



## Disciplinary Committee

3 September 2024, 10:00 – 15:00  
Staple Inn Hall, London

**Attending:** Nicola Williams (NW), Chair  
Jeremy Hill (JH)  
Robert Garvin (RG)  
Rosalyn Hayles (RH)  
Velia Soames (VS)

**Executive Staff:** Alison Simpson (AS), Case Manager  
Jenny Higgins (JAH), Head of Disciplinary  
Investigations  
Karen Nicol (KN), Disciplinary Lawyer  
Julia Wanless (JW), Judicial Committees Secretary  
Sarah Borthwick (SB), Interim Regulatory Board  
Secretary

**In attendance:** Peter Wrench, Convener of the Disciplinary Tribunal Panels

**Apologies** None

Item	Title
<p>As this in-person meeting had a fuller agenda than usual, with the main focus being the Review of the Disciplinary Scheme, Committee members were asked to submit any questions they had relating to standing items (6.1 to 6.7) in advance. The questions received were addressed to the satisfaction of the Committee members who raised them before the meeting with no further discussion required at the meeting.</p>	
1.	<p><b>Welcome and apologies</b></p> <p>The Chair welcomed the Committee and the Executive to the in-person Committee meeting.</p>
2.	<p><b>Review of the Disciplinary Scheme</b></p> <p>The Committee considered the report setting out the result of the review of the Disciplinary Scheme (Scheme). The Committee noted that a full post implementation review of the Scheme was planned for next year, but they had requested that an interim review be carried to coincide with the first anniversary of the new Scheme.</p> <p>The Committee noted that there had only been 19 cases received under the new Scheme and only six of these had been accepted for investigation. In addition, those six cases were still at an early stage of the disciplinary process, therefore there was limited data to analyse.</p> <p>Thirteen cases had been passed to an Assessment Panel to consider whether they should be accepted or rejected. There was therefore more data and feedback on the Assessment Panel process, which is entirely new, than other processes under the new Scheme. During discussion it was agreed that;</p> <ul style="list-style-type: none"><li>• The Head of DIT recommendation form should continue to not be shared with the parties. It was noted that the Panel form had been updated to ensure Panel members were aware of this when completing the form. The Executive should discuss this with the Convener of the Adjudication Panels.</li><li>• The assessment form should be reviewed to ensure clarity of decision making.</li></ul>



Item	Title
	<ul style="list-style-type: none"><li>• The right to request a review of an Assessment Panel decision should be retained, however the length of time within which the Referrer has the right to seek a review of the Assessment Panel's decision should be reduced to 14 days. This would allow the Assessment stage of the process to conclude more efficiently while still ensuring fairness to the Referrer. It was agreed that the General Disciplinary Regulations should be amended to reflect this change.</li><li>• The indicative timeframes guidance should be expanded to specify that the Judicial Committees Secretary (JCS) should pass an application to an Assessment Panel within 14 days of receipt.</li></ul> <p>The Committee were pleased to note that overall, based on the data and feedback available, the new Scheme was working well. The Committee agreed that all users of the Scheme should continue to be provided with the opportunity to give feedback.</p> <p>The Committee agreed that given the limited data available, a full review of the Scheme should take place in September 2025, rather than March 2025.</p> <p><b>Actions:</b></p> <p><b>Executive to;</b></p> <ul style="list-style-type: none"><li>• <b>Discuss process with Convener of the Adjudication Panel</b></li><li>• <b>Review the assessment form</b></li><li>• <b>Update the General Disciplinary Regulations and Timeframes Guidance</b></li></ul>
3.	<p><b>Awareness of the Scheme and barriers to reporting conduct</b></p> <p>The Committee noted that earlier in the year they had discussed the relatively low number of complaints received by the IFoA and whether there may be any possible barriers to submitting complaints to the IFoA. It was agreed this should be discussed further at the September 2024 meeting. To assist with the Committee's consideration of possible barriers a survey was issued to the Members of the IFoA's <u>400 Club</u> regarding awareness of the Disciplinary Scheme and barriers to reporting conduct.</p> <p>The survey sought feedback on the Disciplinary Scheme and associated processes. The survey, which received a high level of engagement, indicated that there was a high level of awareness of the IFoA having a Disciplinary Scheme. However, the Committee noted that despite a lot of communications round the launch of the new Scheme, slightly over half of respondents were not aware that a new Scheme had been launched. Regarding whether there were any barriers to members reporting misconduct, the results of the survey showed that there was not one particular issue; nor were any actual barriers identified.</p> <p>During discussion the Committee agreed that it is likely that members and other professionals do not pay a lot of the attention to disciplinary schemes, until it impacts upon them directly. But the Committee were encouraged to note the high awareness amongst the 400 club of the IFoA having a Scheme.</p>



Item	Title
	<p>It was agreed that it would be helpful to publish an FAQ about making complaints, to provide useful information for members and members of the public. The Committee further agreed that it may be helpful to highlight the speaking up obligations in the Actuaries' Code and how this links into making a complaint under the Scheme. It was agreed that this should be raised with the Regulatory Policy Team. It was noted that the newly relaunched Professional and Regulatory Support Helpdesk could be a useful tool in supporting members who come across conduct concerns but are unsure what to do about it.</p> <p>It was further agreed that the results of the 400 club survey should be published on the IFoA's communities platform and the Executive should consider whether this forum could be used to raise awareness of the Scheme.</p> <p><b>Actions:</b></p> <p><b>Executive to;</b></p> <ul style="list-style-type: none"><li>• <b>publish FAQ in relation to reporting conduct concerns to the IFoA</b></li><li>• <b>discuss promotion of member's speaking up obligations the Regulatory Policy Team</b></li><li>• <b>publish results on survey on IFoA communities platform and consider whether it can be used further.</b></li></ul>
4.	<p><b>Discussion with Peter Wrench, Convener of the Disciplinary Tribunal Panels</b></p> <p>The Chair welcomed Peter Wrench (PW) to the Committee meeting. PW introduced himself and his role as Convener. PW provided his initial reflections on the new Disciplinary Scheme, noting that the new Scheme had not changed the Tribunal stage significantly. PW's view was the real benefits of the new Scheme were at the earlier stages of the process, in particular the assessment of complaints and the Disciplinary Orders Panel.</p> <p>The Committee and PW also discussed the current approach of the IFoA where the Chair of the Adjudication/Disciplinary Tribunal/Appeal Panel draft determinations. PW favoured this approach and felt it resulted in a better overall quality of determinations. PW commented that drafting by lay persons often resulted in more user-friendly determinations. PW advised that from his experience the IFoA were rather unusual in their approach to drafting the determinations after the hearing. He said that it did have its advantages, in that it was perhaps a more streamlined approach, but noted that for some cases there may be benefits in the written determination on facts and misconduct being shared with the parties prior to the Panel hearing submissions on the issue of sanction.</p> <p>PW observed that he felt that the IFoA carried out investigations effectively. PW further noted that case bundles were well prepared and the Clerk Team were very efficient.</p> <p>The Committee thanked PW for his attendance and ongoing work as Convener.</p>
5.	<p><b>Proposal for Internal Case Review</b></p> <p>Rosalyn Hayes (RH) presented the proposal for an internal case review. Given the volume of cases received under the new Disciplinary Scheme, it was agreed that the case review would focus on the assessment stage and the disciplinary order stage. It was noted that the review would not consider whether the decisions/determinations made were correct/reasonable, but would focus on timelines, costs and clarity of communications and decisions.</p>



Item	Title
	<p>RH agreed that she would report on the outcome of the case review at the December Committee meeting. The Committee thanked her for undertaking this task and other Committee members offered to assist as required.</p> <p><b>Action: RH to carry out internal case review and report back to the December meeting</b></p>
<b>6.</b>	<b>Standard Agenda Items:</b>
<b>6.1.</b>	<b>Declaration of Conflicts of interests</b>  None were declared.
<b>6.2.</b>	<b>Chair's update</b>  NW presented the update which was noted by the Committee.
<b>6.3</b>	<b>Executive's Update</b>  The Committee noted the Executive update.
<b>6.4</b>	<b>Minutes and Actions</b>  The minutes of the June 2024 meeting were approved, with no redactions, for publication.  The action sheet was noted.  Action: Minutes of June 2024 meeting to be published.
<b>6.5</b>	<b>Objectives Update</b>  The Committee noted the status of the objectives, the DEI plan and the forward work plan.
<b>6.6</b>	<b>Risk Register</b>  The Committee noted the contents of the paper and associated risk register. The Committee discussed whether there were appropriate mitigations in place for absence by the Head of DIT. Although informal arrangements were in place, it was agreed that any roles under the Scheme should have formal delegated arrangements in place.  <b>Actions: Executive to make formal delegated arrangements for roles named in the Scheme and to update risk register accordingly.</b>
<b>6.7</b>	<b>Training Update</b>  The Committee noted the training plan, in particular that general disciplinary training sessions would be available to Panel members and Investigation Actuaries and in November and January. The Committee also noted that the Chairing Panel training and Assessment Panel training had taken place, and in particular the Assessment Panel training received very positive feedback.
<b>7.</b>	<b>Case Update Report</b>  The Committee noted the contents of the Case Update Report which summarised progress made on cases since the last meeting. It was noted that there were 12 live cases and four cases had been considered by Adjudication Panels. The Committee also noted that one leave to appeal application had been considered, and that leave to appeal had been granted.



Item	Title
8.	<b>Feedback</b> The Committee noted the cover paper and the associated feedback.
9.	<b>Determinations Review Sub-Committee (DRSC)</b> The Committee noted the paper from the August 2024 DRSC meeting and approved the report and action list. <b>Action: Executive to share feedback with the Conveners.</b>
10.	<b>Matters to raise with the Regulatory Board</b> No matters required to be brought to the attention of the Regulatory Board.
11.	<b>Schedule of Guidance – Previous Scheme</b> The Board noted the schedule and noted that some of the Guidance applicable to the previous scheme was due for review. It was agreed that the Executive should consider whether any of the guidance notes could be removed considering the number and stages of the cases remaining under previous versions of the Scheme. The Executive should also consider whether any amendments were required to any remaining guidance notes. <b>Action: Executive to review Guidance and report back to the Committee at the December meeting for approval.</b>
12.	<b>Schedule of Guidance/Regulations – New Scheme</b> The Board noted the Schedule and agreed that the schedule should explain why the DEI guidance review period was different. <b>Action: Executive to update Schedule with explanation</b>
13.	<b>Schedule of Committee term times</b> The Board noted the Schedule.
14.	<b>AOB</b> None.

#### For information

[Committee Terms of Reference](#)

#### Dates of Next Meetings:

10 December 2024

19 March 2025

**Forthcoming Hearings:** Details of hearings are published [here](#)