) a member of Council;
 - (b) a member of the Disciplinary Committee;
 - (c) a member of the Regulatory Board;
 - (d) a member of the Regulatory Appointments Committee;
 - (e) a senior employee or director of the FRC or someone appointed to a role directly related to the FRC enforcement function;
 - (f) an employee of the IFoA; or
 - (g) unless otherwise agreed by the Regulatory Appointments Committee, a person who has been the subject of a finding of misconduct by the IFoA or FRC.

If any individual appointed by the Regulatory Appointments Committee to any pool is later appointed to any of the roles set out in Regulation 16 (a)-(f) they will be deemed to have resigned from that pool with immediate effect.

17. If a Member who has been selected for any panel under Rule 20.1 or 20.2, or selected to assist in the investigation of any case under Rule 7.2, is the subject of an Allegation under Rule 3 of the Scheme, they will be required to step down from that panel, or from assisting with the investigation, while the investigation of the Allegation made against them is ongoing. Once the investigation of the Allegation has concluded, the Regulatory Appointments Committee will confirm whether or not the Member is able to continue as a member of the pool.
18. If any appointment or nomination of an individual is not made in accordance with the provisions of Rule 20.1 or 20.2 and/or these regulations it will not invalidate any proceedings under the Scheme.

Constitution of Panels Appointed under Rule 20.1 or 20.2.

19. The Secretary will appoint individuals from the Disciplinary Pool to sit on individual panels set up under Rule 20.1 or 20.2 in accordance with Regulations 27-34 and guidance issued by the Disciplinary Committee.
20. For a Readmission Panel there is an additional requirement to appoint an employee member of the IFoA with an appropriate level of skill and experience.
21. When making appointments under Regulation 19 or 20, the Secretary will conduct the necessary checks to ensure that any individual they appoint will not give rise to any conflict of interest which makes them unsuitable for appointment.
22. For cases related to potential breaches of the FRC's Technical Actuarial Standards, the IFoA's Actuarial Profession Standards, or any related Guidance Notes for both standards, the Secretary will consult with the Deputy Convener of Adjudication Panels or the Deputy Convener of Disciplinary Tribunal Panels on the type of actuarial expertise required.
23. Except for Assessment Panels and Disciplinary Orders Panels, the Secretary will appoint a chair to the panel. This will be an individual from the chairing pool as referred to in Regulation 3.

24. The Secretary will appoint a Legal Adviser from the Pool of Legal Advisers to advise any panel set up under Rule 20.1 or 20.2.
25. All panel appointments will be overseen by the Head of Legal Services.
26. No individual will be appointed to a panel if they have been a member of any panel which has previously considered the same case. This does not apply:
 - (a) to panels carrying out capacity for membership review hearings under Rule 16, and
 - (b) where an Appeals Tribunal Panel determines under Rule 18.12(c) that a Readmission Panel is to rehear an application for readmission to the IFoA and that the Readmission Panel should be made up (so far as is reasonably possible) of the members of the Readmission Panel which first heard the case.

Assessment Panel (Rule 3)

27. An Assessment Panel shall be made up of one Member and one Lay Person, both appointed from the Disciplinary Pool.

Interim Orders Panel (Rule 10)

28. An Interim Orders Panel shall be made up of:
 - (a) three individuals, all appointed from the Disciplinary Pool;
 - (b) at least one will be a Lay Person and at least one will be a Member; and
 - (c) one of the panel members will be appointed as the chair of the Interim Orders Panel, in accordance with Regulation 23.

Disciplinary Orders Panel (Rule 11)

29. A Disciplinary Orders Panel shall be made up of one Member and one Lay Person, both appointed from the Disciplinary Pool.

Adjudication Panel (Rule 13)

30. An Adjudication Panel shall be made up of:
 - (a) three individuals, all appointed from the Disciplinary Pool;
 - (b) at least one will be a Lay Person and at least one will be a Member; and
 - (c) one of the panel members will be appointed as the chair of the Adjudication Panel, in accordance with Regulation 23.

Disciplinary Tribunal Panel (Rule 15)

31. A Disciplinary Tribunal Panel shall be made up of:
 - (a) either three or five individuals, all appointed from the Disciplinary Pool;
 - (b) where a panel has three members at least one will be a Lay Person and at least one will be a Member, and where a panel has five members at least two will be Lay Persons and at least two will be Members; and

- (c) one of the panel members will be appointed as the chair of the Disciplinary Tribunal Panel, in accordance with Regulation 23.

Capacity for Membership Panel (Rule 16)

- 32. A Capacity for Membership Panel shall be made up of:
 - (a) three individuals, all appointed from the Disciplinary Pool;
 - (b) at least one will be a Lay Person and at least one will be a Member; and
 - (c) one of the panel members will be appointed as the chair of the Capacity for Membership Panel, in accordance with Regulation 23.

Appeals Tribunal Panel (Rule 18)

- 33. An Appeals Tribunal Panel shall be made up of:
 - (a) either three or five individuals, all appointed from the Disciplinary Pool;
 - (b) the majority of the panel will be Lay Persons;
 - (c) where a panel has three members at least one member will be a Member and where a panel has five members at least two members will be Members;
 - (d) at least one of the Lay Persons will be legally qualified; and
 - (e) one of the panel members will be appointed as the chair of the Appeals Tribunal Panel, in accordance with Regulation 23. The chair must be a legally qualified Lay Person.

Readmission Panel (Rule 17).

- 34. A Readmission Panel will be made up of:
 - (a) one Member and one Lay Person, both appointed from the Disciplinary Pool;
 - (b) one employee member of the IFoA; and
 - (c) one of the panel members in (a) above will be appointed as the chair of the Readmission Panel in accordance with Regulation 23.

Appointment of Independent Reviewer (Rule 14) or Appeals Assessor (Rule 18).

- 35. Where required under Rule 14 or 18, the Secretary shall appoint an Independent Reviewer or Appeals Assessor from the Pool of Independent Reviewers and Appeals Assessors in accordance with Regulations 36-38 and guidance issued by the Disciplinary Committee.
- 36. When making appointments under Regulation 35, the Secretary will conduct the necessary checks to ensure that any individual they appoint will not give rise to any conflict of interest which makes them unsuitable for appointment.
- 37. All appointments under Regulation 35 will be overseen by the Head of Legal Services.
- 38. Where an individual appointed as Independent Reviewer has considered an application for review of the same case under Rule 14, they cannot be appointed as an Appeals Assessor for the same case under Rule 18.

Definitions

Term	Meaning
Adjudication Panel	A panel referred to in Rule 13 of this Scheme.
Allegation	A Complaint that has been accepted for investigation under this Scheme under Rule 3, or which has been raised, under Rule 5.7, following a Respondent's failure to comply with their duties under Rule 5.
Appeals Tribunal Panel	A panel referred to in Rule 18 of this Scheme.
Appeals Assessor	An assessor referred to in Rule 18 of this Scheme.
Appointments Regulations	Regulations issued by the Disciplinary Committee setting out the process for making appointments under this Scheme.
Assessment Panel	A panel referred to in Rule 3 of this Scheme.
Bye-laws	The Bye-laws of the IFoA from time to time.
Capacity for Membership Panel	A panel referred to in Rule 16 of this Scheme.
Chair of the Pool of Investigation Actuaries	The person appointed to chair the Pool of Investigation Actuaries in accordance with the Appointments Regulations.
Convener of Adjudication Panels	The person appointed to that role in accordance with the Appointments Regulations.
Convener of Disciplinary Tribunal Panels	The person appointed to that role in accordance with the Appointments Regulations.
Council	The Council of the IFoA.
Deputy Chair of the Pool of Investigation Actuaries	The person appointed to that role in accordance with the Appointment Regulations
Deputy Convener of Adjudication Panels	The person appointed to that role in accordance with the Appointments Regulations.
Deputy of Disciplinary Tribunal Panels	The person appointed to that role in accordance with the Appointments Regulations.
Disciplinary Committee	The Disciplinary Committee of the IFoA or its successor.
Disciplinary Orders Panel	A panel referred to in Rule 11 of this Scheme.
Disciplinary Pool	The pool from which panels are appointed as referred to in the Appointments Regulations.

Term	Meaning
Disciplinary Tribunal Panel	A panel referred to in Rule 15 of this Scheme.
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 Legal Services	The person appointed as Head of the Legal Services of the IFoA, and any person nominated by the Head of Legal Services.
IFoA	The Institute and Faculty of Actuaries.
Independent Reviewer	The person referred to in Rule 14 of this Scheme.
Interim Orders Panel	A panel referred to in Rule 10 of this Scheme.
Investigation Actuary	An actuary who may be assigned to a case from the Pool of Investigation Actuaries under Rule 7 of this Scheme.
Lay Person	A person who is not and has never been a Member of the IFoA or any other actuarial body.
Member	A member of the IFoA of any class other than an Honorary Fellow or an Affiliate.
Misconduct	The meaning under Rule 2 of this Scheme.
Pool of Independent Reviewers and Appeals Assessors	A pool of Independent Reviewers and Appeals Assessors appointed by the Regulatory Appointments Committee from which an Independent Reviewer or an Appeals Assessor shall be appointed, where required under Rule 14 or Rule 18 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.
Readmission Panel	A panel referred to in Rule 17.
Regulations	Any regulations issued by the Disciplinary Committee.

Term	Meaning
Regulatory Appointments Committee	The Regulatory Appointments Committee of the IFoA or any successor body.
Regulatory Board	The Regulatory Board of the IFoA or any successor body.
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.
Secretary	The Judicial Committees Secretary of the IFoA.



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