

## Appendix D, Issues which may occur to Members who consider speaking up

*I may be sued or disciplined for breaches of confidentiality.*

There are a number of public interest exceptions to a claim for breach of confidentiality. In general, courts usually favour disclosure in such cases, provided that the disclosure is made to the appropriate body, honestly, and in the public interest.

*I only need to speak up where I have a specific duty to do so.*

Raising matters of concern with your employer or the appropriate regulatory body is encouraged by the IFoA even where there is no specific duty to do so.

*I can only speak up where I am certain of the facts.*

It will not always be possible for Members to be 100% certain of the facts and for that reason, especially when raising a concern with their employer, a reasonable suspicion of wrongdoing is generally sufficient. When taking information outside of the organisation there ought to be a reasonable belief in the truth of the information.

*I am unsure how to proceed because the confidentiality clause in my employment contract does not contain the exception 'unless relating to your professional duties'.*

Even where your employment contract does not include an exemption relating to your professional duties, you are still subject to the professional duties set out in the Code, particularly the requirement that you speak up and challenge non-compliance (amplification 5.1).

*I am concerned that I may lose my job or upset an important client if I speak up.*

Although legitimate concerns, these possibilities should not dissuade Members from speaking up. It is important to bear in mind that reputable employers and other actuaries expect all Members of the IFoA to report concerns which they have, in accordance with their professional duties.

*I think that the regulatory reaction to a disclosure is likely to be disproportionate to the concerns that I have.*

Small concerns can often provide clues to much larger problems and so it is essential that a decision on the relative importance of a disclosure is left up to Member's employers, the IFoA, or the appropriate regulator.