

Institute
and Faculty
of Actuaries

Adverse Inferences

Guidance

by the Disciplinary Committee of
the Institute and Faculty of Actuaries

Version 1.1

1 November 2026

Adverse Inferences

1. Introduction

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

1.2 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.

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

1.4 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.

1.5 This Guidance should be read alongside:

(a) the Scheme; and

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

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

1.6 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.

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

1.8 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.

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

2. Aim

2.1 This Guidance:

(a) explains what an adverse inference is;

(b) explains that Respondents are not required to respond to a Case Report or a Charge or attend a hearing; and

(c) explains when a Panel may draw an adverse inference.

3. What does “adverse inference” mean?

3.1 “Adverse inference” is a legal term. It means that a Panel may draw a negative conclusion because a Respondent does not:

(a) provide evidence;

(b) comment on the Case Report or Charge;

(c) attend a hearing.

4. Do Respondents have to provide comments on the Case Report?

4.1 Rule 5.3 of the Scheme requires Respondents to co-operate fully and promptly with an investigation and any proceedings under the Scheme. Failure to comply with this may result in an additional Allegation of Misconduct being brought against the Respondent.

4.2 Once an investigation is finished, the Respondent will be sent a copy of the Case Report and be given 14 days to provide comments on it. The Respondent is not required to comment on the Case Report, however it is usually in their best interests to do so.

4.3 Any written response by the Respondent on the Case Report will be considered by the Adjudication Panel. If the Respondent does not provide a written response to any or all of the allegations, it is open to the Adjudication Panel to draw an adverse inference, for example that the Respondent does not dispute the contents of the Case Report or a particular allegation.

5. What happens if a Respondent does not respond to a Charge or give evidence at a Disciplinary Tribunal Panel hearing?

5.1 If an allegation is referred to a Disciplinary Tribunal Panel the Respondent will be sent a Charge Response Form to allow them to advise whether they accept any parts of the Charge. They will also be sent a Case Management Form to allow them to advise whether they will attend the hearing and what arrangements they may need for the hearing. The Respondent will also have an opportunity to submit written grounds of defence and supporting documents in advance of the hearing.

5.2 There is no obligation for the Respondent to respond to the Charge, return a Case Management Form, submit written grounds of defence, or give evidence at the Disciplinary Tribunal Panel hearing, but it is usually in their best interests to do so. If the Respondent does not do any of these things, it is open to the Disciplinary Tribunal Panel to draw an adverse inference.

6. When will a Panel draw an adverse inference?

6.1 This is a matter for the Panel to decide. They will consider the particular facts and circumstances of the case. A Legal Adviser should provide advice to the Panel on whether it is appropriate to draw an adverse inference. If a Panel draws an adverse inference, this should be clearly explained in their determination, including any advice provided by the Legal Adviser.

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	Removed paragraph 6.2



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