



## Disciplinary Committee (DC)

10 December 2024, 09:15 – 12:15

Via MS Teams

### Attending:

Velia Soames (VS), Interim Chair  
Jeremy Hill (JH)  
Robert Garvin (RG)  
Rosalynd Hayles (RH)

### Executive Staff:

Sarah Borthwick (SB), Disciplinary Policy Manager  
Jenny Higgins (JAH), Head of Disciplinary Investigations Team  
Karen Nicol (KN), Disciplinary Lawyer (item 7 only)  
Julia Wanless (JW), Judicial Committees Secretary  
Catherine Mouat (CM), Disciplinary Investigation Coordinator (note taker)

### Item Title

#### 1. Welcome and apologies

VS welcomed everyone to the meeting.

#### 2. Declaration of Conflicts of interests

No conflicts were declared.

#### 3. Chair's update

The Committee noted that Nicola Williams (NW) had resigned as Chair of the Committee with effect from 22 November 2024. The Committee and Executive noted their thanks to NW for her work as Chair.

VS advised that she had been appointed as Interim Chair as part of which she had had helpful discussions with:

- Richard Jones QC, Chair of the Regulatory Appointments Committee (RAC). The RAC has started the recruitment process for a permanent Chair and hope to have someone in place before VS's second term ends in April 2025.
- Neil Buckley, Chair of the Regulatory Board (RB). The RB will meet later in December to discuss the outcome of the DEI consultation. It was agreed that she will attend the following meeting in February 2025 as an observer so she can act as a bridge between RB and the Committee.

#### 4. Executive's Update

SB introduced the paper and highlighted:

- As the Interim Regulatory Board meeting will focus on DEI, the Committee's annual report, which was to be discussed at that meeting, will now be deferred until the February 2025 meeting.
- JAH and SB had a helpful meeting with the FRC oversight team where the FRC provided positive feedback on the IFoA's enforcement work and the Executive's engagement with the FRC. They had no formal recommendations or requirements for the IFoA in relation to enforcement.
- Paul Lewis has been appointed as the new IFoA CEO and will be in post from 6 January 2025. Ben Kemp, Interim CEO, will then resume his role as General Counsel. The new CEO will be visiting Edinburgh in January and the Executive hope to meet him then.

JW drew attention to the RAC section of the paper and advised that at their next meeting on 17 December they will be considering the recruitment of the new DC Chair and the renewal of the Deputy Chair of the Appeals Tribunal Panel.

VS noted in particular the positive comments from the FRC.

Item	Title
5.	<p data-bbox="284 259 544 286"><b>Minutes and Actions</b></p> <p data-bbox="284 315 1481 383">The minutes of the September 2024 meeting were approved subject to the location of the September in-person meeting being added.</p> <p data-bbox="284 405 1449 506">When reviewing the action sheet, a question arose regarding the software used for the online hearings. JW confirmed the software that is used for online hearings and the reasons for this. The remainder of the action sheet was noted.</p> <p data-bbox="284 528 1059 555"><b>Action: Minutes of September 2024 meeting to be published.</b></p>
6.	<p data-bbox="284 584 568 611"><b>Complaints Statement</b></p> <p data-bbox="284 640 1469 887">SB introduced the paper and advised that in September 2022 the Committee agreed it would be helpful to have a policy stating which matters they would consider feedback and complaints on. In January 2023 the Committee considered a draft statement which had been prepared by the Executive, with assistance from RH. At the January 2023 meeting, the Committee agreed with the overall approach of the draft statement but suggested that further consideration should be given to clarifying the other routes of complaint available. A further draft statement was now available for the Committee to consider.</p> <p data-bbox="284 909 1497 1122">The purpose of the statement is to manage users' expectations about the matters which the Committee will consider, will not consider, how that will be managed and suggest alternative routes for providing feedback or making complaints. Having a statement will ensure that matters are dealt with in a consistent and transparent way, manage the expectations of those providing feedback and make best use of the Committee's resources. The development of the statement was one of the Committee's objectives for 2024/2025.</p> <p data-bbox="284 1144 1481 1335">The Committee responded positively to the new draft considering it to be fair and clear. The Committee agreed that the draft statement should be shared with the FRC given their role in considering complaints. The Committee approved the draft statement, subject to some minor drafting amendments and any comments received from the FRC. Once finalised, the statement should be published on the IFoA's website.</p> <p data-bbox="284 1357 1489 1458"><b>Action: Executive to update the draft statement in light of the Committee's comments and to share with the FRC. Once finalised, Executive to arrange for final statement to be published on the IFoA's website.</b></p>
7.	<p data-bbox="284 1485 924 1512"><b>Guidance under the previous Disciplinary Scheme</b></p> <p data-bbox="284 1541 1485 1641">KN introduced the paper, advising that the Committee previously noted that some of the guidance notes applicable to previous versions of the Disciplinary and Capacity for Membership Schemes were due for review. The Executive completed the review and asked the Committee to note:</p> <ul data-bbox="284 1664 1485 1944" style="list-style-type: none"> <li data-bbox="284 1664 1485 1731">• A small number of cases received under previous schemes are still live, therefore some guidance notes relating to these cases should be retained until they have concluded.</li> <li data-bbox="284 1753 1485 1854">• Some guidance notes are no longer relevant (for example, covid-19 guidelines) or the content is included in other guidance documents. The Executive recommend removal of these guidance notes.</li> <li data-bbox="284 1877 1485 1944">• The "Guidelines for all Disciplinary Hearing Events on the Service of Documents" needs to be updated to reflect the new Edinburgh office address.</li> </ul>

Item	Title
	<p>Following discussion the Committee:</p> <ul style="list-style-type: none"> <li>• Approved the retention of the proposed guidance and agreed that these retained guidance documents do not require a further review date but will be deleted once the relevant cases are concluded.</li> <li>• Approved the change to the address in “Guidelines for all Disciplinary Hearing Events on the Service of Documents” guidance document.</li> <li>• Approved removal of the remaining identified guidance.</li> </ul> <p><b>Action: Executive to change Edinburgh address in relevant guidance note and arrange removal of identified guidance.</b></p>
8.	<p><b>Objectives Update</b></p> <p>SB introduced the papers which outlined the progress of the Committee’s objectives. The Committee noted the progress made to date and the future work plan. It was also noted that the Committee have been invited to complete the IFoA’s online DEI training for volunteers.</p>
9.	<p><b>Case Update Report</b></p> <p>JAH summarised progress made on the investigation of cases since the September meeting as outlined in the report. She also advised that following preparation of the report, one further Case Report had been served and was awaiting an Adjudication Panel hearing date.</p> <p>JW summarised the Panel hearings which have taken place since the last meeting and advised that one case was part heard on 26 November will resume on 23 December.</p>
10.	<p><b>Feedback</b></p> <p>The DC noted that due to few cases concluding since the last meeting, there were low levels of feedback.</p> <p>The Committee discussed a suggestion regarding sharing legal advice received by an Assessment Panel, but it was agreed that this should be included in panel training, rather than in a written document. SB suggested it could be included in the recorded version of the Assessment Panel training which was outstanding.</p> <p><b>Action: Executive to include legal advice in recorded version of the Assessment Panel Training.</b></p>
11.	<p><b>Determinations Review Sub-Committee (DRSC)</b></p> <p>JAH introduced the papers and highlighted an item in the action list regarding whether information on burden and standard of proof is clear to Panels. In checking the guidance documents and the Chair’s notes, the Executive advised the Committee that they considered it to be clear. It was noted that the next Disciplinary Newsletter, which is scheduled to be issued in January, will include a section highlighting the burden and standard of proof applicable at different stages of the disciplinary process.</p> <p>The Committee approved the report and the action list.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Executive to share feedback with the Conveners</li> <li>• Executive to include section on burden and standard of proof in the January Disciplinary Newsletter</li> </ul>

Item	Title
12.	<p><b>Training Update</b></p> <p>SB introduced the paper updating the Committee on completion of the training plan for the Disciplinary Pool, Legal Advisers and Investigation Actuaries.</p> <p>Two of the three planned general training sessions were held in November with a third scheduled for January 2025. Each had 12 attendees and positive feedback had been received from attendees. RG also attended one of these sessions and commented that they contained good material and were well presented.</p> <p>During discussions it was agreed it would be helpful for the Committee to see the proportion of disciplinary volunteers attending training. It was also noted that the Executive can monitor who has viewed the on demand training. It was agreed that Panels members, Legal Advisers and Investigation Actuaries should be made aware that attendance at/completion of training may be taken into consideration by the RAC when reviewing appointments.</p> <p>It was noted that SB will complete the DEI training for committee members and will feedback whether it may be useful for Panel members, Legal Advisers and Investigation Actuaries to complete.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• <b>Executive to provide further information about attendees at training sessions.</b></li> <li>• <b>Executive to complete and feedback on DEI training for committee members.</b></li> </ul>
13.	<p><b>Risk Register</b></p> <p>SB introduced the risk register which had been updated following discussion at the last meeting to allow for delegation of roles in the Scheme.</p> <p>The Committee discussed whether the current vacancy for a permanent Chair coupled with the Interim Chair's second term ending in April should be added to the register. Following discussion it was agreed that this should be reconsidered at the March 2025 meeting. The Executive advised they were mindful of the potential risk, as were the RAC, who are responsible for appointments.</p> <p>The Committee approved the updated risk register.</p> <p><b>Action: At March 2025 meeting, Committee to consider whether Chair vacancy should be added to risk register.</b></p>
14.	<p><b>Matters to raise with Regulatory Board</b></p> <p>No matters arising from this meeting require to be raised with Regulatory Board.</p>
15.	<p><b>Schedule of Guidance/Regulations – New Scheme</b></p> <p>Noted.</p>
16.	<p><b>Schedule of DC term times</b></p> <p>In addition to the recruitment of a new Chair and Lay Committee member, it was noted that RG's first term ends in April 2025 and so will also be due for renewal. With regards to recruitment, JAH highlighted that the RAC are involved in the Chair recruitment but not in the Committee member recruitment.</p>
17.	<p><b>AOB</b></p> <p>No matters were raised.</p>

## For information

[Committee Terms of Reference](#)

Dates of Next Meeting: - 19 March 2025 (0915 to 1215)

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