Institute and Faculty of Actuaries

Capacity for Membership

Guidance

by the Disciplinary Committee of
the Institute and Faculty of Actuaries

Version 1.1

1 November 2026

Capacity for Membership

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 the aims of the Capacity for Membership Process and the key differences between this process and the Disciplinary Process; and

(b) explains the types of health condition which may be covered by the Capacity for Membership Process;

(c) explains what a Panel should consider when deciding whether to transfer a case to the Capacity for Membership Process.

3. What is the Capacity for Membership Process?

3.1 The Capacity for Membership Process is used to deal with rare cases where a Respondent's current capacity to hold membership is impaired by illness or other relevant health or medical conditions, and the impairment is directly relevant to the allegation or charge.

3.2 The main differences between the Disciplinary Process and the Capacity for Membership Process are:

(a) the aim of the Capacity for Membership Process is to find a balance between supporting Respondents who are experiencing significant health issues and upholding the public interest requirements of the IFoA;

(b) Capacity for Membership Panels do not make findings of Misconduct;

(c) Capacity for Membership Panels issue outcomes rather than sanctions. These outcomes detail the measure(s) necessary, in the public interest, to support the Respondent during their illness or other relevant condition;

(d) Capacity for Membership Panels are normally held in private and their decisions are not normally published in full due to the sensitive nature of some of the issues considered by the Panel.

3.3 The Capacity for Membership Process is covered by Rules 9 and 16 of the Scheme.

(a) Rule 9 covers the process for transferring a case to a Capacity for Membership Panel. The processes that must be followed are detailed in Section F of the General Disciplinary Regulations.

(b) Rule 16 covers what a Capacity for Membership Panel does. The processes that must be followed are detailed in the Capacity for Membership Regulations.

4. What kind of illness or other relevant condition may be covered?

4.1 The Panel's focus in Capacity for Membership proceedings is to consider the impact of the Respondent's illness or other relevant condition on their ability to comply with professional and regulatory obligations regardless of the nature of the illness or condition. Therefore, there is no prescribed list of illness or conditions that qualify for having the case transferred to a Capacity for Membership Panel. Whether the Respondent's illness or other relevant condition qualifies the case for a Capacity for Membership Panel will depend on the specific circumstances of the case.

5. What should a Panel take into consideration when deciding whether to grant an application to transfer to the Capacity for Membership process?

5.1 The types of evidence a Panel may have to consider when deciding on an application to transfer are set out in the General Disciplinary Regulations. The party making the application is responsible for providing and meeting the costs of obtaining any medical records and/or reports. Where an application to transfer a case is made orally at a Disciplinary Tribunal Panel hearing, the Disciplinary Tribunal Panel will decide who is responsible for obtaining and paying for any medical records and/or reports.

5.2 When reaching a decision on an application to transfer, Panels must be satisfied that the criteria set out in the General Disciplinary Regulations are met. Panels should consider:

(a) Whether there is evidence that the Respondent's illness or other relevant condition prevents them from meeting their obligations as a Member of the IFoA. This includes considering whether the Respondent is able to comply with the Actuaries' Code and the IFoA's broader regulatory framework which includes the Disciplinary Scheme.

(b) Whether there is a connection between the allegation of Misconduct and the Respondent's illness or other relevant condition. If the Respondent becomes unwell during a disciplinary process this can be dealt with in other ways such as delaying the investigation until they have recovered. If the Respondent experienced an illness, or other relevant condition, at the time of the alleged Misconduct but has since recovered, it could be considered as possible mitigation. However, as it does not affect the Respondent's current capacity, it would not be a reason to transfer the case to a Capacity for Membership Panel.

(c) Whether there are circumstances which mean it is not in the public interest to transfer the case to a Capacity for Membership Panel. The Panel must consider what the risks to the profession and the public are. For example, in serious cases where it is likely the Respondent will be excluded from Membership, it is unlikely the Capacity for Membership Process will be suitable.

(d) The extent of any co-operation from the Respondent. If the Respondent is unable or unwilling to provide access to medical records or independent medical advice it may be difficult for a Capacity for Membership Panel to be able to gain an understanding of issues the Respondent is experiencing. This means it could be difficult for a Capacity for Membership Panel to decide what support measures their outcome would need to include. If the Panel does not believe the Respondent is likely to engage or co-operate, it is unlikely the Capacity for Membership process will be suitable.

(e) If the Respondent is no longer a Member of the IFoA, transferring the case to the Capacity for Membership process is unlikely to be appropriate as they are no longer required to meet the obligations of an IFoA Member.

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 amend language used for consistency with Rule 1.11 of the Disciplinary Scheme



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