



Disciplinary Committee

16 January 2024, 09:15 – 12:15

Attending: Nicola Williams (NW), Chair Jeremy Hill (JH) Robert Garvin (RG) Roselyn Hayles (RH) Velia Soames (VS)	Executive Staff: Sarah Borthwick (SB), Interim Regulatory Board Secretary (item 6) Karen Nicol (KN), Disciplinary Lawyer Alison Simpson (AS), Case Manager Hannah McLeod (HM), Head of Legal Services (Items 7, 8 & 9) Catherine Mouat (CM), Disciplinary Investigation Coordinator (note taker)
Apologies: Jenny Higgins (JAH), Head of Disciplinary Investigations Julia Wanless (JW), Judicial Committees Secretary	

Item	Title
1.	Welcome and apologies NW welcomed everyone to the meeting. NW noted that this was JH's first meeting since his appointment to the Committee. No apologies had been received from Committee members.
2.	Declaration of Conflicts of interests No conflicts were declared.
3.	Chair's update The Committee noted NW's update which included: <ul style="list-style-type: none">An update on the Audit, Reporting and Governance Authority (ARGA). The Committee noted that there was currently no timetable for the reforms to actuarial regulation.An update on NW's recent meeting with Peter Wrench (PW), Convener of the Disciplinary Tribunal Panels. In light of feedback received from PW the Committee considered whether the Determinations Review Sub Committee (DRSC) should consider a sample of determinations rather than every determination. Given the relatively low number of determinations, it was agreed that the DRSC should continue to review all determinations as this will assist with identifying trends.
4.	Executive's Update AS introduced the paper and reminded the Committee that she is currently their main point of contact while SB is assisting the Regulatory Board. She noted that Jenny Higgins and Julia Wanless were unable to attend the meeting due to their involvement in a Disciplinary Tribunal Panel hearing, however Hannah MacLeod, Interim Head of Legal Services, would join the meeting to represent the Clerk team. AS highlighted that the FRC's oversight of the IFoA's enforcement work had closed for 2023. The FRC is expected to confirm their oversight plans for 2024 in Spring 2024.
5.	Minutes and Actions The minutes of the October 2023 meeting were approved (with no redactions) for publication. The action list was noted. Action: Minutes of October 2023 meeting to be published.



Item	Title
6.	<p>Committee self-assessment</p> <p>SB joined the meeting for this item.</p> <p>NW reported back on the results from the Disciplinary Committee's recent self-assessment exercise and asked the Committee to evaluate the feedback and agree areas where action may be required. The exercise comprised of questionnaires completed by both Committee members and the Executive staff who support the DC. NW also had one to one discussions with each of the Committee members.</p> <p>Overall the results were positive and showed the Committee to be effective in meeting its overarching purpose of overseeing the management and operation of the Disciplinary Scheme.</p> <p>It was agreed that the Committee's objectives should be moved to earlier in the agenda. Consideration should also be given to whether the format of some of the papers, such as the Case Update and Feedback papers, should be changed to improve clarity. This was to be addressed later in the agenda.</p> <p>It was agreed that the Committee should review a small sample of cases from beginning to end. RH agreed to take the lead on this.</p> <p>The Committee noted that a review of the DRSC was planned for early 2024 and there may be some changes arising from this.</p> <p>It was agreed that the Chair of the Regulatory Board should be invited to attend a DC meeting.</p> <p>The Committee agreed that Committee members should continue to observe Disciplinary Tribunal Panel hearings, and consider further training points later in agenda.</p> <p>Actions:</p> <ul style="list-style-type: none">• Objectives to be moved to earlier in the agenda for the next meeting.• Proposal for case file review to be considered at March meeting.• The Chair to liaise with the Chair of the Regulatory Board about attending a Committee meeting.
7.	<p>Case Update Report</p> <p>HM joined the meeting for items 7, 8 and 9.</p> <p>KN presented the Case Update Report summarising the complaints received since the last report, including those assessed under the Assessment panel process, and progress made. She also provided a summary of Panel hearings and outcomes of cases over the period covered as well as those planned for the next quarter.</p> <p>The Committee noted that the March Case Update report would include information on the enforcement of sanctions.</p> <p>The Committee questioned whether there was a time limit for complaints to be made. KN advised that while there is no time limit, all complaints under the new Scheme are initially considered under the assessment process. AS noted the passage of time may impact upon whether there is a reasonable prospect of proving the matters giving rise to the Complaint.</p>



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	<p>The Committee noted that there was a limit on the number of observers allowed to attend public hearings being held online. HM explained that the number of observers is limited to allow the hearing to be administered efficiently and in the interests of fairness to the Respondent. It was noted that Panels had recently moved to being held on the Zoom platform. The Clerk Team and HM are currently reviewing current processes to assess whether it is possible to accommodate a greater number of observers by enabling access in an alternative way.</p> <p>The Committee provided feedback on the format of the Case Update report. It was agreed that the Executive should consider the feedback given when reformatting the report.</p> <p>Actions:</p> <ul style="list-style-type: none">• An update on the enforcement of sanctions to be included in the next Case Update Report.• The Executive to consider changes to the format of the Case Update report.• Policy regarding observers at public hearings to be reviewed.
8.	<p>Feedback</p> <p>KN presented the feedback report.</p> <p>The Committee agreed that they were content with the presentation of this report, however it was agreed that the Executive should consider whether any further improvements could be made.</p> <p>The Committee discussed the feedback, and in particular the feedback received regarding the Assessment Panel process. The Committee noted that this was a new process introduced under the new Disciplinary Scheme. The Committee agreed that they should continue to monitor feedback on this process and that the Assessment Panel process should be considered by the Committee when reviewing the new Scheme in September 2024. It was agreed that sessions with those involved in the assessment process should be held in order to obtain feedback and discuss any issues arising.</p> <p>The Committee noted that there had been technical issues with hearings held using the Teams platform. The Committee noted that the Zoom platform was now being used for hearings and this has been working well.</p> <p>Action:</p> <p>The Executive to arrange sessions with Disciplinary Pool members on the Assessment Panel process and the Executive to report back to the Committee at the September 2024 new Scheme review.</p>
9.	<p>Determinations Review Sub Committee</p> <p>VS presented the paper from the December 2023 DRSC meeting. The DRSC considered the overall standard of drafting to be of a high standard.</p> <p>The Committee approved the report and the action list.</p> <p>Action:</p> <p>The Executive to share feedback with the Conveners.</p>



Item	Title
10.	<p>Training Update</p> <p>KN introduced the paper and highlighted that the introductory training sessions on the new Disciplinary Scheme were now complete. KN further noted that a video for those unable to attend has been shared with the Committee as well as Disciplinary Pool members and Investigation Actuaries.</p> <p>The Committee noted the training plan. The Committee agreed that interactive sessions with case studies should be included where possible and that these could be used to provide updates on case law. The Committee noted that the Conveners will be involved in discussions regarding training.</p> <p>The Committee requested that the Committee members also be provided with training on judicial review and DEI (see item 12), and to observe a DTP hearing (see item 6).</p> <p>Action:</p> <p>The Executive to provide the Committee with the actual number of training attendees at the new Disciplinary Scheme training sessions.</p> <p>The Training Plan to be updated in accordance with the Committee's comments.</p>
11.	<p>Risk Register</p> <p>AS introduced the paper, noting that the risk register is based on a new IFoA template, using the risks agreed by the Committee at the October meeting.</p> <p>The Committee discussed and approved the revised risk register. The Executive agreed to follow up on questions raised by the Committee.</p> <p>Action:</p> <p>The Executive to respond to the Committee's questions on the risk register.</p>
12.	<p>DEI Action Plan</p> <p>The Committee noted the update on the Committee's objective to embed DEI into the work of the Committee.</p> <p>It was agreed that the Committee should attend DEI training.</p> <p>The Committee also agreed it would be helpful for the IFoA's DEI business partner to attend a Committee meeting to update the Committee on the IFoA's DEI strategy.</p> <p>Action:</p> <p>The Executive to follow up with IFoA DEI business partner in relation to training and attending a Committee meeting.</p>
13.	<p>Objectives update</p> <p>AS introduced the paper and associated documents outlining current progress on the Committee's objectives and forward work plan. The Committee noted that the Committee Secretary was currently assisting the Regulatory Board on an interim basis. It was agreed that priority should be given to progressing the following objectives for the remainder of the reporting year:</p> <ul style="list-style-type: none">• Continued implementation of new Disciplinary Scheme• Analysis of risks following introduction of new Scheme• Continuation of embedding DEI strategy into the work of the Committee• Monitoring the enforcement powers and procedures of the Audit Reporting and Governance Authority (ARGA) and how this may impact on the disciplinary function.• Reviewing the function, effectiveness and composition of the Determinations Review Sub Committee (DRSC).



Item	Title
14.	Matters to raise with Regulatory Board The Committee agreed the following should be raised with the Regulatory Board: <ul style="list-style-type: none">The Committee's self-assessment and actions agreed in light of this. Action: <ul style="list-style-type: none">The Executive to update the Regulatory Board on the Committee's self-assessment.
15.	Schedule of Guidance – Previous Scheme Noted
16.	Schedule of Guidance/Regulations – New Scheme Noted
20.	Schedule of DC term times Noted
21.	AOB None.

For information

[Committee Terms of Reference](#)

Dates of Next Meeting: - 27 March 2024 (0915 to 1215)

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