



**DISCIPLINARY SCHEME
OF THE
ACTUARIAL SOCIETY OF GHANA (ASG)**

Effective 1st January 2014

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1. Objectives

In the interest of the Members of the Actuarial Society of Ghana and the public, this Scheme sets out the rules and procedures governing professional discipline of Members and the handling of complaints about the professional conduct of Members.

2. Application

The Disciplinary Scheme applies to all members of the Actuarial Society of Ghana (ASG).

3. Interpretation

In this Scheme, unless the context otherwise requires:

'Appeal Panel' means an Appeal Panel appointed under rule 6.1;

'ASG' means the Actuarial Society of Ghana

'ASG Council' means the Council of Actuarial Society of Ghana constituted pursuant to the provisions of the Constitution of the Society.

'Complainant' means a person who makes a Complaint to which this Scheme applies;

'Complaint' means a formal statement in writing addressed to the Society and containing allegations or representations to the effect that a named Member has or may have been guilty of misconduct;

'Disciplinary Panel' means the panel referred to in rule 5.1;

'Member' means a member of the Society of any class defined in Article 3 Section 2 of the Constitution of the Actuarial Society of Ghana;

'Respondent' means the Member whose conduct is the subject of the matter of a Complaint or investigation by or proceedings before an Investigating Committee, Disciplinary Panel or Appeal Panel;

'Rule' means a rule of this Scheme;

'Society' means the Actuarial Society of Ghana.

'Scheme' means this Disciplinary Scheme adopted under the Code of Professional Conduct of the Society.

4. Introduction

4.1 A member of the ASG shall be liable to disciplinary action under this Scheme if he/she has been guilty of misconduct.

4.2 For the purposes of this Scheme, misconduct shall mean:

- a) A breach of the Professional Code of Conduct (PCC);
- b) Any conduct which is unprofessional or otherwise of such a nature as may be considered likely to bring discredit to the Society, whether that conduct is in relation to the Society or its members, or otherwise.

- 4.3 Misconduct may include
- a) Any act, omission or behaviour that has contributed to the misconduct of another person; or
 - b) Failure to take reasonable action upon gaining knowledge of the misconduct of another person.

5. Disciplinary Panel

- 5.1 The Disciplinary Panel shall comprise of three (3) persons:
- a) The Chairperson of the Disciplinary Panel;
 - b) A member of the ASG Council as appointed by the ASG Council; and
 - c) Any other Fellow member of the ASG as appointed by the Chairperson of the Disciplinary Panel.
- 5.2 The Chairperson of the Disciplinary Panel shall be a Fellow of the ASG, and shall be appointed by the Council for a term of two (2) years, such term being renewable.
- 5.3 In the event the Chairperson of the Disciplinary Panel is deemed to be unable to fulfil his/her function due to conflict of interest or other reasons, the Chairperson position shall be taken by a different member, in the following order:
- a) The President of the ASG;
 - b) The Vice President of the ASG;
 - c) Any other ASG member as appointed by the ASG Council.
- 5.4 The Disciplinary Panel shall be responsible for the investigation process and the recommendation to the ASG Council on disciplinary action to be taken.

6. Appeal Panel

- 6.1 In the event an appeal is made on the decision by the ASG Council, an Appeal Panel shall be formed which comprises of three (3) persons:
- a) The Chairperson of the Appeal Panel;
 - b) Any two (2) other Fellow members of the ASG, as appointed by the Chairperson of the Appeal Panel.
- 6.2 The Chairperson of the Appeal Panel shall be a past President of the ASG as appointed by the ASG Council.
- 6.3 In the event the Chairperson of the Appeal Panel is deemed to be unable to fulfil his/her function due to conflict of interest or other reasons, the Chairperson position shall be taken by another past President or past Council Member of the ASG, as appointed by the ASG Council.

- 6.4 All members of the Appeal Panel must not have:
- a) been a member of the Disciplinary Panel for the case under appeal; or
 - b) been part of the ASG Council which has voted on the original recommendation of the Disciplinary Panel; or
 - c) participated in the original investigation process either as complainant, respondent, or witness questioned.

7. Complaint Process

- 7.1 Written complaints against an ASG member shall be submitted in writing to the ASG Council, at the official correspondence address of the ASG at the time of complaint.
- 7.2 Written complaints are to be accompanied by a Statutory Declaration.

8. Investigation Process

- 8.1 The investigation process for alleged misconduct may be initiated:
- a) upon receipt by the ASG Council of a written complaint against a member; or
 - b) if the ASG Council deems an investigation is appropriate in the interests of the public and/or the actuarial profession.
- 8.2 Every investigation shall first be referred by the ASG Council to the Chairperson of the Disciplinary Panel.
- 8.3 The full Disciplinary Panel for the case shall be formed within thirty (30) days of the referral to the Chairperson of the Disciplinary Panel.
- 8.4 The Disciplinary Panel shall seek written explanation from the respondent on the alleged misconduct.
- 8.5 Further, the Disciplinary Panel shall have the power to:
- a) seek further information from the complainant, respondent, any ASG member or any other person deemed appropriate;
 - b) interview the complainant, respondent, any ASG member or any other person either separately or together; and
 - c) seek advice from members of other professions as to any matter relevant to the investigation.
- 8.6 Where costs are involved in seeking advice from members or other professions, such costs shall be borne by the ASG, subject to prior budget approval by the ASG Council.
- 8.7 The complainant, respondent and any ASG member involved in the investigation shall ensure his/her full and prompt cooperation with the Disciplinary Panel. In particular, all information and copies of documents requested by the Disciplinary Panel that are relevant to the investigation shall be provided without delay. Failure to cooperate by ASG members may lead to membership status being reviewed by the ASG Council.

9. Disciplinary Action

- 9.1 The Disciplinary Panel shall, by simple majority of votes, arrive at the recommendation:
- a) That no misconduct was committed; or
 - b) That the respondent has been guilty of misconduct, and:
 - i) a warning or admonishment is to be issued to the respondent; or
 - ii) a private hearing is to be carried out to arrive at the recommendation.
- 9.2 If a hearing is to be carried out, the respondent and the Disciplinary Panel may be represented at the hearings by an Advocate and Solicitor.
- 9.3 In preparation for the hearing, the respondent and the Disciplinary Panel may seek advice from members of other professions.
- a) Where advice is sought by the respondent, costs shall be borne by the respondent himself/herself.
 - b) Where advice is sought by the Disciplinary Panel, costs shall be borne by the ASG, subject to prior budget approval by the ASG Council.
- 9.4 Following the hearing, the Disciplinary Panel shall, by simple majority of votes, arrive at the recommendation:
- a) That no misconduct was committed; or
 - b) That the respondent has been guilty of misconduct, and:
 - i) a warning or admonishment is to be issued to the respondent; or
 - ii) a reprimanding is to be issued to the respondent; or
 - iii) the respondent is to complete a specified program of education or training;
 - iv) membership is to be suspended for a specified period, up to a maximum of two (2) years; or
 - v) the respondent is to be expelled from the Society, after which re-admission may be applied for following a specified period, up to a maximum of five (5) years;
- 9.5 The Disciplinary Panel shall prepare a written report to the ASG Council on its findings and recommendation.
- 9.6 The ASG Council shall deliberate on the findings and recommendation of the Disciplinary Panel and, by simple majority of votes, arrive at the decision to agree or disagree with the recommendation, at the next Council meeting following receipt of the report from the Disciplinary Panel. ASG Council members who were members of the Disciplinary Panel shall not vote on this decision.
- 9.7 If the ASG Council disagrees to the recommendation, it shall decide on the disciplinary action to be applied and inform the Disciplinary Panel of its decision with reasons.

9.8 The ASG Council shall communicate their decision to the respondent within 14 days after the decision has been made as per rule 7.6. The decision shall take effect thirty (30) days from the date of such communication, if no written appeal has been received by the end of the thirty (30) days.

10. Appeal

10.1 Within thirty (30) days of communication of the decision to the respondent, the respondent may submit a written appeal to the ASG Council.

10.2 Upon receipt of the written appeal, an Appeal Panel shall be set up subject to rule 4.1.

10.3 A hearing shall be carried out where the Appeal Panel may:

- a) review all documents relating to the investigation and decision in private;
- b) conduct an oral appeal hearing in private; or
- c) conduct a hearing as a combination of the above.

10.4 The respondent and the Appeal Panel may be represented at the hearing by an Advocate and Solicitor.

10.5 In preparation for the hearing, the respondent and the Appeal Panel may seek advice from members of other professions.

- a) Where advice is sought by the respondent, costs shall be borne by the respondent himself/herself.
- b) Where advice is sought by the Appeal Panel, costs shall be borne by the ASG, subject to prior budget approval by the ASG Council.

10.6 Fresh evidence may be taken into account at the hearing should the Appeal Panel deem appropriate and in the interests of justice.

10.7 The Appeal Panel shall, by simple majority of votes, arrive at the decision:

- a) to uphold the decision of the ASG Council;
- b) to reduce the severity of the disciplinary action; or
- c) to reverse the decision of the ASG Council.

10.8 The Appeal Panel shall prepare a written report to the ASG Council on its findings and decision.

10.9 The ASG Council shall communicate the decision of the Appeal Panel to the respondent within 14 days of receiving the report from the Appeal Panel. The decision shall take effect from the date of such communication.

10.10 The decision of the Appeal Panel shall be final until such time that there are grounds for a fresh appeal, in particular, if there is, obtained and submitted, new evidence not presented

before, or previously submitted evidence deemed inaccurate based on new information that could lead to a different judgement.

11. Withdrawal of Allegation

11.1 In the event the complainant withdraws the allegation, the Disciplinary Panel shall consider whether to discontinue proceedings on the case.

11.2 Should the case be discontinued, the Disciplinary Panel shall prepare a written report to the ASG Council on the reasons for discontinuation.

Under such circumstances, the ASG Council shall have the right to recover from the complainant any costs incurred for the investigation to date.

11.3 Should the Disciplinary Panel decide to continue proceedings on the case, the investigation shall be carried out in accordance with the standard procedures above.

12. General Provisions

12.1 The hearings of the Disciplinary Panel and Appeal Panel shall be valid even if the respondent fails to attend or state his/her case in person or is not represented.

12.2 The ASG Council may communicate its decisions and those of the Appeal Panels to any parties it deems appropriate and in the interests of the public.