



Information for Candidates who are facing an allegation under the Disciplinary Scheme of CAA Global Limited

Introduction

The purpose of this note is to explain to Actuarial Analyst Candidates (“Candidates”), registered with CAA Global Limited (“CAA Global”) how we deal with an allegation which suggests professional misconduct under the CAA Global Disciplinary Scheme (“the Scheme”).

Regulation

CAA Global is the new accreditation body for the Certified Actuarial Analyst (CAA) qualification. It has been developed by the Institute and Faculty of Actuaries (IFoA) and the Society of Actuaries (SOA) and its intention is to professionalise a large segment of people who support the actuarial profession, as well as those working in technical analyst roles in wider fields, by creating a structured education pathway for those seeking a professional qualification.

Whilst Candidates are pursuing the CAA qualification they must adhere at all times with the CAA Code of Conduct. It applies at all times to Candidates, in their day to day work and is taken into consideration where Candidates’ conduct in other contexts could reasonably be considered to call into question their suitability for continued participation in the qualification.

Allegations of professional misconduct about Candidates who are pursuing the CAA qualification with CAA Global are dealt with under the CAA Disciplinary Scheme. The Scheme provides a critical safety net for both members of the general public and Candidates. The Scheme allows CAA Global to investigate allegations of misconduct and to deal appropriately with established individual Candidate failures.

The public - clients, users, employers and all those whose finances are affected by actuarial decisions - must be confident that the Candidates they employ, or whom they trust with their finances, will observe standards of practice and conduct which justify that trust.

What is an allegation?

Allegations against Candidates may come from a variety of sources including the public, actuaries, other Candidates, CAAs and regulatory bodies. CAA Global will consider allegations made in writing to us to the effect that an individual Candidate (or former Candidate) has been guilty of professional misconduct. Misconduct is defined at rule 1.6 of the Scheme and includes any conduct, whether committed in the course of carrying out professional duties or otherwise constituting failure by that member to comply with the standards of behaviour, integrity, competence or professional judgement which other members or the public might reasonably expect of a member having regard to the and/or relevant standards or guidance.

If an allegation is made against you, we will write to you to you, providing a copy of the allegation and advising of the next steps in the process. If an allegation is received about you, in terms of the Scheme, you are referred to as “the Respondent.”

How will the allegation be investigated?

You may find it helpful to refer to the flowchart on page 8 of this guide which sets out a summary of the disciplinary process.

CAA Global will allocate a Case Manager to investigate each allegation. During the investigation stage they are neutral and impartial. Their role is to manage the investigation and to gather relevant information for consideration and evaluation before an Adjudication Panel and/or Disciplinary Panel hearing. Once they are appointed you will be given their name and contact details. They will be your main contact throughout the investigation.

The Case Manager will be assisted by an Investigation Actuary. They will be a Fellow of the Institute and Faculty of Actuaries (IFoA) or a suitability qualified member of another Accredited Association, whose role is to support the Case Manager in conducting the investigation and provide technical input where required. Although the Case Manager is your point of contact at this stage, you will be given the name of the Investigation Actuary. The Case Manager and Investigation Actuary are sometimes supported by an external lawyer. We may, on occasion, appoint an expert to assist in areas of technical complexity and if we do, we shall advise you of their name.

At all stages of the process careful checks are made to avoid any conflicts of interest or biases.

The Case Manager will gather information relevant to the allegations. This is done via a variety of methods, including requesting copies of documentation from relevant parties, considering relevant professional guidance and perhaps obtaining witness statements. It is the Case Manager and Investigation Actuary who decide the best way to investigate the allegation and what relevant information they need to gather.

The Case Manager may ask you for information. You have a duty under the Disciplinary Scheme to co-operate. If you do not co-operate with the Case Manager and the Investigation Actuary a separate new allegation of misconduct may be brought against you.

The Case Manager and Investigation Actuary may want to meet you to discuss the matter and obtain a witness statement, which is a written record of the evidence of a witness. We will advise you if this is the case. Further information will be provided to you at the time.

All correspondence from you to the Case Manager will routinely be acknowledged, so that you know that it has been received and is being considered. You can expect to receive an update on the progress of the case every four weeks.

The allegation made will form the basis of the investigation, but the Case Manager and Investigation Actuary can take into account any additional conduct that comes to their attention during the investigation. If this occurs, you will be advised and given an opportunity to respond to the additional allegations.

The Case Manager cannot give you advice on how you should respond to the allegations or how you should represent yourself through the process.

Adjudication Panels

Usually, after an investigation into the allegation of misconduct is complete, the Case Manager and Investigation Actuary will prepare a Case Report. A Case Report sets out the allegations made against you and all the relevant facts and information obtained during the investigation. All of the material obtained during the investigation will be appended to the Case Report. It is intended to be a statement of all the information obtained by the Case Manager, from all perspectives, as a result of the investigation. The Case Report does not set out any recommendations.

The Case Report will be sent to you and you are given the chance to submit any final comments you have on the Case Report, after it is issued, but before the Adjudication Panel meet. Your comments will be considered by the Adjudication Panel, provided that they are submitted in writing and in advance of the Panel meeting. At the time you are given the Case Report you will be sent further information about the Adjudication Panel process.

An Adjudication Panel will be appointed to consider the Case Report and determine the next step in the disciplinary process. The Adjudication Panel, which meets in private, is comprised of at least three people. A minimum of one member is always a “lay member” which means that they do not hold an actuarial qualification. The remaining Panel members will be members of the IFoA or another Accredited Association. It is the Adjudication Panel who will make an initial decision on the allegations against the Respondent.

The Adjudication Panel is advised by an independent Legal Adviser. The Clerk to the Adjudication Panel also attends the Panel to advise on procedural matters but does not participate in consideration of the facts. The Panel members will consider the Case Report and supporting papers, and will use those papers to determine whether or not the Respondent may have committed misconduct, and if so, what action should be taken.

The Clerk to the Adjudication Panel will notify you of the date of the Adjudication Panel.

The Adjudication Panel will determine, by simple majority, whether any of the matters contained within the Case Report disclose a *prima facie* case of misconduct. *Prima facie* broadly means that Adjudication Panels do not conduct a full hearing with witnesses, nor do they determine the facts beyond doubt. Instead they consider whether, on the face of it, the allegations have been proven, and whether, if a full Disciplinary Tribunal Panel hearing were to be arranged, it is more likely than not that misconduct would be proven.

If the Adjudication Panel decides that the Case Report does not disclose a *prima facie* case of misconduct, they will dismiss the case.

If the Adjudication Panel does think the Case Report discloses a *prima facie* case of misconduct they may invite you to accept that misconduct occurred and to accept one or more of the following sanctions;

- A reprimand.
- A fine up to the maximum limit defined by the CAA Global Limited Board, which is currently £15,000.

It is up to you whether you wish to accept a finding of misconduct by the Adjudication Panel. If you accept a finding of misconduct and any associated sanction, the determination will be published on the IFoA website and published in an appropriate actuarial publication.

If you do not accept a finding of misconduct and/or any associated sanction, then the matter will be referred to a Disciplinary Tribunal Panel for consideration. Further information about the Disciplinary Tribunal Panel process is available on our website and will be sent to you at the relevant time.

The Adjudication Panel may decide to refer the matters in the Case Report directly to a Disciplinary Tribunal Panel, for a full public hearing of a charge of misconduct against you. Again, if the Adjudication Panel does this, you will be provided with further information when you are provided with a copy of the Adjudication Panel's determination.

Expedited Procedures

If you would prefer that the case was considered by Disciplinary Tribunal Panel, for a full public hearing of a charge of misconduct, rather than the Adjudication Panel, then you can elect to do so, when you are sent a copy of the Case Report for comment. At that time you will be advised how to refer the matter directly to a Disciplinary Tribunal Panel, if that is what you wish to do.

If the Case Manager and Investigation Actuary consider that it is in the interests of the public and or the actuarial profession to refer the allegations directly to a Disciplinary Tribunal Panel, rather than an Adjudication Panel, they can make such a referral at any stage in the investigation process, prior to the Case Report being prepared. You would be asked to agree to such a referral. If you do not agree then the Case Manager and Investigation Actuary may make an application to the Convener of the Adjudication Panel who will decide whether or not the matter shall be referred directly to a Disciplinary Tribunal Panel. You would be provided with more details about this process at the relevant time.

Disciplinary Tribunal Panels

If allegations are referred to a Disciplinary Tribunal Panel, the Case Manager and Investigation Actuary will prepare a Charge setting out the alleged misconduct. If matters are referred to a Disciplinary Tribunal Panel the role of the Case Manager changes from being neutral to being prosecutorial - they will be bring the charges against you.

A Disciplinary Tribunal Panel hearing broadly follows the procedures adopted in UK civil courts with each party (CAA Global and you) introducing their case, calling witnesses who may be cross-examined by the other party, and then having the chance to make a closing submission.

It is the Disciplinary Tribunal Panel who will make a decision as to whether the allegations against you amount to misconduct. The Disciplinary Tribunal Panel is comprised of at least three people. At least one member is always a "lay member" which means that they are not a member of the IFoA or another Accredited Association. The remaining Panel members will be members of the IFoA or another Accredited Association.

The Disciplinary Tribunal Panel is advised by an Independent Legal Adviser. The Secretary to the Disciplinary Tribunal Panel also attends the Panel to advise on procedural matters, but does not participate in the consideration of the facts.

CAA Global may be represented by external lawyers during a Disciplinary Tribunal Panel. You have the right to be legally represented during these processes.

Disciplinary Tribunal Panels are usually held in public, but some or all of it can be held in private upon the request of either CAA Global or you, only if there is a very good reason to do so. The Disciplinary Tribunal Panel may, acting of its own motion, decide to hear some or all of matters in private.

The date, time and location of the Disciplinary Tribunal Panel will be published on the CAA Global website. Hearings are normally held in London or Edinburgh. The Secretary to the Disciplinary Tribunal Panel will send you a notice of the date, time and location of the Disciplinary Tribunal Panel hearing.

The person who made the allegation may attend the hearing to see the public proceedings, but they have no right to participate, except, and to the extent that, they are called by either CAA Global or you to give evidence.

The standard of proof under the Disciplinary Scheme is the civil standard as applied by the Courts of England and Wales in relation to disciplinary proceedings.

The Disciplinary Tribunal Panel has to decide the following;

- Did you behave in the way alleged in the Charge? In other words, have the facts alleged against you been proved?
- If so, did that behaviour amount to misconduct?
- If so, should a sanction be imposed?

It may be that the Disciplinary Tribunal Panel do find the allegations in the Charge proven, but they do not think that they amount to misconduct, in which case there will not be a finding of misconduct. And that will be the end of the matter. Or the Disciplinary Tribunal Panel may not find the allegations proven, in which case they will be dismissed, and there will not be a finding of misconduct.

If the Disciplinary Tribunal Panel find the Charge of misconduct established it may decide to impose one of more of the following sanctions. Alternatively, they may decide that no sanction is appropriate. The sanctions available are;

- A reprimand.
- Payment of a fine.
- Exclude or suspend you from continuing as a Candidate in pursuit of the qualification for a maximum of five years; or
- Exclude or suspend you from becoming a qualified CAA; or
- Impose any conditions considered appropriate for you to comply with, to allow you to continue as a Candidate or to qualify as a CAA.

The determination of the Disciplinary Tribunal Panel, setting out their decision and reasons, will be published on the CAA Global website and in an appropriate actuarial publication

The Disciplinary Tribunal Panel may also award costs against you, or award costs to you and against CAA Global. It does not automatically follow that you will be entitled to recover your costs if your defence of the allegation is successful or that you will be required to pay the costs of CAA Global if you are found guilty of misconduct. The Disciplinary Scheme makes no provision for a payment to be made to the person who made the allegation.

You do have a right of appeal against the decision of the Disciplinary Tribunal Panel. Should there be a finding of misconduct you will be provided with information about the Appeal process. The person who made the allegation does not have a right of appeal.

Interim orders

CAA Global has a duty to protect the public interest. An Interim Order is an order which imposes certain restrictions on a Respondent pending the outcome of the disciplinary proceeding and is a facility which CAA Global will use in compliance with its duty to protect the public where the facts and circumstances merit. In some cases, the Case Manager and Investigation Actuary may decide to apply for an Interim Order to suspend you from continuing as a Candidate pursuing the CAA qualification or from becoming a qualified CAA, or setting conditions which you must comply with in order to be allowed to continue as a Candidate pursuing the CAA qualification or to become a qualified CAA. Whether to apply for an Interim Order is a decision for the Case Manager and Investigation Actuary, but the decision to impose such an order will be made by a Panel.

The Case Manager and Investigation Actuary will notify you if they are making an application for an Interim Order and you will be given the opportunity to respond. More details about the Interim Order will be provided to you along with any application for an Interim Order.

The decision on such an application will be taken by an Interim Orders Panel. The Panel is comprised of at least three people. The Panel will be chaired by a Solicitor, Advocate or Barrister. The remaining Panel members will be members of the IFoA or another Accredited Association. The Panel will be advised by an independent Legal Adviser.

An Interim Order can be made only if the Interim Orders Panel considers that it is warranted and proportionate arising out of the seriousness of the alleged misconduct and upon the basis of sufficient *prima facie* evidence. Details of any Interim Order made will be published on the CAA Global website and appropriate actuarial publication.

Undertakings

The Case Manager and Investigation Actuary can request written undertakings from you as they deem necessary. A failure by you to comply with any undertaking shall amount to *prima facie* evidence of misconduct.

What is the role in the disciplinary process of the person who made the allegation?

Under the Scheme persons making an allegation do not have a formal role and are not a party to the process. They are not entitled to see the Case Report.

How long will the process take?

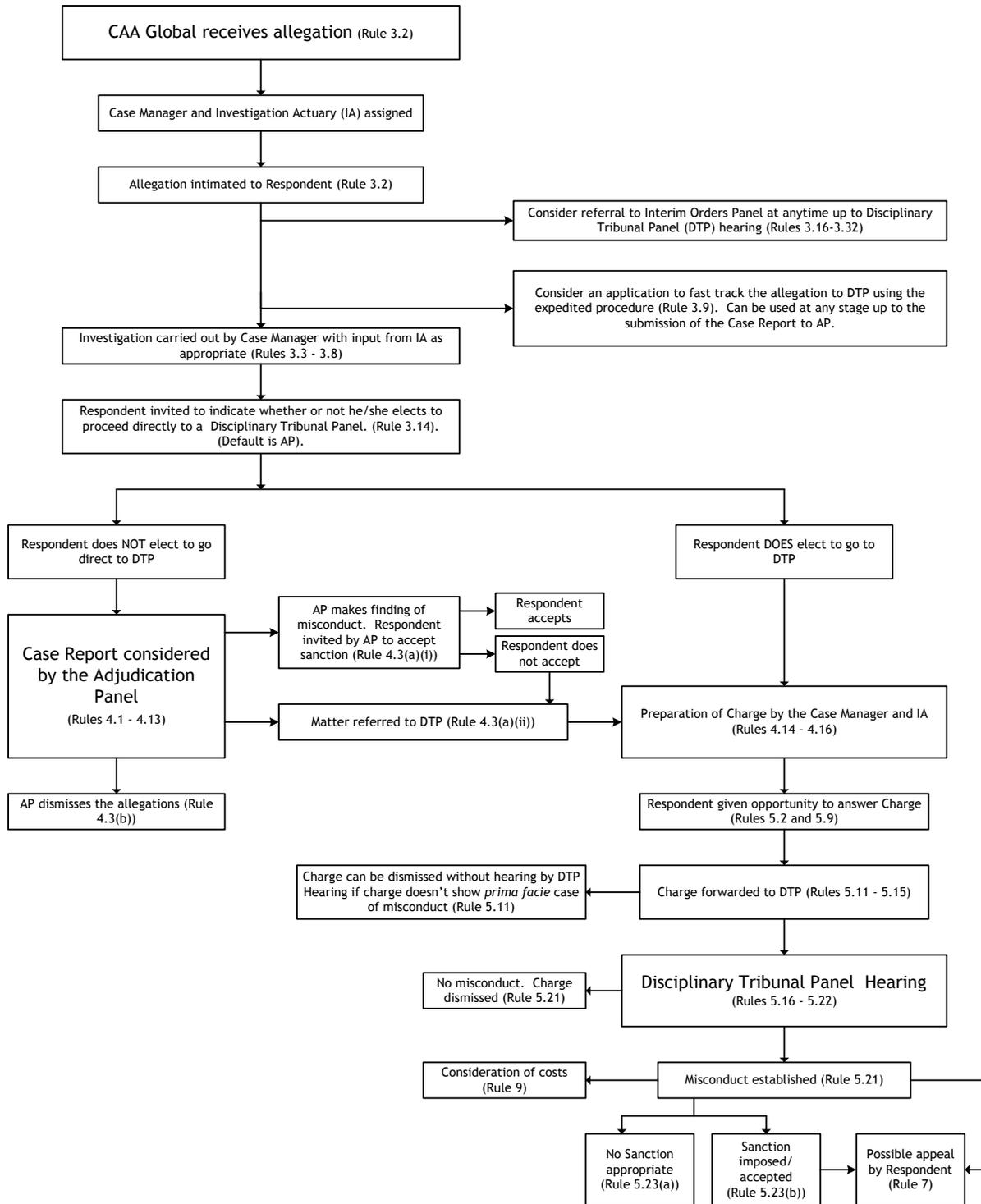
It takes time for allegations to be investigated and considered under the Scheme. We do try and deal with allegations as quickly and efficiently as possible, whilst being fair to both you and the person who made the allegation. We understand that can be a stressful experience. Factors that affect the timescales include;

- The complexity of the allegation.
- The availability of those who may need to be interviewed.
- Waiting for people to respond to requests for information. We do send 'chaser letters' when necessary.

The CAA Global Board, who oversee the disciplinary process, have set timescales for the resolution of allegations. They expect that Case Reports will normally be prepared six months from receipt of the allegation; up to twelve months in larger or complex cases. If matters are referred to a Disciplinary Tribunal Panel, they should normally be heard within six months of referral to the Tribunal; up to a maximum of eight months for more complex cases.

We will aim to update you on progress every four weeks. You are welcome to contact the Case Manager to inquire about progress.

CAA Global Disciplinary Scheme: Investigation and Procedural Framework



Where can I get advice or support?

You are entitled to obtain the support or advice of colleagues in the workplace or profession at any time, as well as having a general right to obtain independent legal advice about your rights in relation to any case that has been brought to the attention of CAA Global. In speaking with people other than within CAA Global or your legal advisor, please remember that the investigation is not in the public domain. The representatives of CAA Global are happy to provide factual information about each stage of the disciplinary case, but cannot advise you in relation to your legal rights or position.

Further information

The CAA Global Disciplinary Investigation Team, who are responsible for investigating allegations, can be contacted on +44 (0)131 240 1324 or discipline@caa-global.org

The Clerk to the Judicial Committees can be also be contacted on +44 (0)131 240 1324 or clerk@caa-global.org

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Please note that this document is not legal advice. It is not intended to be a substitute for the Disciplinary Scheme.