Disciplinary Tribunal Panel Hearing

31 July 2025

Institute and Faculty of Actuaries
Online Hearing

Respondent:	Edwin Puso Afitile
Category:	Student - Lapsed
Region:	South Africa
IFoA Case Presenter:	Matthew Corrie, instructed by Karen Nicol (IFoA)
Panel Members:	Peter Wrench (Chair/Lay member) Tamsin Abbey FIA (Actuary member) Pradeep Khuti (Lay member)
Legal Adviser:	Sadia Zouq
Judicial Committees Secretary:	Julia Wanless

Charge:

At the start of the hearing, the IFoA made an application to amend the charge, by adding what is now paragraph 10 and making consequential changes to the paragraph numbers referred to in other paragraphs. The Panel was satisfied that these changes did not add substantively to the allegations against the Respondent but provided fuller and clearer particularisation of them. It noted that the proposed amendments had been sent to the Respondent, who had acknowledged receipt and had raised no objection. In all the circumstances, the Panel was satisfied that it would be fair and appropriate to accept the proposed amendments.

The charge as amended is as follows:

Edwin Puso Afitile, being at the material time a member of the Institute and Faculty of Actuaries, the charge against you is that:

1. You arranged for altered and/or incorrect salary payslips to be provided to Company A, parent company of Insurer B, during the recruitment onboarding process in 2020;

2. You provided an altered and/or incorrect bank account confirmation letter to Company A during the recruitment onboarding process in February 2021;

3. You knew that the documents provided in paragraphs 1 and/or 2 were altered and/or incorrect;

4. Your actions at paragraphs 1 and/or 2 were dishonest by reason of paragraph 3;

5. You provided Person A's ID number instead of your own to an Insurer B sales consultant when applying for an insurance quote on 21 February 2022;

6. You impersonated Person A on 1 March 2022 and/or 4 February 2023 to obtain an insurance quote and/or policy from Insurer B;

7. You suggested and/or engaged a company (Company C) that you and/or Person A had a connection with to carry out work for Insurer B, without disclosing the connection to Insurer B;

8. You knew that the information you provided in paragraphs 5 and/or 6 was incorrect and/or misleading;

9. Your actions at paragraphs 5 and/or 6 were dishonest by reason of paragraph 8;

10. Your actions at paragraph 7 were dishonest in that:

i. You knew you were under a duty to make a declaration to Insurer B that you and/or Person A had a connection to Company C; and/or

ii. You did not make any declaration

11. Your actions at paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5 and/or 6 and/or 7 and/or 8 and/or 9 and/or 10 were in breach of the principle of Integrity in the Actuaries' Code (version 3.0)

12. Your actions at paragraphs 1 and/or 2 and/or 5 and/or 6 were in breach of the principle of Communication in the Actuaries' Code (version 3.0)

13. Your actions, in all or any of the above, constituted Misconduct in terms of Rule 2.1 of the Disciplinary Scheme of the Institute and Faculty of Actuaries (Effective 1 August 2023).

Service of Charge:

1. The Panel noted that the Respondent was not present and was not represented in his absence. Having considered the submissions of the IFoA's Case Presenter and having accepted the advice of the Legal Adviser, the Panel was satisfied that the Charge had been served in accordance with the provisions of the Disciplinary Scheme.

Proceeding in the Absence of the Respondent:

2. In considering whether to exercise its discretion to proceed in the absence of the Respondent, the Panel had regard to the submissions of the IFoA's Case Presenter. The Panel noted that the Respondent had previously sought to adjourn the current hearing to a later date. However, following correspondence about this, he had attended a preliminary hearing on 29 July 2025 at which he decided not to make any further application to adjourn and made clear that he now wished the scheduled hearing to proceed. The Panel considered the advice of the Legal Adviser who referred the Panel to the cases of *R v Jones (No.2)* [2002] UKHL 5 and *General Medical Council v Adeogba* [2016] EWCA Civ 162*.*

3. The Panel noted that the discretion to proceed in the absence of a Respondent may be exercised if the Panel considers it to be in the interests of justice and therefore must be considered with the utmost care and caution. The Panel must consider matters such as whether the notice and hearing date had been served on the Respondent, whether the Respondent has requested an adjournment, whether they would be likely to attend any

adjourned hearing, or whether, in all the circumstances, the Respondent had absented himself voluntarily from the hearing.

4. Given the recent history, the Panel had no reason to suppose that an adjournment would secure the attendance of the Respondent at a later date. The Panel was satisfied that the Respondent had chosen voluntarily to absent himself. In the circumstances, the Panel determined that it was both in the public interest, in the expeditious disposal of the case, and fair to the Respondent to proceed in the absence of the Respondent.

Other Preliminary Matters:

5. The Panel considered two further applications from the IFoA's Case Presenter at the start of the hearing. He made an application for the admission of an annotated copy of the amended charge which the Respondent had emailed to the IFoA on 29 July 2025, following the preliminary hearing, and which included his responses to the charge. The IFoA had written to the Respondent specifically asking if he consented to this document being put before the Panel. The Respondent had replied on 30 July to say that he did not give his consent. The Panel accepted the Case Presenter's submission that this did not in itself prevent the Panel from deciding to admit the document. The Panel also accepted that the document would clearly be relevant to its consideration of the case. However, the Panel determined that it would not be fair to the Respondent, who was neither present nor legally represented, to admit a document that he would, on the basis of his correspondence with the IFoA, be expecting to be withheld. The Panel therefore refused the Case Presenter's application to admit this document as evidence.

6. The Case Presenter then applied for two further witness statements to be admitted. One was from a Senior Forensic Auditor employed by Company A. In her statement, she confirmed that she had compiled the forensic report produced in internal disciplinary proceedings relating to the Respondent and subsequently provided to the IFoA, and set out the scope of her investigation. The second statement was from a Member Services Team Leader at the IFoA. It clarified the dates of the Respondent's membership and the points at which that had lapsed, and exhibited a copy of his current membership record. The Panel noted that these further documents had been sent to the Respondent and that he had raised no objection to them. The Panel was satisfied that they were technical in nature, that they did not substantively alter the case against the Respondent, and that it would be fair to admit them.

Panel's Determination:

7. The Panel found paragraphs 1-13 of the charge proved in their entirety.

8. The Panel determined that the most appropriate and proportionate sanction was exclusion from membership of the IFoA for the maximum period of five years.

9. The Panel also ordered the Respondent to pay to the IFoA costs of £9074.

Background:

10. The Respondent lives and works in South Africa as an actuary. He was first admitted as a student member of the IFoA on 29 November 2012, but on a number of occasions subsequently the Respondent's membership lapsed, because of his failure to pay membership fees, before being later reinstated. Most recently, the Respondent's membership lapsed on 7 January 2019, before being reinstated on 28 June 2022. His membership then lapsed again on 31 January 2024. The Respondent is not currently a Member of the IFoA.

11. The charge concerns three different matters which were brought to the attention of the IFoA in November 2023 by Person D, an employee of Insurer B, following an internal disciplinary investigation which had led to the Respondent's dismissal from that firm for dishonesty. These three matters were allegations that:
    - in 2020 and 2021, when the Respondent was securing employment with Company A (the parent company of Insurer B), he provided false salary payslips and bank details to the company in the course of their recruitment and onboarding processes;
    - between February 2022 and March 2023, the Respondent sought quotations for, and initially obtained, a life insurance policy from Insurer B in the name of Person A using her details and, in two telephone calls, having pretended to be her; and
    - in 2022, the Respondent suggested that Insurer B used for consultancy work a company (Company C) with which he and Person A were associated with, without informing Insurer B of that connection. Company C then did work for Insurer B in the period from November 2022 and August 2023, for which fees totalling some R1.5 million (equivalent to approximately £60,000) were paid.

12. The Respondent was not a Member of the IFoA throughout the whole period covered by the charge. However, he was a Member at the time of the complaint being made against him and he had made no disclosure of any relevant matters at the point when his membership was reinstated on 28 June 2022. Rule 2.2 of the Disciplinary Scheme of the IFoA provides that Misconduct includes:

> *(a) any act or omission, or series of acts or omissions, which took place before the Respondent became a Member;*
> *(b) any act or omission, or series of acts or omissions, which took place after the Respondent became a Member; and*
> *(c) any act or omission, or series of acts or omissions, which had taken place while the Respondent was a Member, even if the Respondent was no longer a Member at the time the Complaint(s) were made.*

Rule 2.3 of the Disciplinary Scheme then provides that:

> *Misconduct does not include any act or omission, or series of acts or omissions, that a Member has previously disclosed in writing to the IFoA before the Member was admitted to membership.*

13. The Respondent has not questioned the IFoA's ability to proceed against him in these circumstances and the Panel was satisfied that this case had been properly brought before it.

14. After making his complaint, Person D supplied documentation from Insurer B's investigation to the IFoA. In the course of the IFoA's investigation, five emails were sent to the Respondent between November 2023 and April 2024, inviting his comments on the matters raised in the complaint. He did not reply to them.

Findings of Fact:

15. The Panel was aware that the burden of proof rests on the IFoA, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that the facts will be proved if the Panel was satisfied that it was more likely than not that the events occurred as alleged. There is no requirement for the Respondent to prove anything.

16. In reaching its decisions on the various parts of the charge, the Panel took into account the documentary evidence in this case together with the submissions of the IFoA's Case Presenter. The Panel accepted the advice of the Legal Adviser, including regarding the test for dishonesty in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

17. The Respondent was not in attendance at this hearing and the Panel was satisfied that this absence was voluntary, for the reasons set out above. The Panel has drawn no adverse inference as a consequence of the Respondent's absence.

18. The Panel noted that the documentary evidence before it had been provided by Insurer B after their investigation, which had led to the Respondent's dismissal for dishonesty. The Panel took no account of the conclusions which Insurer B had drawn from their investigation and their actions which followed; it made its own assessment of the available evidence and drew its own conclusions. The Panel took at face value the documentary evidence which had been provided to the IFoA by Insurer B, noting that there was no indication that the Respondent had sought to question at any point the genuineness of that evidence, or any other suggestion that it might be false.

19. The Panel has listened to an audio recording of the interview on 1 September 2023 in which Insurer B put the findings of their forensic investigation to the Respondent. The IFoA has also provided a written transcript of that. After some limited attempts to suggest alternative explanations, the Respondent did not seek to dispute the documentary evidence which was put to him and seemed to acknowledge what he had done. Towards the end of the interview there is the following section:

    [INTERVIEWER]:…to summarise it, you impersonated [Person A]. You manipulated or created payslips. You manipulated (Inaudible). You basically used your own company to do (Inaudible) without informing any -- you also used your own personal laptop. You also -- remember, see it from our side. You see it from --

    [RESPONDENT]: I do see it….

    [INTERVIEWER]: Have I summarised it correctly?

    [RESPONDENT]: Yes. You have summarised correctly and I say (Inaudible). None of the explanations that I can give that can make any sense even if I were to I wouldn't expect they would still be the same. I will still land at the same situation (Inaudible).

Everything that we spoke about and ... yeah. (Several inaudible words). But the question that was saying why, maybe that's one that's more personally that I need to tell -- go and ask myself. Why? I have to ask myself why (Inaudible) I have to ask myself. Did I go on about things differently to achieve the same thing. I think for that one I have to (Inaudible).

(34 seconds of silence)

The Panel has not seen any evidence that the Respondent has ever sought to offer alternative explanations, either to Insurer B or the IFoA.

Charge 1

20. In January 2021, the Respondent started working as a Senior Actuary for Insurer B. On 11 November 2020, during the recruitment process, the Respondent was asked to submit three months of payslips from his previous employer. On 18 November 2020, a Recruitment Analyst sent payslips to Company A on the Respondent's behalf, purportedly from August, September and October 2020. The payslips appear to be in the name of the Respondent and issued by Company D. Insurer B's subsequent investigation identified a number of issues with the payslips:

- the metadata of the documents submitted as payslips show the Respondent as the author of them. The created date and modified date for the August 2020 payslip is shown as "12/11/2020" at 09:51:02. For the September 2020 payslip, the dates are "12/11/2020" at 09:47:35. For the October 2020 payslip, they are"12/11/2020" at 09:43:58;

- the telephone number on the payslips for Company D was found actually to be a number used by Person A and Company C.

- when interviewed by Insurer B the Respondent said that he had left the employment of Company D in June 2020, but then said that he had subsequently done contracting work for them.

When the anomalies were pointed out to the Respondent in the interview with Insurer B, he said: "*I can't remember changing it but I'll say that because it shows my name, then it means that I changed it.*"

21. In the light of the metadata of the documents, the clear anomalies in the contents of the payslips, and the fact that the Respondent appeared to have accepted that he had modified the documents, the Panel was satisfied that Charge 1 was proved. On the balance of probabilities, it was satisfied that the Respondent had altered Company D payslips to include incorrect information and then arranged for the falsified documents to be sent to Company A.

Charge 2

22. During the recruitment process, the Respondent was asked to provide Company A with a bank account confirmation letter. It would appear that at that point, the Respondent, who is a citizen of Botswana, did not have a South African bank account. He initially provided Company A with details of Person A's account, but Company A said they could not pay his salary into that account. He then provided, on 1 February 2021, what purported to be a confirmation letter from First National Bank, which included his name, but what subsequent investigation showed to be the number of a savings account in the name of Person A. The metadata of the document showed its author as being "*Microsoft account*", at a time shortly before the Respondent emailed the document to Company A.

23. As with the previous charge, the Panel was satisfied that Charge 2 was proved. On the balance of probabilities, it was satisfied that the Respondent had altered the bank document to include incorrect information and then sent the falsified document to Company A.

Charge 3

24. Since the Panel had concluded that the Respondent had himself altered the documents referred to in Charges 1 and 2, it was inevitable that he knew they were incorrect. The Panel therefore found Charge 3 proved.

Charge 4

25. The Panel had found that the Respondent knowingly sent falsified documents to Company A in order to secure employment and to give them a misleading impression of his previous earnings. The Panel was satisfied that ordinary, decent people would find this behaviour to be dishonest and therefore found Charge 4 proved.

Charge 5

26. The Panel has heard and seen a transcript of a call which the Respondent made to Insurer B on 21 February 2022 in seeking a quote for insurance in his name. He provided an ID number which the subsequent investigation showed to have been Person A's. The call ended after the call handler had identified that the ID number did not match the Respondent's gender. The Panel was satisfied, on the basis of the recording and other investigation documentation, that Charge 5 was proved.

Charge 6

27. The Panel has heard and seen transcripts of calls between the Respondent and Insurer B on 1 March 2022 and 4 February 2023 which concerned attempts to take out life insurance in the name of Person A. The mobile phone number used by the person purporting to be Person A matched the Respondent's number as held in the IFoA's membership records. The Panel was satisfied that the voice that can be heard in the recordings is a man pretending to be a woman. It agreed with the IFoA Case Presenter's submission that the attempt to sound like a woman was "*frankly preposterous".* An insurance policy was issued following the 4 February call, but the sales adviser was suspicious and referred the matter for investigation. The policy was subsequently cancelled by Insurer B, who concluded that there had been impersonation. The Panel was satisfied, on the basis of the recording and other investigation documentation, that Charge 6 was proved.

Charge 7

28. The Panel has seen documentation from the investigation which shows that the Respondent and Person A have been Directors/Active Principals of Company B since its inception on 10 March 2021. Person A was also an Active Principal of a company called

Company C until 30 September 2022. A previous address of Company C was the same address which is shown for Company B in its records.

29. An email chain between the Respondent and his Insurer B colleagues shows that for a particular project the Respondent suggested that additional resources would be required to meet the project timelines. The Respondent had indicated he "*had someone in mind*" and then suggested Company C. Company C was then engaged by Insurer B to carry out work. As part of that process Company C was declared to be an "*independent contractor*". A new vendor form included the following: "*Please specify if there is a relationship between your organization and [Company A] or any persons in the employ of The Group*." The answer given on the form in response to this was "*No*". The form also included the following: "*Please provide details of any persons or divisions within [Insurer B] that you have done business with in the past*?" The response given on the form was "n/a".

30. Between November 2022 and August 2023, Insurer B paid Company C 1,459,752.50 South African Rand (approximately £60,000 Sterling). The first invoice from Company C was sent to the Respondent's Insurer B email address on 16 November 2022. The document properties of the November 2022 invoice show the Respondent as the author of the document. This invoice, and the others from Company C, are stated as being from Company C with the address given as the address of the Respondent and Person A's Company B.

31. On 3 March 2023, Person D received an email from Person C about arranging a catchup. This email's details show it as being sent from an email account in the Respondent's name on behalf of someone else at Company C.

32. On the basis of all this material, the Panel was satisfied that the Respondent suggested that Insurer B contract with Company C; that Company C was closely connected to the Respondent and Person A; and that this connection was not disclosed to Insurer B. Accordingly, the Panel found Charge 7 proved.

Charge 8

33. The Panel was satisfied that the Respondent must have known that he was providing an ID number that was not his own in the telephone call referred to in Charge 5. Similarly,

he must knowingly have attempted to pass himself off as Person A in the calls referred to in Charge 6. The Panel was therefore satisfied that Charge 8 is proved.

Charge 9

34. The Panel had found that the Respondent knowingly provided another person's ID number as his own and had impersonated Person A in his efforts to secure insurance policies. The Panel was satisfied that ordinary, decent people would find this behaviour to be dishonest and therefore found Charge 9 proved.

Charge 10

35. The Panel was similarly satisfied that this Charge was proved. Any actuary would be very much aware that conflicts of interest in their professional dealings needed to be declared. The Actuaries Code makes clear the principle of impartiality:

> *3. Members must ensure that their professional judgement is not compromised, and cannot reasonably be seen to be compromised, by bias, conflict of interest, or the undue influence of others.*
> *3.1 Members must take reasonable steps to ensure that they are aware of any relevant interests that might create a conflict.*
> *3.2 Members must not act where there is an unreconciled conflict of interest.*

36. The Respondent had a clear financial interest in Company C being engaged by Insurer B. The Panel was satisfied that ordinary, decent people would find his behaviour to be dishonest.

Charge 11

37. The Panel had found that the actions specified in this Charge had been dishonest. It follows automatically that they were in breach of the Actuaries Code's principle of Integrity since that requires that "*Members must act honestly and with integrity".* It therefore found Charge 11 proved.

Charge 12

38. The Communication principle of the Code requires that "*Members must take reasonable steps to ensure that any communication for which they are responsible or in which they have a significant involvement is accurate, not misleading, and contains an appropriate level of information*". The actions specified in Charge 12 have been found to be dishonest and involved, by definition, communications which were inaccurate and misleading. The Panel was therefore satisfied that Charge 12 was also proved.

Misconduct Charge

39. The Panel considered whether those parts of the charge found proved amounted to Misconduct. In considering this matter, the Panel took account of the definition of Misconduct, which for the purposes of the Disciplinary Scheme, is defined as "*any act or omission or series of acts or omissions by a Member, in their professional or non-professional life, which falls significantly short of the standards of behaviour, integrity, competence or professional judgement which other Members or the public might reasonably expect of a Member*" (Rule 2.1) .

40. The previous findings are that the Respondent pursued deliberate and sustained courses of dishonest action in order to secure employment with Company A, to secure and manage a lucrative contract for a company with which he had close and undeclared connections, and to obtain insurance in someone else's name. The Panel was satisfied that members of the public and other members of the profession would consider that this behaviour fell well below what would be expected of an actuary. They would find it deplorable. The Panel was satisfied that the behaviour was serious and was misconduct.

41. In considering the matter of sanction, the Panel had regard to the submissions of the IFoA's Case Presenter. The Panel accepted the advice of the Legal Adviser in paying careful regard to the Sanctions Guidance (1 August 2023). The exercise of its powers in the imposition of any sanction is a matter solely for the Panel to determine and it is not bound by the Sanctions Guidance.

42. The Panel was aware that the purpose of sanction is not to be punitive although it may have that effect. Rather, the main objective of any sanction is to protect members of the public, to promote and maintain public confidence in the profession and declare and uphold proper standards of conduct and competence. The Panel is mindful that it should

impose a sanction, or combination of sanctions necessary to achieve those objectives and in so doing it must balance the public interest with the Respondent's own interests.

Sanction:

43. In considering sanction, the Panel began by assessing the Respondent's culpability and considered that it was high. He had deliberately set out on a sustained, dishonest courses of action for gain. The Panel noted that there was no evidence of direct financial loss to Insurer B but was satisfied that there had been a high level of harm to the reputation of the profession resulting from the Respondent's actions.

44. The Panel took into account the following aggravating factors:

- a lack of integrity
- repeated and sustained dishonesty and breach of trust
- financial gain, in securing employment at a particular salary after providing false documents, and from the consultancy work secured for Company C
- lack of insight into the impact of the Misconduct.

45. The Panel also took into account the following factors in mitigation:

- no previous disciplinary findings
- some admissions when interviewed in Insurer B's investigation.

46. The Panel considered whether this was a case that warranted no sanction but was satisfied that would clearly be an inadequate response to the serious Misconduct it had found proved.

47. The Panel similarly considered that a Reprimand would be insufficient.

48. The Panel considered whether to impose a Fine and was satisfied that this would not address the seriousness of the Misconduct, or the risk of repetition of a sustained pattern of dishonesty.

49. The Panel considered whether to exclude the Respondent from Membership of the IFoA. The Sanctions Guidance states that "*Panels should only impose this sanction where the Misconduct is of such gravity that the reputation of the profession and/or protection of the public require that the Respondent is no longer able to practise or claim membership of*

the profession". The Panel was satisfied that this threshold had been met, given the multiple findings of dishonesty in pursuit of financial gain. It also noted that the Sanctions Guidance provides that "*dishonesty will usually lead to expulsion or exclusion*". The Panel found no reason to consider that this was in the "*small category of cases"* where this course would not be appropriate.

50. The Panel concluded that the Respondent should be excluded from Membership for the maximum period of five years.

Costs:

51. The IFoA made an application for costs of £9,074 incurred in preparation for the hearing and attendance at the hearing by the IFoA's Case Presenter. The Panel noted that these costs included administrative costs and costs incurred by the Panel and Legal Adviser, as well as costs relating to the preliminary hearing on 29 July 2025. The Panel had regard to the Costs guidance (1 August 2023).

52. The Panel considered the costs sought to be at a reasonable level, and that the work done and costs incurred justified that amount of cost. The Panel therefore ordered the Respondent to pay the IFoA costs of £9,074. In accordance with paragraph 8.1 of the costs guidance this sum is to be paid within 28 days of the determination being served.

Right to appeal:

53. In accordance with Rule 18 and the Appeals Regulations, the Respondent has 28 days from the date that this written determination is deemed to have been served upon him/her in which to appeal the Panel's decision.

Publication:

54. Having taken account of the Publication Guidance (1 August 2023), and particularly in the light of the Respondent's exclusion, the Panel determined that this determination will be published and remain on the IFoA's website for a period of at least five years. If the Respondent does not reapply for membership following the period of exclusion, or their

readmission application is refused, this determination should remain on the IFoA's website for a further period of ten years after the end of the period of exclusion.

That concludes this determination.

Date of publication: 4 August 2025

Addendum 11 November 2025

Appeal Tribunal Panel Determination commences on next page

Appeal Tribunal Panel

7 and 29 October 2025

Institute and Faculty of Actuaries

Online Hearing

Appellant:	Edwin Puso Afitile
Panel Members:	Susan Ahern SC (Legally qualified Lay Chair) John Birkenhead FIA (Actuary) Jules Griffiths (Lay)
Legal Adviser:	Bilaal Shabbir
IFoA Presenter:	Matthew Corrie, instructed by Karen Nicol (IFoA Investigations Team)
Judicial Committees Secretary:	Julia Wanless

1. This is a decision of the Appeals Tribunal Panel ('the Panel') on an appeal under Rule 18.1 (b) of the Disciplinary Scheme of the Institute and Faculty of Actuaries (effective 1 August 2023), ("the Disciplinary Scheme"). The appeal was brought by Mr Edwin Puso Afitile ('the Appellant') against a determination of a Disciplinary Tribunal Panel of 31 July 2025, published on 4 August 2025. In its written determination, the Disciplinary Tribunal Panel ('the DTP') found the 13 charges against Mr Afitile, including that of Misconduct, proved, and imposed the sanction of exclusion from membership of the IFoA, with the Appellant being prohibited from applying for readmission for the maximum period of five years. It also determined that their determination would be published and did so in the following terms (reflecting section 9.5 of the Publication Guidance):

   "…this determination will be published and remain on the IFoA's website for a period of at least five years. If the Respondent does not reapply for membership following the period of exclusion, or their readmission application is refused, this determination should remain on the IFoA's website for a further period of ten years after the end of the period of exclusion".

2. Following an application under Rule 18.2 of the Disciplinary Scheme, the Appellant successfully obtained leave to appeal the DTP decision from the Appeals Assessor (of 22 August 2025) on the sole ground provided for in Regulation 5(d) of the Appeals Regulations of the Disciplinary Committee (1 November 2023) ("the Appeals Regulations"), namely, "that the sanction or outcome imposed was manifestly unreasonable". In his determination the Appeals Assessor indicated that it would be a matter for this Appeal Panel to decide whether the material submitted by the Appellant in support of his appeal should be admitted insofar as it may be relevant to mitigation.

3. The Appellant did not dispute the findings of the DTP in relation to the 1-13 charges made against him which it found to be proved in their entirety and these were not the subject of his appeal.

4. The hearing of this appeal was conducted by way of an oral hearing held on 7 October 2025. The Appellant was present and represented himself.

5. The factual background to this case is sufficiently set out in the DTP determination and in light of the acceptance by the Appellant of the factual findings by the DTP in

its determination, the Panel considers that it is not necessary to repeat this detail herein.

Scope of the appeal

6. The Appellant's grounds of appeal in relation to the sanction were as follows:

"(a) The five-year exclusion is acknowledged. I respectfully request a review of the sanction. While I acknowledge errors in judgment on my part, I believe that additional information can be made available earlier, it may have assisted the Tribunal in arriving at a more fully informed outcome. These facts, together with relevant personal and contextual information, should reasonably inform a less severe outcome.
(b) That significant and relevant new evidence has come to light…
(c) Reconsideration of Sanction Based on the Full Context
Given the above, I respectfully request that the Appeals Assessor and Tribunal Panel reconsider the 5 year sanction. I am deeply committed to accountability, but also believe that the exclusion period should be reduced in light of:

- *The mitigating factors that were not previously considered;*
- *The absence of malicious intent."*

7. This is an appeal against sanction only. The task for the Panel is limited to determining (i) the preliminary application to consider whether the inclusion of additional evidence could constitute a mitigating feature(s) that could affect the sanction and (ii) whether the sanction imposed by the DTP was manifestly unreasonable.

8. Regulation 33 of the Appeals Regulations provides the Appeal Panel with the power to determine its own conduct and procedure. This Panel's substantive powers are set out in Rule 18.10 of the Disciplinary Scheme. Those powers permit the Appeal Panel to affirm, vary, or revoke any determination of the DTP; substitute its own determination for that made by the DTP; and/or make any other order it considers appropriate.

(i) Consideration of the admission of the Additional Information

9. In respect of the Appellant's application to admit new evidence, the procedural power of the Appeal Panel arises principally from Regulation 33 of the Appeals Regulations, which gives the Panel broad discretion to determine its own conduct and procedure. The Regulations do not specify the substantive test for exercising that discretion.

10. The Appeal Panel had regard to the legal advice in terms of the exercise of its discretion, which was that in the absence of such guidance, the common-law test set out by Lord Denning in *Ladd v Marshall* [1954] 1 WLR 1489 applies by analogy. That test has been recognised in public and regulatory law contexts e.g. *Myhill v General Medical Council* [2025] EWHC 474 (Admin).

11. In accordance with *Ladd v Marshall*, fresh evidence may be admitted only if;

    (i) it could not with reasonable diligence have been obtained for use before the DTP;
    (ii) it would probably have an important influence on the outcome, though not necessarily be decisive; and
    (iii) it appears to be credible, though not incontrovertible.

12. The IFoA having had regard to the decision of the Appeal Assessor submitted that it was a matter for the Appeal Panel to determine whether or not the material is admissible and that the discretion of the Panel is broad vis-à-vis the procedure to be adopted. It did emphasise the factors that the Panel should consider in exercising that discretion and referred to the test in *Ladd v Marshall* as applied in General Medical *Council v Adeogba* [2016] EWCA Civ 162; *Myhill v General Medical Council*; and *Arnold v National Westminster Bank plc* [1991] 1 AC 93.

13. In assessing the chronology of the Appellant's case before the DTP the IFoA submitted that he had been provided with ample opportunity to provide the documents that he intended to rely on, that with reasonable preparatory steps the information would have been available to the Appellant for the DTP hearing and by his own admission such documentation was available. These matters are relevant to whether the evidence could have been obtained with reasonable diligence; *Efobi v Royal Mail Group Ltd* [2021] UKSC 33.

14. It noted that the Appellant's rationale for not providing the documents that were available to him was due *inter alia* to reasons that included that he was

"uncomfortable discussing some of these privately". There followed an analysis of the proposed additional information in the context of each of the 1-13 charges and how it could be of relevance and/or have influenced the DTP. The IFoA concluded that in particular in the context of the established culpable dishonesty of the Appellant by the DTP, that the additional evidence sought to be relied upon was highly unlikely to undermine the overall conclusions of the DTP regarding culpability and gravity.

15. Finally, the IFoA submitted that if the evidence is admitted, its relevance must be confined solely to the sanction appeal. Any new material may therefore be considered only insofar as it bears upon whether the sanction was manifestly unreasonable.

16. The Appellant, while he did attend a preliminary hearing of the DTP on 29 July 2025, he did not attend the actual DTP hearing conducted on 31 July. He explained that he did not attend the DTP hearing or provide certain documents that were available to/identifiable by him at that time because of what he described as the sensitive and political nature of the information. In submissions and upon questioning, he was clear that the decision not to attend on 31 July 2025 was a voluntary one.

17. The Appellant submitted that the pertinent material related to decisions made by and/or on behalf of the South African Home Office during his professional work as an actuary in the country. He feared that disclosure in a public forum could embarrass or incriminate officials and/or the South African government, lead to "complications in life" and place him personally at risk.

18. The DTP did not have the advantage of hearing from the Appellant in mitigation. That was raised with the Appellant who confirmed that he chose not to attend the hearing on the basis that he had nothing further to add. This was a situation entirely of the Appellant's own making and it could have been avoided. Further, the evidence that he sought to introduce was documentation which was available to him prior to 31 July 2025 and therefore could have been made available to the DTP in advance of its determination.

19. The Appellant's explanation is relevant to the first limb of the *Ladd v Marshall* test. While the Appellant's perception of fear may have been genuine, it does not establish that the material was unavailable or incapable of being produced at the pertinent time. Rather, it shows that he elected not to rely on it at that juncture. The IFoA disciplinary process provides mechanisms for private hearings (e.g. if there is good

reason to do so) but no such request was made, nor was the matter of any fear or perceived fear the Appellant may have been operating under at the time, made known to the DTP.

20. The Appeal Panel concludes that the opportunity available to the Appellant at the preliminary hearing which he attended, his non-attendance at the DTP hearing and the withholding of evidence were voluntary choices made by the Appellant at first instance. They were not obstacles beyond his control. He made a conscious decision not to reference or disclose the additional information or to bring his concerns about their disclosure to the attention of the DTP. Consequently, this Panel determined that the application to admit evidence therefore did not meet the first stage of the Ladd v Marshall test.

21. The Panel did not consider that the supplementary evidence, given the DTP's findings of fact across 1-13 charges including four findings of dishonesty, which were not challenged by the Appellant, would probably have an important influence on the outcome of these proceedings. Therefore, the application did not meet the second stage of the *Ladd v Marshall* test.

22. The Appellant's account of the fear of repercussions from the South African authorities may be credible in the sense that it could conceivably be true, but it has not been substantiated by any evidence. No documentary evidence has been produced demonstrating any real or imminent risk or threat arising from disclosure, nor has any independent verification been provided. Therefore, the Panel considered that the application did not meet the third stage of the *Ladd v Marshall* test. Even taking the explanation at its highest, it does not meet the first limb of the *Ladd v Marshall test*, as the evidence was available and could have been produced with reasonable diligence.

23. Notwithstanding the above conclusions, even if the evidence was admitted, it could not affect or undermine the established findings of dishonesty made by the DTP, which are final and not under review in this appeal. At most the supplemental evidence may have gone towards helping to mitigate the sanction.

24. Accordingly, the Appellant's application to admit additional evidence does not satisfy the *Ladd v Marshall* threshold and this preliminary application is therefore refused.

(ii) Was the sanction 'manifestly unreasonable'?

25. The expression “manifestly unreasonable” is not defined within the Disciplinary Scheme or Regulations. The Legal Adviser noted that at common law, it bears the same meaning as Wednesbury unreasonableness, as set out in *Associated Provincial Picture Houses v Wednesbury Corporation* [1948] 1 KB 223. A decision will be manifestly unreasonable only if no reasonable decision-maker, properly directing itself in law and considering the relevant facts, could have reached the same conclusion. It is sometimes described as falling outside the range of reasonable responses.

26. A sanction is not manifestly unreasonable merely because it is severe or because another panel might have imposed a lesser penalty. Intervention is justified only where the sanction is so disproportionate that it could not reasonably have been imposed having regard to the seriousness of the misconduct, any aggravating or mitigating factors, and the Sanctions Guidance.

27. The IFoA did not accept that the DTP’s determination was manifestly unreasonable and opposed the appeal. Rather, the IFoA submitted that the DTP had properly directed itself as to the purpose of sanction in accordance with the Sanctions Guidance.

28. The IFoA also submitted that the Appellant had fallen considerably short of establishing the sanction was one to which no reasonable panel could have reached in the circumstance of this case when taking account of the way it applied the Sanctions Guidance the objective of sanctions is not to punish but to protect the public, the principle of proportionality, issues of culpability and harm, aggravating and mitigating factors and that this was a case involving dishonesty where expulsion was appropriate. Attention was drawn to the Sanctions Guidance (para. 7.20) which states *‘Dishonesty will usually lead to expulsion or exclusion’* and drawing parallels to the case of *Solicitors Regulation Authority v Sharma* [2010] EWHC 2020 (Admin) where the court found that *“Save in exceptional circumstances, a finding of dishonesty will lead to a solicitor being struck off the Roll…”*

29. In summary, the IFoA submitted that the DTP had carefully considered the evidence before it, had determined that this was a case of high culpability on the Appellant’s part who had *“deliberately set out on a sustained, dishonest course of action for gain”* across four separate courses of dishonesty, and had exercised its discretion to

impose a sanction which could not, on any interpretation, be considered to be manifestly unreasonable, and that a five year exclusion was entirely reasonable in the circumstances.

30. The Appellant was clear that he accepted the findings of the DTP. Where his main concern lay and which was the focus for his appeal, was that the sanction imposed by the DTP in reality had the effect of being a 15 year sanction upon him and not solely a five year expulsion. This was attributed to the wording of section 9.5 of the Publication Guidance which provides that: *"If a Respondent is excluded or expelled for five years and either does not reapply for membership or the readmission application is refused, the determination should normally remain on the IFoA's website for a period of 10 years after the end of the period of exclusion or expulsion".*

31. The Appellant submitted that the effect of section 9.5 of the Publication Guidance (as embedded in the DTP decision) was that if after a five year period of expulsion and the publication of the DTP determination, if the Appellant either (a) did not reapply for admission or (b) his application for readmission was rejected by the IFoA, then the details of this DTP determination would automatically be retained on the IFoA website for a further 10 years. This would have an ongoing effect on his future prospects for work and went well beyond the actual five year sanction imposed upon him and had a potential fifteen year implication. It was his stated intention to apply for readmission as soon as his expulsion period, whatever that might be, was served.

32. The two questions the Panel identified for its determination were as follows:

    32.1 Whether the five-year exclusion imposed by the DTP was manifestly unreasonable; and

    32.2 Whether the period of publication determined by reference to the Sanctions and Publication Guidance was manifestly unreasonable.

Discussion

33. The purpose of sanctions under paragraph 4.1 of the Sanctions Guidance is not intended to be punitive but to protect the public; maintain public confidence in the profession; and uphold proper standards of conduct. Paragraph 5.3 of the Guidance requires Panels to begin with the least severe sanction and move upward only as necessary.

34. The issue of whether the DTP's sanction was manifestly unreasonable falls to be considered in light of paragraph 7.20 of the Sanctions Guidance, which underscores that honesty is fundamental to the profession and does so by providing that dishonesty will usually lead to expulsion or exclusion. This will be the case save in exceptional cases where exclusion may not be appropriate because a reasonable and well-informed member of the public would not regard dishonesty as a bar to continued membership - *Solicitors Regulation Authority v Sharma*, which identifies relevant factors that go to determining an exceptional case which include: (a) the nature, scope and extent of the dishonesty itself; (b) whether it was momentary or over a lengthy period of time; (c) whether the Respondent benefitted from it; and (d) whether it had an adverse effect on others.

35. The Publication Guidance, paragraphs 9.4 and 9.5 are relevant to this appeal. Under paragraph 9.4, misconduct determinations should normally remain on the IFoA's website for three years from the date of publication, or for the duration of any period of exclusion or expulsion, whichever is longer. Paragraph 9.5 provides that where a Respondent is excluded or expelled for five years and either does not re-apply for membership or the application for readmission is refused, the determination should normally remain published for a further ten years after the expiry of the exclusion period.

36. The Panel's consideration of the reasonableness of the publication period forms part of its overall assessment of whether the DTP's sanction was manifestly unreasonable.

37. The Appeal Panel was of the view that the Misconduct in this case, which of necessity must be serious, was on any view, very serious. The DTP found proven four separate allegations of dishonesty, committed for the purposes of financial gain for the Appellant. The dishonesty in this case could not be said to be at the lower end of the scale of seriousness, it was not a single occurrence and it occurred over a prolonged period of time. In fairness to the Appellant, at the hearing he also accepted that his actions were serious and deserving of an expulsion sanction.

38. The Appeal Panel considered that the DTP had properly considered the Sanctions Guidance and had weighed the aggravating and mitigating factors appropriately and imposed an entirely reasonable sanction given the findings of fact across 1-13 charges. For example, it noted that for aggravating features the DTP took into account the then Respondent's *"financial gain, in securing employment at a particular*

salary after providing false documents". Consequently the Panel found that the sanction of a five year expulsion from membership of the IFoA was not manifestly unreasonable but was one that a reasonable decision-maker, properly directing itself in law could have reached.

39. In relation to the second question the Panel posed to itself, it noted that in deciding to publish its decision for a period of "*at least five years"* and to invoke specifically the language of section 9.5 of the Publication Guidelines, thereby extending the publication of the sanction for a further period of 10 years (if certain pre-conditions were not met) the DTP gave no reasons as to why it chose to do so.

40. The Publication Guidance is guidance and it aims, *inter alia*, to provide IFoA Panels with further details on their powers and procedures, to promote transparency and consistency in the approach of those Panels, to maintain public confidence in the IFoA's disciplinary process and educate its members about behaviour which may amount to Misconduct. In the event of a conflict between the Disciplinary Scheme and the Guidance the Scheme takes precedence.

41. Section 9.4 of the Publication Guidance sets out the standard period of publication as follows: *"Misconduct determinations should normally remain on the IFoA's website for a period of three years from the date of publication, or the period that any exclusion or expulsion is in force for, whichever is longer."*

42. The Panel had no insight into the rationale of the DTP in imposing publication for longer than the exclusion period of five years as no reasons were provided for its conclusion in this regard. Had the Appellant been given a sanction of four years 364 days by the DTP, section 9.5 would not have been triggered. But with the application of a five year sanction (which of itself was reasonable in the circumstance of this case) he was subjected to the full extent of section 9.5 by the DTP. It was notable that this extension of publication time is not mandatory and is presented in the language of section 9.5 as what "should normally" apply.

43. The Panel considered that in circumstances where the Appellant is excluded from membership of the IFoA for five years, he would therefore be unable to gain employment in roles which require membership of the IFoA during that time. Added to this, details of his exclusion from membership could be published for a further 10 years. The Panel considered that such an outcome was manifestly unreasonable in the circumstances of the case. Consequently, the Panel considered that it was

appropriate, in this case, to depart from the normally applicable language of section 9.5 of the Publication Guidelines.

Powers of the Panel and Panel decision

44. Having concluded that the DTP sanction was not manifestly unreasonable, but that when combined together with the publication period determined by section 9.5 the overall effect of the sanction was manifestly unreasonable, the Panel considered the powers open to it. These are set out at rule 18.10 of the Disciplinary Scheme. They are to make one or more of the following determinations:-

    (a) affirm, vary or rescind any determination of the relevant panel;
    (b) substitute its own determination for the determination made by the relevant panel; and/or
    (c) make any other order that it considers appropriate.

45. The Appeal Panel therefore affirms the determination of the DTP in so far as it applied an exclusion from Membership of the IFoA for the maximum period of five years. That period of exclusion commenced on 31 July 2025.

46. The Appeal Panel rescinds the determination of the DTP only in so far as publication is concerned and replaces it with the publication period set out below.

Publication

47. Having taken account of the Publication Guidance (1 August 2023), the Panel determined that, this appeal determination will be published and remain on the IFoA's website for a period commensurate with the period of exclusion of the Appellant up to a maximum of five years and not thereafter (i.e. to 30 July 2030). A brief summary of the determination will also be published in the next available edition of The Actuary Magazine.

Costs

48. In assessing costs, the Appeal Panel had regard to the application of the IFoA Application for Costs which was submitted within the designated period. It is noted that the Appellant was given the opportunity to make submissions in response by 28

October 2025, but no submission was made or received before the deliberations of the Appeal Panel on 29 October 2025.

49. The Appeal Panel noted that its power to award costs is derived from Rule 18.15 of the Disciplinary Scheme which provides that: *"The Appeals Tribunal Panel may make an award of costs against any party in respect of any appeal under this Rule as it considers appropriate."* It was also mindful of the Costs Guidelines (1 August 2023).

50. The Appeals Panel considered the written submissions of the IFoA in relation to Costs noting *inter alia* its reliance upon; only the partial success of the Appeal, that fact the DTP's sanction was upheld (save as to publication) and the fact that the Appellant had been entirely unsuccessful in introducing the additional evidence which in any event was, in the IFoA's view, bound to fail. The IFoA also noted that it did not have notice of the Appellant's argument in relation to the publication order prior to the hearing and, given the nature of the proven allegations, that the IFoA acted reasonably and in accordance with its duty to protect the public, maintain the reputation of the profession and to declare and uphold proper professional standards.

51. It was unhelpful that the Appellant did not make any submissions on Costs, but that should not be to the detriment of the IFoA. The Appeal Panel considered the position of the Appellant as a litigant in person who may not have been aware that his argument in relation to publication ought to have been notified in advance (but in any event was ably dealt with by counsel for the IFoA), and that its decision to partially uphold the decision of the DTP was significant. Therefore in applying the normal position that costs follow the event, it was not justifiable that the IFoA should receive the full amount of any Costs order. Notwithstanding that, and noting that the Panel did not dispute the sum submitted by the IFoA in terms of the actual costs it incurred on the appeal, the Appeal Panel did consider that a 50:50 split of the costs better reflected the ultimate outcome of the Appeal, rather than the IFoA's submission of 100% contribution by the Appellant.

52. Therefore, the Appeal Panel determined that the Appellant would make a contribution to costs in the amount of £2,593 which equated to 50% of the costs of the Appeal. Such sum to be paid to the IFoA within 28 days of the publication of the reasons for this decision in accordance with section 8.1 of the Costs Guidance.

That concludes this determination.

Susan Ahern SC

Chair of the IFoA Appeal Tribunal Panel

Date: 31 October 2025

Date of Publication: 11 November 2025