



Disciplinary Committee meeting

22 June 2022, 09:15 – 12:15

Via Video Conference

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| Attending: | Nicola Williams (Chair and lay member) (NW) Kevin Doerr (actuary member) (KD) Robert Garvin (actuary member) (JW) |
| Executive Staff: | Sarah Borthwick (Secretary to the Board) (SB) Catherine Mouat (note taker) (CM) Jenny Higgins, Senior Disciplinary Lawyer (JH) Suzie Lyons, Head of Legal Services (SL) (Items 12 and 13) Michael Scott, Head of Disciplinary Investigations (MS) (Items 1 – 8) Alison Simpson, Case Manager (AS) (Items 9 – 11) |
| Guests: | None |
| Apologies | Rosalyn Hayles (lay member) Velia Soames (lay member) Julia Wanless, Judicial Committees Secretary |

| Item | Title |
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| 1. | Welcome and Apologies |
| | <p>NW introduced herself as the new Chair and then the other Committee members and Executive introduced themselves.</p> <p>Ahead of his retirement, NW thanked Michael Scott for his 25 years of work at the IFoA as Head of Disciplinary Investigations Team. NW also welcomed Jenny Higgins as the new Head of the Disciplinary Investigations Team.</p> |
| 2. | Declaration of Conflicts of Interest |
| | <p>RG advised that he had been involved as the Investigation Actuary for some of the cases noted in the Case Update report. If there was to be discussion on any particular cases that RG had been involved in, he should declare his conflict at that time and NW would decide whether it was appropriate for him to stay for that item.</p> |
| 3. | Chair's update |
| | <p>NW updated the Committee on a number of meetings she had had since her appointment on 8 April 2022, including;</p> <ul style="list-style-type: none">• She attended the Regulatory Board on 26 April 2022 and had a pre meeting with the Chair, Neil Buckley. She commented that it was interesting to hear the revised Disciplinary Scheme being presented at that meeting.• She had a meeting with SB and MS on the Scheme Review, before it was presented to Council.• She met with former Committee Chair, Stephen Redmond.• She met with Ben Kemp, General Counsel. |



| Item | Title |
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| | NW also advised that she intended to attend the IFoA Conference on 23 June 2022 and would be having a further meeting with Neil Buckley the following week. It was also noted that arrangements would be made for NW to have one to one calls with each of the Committee members. |
| 4. | Executive's update |
| | <p>Paper 4.1 was noted. The following items were discussed;</p> <p>Item 2 – Sanctions Guidance</p> <p>Following feedback from a referrer of a complaint the Executive had reviewed the sanctions guidance, in particular in relation to the possibility of applying a re-training sanction to former members. The Committee were content with the Executive's conclusion that this would rarely be appropriate or practical, and that the sanctions guidance remained fit for purpose.</p> <p>Item 3 – Case Review</p> <p>The Committee noted that it had not been possible for a former member of the Committee to complete a trial review of a case report prior to his departure. It was agreed that the approach to this should be considered as part of the Committee's objectives and workplan.</p> <p>Item 6 – Email from a Former Member</p> <p>MS left the meeting for the Committee's discussion on this matter. The Committee discussed the correspondence that had been received and agreed that the Chair should respond to the former member.</p> <p>Action: NW to respond to former member.</p> <p>Item 10 – Papers outwith meetings</p> <p>The Committee agreed that SB should share Regulatory Board updates and determinations via egress, rather than waiting until the next quarterly meeting.</p> <p>Action: SB to share Regulatory Board updates as available and determinations monthly, via Egress.</p> |
| 5. | Minutes and Actions |
| | <p>The Committee approved the minutes of the 23 March 2022 meeting and agreed that these should be published in full on the website. The Committee also noted the updated action sheet.</p> <p>Action: SB to arrange publication of 23 March 2022 minutes</p> |
| 6. | Disciplinary Scheme Review |
| | <p>MS presented the paper and summarised that;</p> <ul style="list-style-type: none">• the Committee had approved the Appointment Regulations via email;• the Regulatory Board had approved the Scheme on 26 April 2022;• Council had approved the Scheme on 9 June 2022; |



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| | <ul style="list-style-type: none">it was expected that the Scheme would be the subject of a member vote in September/October 2022, but were awaiting confirmation from the Corporate Secretary as to the exact timing;work was underway with the Communications Team to develop a communications plan. <p>The Committee noted the list of areas which new Guidance should cover and that they would be asked to approve the Guidance at the relevant time.</p> <p>KD asked whether the action in the risk register about completing a 'dry run' of investigations had been considered. SB said this would be completed when developing guidance and would discuss further with JH.</p> <p>Action: SB and JH to discuss 'dry run' of new Scheme using past cases.</p> |
| 7. | Costs at Adjudication Panel stage. |
| | <p>MS presented the paper and asked the Committee to approve the proposal that under the revised Disciplinary Scheme, the fixed level of costs that a Respondent should pay where they accept a finding of misconduct at the Adjudication Panel stage would be £1,500. After discussion this was agreed by the Committee, noting that it was unlikely that this would exceed actual costs in any individual case based on the analysis in the paper and allowing for the cost of services provided by the Judicial Committees Secretary .</p> <p>Action: SB to ensure this is included in the Costs Guidance for the new Disciplinary Scheme.</p> |
| 8. | Committee priorities and objectives |
| | <p>SB introduced the paper which set out what the Committee had achieved in progressing its objectives for the year 1 June 2021 to 31 May 2022 and suggested some objectives/priorities for the year 1 June 2022 to 31 May 2023.</p> <p>The Committee agreed that as well as the 'business as usual' work of the Committee, the following would be priorities for the upcoming year;</p> <ul style="list-style-type: none">Implementation of the new Disciplinary Scheme;Embedding the Diversity, Inclusion and Equity strategy into the work of the Committee; andMonitoring future arrangements for actuarial regulation to establish whether it will have an impact on the disciplinary function. <p>KD suggested that part of the implementation of the Scheme was an opportunity to raise awareness of the disciplinary process and to encourage members to report misconduct. This can be factored into the communication plan noted in item 6.</p> <p>The Committee also noted the table detailing the terms of reference and how the Committee does and should discharge their responsibilities.</p> <p>Action: SB to develop a work plan for the Committee and ensure that the table setting out the Terms of Reference is updated with activities.</p> |



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| 9. | Case Update Report |
| | <p>JH presented the Case Update report which set out the progress on cases and new complaints received. The Committee noted that the number of cases at investigation stage was eight. It was also noted that since the last update to the Committee, sixteen new allegations had been received. This included eight linked cases which had been referred to the FRC to consider whether to accept them under their Actuarial Scheme.</p> <p>The Committee noted that four cases had been heard by Adjudication Panels over the period and two cases had been heard by Disciplinary Tribunal Panels.</p> <p>KD noted that the Disciplinary Investigations Team had made good progress on the time taken to carry out investigations relative to the indicative timeframes.</p> <p>It was agreed that SB and JH would review the format of the Case Update report to ensure that the Committee is receiving the information it requires to identify trends and strengthen their oversight role.</p> <p>Action: SB and JH to review format of Case Update report.</p> <p>SB advised the Committee that the indicative timeframes guidance was out of date and referred to a process which had now changed. JH would be working on these guidelines with the Judicial Committees' Secretary and bring a revised draft to the Committee in September.</p> <p>Action: JH and JW to present revised Indicative Timeframes Guidance to the Committee at their September 2022 meeting.</p> |
| 10. | Feedback |
| | <p>The Committee noted item 10, which was presented by JH.</p> <p>The Committee noted the feedback received, including the comments provided by the Deputy Convener of Adjudication Panels concerning complaints on divorce related matters, and agreed they should be shared with the Regulatory Board. The comments should be fed into the communications and training plan which will be part of the implementation of the new Disciplinary Scheme.</p> <p>Action: SB to share comments on divorce related complaints with the Regulatory Board and consider them when developing the communications and training plan for the new Disciplinary Scheme.</p> <p>SB also suggested that the feedback report could be reviewed to consider whether the information could be collated and presented in a more meaningful way for the Committee.</p> <p>Action: SB to consider improvements to the feedback report</p> |



| Item | Title |
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| 11. | Determinations Review Sub Committee |
| | <p>In VS's absence, AS presented the report of the Determinations Review Sub Committee. AS highlighted that the Sub Committee asked the Committee to discuss whether there needs to be stronger messaging around the purpose of the disciplinary process, and the role of the IFoA as a regulator, not a forum for disputes. The Committee were of the view that the messaging was clear and the IFoA needed to be careful to not discourage people from raising complaints.</p> <p>The Committee noted the other actions arising and agreed they should be progressed.</p> |
| 12. | Board of Examiners Assessment Regulations |
| | <p>The Committee welcomed SL who presented the paper setting out the Board of Examiners Assessment Regulations and when and how matters may be referred to the disciplinary process.</p> <p>The Committee approved the principles to consider when the Board of Examiners decide to pass a case across for disciplinary evaluation. However, they did suggest that if the illustrative examples at Part 4 of the guidance are retained then more directly relevant examples might be included.</p> <p>Action: SL to amend Part 4 of the guidance.</p> <p>The Committee also noted;</p> <ul style="list-style-type: none">• Disciplinary Pool and Legal Advisers will be used as part of the Part II improvement work;• disciplinary investigations will extend the period where a student does not receive an award or grade and the Executive should be held to account in this area when the Committee are monitoring investigation timeframes;• the disciplinary volunteers will need to be made aware, via the disciplinary newsletter, that no evidential weight may be placed on the withholding of an assessment grade during a disciplinary investigation. <p>Action: JW to ensure the matter of evidential weight is included in the next disciplinary newsletter.</p> <p>The Committee discussed the request for a Committee member to work with the Board of Examiners to help member perceptions in this area. Both KD and RG offered to assist but it was agreed that the other Committee members should also be given the opportunity to volunteer.</p> <p>Action: SB to ask other Committee members if they would like to volunteer.</p> |
| 13. | Update on Regulations Appointments Review |
| | <p>SL presented this paper which set out the changed Regulatory Appointments process which had recently been approved by Council.</p> <p>The Committee noted that under the new arrangements they would have an increased role in that;</p> <ul style="list-style-type: none">• they will play a greater role in the oversight of the performance of members of the disciplinary pools;• they will have responsibility for making decisions on the renewal, retirement or extension of appointments within the pools; |



| Item | Title |
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| | <ul style="list-style-type: none">they will be asked for comments on the skills and experience specification for all disciplinary roles. <p>Action: SL will present at paper to the Committee at their September 2022 meeting setting out these changes in more detail and the options as to how the Committee may fulfill these roles.</p> |
| 14. | Regulatory Board update |
| | The Regulatory Board update was noted. |
| 15. | Risk Register |
| | <p>There was a discussion about the risks, during which it was agreed that the residual risk (risk after taking account of current mitigating actions) for membership awareness of the disciplinary process should be amended to Medium (from Low). NW stressed the importance of the Committee tracking the risks, including trends for individual risks over time, and of making further efforts to reduce the risk.</p> <p>Action: SB to reconsider the presentation of the risk register.</p> |
| 16. | Forward planning schedule |
| | This was noted and SB would populate it as the work of the Committee was planned out/agreed. |
| 17. | Schedule of Guidance |
| | This was noted. |
| 18. | Schedule of term times |
| | This was noted. |
| 19. | AOB |
| | NW thanked the Committee for such an engaged first meeting. She asked whether Committee members had a preference for the start time of meetings and it was agreed that an early start was preferable for remote meetings. |