



Institute
and Faculty
of Actuaries

Inappropriate Conduct Appeals Policy and Procedure

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Introduction

We are committed to providing a fair and transparent route to achieving our qualifications.

Inappropriate Conduct Appeals are intended to offer you a formal process through which you can appeal 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.

We handle complaints under a separate process which can be found at:

<https://actuaries.org.uk/about-us/choosing-the-right-avenue-for-your-complaint>

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

We aim to:

- Deal with your appeal in an impartial and timely manner and keep you appropriately informed of its progress.
- Notify you of the outcome reached and, where appropriate, what further actions we will be taking.
- Monitor and track appeals to identify trends which can be used to improve our assessment and appeals processes.

We are committed to promoting equality and diversity in our services to members. Your privacy and confidentiality will be respected at each stage of the appeals process. However, by submitting an appeal you agree to the disclosure of all, or parts of, your submission necessary to consider your case.

You can expect that everyone who deals with your appeal does so impartially, and that no individual will have a material interest in your case.

Grounds for Appeal

The IFoA definition of an Inappropriate Conduct appeal is as follows 'An administrative review of the procedure undertaken to investigate a potential breach of the assessment regulations.

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

- Ground 1: Procedural or administrative error: There is evidence of procedural irregularity or administrative error occurred during the Inappropriate Conduct Investigation stage or Board of Examiners failed to consider or did not have access to evidence that would have the potential to change the outcome of the investigation and/or the penalty imposed.
- Ground 2: 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).
- Ground 3: Evidence that was unavailable or could not have been disclosed as part of the initial Inappropriate Conduct Investigation.

You will need to provide *independently verified** evidence of an insurmountable reason for not submitting this evidence to the Inappropriate Conduct Investigation by the stated deadline.

*Independent Verification must be typed to include the verifiers signature and date on letter headed paper. In most circumstances the IFoA deem the following individuals suitable to provide independent verification:

- An IFoA qualified (FIA/FFA) line manager or supervisor
- Legal professional
- Medical professional

Independently verified evidence must categorically state that in the professional opinion of the individual providing the verification, the candidate was unable to provide evidence to the Board of Examiners investigation by the stated deadline.

Inadmissible Grounds to Appeal

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.

Making an Inappropriate Conduct Appeal

- The appeal must be submitted within 30 calendar days of the release of the Investigation outcome.
- You must 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 you wish to appeal.
- Appeals should be sent by email to appeals@actuaries.org.uk

- Candidates will need to provide reasons why they believe the grounds of appeal apply and include any evidence to substantiate their claim.
- You will receive an automatic confirmation of receipt by email. will receive an automatic confirmation of receipt by email.

Consideration of the Appeal

1. The Head of Registry (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.
2. 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.
3. The evaluation of an appeal may determine that evidence or testimony provided within one of the three appeals grounds is invalid or will be considered under a separate ground. The candidate will be informed of this by a member of the team.
4. 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 were not involved in the original investigation or the outcome.
5. The Appeals Panel will review the appeal and all supporting documentation and will decide based on an appropriate outcome. The decision of the panel is final.
6. The outcome of the appeal, with reasons, will be communicated to the candidate by letter from the Head of Registry (or nominee) within 30 calendar days from the receipt, wherever possible. Any delays will be communicated to the candidate.
7. In the event the appeal is upheld this does not necessarily mean that the candidate is entitled to an amendment of the investigation outcome.
8. By way of an example, and not intended to be an exhaustive list, the following are available if the appeal is partially or fully 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.



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