Institute and Faculty of Actuaries

Virtual and In Person Hearings

Guidance

by the Disciplinary Committee of
the Institute and Faculty of Actuaries

Version 1.1

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Virtual and In Person Hearings

1. Introduction

1. This Guidance has been issued by the Disciplinary Committee of the IFoA.

2. It is for use by:

   (a) Panels, to provide further detail on their powers and procedures to be followed;

   (b) any other party, so they are aware of the powers of the Panel and procedures to be followed; and

   (c) IFoA staff.

3. This Guidance aims to promote transparency and consistency in the approach of Panels and the IFoA staff.

4. This Guidance applies to all Complaints and applications being considered under the Disciplinary Scheme of the IFoA (effective 1 August 2023) (the Scheme). For Complaints that are being considered under a former version of the IFoA's Disciplinary Scheme, the version of the Guidance applicable to the former version of the Disciplinary Scheme should be applied to the extent that it is possible to do so, otherwise this Guidance will apply.

5. This Guidance should be read alongside:

   (a) the Scheme of the IFoA; and

   (b) any Regulations issued by the Disciplinary Committee; and

   (c) any other relevant Guidance published by the Disciplinary Committee.

6. Where there is any conflict or inconsistency between the Scheme and this Guidance, the Scheme shall be followed. Where there is any conflict or inconsistency between Regulations and this Guidance, the Regulations shall be followed.

7. Definitions of defined terms used in this Guidance are set out in the Scheme and Regulations.

8. This Guidance should not be treated as legal advice. When appropriate, the Legal Adviser will advise the Panel on questions of law and/or procedure, which may include advice on the use of this Guidance.

9. The Disciplinary Committee will review this Guidance every three years or earlier if needed.

2. Aim

2.1 This Guidance:

   (a) explains the approach to whether a hearing should be virtual or in person;

   (b) notes the procedure and timescales for making a request for an in person hearing;

   (c) sets out the relevant factors in considering whether a hearing should be held virtually or in person;

(d) explains the practical arrangements for virtual and in person hearings; and

(e) sets out how to request to observe a hearing.

3. Approach for scheduling hearings

3.1 All hearings and meetings under the Scheme and Regulations will take place virtually unless a decision is made to hold an in person hearing under paragraphs 4 and 5.

3.2 The order of proceedings is the same for virtual hearings and in person hearings, as set out in the applicable Regulations.

4. Request for an in person hearing

4.1 Either party may make a request for a hearing to take place in person with the parties physically present. See paragraph 5.1 below for the factors that may be considered by the Chair of the applicable Panel when deciding whether a hearing should be virtual or in person.

4.2 A request for an in person hearing should be submitted in writing to the Judicial Committees Secretary and the other party within the following timescales (or in accordance with any directions issued by the Chair of the applicable Panel):

(a) within seven days of an application for an Interim Order being served;

(b) within 28 days of a Charge being served;

(c) within 28 days of a case being transferred to a Capacity for Membership Panel;

(d) within 14 days of an application for a procedural hearing being served;

(e) within seven days of notice of a Capacity for Membership Review hearing being served;

(f) within 21 days of a Readmission Application Report being served;

(g) within 28 days of leave to appeal being granted.

4.3 If the other party wants to oppose the application, they should advise the Clerk within seven days of being notified of the request.

4.4 Where the other party agrees to the application or does not oppose the application within seven days, the hearing will take place in person.

4.5 Where the other party opposes the application, the application shall be determined by the Chair of the applicable Panel at a preliminary hearing or, with the consent of the parties, by reviewing written submissions from the parties. The preliminary hearing will be held virtually unless the Chair decides it should be held in person.

4.6 A decision to accept or reject an application for a hearing in person should be provided to the parties in writing, with supporting reasons.

4.7 The Chair of the applicable Panel can direct that the hearing takes place in person without an application from the parties.

4.8 Decisions made under this section 4 shall take into account the criteria as set out in section 5.

5. Decisions on whether hearing is virtual or in person

5.1 Each decision on whether a hearing should be held virtually or in person should be made on its own merits, considering the circumstances of the case. All relevant factors should be taken into consideration, including, but not limited to:

(a) **The right to a fair hearing and the interests of justice**

(b) **Avoiding delay**

It is in the public interest for hearings to take place promptly. Often a virtual hearing can be convened more quickly than an in person hearing, avoiding delays to the proceedings.

(c) **The safety and well-being of everyone involved in the process**

The Chair should consider whether the safety and well-being of participants is better served by a virtual or in person hearing. Considerations may include:

(i) the extent of travel required for an in person hearing, particularly for any participants with mobility restrictions;

(ii) the practicality of making any reasonable adjustments or special arrangements that may be required to ensure the safety and well-being of participants in the hearing; and

(iii) the special measures that might be necessary where vulnerable witnesses are required to give evidence.

(d) **Confidentiality**

In some circumstances where the matters being discussed are highly confidential, it may be necessary to hold a hearing in person to ensure that no other persons are present in the hearing room without the knowledge of the parties.

(e) **The nature and volume of evidence**

There may be features of a case which makes it preferable for the hearing to be held in person. For example:

(i) there is a significant volume of evidence to be considered at the hearing;

(ii) the hearing is particularly lengthy; and

(iii) credibility of the witnesses is an important feature of the case.

(f) **Access to technology**

All persons required to attend a virtual hearing under the Scheme must be able to take part in proceedings effectively with the technology they have available.

5.2 The Chair may make directions to allow certain participants (such as witnesses and Panel members) to attend an in person hearing via video conference or telephone. In making this decision similar factors to those identified in paragraph 5.1 above should be considered.

5.3 The decision to accept or reject an application for a hearing in person, and whether certain participants shall be allowed to attend by video conference or telephone, and the reasons for the decision should be provided to the parties in writing.

6. Arrangements for virtual hearings

6.1 Once a virtual hearing is arranged, parties will be sent notice of the date and time of the hearing and confirmation that it will take place virtually.

6.2 Parties must provide contact details of their representatives and witnesses to the Judicial Committees Secretary as soon as practicable after the notice is served.

6.3 All participants[1] will be offered an opportunity to attend a pre-hearing call which will demonstrate how to participate in the hearing virtually to ensure all participants are familiar with the technology.

6.2 The link to the virtual hearing will be sent to all participants together with written instructions on how to join the virtual hearing.

6.3 All participants should disclose if other persons are present while they are accessing the virtual hearing.

6.4 Observers must register their attendance in accordance with section 8 below, and keep their cameras turned off and microphones muted.

6.5 The virtual hearing will be recorded by the Clerk as a formal record of the proceedings. Participants and observers are not permitted to record, live stream, photograph or screenshot any part of the hearing.

6.6 Once a virtual hearing has started, the Panel or Chair may direct the hearing to be adjourned and rescheduled as an in person hearing where it is in the interests of justice to do so (taking account of the considerations in paragraph 5.1 above).

7. Arrangements for in person hearings

7.1 Once an in person hearing is arranged, parties will be sent notice of the date, time and location.

7.2 In person hearings are usually held in London or Edinburgh, but may be held in an alternative location at the direction of the Chair/Panel.

7.3 The Chair should consider whether any adjustments or practical arrangements should be made to facilitate the hearing and ensure the safety and well-being of participants in the hearing. Consideration must be given to hearings where vulnerable witnesses are required to give evidence or where special measures may be needed.

7.4 Participants should notify the Judicial Committees Secretary as soon as possible if they are likely to require additional assistance at the hearing.

7.5 Observers must register their attendance in accordance with section 8.

8. Requests to observe a hearing

8.1 In the interests of transparency and open justice IFoA hearings are usually open to the public (whether held virtually or in person). A limited number of observer places are available at each public hearing.

[1] Participants include panel members, legal advisers, the IFoA, the Respondent, representatives, witnesses. Observers are not participants.

8.2 All requests to observe a hearing should be directed to clerk@actuaries.org.uk at least seven days before the first day of the hearing.

8.3 Where a hearing goes into a private session, all observers will be asked to leave the hearing until it is resumed in public session.

8.4 The Chair may direct that an observer is removed from the hearing if they are disrupting the proceedings.

Document control

Version	Date of publication	Overview
1.0	1 August 2023	Guidance for Disciplinary Scheme effective 1 August 2023
1.1	1 November 2026	To add reference to paragraph 5.1 in paragraph 4.1 and to correct formatting errors.



Institute and Faculty of Actuaries

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