



## **How to complain about a Candidate**

The purpose of this note is to provide people with information about how to make an allegation against someone who is pursuing the Certified Actuarial Analyst (“CAA”) qualification with CAA Global Limited (“CAA Global”). People who are pursuing the qualification are known as Candidates.

### **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”). 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.

### **How do I make an allegation against a Candidate?**

CAA Global will consider allegations to the effect that a Candidate (or former Candidate) has been guilty of professional misconduct. Misconduct is defined at rule 1.6 of the Scheme and includes any conduct 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 Candidate.

You can discuss any potential allegation with the Disciplinary Investigation Team of CAA Global but CAA Global cannot give you advice on whether it is appropriate for you to refer an allegation.

If you decide to proceed with an allegation against a Candidate you should write to us giving as much of the following information as you can:

- The full name and address (if known) of the Candidate(s) concerned.
- Details of what, in your view, the Candidate has done wrong, and which you believe may constitute misconduct in terms the disciplinary scheme. Please set out the facts as clearly as you can, in a logical order, focussing on those facts which are relevant to the matter. You may wish to refer to the Code of Conduct.
- What the impact of the alleged misconduct has been.
- Dates when the events took place that you describe.
- Copies of any relevant documentation.
- Names and addresses of anyone who could support your allegation from their own personal knowledge.
- Whether you have raised this matter with the member or with the Candidate's employer.
- Whether you have raised this matter with any other regulator and if so, what was the outcome.
- What outcome are you looking for in making the allegation.

Any allegation about a candidate must be made in writing.

#### **How do I know if someone is a Candidate?**

You can check whether someone is a Candidate by calling +44 (0) 1865 268 266

#### **Can I make an allegation against a former Candidate?**

Yes, if the allegation concerns conduct which took place whilst they were a Candidate.

#### **How do you deal with an allegation?**

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.

Once an allegation is received about a Candidate, they are referred to as "the Respondent" for the purposes of the Scheme

#### **Who will investigate the allegation?**

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 a Disciplinary Panel. Once they are appointed you will be given their name and contact details and they will be your main contact throughout the investigation. Please note that they cannot give you legal advice.

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 suitably qualified member of another Accredited Association or Accredited Association, whose role is to support the Case Manager in conducting the investigation and provide technical input where required. The Case Manager and Investigation Actuary are sometimes supported by an external lawyer.

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 which you made. 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 and Investigation Actuary may want to meet with 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 we want to do this. Further information will be provided to you at the time.

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

### **Adjudication Panels**

Usually, after an investigation into an allegation of misconduct made against the Respondent is complete, the Case Manager and Investigation Actuary will prepare a Case Report. A Case Report sets out the allegations made against the Respondent and of all the relevant facts and information obtained during the investigation. All 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.

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 and they will communicate the decision of the Adjudication Panel to you as soon as possible.

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 do think the Case Report discloses a *prima facie* case of misconduct they may invite the Respondent 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 the Respondent whether they wish to accept a finding of misconduct by the Adjudication Panel. If they accept a finding of misconduct and any associated sanction, the determination will be published on the CAA website and may be published in an appropriate actuarial publication.

If the Respondent does not accept a finding of misconduct and/or any associated sanction, then the matter will be referred to a Disciplinary Tribunal Panel for consideration. If that is the case, you will be provided with further information when the Clerk writes to you with a copy of the determination.

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 the Respondent. 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.

When you make an allegation of misconduct about a Candidate, CAA Global will take it forward on your behalf. The Case Manager and Investigation Actuary appointed are responsible for investigating the matter and preparing a Case Report. Under our Scheme we are not able to provide you with a copy of the Case Report because you are not a direct party to the process, although we will keep as fully informed about the matter as our Disciplinary Scheme permits.

### **Expedited Procedure**

If the Respondent 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 they can elect to do so.

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. The Respondent will be asked to agree to such a referral. If the Respondent does not agree then the Case Manager and Investigation Actuary may make an application to the Convenor of the Adjudication Panel who will decide whether or not the matter shall be referred directly to a Disciplinary Tribunal Panel. Should the matter be referred directly to a Disciplinary Tribunal Panel, you will be notified of this and provided with further information about the Tribunal process.

### **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 the Respondent.

A Disciplinary Tribunal Panel hearing broadly follows the procedures adopted in UK civil courts with each party (CAA Global and the Respondent) 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 the Respondent amount to misconduct. The Disciplinary Tribunal Panel 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.

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.

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 the Respondent, 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. The Secretary to the Disciplinary Tribunal Panel will send you a notice of the date, time and location of the Disciplinary Tribunal Panel hearing.

You may attend the hearing to see the public proceedings, but you have no right to participate, except, and to the extent that, you are called by either CAA Global or the Respondent to give evidence. If you are called by CAA Global to give evidence, you will be provided with information further information about that process.

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 the Respondent behave in the way alleged in the Charge? In other words, have the facts alleged against the Respondent 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 does 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 the Respondent from continuing as a Candidate in pursuit of the qualification for a maximum of five years; or
- Exclude or suspend the Respondent from becoming a qualified CAA; or
- Impose any conditions considered appropriate for the Respondent to comply with, to allow them 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. A copy of the determination will also be sent to you, by the Clerk to the Disciplinary Tribunal Panel.

You cannot appeal the decision of a Disciplinary Tribunal Panel. The Respondent does have a right of appeal. If the Respondent does appeal the decision of the Disciplinary Tribunal Panel you will be notified of the outcome of the appeal.

#### **Interim orders**

CAA Global has a duty to protect the public. 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 the Respondent from continuing as a Candidate pursuing the CAA qualification or from becoming a qualified CAA, or setting conditions which they 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.

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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 Fellow members of the IFoA or another Actuarial 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.

### **What is my role in the disciplinary process?**

In terms of the Disciplinary Scheme you do not have a formal role and are not a party to the process. When someone makes an allegation about a Candidate, we take over the allegation and investigate it. We may ask you to provide more details about the allegation and relevant documentation in order to assist our investigation. In some cases we may ask to meet with you to take a witness statement, which is a written record of the evidence of a witness. If the case is to be considered by a Disciplinary Tribunal Panel we may ask you to appear as a witness. The Case Manager will notify you if this is the case.

### **How long will the process take?**

It takes time for allegations to be investigated and considered under the Disciplinary Scheme. We do try and deal with allegations as quickly and efficiently as possible, whilst being fair to both you and the person who the allegation is about. 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 Limited Board, who oversee the disciplinary process, have set timescales for the resolution of allegations. They expect that Case Reports will be prepared normally six months from receipt of the allegation; up to 12 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 six months for more complex cases.

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

### **Can I get compensation?**

No, there is no power under the Disciplinary Scheme to award monetary compensation. If you feel that you may have suffered loss or injury as a result of the actions of a member, and wish to make a claim for financial compensation, then you may wish to take independent legal advice.

### **Mediation**

CAA Global does not offer mediation as part of its disciplinary processes, but you may wish to consider it. Some issues may arise because of a misunderstanding or a lack of communication and before making an allegation, you may want to consider whether the matter, or some elements of it, may be resolved through mediation. Mediation is a process whereby an experienced and neutral third party mediator assists parties in resolving disputes.

### **Respecting privacy**

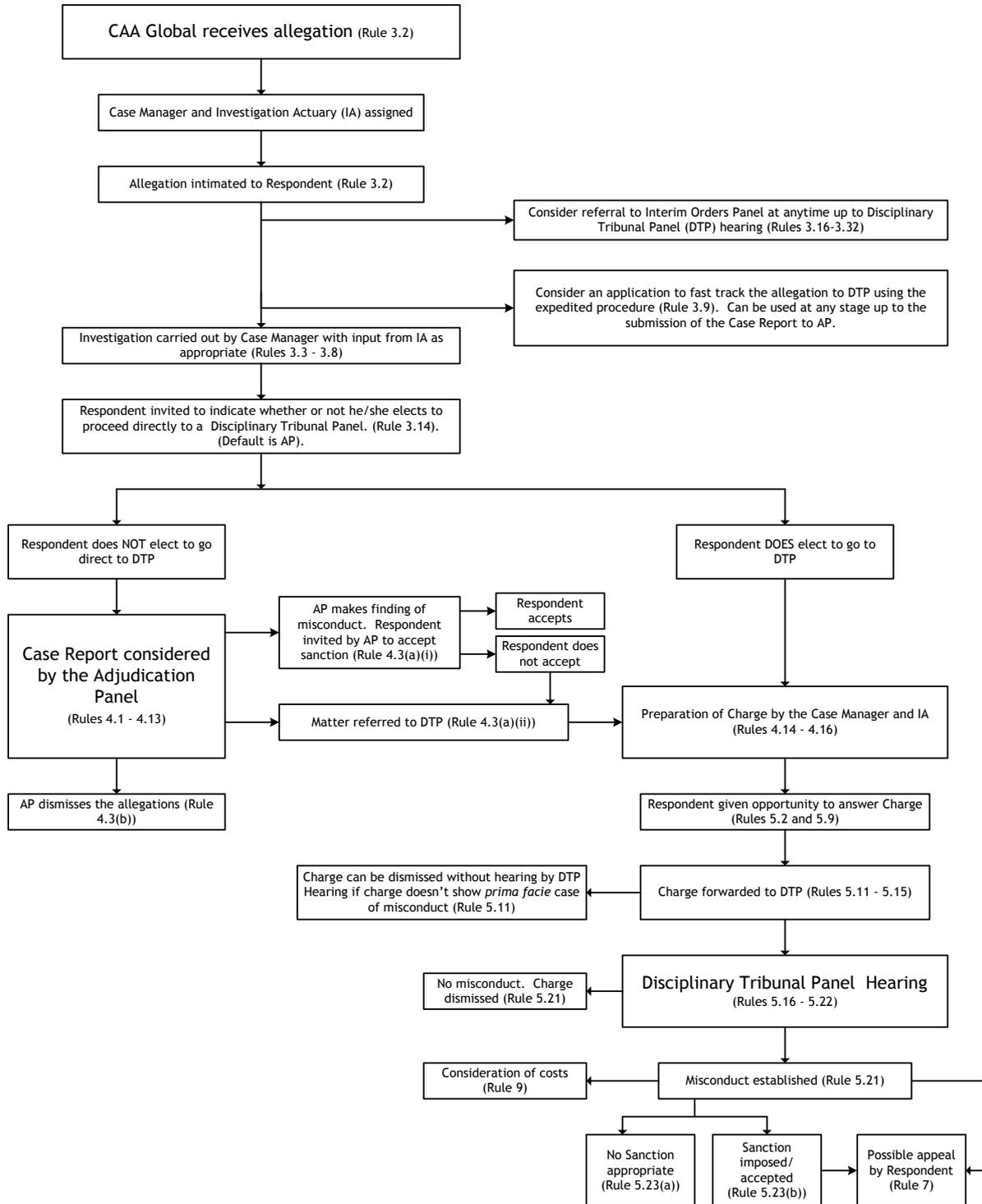
CAA Global will need to handle some of your personal information, such as your name, address, and the nature of your allegation. We will send a copy of your allegation and any correspondence from you in relation to the investigation to the member you name. We will respect your privacy during the investigation. However, hearings before a Disciplinary Tribunal Panel are normally in public and you may be identified at these hearings.

Investigations are not public and if the allegations against a Respondent are dismissed at Adjudication Panel stage, then no details will be made public. You will be provided with a copy of the determination on the understanding that you respect the confidential nature of the document, and acknowledge that it is not a public document.

**Can CAA Global investigate complaints against firm/organisations?**

No, they can only investigate complaints against Candidates.

## CAA Global Disciplinary Scheme: Investigation and Procedural Framework



**Where can I get advice or support?**

You have the right to obtain independent legal advice about your rights in relation to any case that you have brought to the attention of CAA. In speaking with people other than CAA or your legal advisor, you must respect the confidential nature of any ongoing, live case. The staff of the CAA 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**

For information about investigations please contact the Disciplinary Investigation Team on +44 131 240 1324 or [discipline@caa-global.org](mailto:discipline@caa-global.org)

For information about Adjudication Panels, Interim Order Panels, Disciplinary Tribunal Panels and Appeal Tribunal please contact the Clerk to the Judicial Committees on +44 131 240 1324 or [clerk@caa-global.org.uk](mailto:clerk@caa-global.org.uk)

**Our postal address is**

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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.

**For copies of the disciplinary scheme or any other information**

Copies may be downloaded from the website or printed copies are available free of charge.

- Please visit our website [www.caa-global.org](http://www.caa-global.org)
- Contact us via the details above