

Institute and Faculty of Actuaries
Regulatory Board
Noting Report

Subject	Annual Report of the Disciplinary Committee
Regulatory Board meeting	5 July 2022
Previous Board Steer/Approval	N/A – First annual report since governance changes on 1 June 2021
International Issues Considered?	N/A
Author	IFoA Executive and Disciplinary Committee Chair
Purpose	Noting

A: Introduction

1. This is the first annual report of the Disciplinary Committee ('the Committee') to the Regulatory Board ('the Board')¹. The Board will recall that as part of its remit, it now has the responsibility for overseeing the delivery of the IFoA's disciplinary and enforcement functions and delegates aspects of that work to the Committee.
2. The Committee oversees the management and operation of the Disciplinary and Capacity for Membership Schemes, including overseeing the Executive's delivery of the disciplinary elements of the regulatory strategy. The Committee has a Determinations Review sub-Committee which reports to it on a quarterly basis and until July 2021, it had a Scheme Review Working Party.
3. The Board is asked to note this report which covers the period between 1 June 2021 to 31 May 2022.

B: Administration and Membership

4. The Committee's terms of reference can be found at **Appendix 1** to this paper.
5. The Committee was chaired by Stephen Redmond from 28 February 2019 until 8 April 2022. Nicola Williams was thereafter appointed as Chair from 8 April 2022. The member composition of the Committee, including member tenures, can be found at **Appendix 2**. Kirsty Mavor provided support to the Committee during the period 1 June 2021 to February 2022. From the end of April 2022, Sarah Borthwick, Disciplinary Policy Manager, took over as the Secretariat support to the Committee.
6. The Committee met four times a year with meetings on 16 June 2021, 30 September 2021, 8 December 2021 and 23 March 2022. The minutes of Committee meetings are published on the [IFoA website](#). Various guests attended Committee meetings throughout this period including: Ian Farr FFA, the Chair of the Scheme Review Party, who attended September 2021 and March 2022 meetings to assist in the presentation of proposals for the review of the Disciplinary Scheme. Jules Griffith, Convener of the Adjudication Panels attended the June 2021 meeting, Jacqui Reynolds FIA, Chair of the Pool of Investigation Actuaries attended the September 2021 meeting and Peter

¹ In previous years, before the current regulatory governance structure, an annual public report of the Disciplinary Board would be presented to the IFoA Council, before being approved for publication.

Wrench, Convener of the Disciplinary Tribunal Panels attended the December 2021 meeting to provide feedback on the disciplinary processes.

C: Objectives

7. The Committee previously set out 4 objectives for this period which are set out as follows:
 - a) Scheme Review: We will progress the review of the Disciplinary and Capacity for Membership Schemes with the rules and regulations being approved by the Committee.
 - b) Training: We will provide training and support to all members of the disciplinary pools.
 - c) Operational Oversight: We will continue to strengthen our oversight of the disciplinary process to ensure that it operates as effectively and fairly as possible.
 - d) Communication: We will engage with stakeholders on the Scheme Review and work with the Regulatory Board on regulatory communications.
8. An update on each objective is detailed further below.

D: Disciplinary Scheme Review

9. The key focus of the Committee over the past year has been the review of the Disciplinary and Capacity for Membership Schemes. Following a thorough review and extensive drafting process the new Scheme was approved by the Committee in March 2022 and the Board in April 2022.
10. The Committee's Scheme Review Working Party concluded in July 2021, following the final review phase of the Scheme review project and provided the Committee with proposals for consideration. Across August 2021 to February 2022, drafting of the revised Scheme and new supporting IFoA Regulations took place. The draft Scheme and Regulations were presented to the Committee meeting in March 2022 (originally due December 2021 but delayed due to resourcing issues and the drafting work being more challenging than anticipated). This, however, did not have any further impact on the overall timeframes of the project.
11. The revised Scheme will provide a disciplinary regime which assists the IFoA in meeting their wider regulatory objectives by maintaining high standards and confidence in members. The changes will also allow greater flexibility in deciding both when to open an investigation and how to progress it. This will enable the IFoA to target its disciplinary resources more effectively, which will be of benefit to both the public and to members.

Financial Reporting Council (FRC)

12. Overall, the Financial Reporting Council (FRC) were supportive of the approach taken in the review. During previous professional oversight visits to the IFoA, the FRC raised some points around the disciplinary process, which they were advised would be considered during the Scheme Review.
13. All points raised by the FRC in their oversight reports were considered during the Scheme Review and fully addressed directly with them through written updates and meetings. The FRC were also provided with the revised Scheme and Regulations for comment. Some high level and drafting comments were received and discussed.

E: Training

14. The Committee undertook to provide training and support to all members of the Disciplinary Pool from which members of disciplinary panels are selected. This objective was carried over from 2019/2020 due to resourcing challenges during the COVID-19 pandemic.
15. A training webinar for members of the Disciplinary Pool and Investigation Actuaries was held in December 2021. This was well attended, and the feedback received was positive. Topics covered included case studies on misconduct 'out of the office', unconscious biases in decision making and an update on the Scheme Review.
16. The Convener of the Adjudication Panels and the Convener of the Disciplinary Tribunal Panels held drop-in sessions for Panel Members and Legal Advisers in October 2021 and February 2022. Topics discussed included a review of workloads and how the IFoA list Adjudication panel meetings and Tribunal hearings; commonly used regulatory case law; encouraging/supporting members of the Panel Pool who might want to Chair; and outstanding training needs.
17. Quarterly Disciplinary Newsletters were sent to all Disciplinary Pool members and Investigation Actuaries. These included updates on the Scheme Review, other work of the Committee and links to case law updates.
18. A note on the distinction between dishonesty and integrity was prepared by one of the independent Legal Advisers Pool and shared with all Disciplinary Pool members.

F: Operational Oversight

19. The Committee continued to oversee the disciplinary process to ensure that it operates as effectively and fairly as possible.
20. At each meeting the Committee were provided with a report setting out information about the current caseload, types of cases, and the progress being made. The report is prepared by the Head of the Disciplinary Investigations/Senior Disciplinary Lawyer and the Judicial Committees Secretary. The Committee monitored compliance with indicative timescales.
21. In response to the COVID-19 pandemic, the Committee issued guidance confirming that priority should be given to public interest cases to allow the IFoA's resources to be managed carefully. The Committee recognised that there was likely to be some delays in the progression of other complaints because of this.
22. The Committee's Determinations Review Sub-committee reviewed every determination issued by judicial panels and reported back to the Committee. The report made recommendations about how the decision-making process could be improved and areas where training may be appropriate. The Committee were pleased to note that the overall quality of written determinations remained consistently high. Constructive feedback was provided to the Conveners of Panels and the Disciplinary Investigation Team.
23. The Committee's oversight role included Committee members observing Disciplinary Tribunal Panel hearings. The observing Committee members provided written feedback on each hearing they attend which is considered by the Committee at their quarterly meetings.
24. The Committee were also provided with feedback received from Respondents, those who have referred complaints, Panel members and Legal Advisers. These parties are sent an electronic survey which they can complete to provide feedback. In response to the feedback received communications with parties were amended to clarify the role of the referrer in the proceedings and technical issues with remote hearings have been addressed.

25. A statistical report on caseload between 1 June 2021 and 31 May 2022 can be found at **Appendix 3**. A flowchart setting out the disciplinary process can be seen at **Appendix 4**.
26. The Committee reviewed the maximum level of fine that can be imposed at the Adjudication Panel stage, and concluded that while it should remain unchanged from £7,500 at present, it would be appropriate to consider an inflationary increase once the new Disciplinary Scheme is implemented.
27. The Committee confirmed the appropriateness of the IFoA's current approach towards cost recovery but indicated that the Executive should ensure that possible costs implications are clearly signposted to the Respondent at the early stages of the investigation.
28. The Committee also completed a planned 'light touch review' of various guidance documents issued by the Committee, with a more detailed review to be undertaken before the new Disciplinary Scheme becomes operational. A Schedule of Guidance can be seen at **Appendix 5**.
29. In March 2022, the Committee published new [guidance](#) setting out the expectation that most hearings will continue to be held remotely (with resulting benefits to accessibility, flexibility and efficiency). The guidance explains that any party can apply for a hearing to be held in person rather than remotely. The Committee also published guidance on the [service of documents](#) to supplement and clarify the requirement of service within the Disciplinary and Capacity for Membership Schemes. Electronic service is beneficial to the IFoA's international members, as this ensures members receive information securely and at the earliest opportunity.
30. [redacted]

G: Communication

31. In July 2021 a blog was published on the IFoA [website](#) in which two members and a lay volunteer (from the Scheme Review Working Party) spoke about their involvement in various disciplinary functions, their reasons for wanting to be involved, and how they feel they have benefited both personally and professionally.
32. The disciplinary section of the [website](#) was updated to affirm the independent nature of the disciplinary decision making process. Changes were also made to provide clearer messaging for: anyone raising a concern; and a member who is the subject of a disciplinary concern.
33. It had been anticipated that communications about the Scheme Review would take place over this year, but following advice from the Communication Team, this was moved forward to closer to the Member vote which is expected to take place in September/October 2022.
34. The Committee monitored cases to see whether there were trends arising which needed to be raised with the Board. Given the low numbers of cases it continued to be difficult to establish trends and issue communications, and there is a need to be sensitive to live disciplinary cases.
35. As noted above at paragraph 17, Disciplinary Newsletters were used to highlight key developments to Legal Advisers, Disciplinary Pool members and Investigation Actuaries.

H: Looking forward

36. At their June 2022 meeting, the Committee will be discussing priorities and objectives for the upcoming year. This will be the first Committee meeting with the new Chair.

I: Conclusion

37. The Board is asked to:

- Provide any comments or steer on the content of the report; and
- To note the report.

38. If the Board would like further information on the statistical report provided at **Appendix 3**, please contact Jenny Higgins, the Head of Disciplinary Investigations.

J: Appendices

Appendix 1 – Terms of Reference

Appendix 2 – Term times of Committee members

Appendix 3 – Statistical report on cases

Appendix 4 – Disciplinary process flowchart

Appendix 5 – Schedule of guidance issued by the Disciplinary Committee

DISCIPLINARY COMMITTEE

Terms of Reference

Purpose

Oversees the management and operation of the Disciplinary and Capacity for Membership Schemes.

Note: A number of capitalised terms used in this Terms of Reference are as defined in the Disciplinary and Capacity for Membership Schemes.

Key Responsibilities

1. Strategy

- a. Oversees the Executive's delivery of the disciplinary elements of the IFoA's regulatory strategy.
- b. Recommends to the Regulatory Board areas of focus in terms of the disciplinary elements of the IFoA's Regulatory Strategy.

2. Planning and Reporting

- a. Provides, in partnership with the Executive, such information as the Regulatory Board requires including an annual summary of its activities
- b. Provides, in partnership with the Executive, reports on specific issues, as necessary. Reports to the Regulatory Board will include but are not limited to feedback on lessons learned from any proceedings under the Disciplinary and Capacity for Membership Schemes.

3. Governance

- a. Complies with the Governance Manual
- b. Ensures that all regulations and guidance it provides are consistent with the terms of the Disciplinary and Capacity for Membership Schemes.
- c. Ensures that the Committee's activities support the IFoA principles of equality, diversity and inclusion.

4. Oversight

- a. Oversees the management and operation of the Disciplinary and Capacity for Membership Schemes.
- b. Arranges, with approval from the Regulatory Board, for a review of any, or all, of the provisions of the Disciplinary and Capacity for Membership Schemes.
- c. Approves, if appropriate and subject to consultation in accordance with the Standards Review Process, changes to any of the provisions of the Disciplinary and Capacity for Membership Schemes.
- d. Makes and varies regulations as it considers necessary for the implementation of the Disciplinary and Capacity for Membership Schemes.

- e. Provides guidance, on procedures it considers appropriate, for the performance of functions under the Disciplinary and Capacity for Membership Schemes.
- f. Receives and considers feedback from stakeholders on the effectiveness of the operation of the disciplinary process and, where appropriate, takes steps to improve the process.
- g. Approves, on recommendation from the Executive, if appropriate, the maximum fine which an Adjudication Panel may invite a Respondent to pay under the Disciplinary and Capacity for Membership Schemes.
- h. Sets and monitors the time frames for investigations and proceedings under the Disciplinary and Capacity for Membership Schemes.
- i. Approves, on recommendation from the Executive, if appropriate, the training programme for those involved in the Disciplinary and Capacity for Membership Schemes and oversees its delivery.
- j. Such other functions as shall be agreed by the Regulatory Board.

Membership

The Committee shall comprise at least five members appointed by the Regulatory Appointments Committee, to include at least:

- Three lay members, one of whom shall be nominated as chair
- Two Fellows

Members currently sitting on Council are prohibited from sitting on the Disciplinary Committee. Committee Members should also not hold any appointments under the Disciplinary and Capacity for Membership Schemes.

Executive Support: Secretary to the Disciplinary Committee

Specific Procedural Rules

1. The quorum for meetings shall require at least three members and there must be at least one lay member and one actuary member present.
2. Specific procedural rules apply to the operation of the Disciplinary Committee and the various judicial committees and panels established under the Disciplinary and Capacity for Membership Schemes. The Disciplinary and Capacity for Membership Schemes takes priority in the case of any conflict with these Terms of Reference.
3. The minutes of Disciplinary Committee shall be made publicly available on the IFOA's website but only after they have been formally approved at a subsequent meeting of the Disciplinary Committee (note: certain aspects of the minutes may be redacted if considered necessary by the Disciplinary Committee).

View the Disciplinary and Capacity for Membership Schemes

Appendix 2 - Disciplinary Committee Term Times

Name	Role	Term start date	Term end date	Term number
Nicola Williams	Lay Chair	8 April 2022	8 April 2025	1
Kevin Doerr	Member	14 June 2021	13 June 2024	2
Robert Garvin	Member	21 April 2022	20 April 2025	1
Velia Soames	Lay Member	1 May 2022	30 April 2025	2
Rosalyn Hayles	Lay Member	07 July 2021	7 July 2024	1

Appendix 3

Statistical report on caseload between 1 June 2021 and 31 May 2022

It is important to note that the Disciplinary Committee oversee the management and operation of the Disciplinary and Capacity for Membership Schemes but they do not have any power over any disciplinary actions or decisions.

A glossary is appended to this report.

	1 June 2021 to 31 May 2022	1 June 2020 to 31 May 2021
Allegations received	30	13
Cases considered at Adjudication Panels	29	18
Cases dismissed	7	7
Cases referred to Disciplinary Tribunal Panel	9	5
Cases where misconduct found and accepted by Respondent	13	6
Cases heard at Disciplinary Tribunal Panels	6	5
Cases dismissed	0	3
Cases where misconduct found	4 ^a	2
Referrals to the Independent Examiner	1^b	4
Interim Order applications	0	0
Number of Appeal Tribunals	0	0
Number of Capacity for Membership Hearings	0	0

^a 2 cases were adjourned so no outcome available yet

^b Referral was not accepted by the Independent Examiner

Sources of the allegations received;

Source	1 June 2021 to 31 May 2022	1 June 2020 to 31 May 2021
Executive Referral ¹	6	6
Member of the Public	13	4
Employer	1	0
Other Actuary	9	3
Trustees	1	0
TOTAL	30	13

¹ This process allows the IFoA to formally instigate a case investigation in the absence of an individual/organisation raising an allegation against a Member. Each referral is independently reviewed by the IFoA General Counsel (or appropriate senior deputy) and the Chair of the Investigation Actuaries' Pool before a decision is taken to instigate a formal investigation. This is also the approach followed where a member self-refers in relation to their own possible Misconduct.

Membership Categories of the Respondents;

Membership category	1 June 2021 to 31 May 2022	1 June 2020 to 31 May 2021
Fellow	23	10
Student	5	0
Affiliate	0	2
Former Fellow	1	1
Former Student	1	0
TOTAL	30	13

Practice areas of the Respondent

(The allegations against these Respondents may not relate to technical work carried out in that area and most Respondents have recorded more than one practice area, so the numbers shown do not correspond to case levels)

Practice area	1 June 2021 to 31 May 2022	1 June 2020 to 31 May 2021
General Insurance	13	3
Health and Care	1	-
Investment Management	7	2
Investment Banking	1	2
Life Insurance	5	-
No information recorded	1	2
Pensions	8	4
Risk Management	1	-
Student	5	-

Geographical location of Respondent	1 June 2021 to 31 May 2022	1 June 2020 to 31 May 2021
UK	23	13
India	1	-
Ireland	1	-
South Africa	4 ^a	-
Spain	1	-
TOTAL	30	13

^a One member was subject to 3 allegations, from different sources.

It is noted that the number of allegations received in 2021/2022 is a marked increase on the previous year. It is too early to identify whether this is the start of a continued increase in the number of complaints, but the increase was partly caused by one Member receiving 3 individual complaints against them, and one member of the public making 8 similar complaints against 8 individual Members.

Of the 30 allegations received, the key issues are;

- dishonesty,
- poor communication,
- technical incompetence,
- breach of APS,
- convictions,
- breach of confidentiality; and
- inappropriate use of social media.

Some cases relate to more than one type of key issue.

Adjudication Panels

Across 1 June 2021 to 31 May 2022 there were thirteen cases where Adjudication Panels made a finding of misconduct against the Respondent;

Case No	Source	Membership	Location of Respondent	Key issues	Outcome
20/014 and 20/015	Member/ Former Employer	Fellow	UK	Sending confidential and sensitive information to a personal email address.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£1500)
20/010	Member of the Public	Fellow	UK	Preparing an inadequate pension sharing on divorce report.	<ul style="list-style-type: none"> • Misconduct • No Sanction
21/004	Member	Former Fellow and Affiliate	UK	Publishing inappropriate and offensive comments during an online webinar.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£2000)
21/005	Executive Referral	Fellow	South Africa	Failure to comply with the CPD Scheme and respond to communications from the Membership Team.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£1500) • Supervised Practice
20/003	Executive Referral (self referral)	Associate	UK	Failure to comply with legal and statutory requirements when acting as a Director of the Trustee of an occupational scheme.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£5000)
21/012	Executive Referral	Fellow	UK	Failure to hold a Chief Actuary Practising Certificate when required to do so.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£2000)
21/001	Executive Referral	Fellow	UK	Preparing an inadequate Solvency II Capital Report and an inadequate validation report.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Period of Education • Fine (£4000)
21/002	Executive Referral	Fellow	UK	Preparing an inadequate Solvency II Capital Report	<ul style="list-style-type: none"> • Misconduct • Reprimand • Period of Education
21/003	Executive Referral	Fellow	UK	Preparing an inadequate validation report.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Period of Education

Case No	Source	Membership	Location of Respondent	Key issues	Outcome
22/001	Executive Referral (Self Referral)	Student	UK	Conviction for driving under the influence of alcohol, being uninsured and not holding a driving licence.	<ul style="list-style-type: none"> • Misconduct • Reprimand
22/015	Executive Referral (Self Referral)	Student	UK	Conviction for driving under the influence of alcohol	<ul style="list-style-type: none"> • Misconduct • Reprimand
22/003	Member	Student	UK	Sending confidential and sensitive information to a personal email address.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£3,500)

All of these determinations are published on the [website](#)

Disciplinary Tribunal Panels

Across 1 June 2021 to 31 May 2022 there were four cases heard at Disciplinary Tribunal Panels where misconduct was found;

Case	Source	Membership	Location of Respondent	Key issues	Outcome	Costs award
20/002	Executive Referral	Fellow	India	Failed to comply with CPD Scheme and failed to co-operate with the disciplinary investigation	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£2,000) 	£4,114 to IFoA
20/009	Public	Former Student	India	Sending emails containing offensive and/or racist language to her former employer and posting offensive comments about her former employer online.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Excluded for 1 year 	£5,899.08 to IFoA
19/023	Member	Fellow	UK	Significantly understating the Solvency Capital Requirement for an insurance company and failing to provide information to the insurance company and their new actuarial advisers in relation to this.	<ul style="list-style-type: none"> • Misconduct • Reprimand • Fine (£5,000) 	£15,000 to IFoA
19/034	Executive Referral	Former Student	UK	Acted as a Chief Actuary without the appropriate Practising Certificate and failed to co-operate with the disciplinary investigation	<ul style="list-style-type: none"> • Misconduct • Fine (£2,000) • Excluded for 3 years 	£4793.62 to IFoA

All of these determinations are published on the [website](#)

Timescales

The Disciplinary Committee have set [timescales](#) within which disciplinary matters should be progressed. At each meeting the Committee are provided with quarterly case update prepared by the Executive and updated on the progress of cases.

The Disciplinary Investigation Team completed investigations (for the purpose of the Adjudication Panels' consideration) within the indicative timeframes for 16 cases of the 29 cases considered by Adjudication Panels. Another 13 such investigations were completed outside of those timeframes, for a number of reasons including;

- Working through a back log of cases which arose because of COVID 19 and resourcing issues
- Referrers continuing to add allegations to an investigation
- Difficulties in obtaining evidence
- Document heavy cases
- Complexity of the cases requiring further information and more interviews than anticipated
- Cases being referred to the FRC for a lengthy investigation before being referred back to the IFoA

Of the above cases, 12 of them were considered by an Adjudication Panel within the indicative timeframe of six weeks. The Clerking Team advised that reasons for the other 17 not being heard by Adjudication Panels within that timeframe include;

- Adjudication Panels are now scheduled every eight weeks, so cases will have to wait until the next diet to be considered¹.
- Applications from the Respondent for an extension to respond to the Case Report

Of the six cases considered by Disciplinary Tribunal Panels across 1 June 2021 – 31 May 2022, one set of Charges were served, by the Disciplinary Investigation Team, on the Respondent within the indicative timeframes. The reasons for service outside the indicative timeframes in the other five cases include:

- As above, working through a backlog of cases which arose because of COVID 19 and resourcing issues
- Complexity of cases and the instruction of expert reports
- Two cases were joined as they were against the same Respondent and this resulted in a delay in serving the Charge of the first case

None of the six cases which were considered by Disciplinary Tribunal Panels has hearings scheduled within the indicative timeframe of three weeks from receipt of the charge. The Clerking Team advised the reasons for this include;

- The Respondent has three weeks from the charge being served to return a Case Management Form, so Tribunals cannot be scheduled within that time period. Two of the cases were scheduled to be heard at a Disciplinary Tribunal Panel within three weeks of that deadline expiring.
- The remaining delays were due to;
 - Extensions to return the Case Management form and procedural issues
 - Resourcing and conflict issues

Current cases

As at 31 May 2022 the total number of live cases is eight.

¹ The indicative timeframes issued by the Disciplinary Committee were prepared when the process for scheduling Adjudication Panels and the Case Management of Disciplinary Tribunal Panels were different. As part of the implementation of the new Disciplinary Scheme, the Committee will review the Guidance on Timescales to ensure this is fit for purpose.

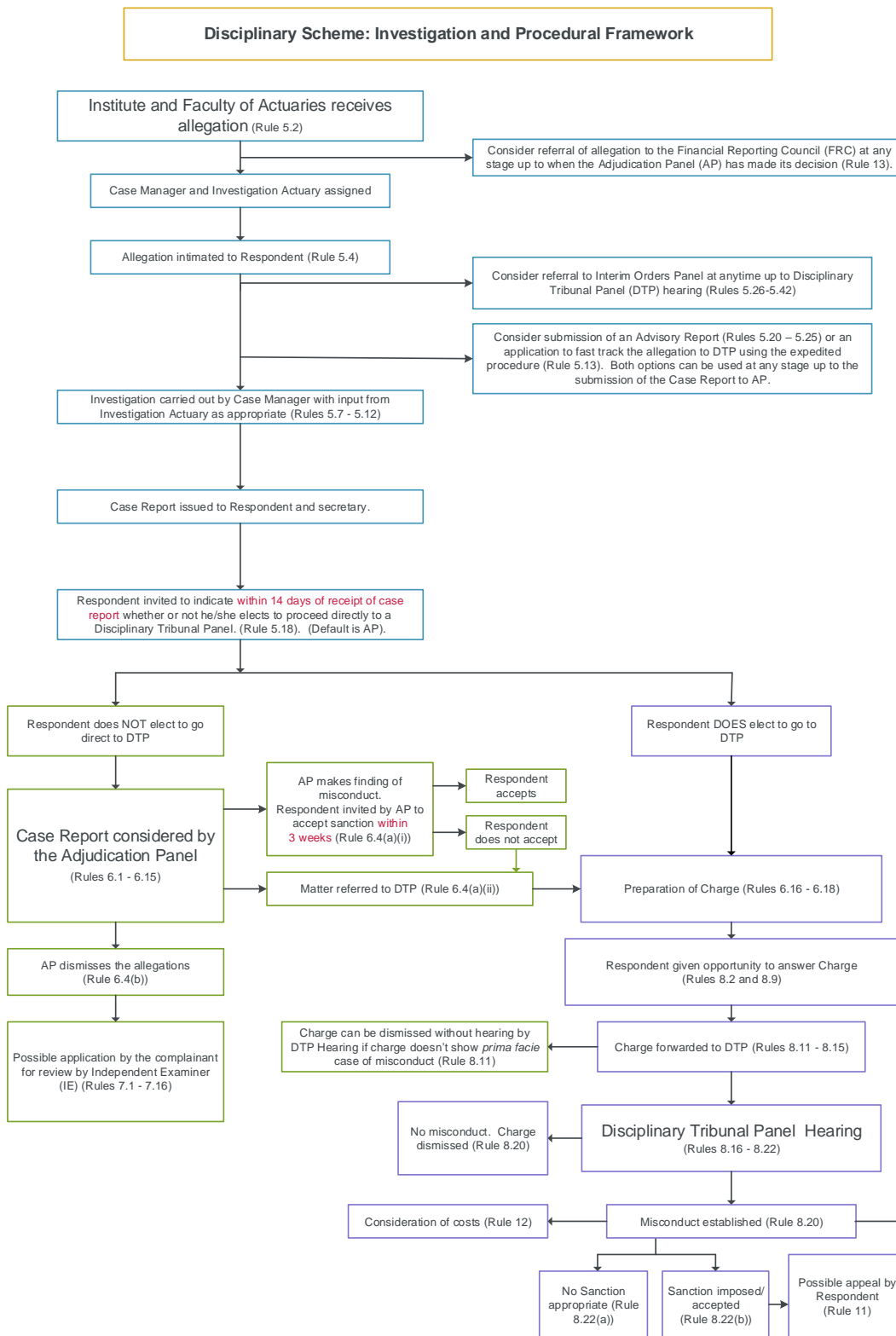
Glossary of Terms

Term	Definition
Adjudication Panel	A Panel appointed to consider the outcome of the initial investigation, which is presented in a Case Report, or Advisory Report. For Case Reports, the Panel will determine whether or not the matters disclose <i>prima facie</i> evidence of Misconduct and agree the next step in the disciplinary process, including the option to refer to a Disciplinary Tribunal Panel. The Adjudication Panel meets in private and is comprised of at least three Panel members, one of whom is always a lay member.
Appeals Tribunal	In the event that a Respondent wishes to dispute the findings of a Disciplinary Tribunal Panel, the Scheme allows a right to appeal.
Capacity for Membership	The Capacity for Membership process was introduced on 1 February 2018. This process provides an alternative route for cases where the current capacity of the Respondent is impaired and this impairment is relevant to the allegation or charge.
Case Report	A Case Report sets out the allegations made against the Respondent and contains all the relevant facts and information obtained during the investigation but does not set out any recommendations. The Respondent is given the opportunity to comment on the Case Report before an Adjudication Panel considers whether or not there has been Misconduct.
Determination	Decision of an Adjudication or Disciplinary Tribunal Panel.
Disciplinary Tribunal Panel (DTP)	A DTP is convened to consider matters which have not concluded at Adjudication stage, or have been referred by the Convener via the expedited procedure. The DTP is comprised of three or more people, at least one of whom shall be a Fellow of IFoA and at least one shall be a Lay person. The DTP is advised by an independent Legal Adviser. The DTP will decide whether the allegations amount to Misconduct and, if so, what the appropriate sanction (if any) would be. DTP Hearings are usually held in public with the notice of the hearing published on the IFoA website.
Exclusion/Expulsion	The sanction where the Misconduct found proved is of such gravity that the reputation of the profession or the public interest requires that the Member is no longer able to practice or claim membership of the profession. Exclusion is the order where membership has already ceased at the time of the Disciplinary Tribunal Panel; expulsion where membership is current.
Executive Referral Process	This process allows the IFoA to formally instigate a case investigation in the absence of an individual/organisation raising an allegation against a Member. Each referral is independently reviewed by the IFoA General Counsel (or appropriate senior deputy) and the Chair of the Investigation Actuaries' Pool before a decision is taken to instigate a formal investigation. This is also the approach followed where a member self-refers in relation to their own possible Misconduct.

Term	Definition
Independent Examiner	If an Adjudication Panel decides that there is no <i>prima facie</i> case of Misconduct, the person who made the allegation can refer the case to an Independent Examiner for review, if the grounds set out in the Scheme are met. The Independent Examiner is completely independent of the IFoA.
Interim Order	An urgent application to impose provisional restrictions on a Member's ability to practice, pending the outcome of the disciplinary proceedings. The IFoA will use this facility in compliance with its duty to protect the public, where the facts and circumstances merit.
Misconduct	Defined at rule 4.2 of the Disciplinary and Capacity for Membership Scheme and includes any conduct, whether committed in the UK or elsewhere, 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 Rules and Bye-laws and/or relevant standards or guidance.
Respondent	A member (or former member) of the IFoA who is the subject of an Allegation of Misconduct.

Appendix 4

Disciplinary Framework



Note: The Capacity for Membership process provides an alternative process where the Respondent's health may have been materially impaired at the time of the alleged misconduct and continues to be a significant factor. An Application for transfer to the Capacity for Membership process can be made at any stage up until when the final determination is issued.

SCHEDULE OF DOCUMENTS**As at 23 March 2022**

A 'light touch' review was approved by the Committee on 30 September 2021. The dates below reflect the 'light touch review' and a full review will be carried out as part of the Scheme Review project.

Description	Comments
Guidance Note on Disciplinary Tribunals during Covid 19	Last review: Nov 2021 Due for review: Nov 2024
Writing Determinations Guidance Policy	Last review: Nov 2021 Due for review: Nov 2024
Indicative Sanctions Guidance	Last reviewed: Nov2021 Due for Review: Nov 2024
Supplementary Guidelines on the Imposition of Sanctions in CPD Infringement Cases	Last reviewed: Nov 2021 Due for Review: Nov 2024
Guidelines on the Imposition of Sanctions involving a period of Education, Retraining and/or Supervised Practice	Last reviewed: Nov 2021 Due for Review: Nov 2024
Publications Guidance Policy	Last reviewed: Nov 2021 Due for Review: Nov 2024
Guidelines for Disciplinary Tribunal Panels and Appeal Tribunal Panels on the Award of Costs	Last Reviewed: Nov 2021 Due for Review: Nov 2024
Regulations on the Approval of Nominations for Adjudication Panels	Last Reviewed: Nov 2021 Due for Review: Nov 2024
Regulations for Approval of Nominations to Disciplinary Tribunal Panel	Last Reviewed: Nov 2021 Due for Review: Nov 2024
Guidelines for Panel Members on the Civil Standard of Proof	Last Reviewed: Nov 2021 Due for Review: Nov 2024
Time Frames for Investigations and Proceedings under the Disciplinary Scheme	Last Reviewed: Nov 2021 Due for Review: Nov 2024
Guidelines on the Maximum fine at the Adjudication Stage	Last reviewed: Sep 2021 * Due for Review: Sep 2024 *Board agreed to keep fine level at £7,500.
Guidelines for all Disciplinary Hearing Events on Remote and In Person Hearings	Issued: 1 March 2022 Due for Review: March 2025
Guidelines for all Disciplinary Hearing Events on the Service of Documents	Issued 1 March: 2022 Due for Review: March 2025