



Institute
and Faculty
of Actuaries

Practising Certificates regime

Appeals Process

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1. General

Interpretation and Scope

- 1.1 The Appeals Process detailed in this document is the Appeals Process referred to in section 25 of the Practising Certificates Handbook and the scope of this Appeals Process is limited to Appeals of a decision made under the Practising Certificates Scheme.

Commencement

- 1.2 This Appeals Process shall take effect from 1 December 2022 and shall apply to any Appeal where the notice of Appeal was received by the IFoA on or after that date.
- 1.3 Where there is any conflict or inconsistency between this Appeals Process and the Practising Certificates Scheme, the Practising Certificates Scheme shall prevail.

2. Process

- 2.1 An Appeal may be made under this Appeals Process by any person who, following a properly made application under the Practising Certificates Scheme, is subject to any of the following decisions by the IFoA:
- (a) Decline of an Initial Application, or Renewal Application, for a Practising Certificate.
 - (b) Revocation of a Practising Certificate (other than when a PC has been withdrawn or suspended following a direction under the Disciplinary and Capacity for Membership Schemes).
 - (c) Award of a Conditional PC.
- 2.2 Appeals may be made for one, or both, of the following reasons:
- (a) that the IFoA erred in determining that the Appellant did not meet the criteria for obtaining a Practising Certificate set out in the Practising Certificates Scheme;
 - (b) that the IFoA erred in determining that the Appellant is unsuitable to hold a Practising Certificate.
- 2.3 An Appeal must be made in writing to the IFoA's Judicial Committee's Secretary within 30 days of receipt of notice of a decision of a type referred to in Rule 2.1 of this Appeals Process. The Chair of the Appeals Panel shall have discretion to accept an Appeal outwith the timescales where the Appellant can demonstrate exceptional circumstances that directly contributed to the delay.
- 2.4 A notice of Appeal must state the grounds for the Appeal and include any supporting evidence that the Appellant wishes the Appeals Panel to consider.

3. Appeals Panel

- 3.1 The Appeals Panel shall comprise members selected from the Disciplinary Pool appointed by the Regulatory Appointments Committee under Regulations 12 - 18 of the Institute and Faculty of Actuaries Appointments Regulations.

- 3.2 The Appeals Panel shall consist of three members, two of whom will be Fellows of the IFoA and current Practising Certificate holders and one of whom will be a Lay Member. The Lay Member is appointed as the Chair of the Appeals Panel.
- 3.3 No IFoA Member who has been involved at an earlier stage of the process in relation to the decision being appealed shall be eligible to sit on an Appeals Panel.
- 3.4 Members of the Appeals Panel shall complete a conflict of interest check prior to the hearing. Any prior knowledge of the Appellant or members of the Practising Certificates Committee must be declared and consideration given to whether these amount to a conflict of interest.

4. Determinations

- 4.1 Subject to Rule 4.2, the Appeals Panel shall meet in private and shall make their determination from the papers.
- 4.2 The Chair of the Appeals Panel appointed under Rule 3.2 may issue directions to achieve a fair and expeditious hearing of the Appeal, which directions may include, but are not limited to:
 - (a) altering time limits;
 - (b) the production of documents; and
 - (c) requiring the Appellant and any other person to appear before the Appeals Panel at a hearing where the interests of justice so require.
- 4.3 The Appellant shall be given at least 21 days' notice of any meeting of the Appeals Panel or hearing date.
- 4.4 An application to appear before the Appeals Panel at a hearing under Rule 4.2 must be submitted no less than 14 days before the scheduled meeting of the Appeals Panel.
- 4.5 The IFoA shall furnish the Appeals Panel with a written account of the reasons for the decision which is the subject of the Appeal at least 21 days before the meeting of the Appeals Panel or hearing date.
- 4.6 The Appellant shall have the right to make a written submission to the Appeals Panel which representations may be submitted up to seven days prior to the date of a meeting of the Appeals Panel or hearing date.
- 4.7 The Appeals Panel shall decide by simple majority whether:
 - (a) the Appeal should be upheld and a Practising Certificate should be issued or retained;
 - (b) the Appeal should be upheld and the matter remitted to the Practising Certificates Committee for reconsideration; or
 - (c) the Appeal should be refused and the original decision of the IFoA affirmed.
- 4.8 The determination of the Appeals Panel shall be final. Where an Appeal is not upheld, the Appellant shall have a right of Judicial Review.
- 4.9 A determination made under Rule 4.7 will be communicated to the Appellant as soon as practicable after the hearing.

5. Notice

- 5.1 Any notice or document required to be served under Rules 2.3 and 4.3 shall be delivered by:
- (a) sending the notice or document by email to the email address recorded in the IFoA's database for the relevant person; or
 - (b) sending the notice or document by post or courier to the postal address recorded in the IFoA's database for the relevant person; or
 - (c) sending the notice or document to any other email or postal address nominated in writing by the relevant person for service; or
 - (d) sending the notice or document to the business email address or postal address of the relevant person's nominated representative.
- 5.2 The service of any notice or document under Rule 5.1 may be proved by:
- (a) providing a copy of the email (and attachments) showing that it was properly addressed to the relevant person, unless a delivery failure notification has been received; or
 - (b) providing a copy of the letter showing that it was properly addressed and confirmation of posting issued by or on behalf of the postal operator or delivery service.
- 5.3 The service of any notice or document under Rule 5.1 shall be considered to have been served:
- (a) on the day it was sent, if the notice or document has been sent by email; or
 - (b) 48 hours after it was sent by the postal operator or delivery service.
- 5.4 For the purposes of Rule 5.1 if the IFoA is aware that an email or postal address is no longer current, service will be to the Appellant's last known email or postal address, as registered with the IFoA, or to their last known address, where no registered address is held.

6. Definitions

6.1 The following definitions are used in this Appeals Process:

Appeal	An appeal under this Appeals Process
Appeals Panel	The panel constituted under this Appeals Process
Appeals Process	The process for Appeals set out in this document.
Appellant	A person who has submitted an Appeal in accordance with this Appeals Process.
Conditional Practising Certificate	A Practising Certificate to which the IFoA has attached conditions requiring the Practising Certificate Holder to take certain steps within specific time limits.
Disciplinary and Capacity for Membership Schemes	The Disciplinary and Capacity for Membership Schemes of the IFoA, as may be amended from time to time.
IFoA	The Institute and Faculty of Actuaries
Initial Application	An application to obtain a Practising Certificate by someone who does not currently hold one.
Lay Member	A person who is not and has never been a Member of the IFoA or practised as an actuary.
Practising Certificate	A certificate issued by the IFoA under the Practising Certificates Scheme.
Practising Certificates Committee	The IFoA committee responsible for considering Practising Certificate applications and administering the Practising Certificates Scheme.
Practising Certificates Scheme	The Practising Certificates Scheme operated by the IFoA.
Practising Certificates Handbook	A Handbook produced by the IFoA setting out the processes and procedures relating to Practising Certificates and setting out guidance on how to comply with those.
Renewal Application	An application through which a Practising Certificate holder renews their Practising Certificate