

Appendix 4

Statistical report on caseload between 1 June 2023 and 31 May 2024

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

Please note that under the Disciplinary Scheme (effective 1 August 2023) once a complaint is accepted for investigation, it is known as an allegation.

In addition to the 19 complaints received after 1 August 2023, five respondents who were subject to the disciplinary process under a previous version of the Scheme opted to transfer to the new Scheme. These are the three cases considered at Adjudication Panels and the two cases considered at Disciplinary Tribunals in the table below. Two of those considered at Adjudication Panel were dismissed and subsequently referred to the Independent Reviewer.

A glossary is appended to this report.

	1 June 2022 to 31 May 2023	1 June 2023 to 31 May 2024		
		Total Cases	<i>cases under a previous Scheme</i>	<i>cases under Aug 2023 Scheme</i>
Complaints received	8	23	4	19
Complaints rejected by Assessment Panels	N/A	N/A	N/A	12
Complaint under consideration by Assessment Panel	N/A	N/A	1	1
Complaints accepted as Allegations	8	10	4	6
Misconduct via Disciplinary Order	N/A	N/A	N/A	1
Cases considered at Adjudication Panels	19	14	11	3
Cases dismissed	10	10	8	2
Cases referred to Disciplinary Tribunal Panel	3	0	0	0
Cases where misconduct found and accepted by Respondent	2	4	3	1
Referred back to Disciplinary Investigation Team	4	0	0	0

		1 June 2023 to 31 May 2024		
	1 June 2022 to 31 May 2023	Total Cases	<i>cases under a previous Scheme</i>	<i>cases under Aug 2023 Scheme</i>
Referrals to the Independent Examiner/Independent Reviewer	3	3	1	2
Cases considered by Disciplinary Tribunal Panels	6	10	8	2
Cases dismissed	0	2	1	1
Cases where misconduct found	4	8	7	1
Cases adjourned	2	0	0	0
Applications for Readmission to Membership	1	0	0	0
Interim Order applications	0	0	0	0
Number of Appeal Tribunals	0	0	0	0
Number of Capacity for Membership Hearings	0	0	0	0

Sources of the **complaints** received;

Source	1 June 2022 to 31 May 2023	1 June 2023 to 31 May 2024
Executive Referral ¹	2	4
Member of the Public	2	2
Other Actuary	4	17
TOTAL	8	23

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 make a complaint. All complaints received through this route are subject to the same assessment process as all other complaints.

Membership Categories of the Respondents in allegations received;

Membership category	1 June 2022 to 31 May 2023	1 June 2023 to 31 May 2024
Fellow	6	7
Student	1	2
Former Fellow	1	-
Former Student	-	1
TOTAL	8	10

Practice areas of the Respondent in allegations received

(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 2022 to 31 May 2023	1 June 2023 to 31 May 2024
Finance	-	4
General Insurance	2	3
Health and Care	-	2
Investment	-	4
Life Insurance	3	5
Pensions	1	6
Risk Management	-	4
Student	1	2
Retired	1	0
Other non-actuarial	1	0

Geographical location of Respondent	1 June 2022 to 31 May 2023	1 June 2023 to 31 May 2024
UK	4	8
India	1	1
Australia	1	-
Singapore	1	-
China	1	-
South Africa	-	1
TOTAL	8	10

Of the 10 allegations received, the key issues were;

- Conduct towards a colleague
- Conviction
- Dishonesty
- Dishonesty (exams)
- Fraud
- Plagiarism
- Submitting alleged vexatious complaint to IFoA
- Technical errors and poor communication

Assessment Panels

Across 1 June 2023 to 31 May 2024, Assessment Panels considered and upheld 12 recommendations from the Head of DIT that complaints should not be accepted for investigation

These were considered under the following criteria, and the criteria number met is indicated in the table below;

- 1 - Complaint could not amount to misconduct, even if the facts were proven
- 2 - There is no reasonable prospect of proving the matters giving rise to the Complaint
- 3 - The matter giving rise to the Complaint should be considered by another body and/or court before being reassessed

A review of the Assessment Panel determination was requested in relation to 2 complaints. The Assessment Panel determination was upheld for both cases.

Nine of the 12 matters below were raised by the same referrer.

Case No	Source	Membership status	Location of Respondent	Key issues	Criteria Met	Review outcome
23/012	Other Actuaries	Fellow	UK	Failure to speak up/ inappropriate communication.	1 and 2	N/A
23/013	Other Actuary	Fellow	India	Acting outside their role/ where there was a conflict of interest.	1 and 2	Assessment Panel decision upheld
23/014	Other Actuary	Resigned (former Fellow)	India	Acting outside their role and failing to record matters.	1 and 2	Assessment Panel decision upheld
23/016	Other Actuary	Resigned (former Fellow/Affiliate)	Switzerland	Historic conduct towards another member.	2	N/A
23/017	Other Actuary	Fellow	UK	Historic sharing of exam information.	2	N/A
23/018	Other Actuary	Former Member	UK	Historic sharing of exam information.	2	N/A
23/019	Other Actuary	Fellow	UK	Historic conduct in relation to exam results.	2	N/A
23/020	Other Actuary	Fellow	UK	Historic conduct towards another member.	1 and 2	N/A
23/021	Other Actuary	Fellow	UK	Historic failure to carry out Chief Actuary role.	2	N/A
23/022	Other Actuary	Fellow	UK	Historic conduct towards another member	2	N/A
23/023	Other Actuary	Fellow	Ireland	Historic conduct towards another member	1 and 2	N/A
23/024	Other Actuary	Fellow	UK	Historic conduct towards another member	2	N/A

Disciplinary Orders Panel

Across 1 June 2023 to 31 May 2024, one case was resolved through a Disciplinary Orders Panel;

Case No	Source	Membership status	Location of Respondent	Key issues	Outcome	Costs*
23/015	Self-referral	Student	UK	Drink driving conviction	• Reprimand	• £300

*Where the Respondent agrees to a Disciplinary Order a fixed cost of £300 is to be applied, to be paid by the Respondent.

Adjudication Panels

Across 1 June 2023 to 31 May 2024 there were four cases where Adjudication Panels made a finding of misconduct which was accepted by the Respondent.

Case No	Source	Membership status	Location of Respondent	Key issues	Outcome	Costs award*
22/016	Trustees	Fellow	UK	Failure to review the commutation factors to consider whether they should be certified as reasonable until asked to do so by the corporate trustee.	<ul style="list-style-type: none"> • Reprimand • £2,500 Fine 	N/A
23/006	Executive Referral	Fellow	UK	Making sexist, racist and/or bullying remarks while in the presence of colleagues, as reported in the media.	<ul style="list-style-type: none"> • Reprimand 	N/A
23/007	Member of the Public	Fellow	UK	Prepared a report (pensions and divorce) which was deficient in several aspects.	<ul style="list-style-type: none"> • Reprimand 	£1,500
23/009	Other Actuary	Resigned (former Fellow)	UK	Submitted an allegation of Misconduct which was spurious and/or vexatious and provided incorrect and/or misleading information in support of his allegation.	<ul style="list-style-type: none"> • Reprimand • £2,000 Fine 	N/A

Published determinations are on the [website](#)

*Under the new Scheme, when a Case Report is submitted to a Respondent, the IFoA will make an application for £1,500 in costs if the Adjudication Panel makes a finding of prima facie Misconduct. The IFoA's actual costs in investigating and determining a case at the Adjudication Panel stage will almost certainly exceed £1,500. The costs the IFoA can claim at the Adjudication Panel stage are fixed at £1,500 to enable the amount to be determined quickly and efficiently while, at the same time, making a fair and proportionate contribution to the IFoA's costs. Where an Adjudication Panel dismisses a case, they may make an award of costs against the IFoA, where the Respondent has applied. But in relation to Adjudication Panels, the IFoA is required to investigate all Allegations in the public interest. Once an Allegation has been accepted, it can only be determined by an Adjudication Panel; the Case Manager does not have any authority to withdraw an Allegation. Costs should therefore only be awarded against the IFoA by an Adjudication Panel in exceptional circumstances, for example if the decision to accept the Complaint was manifestly unreasonable.

Independent Examiner (previous Disciplinary and Capacity for Membership Schemes) /Independent Reviewer (2023 Disciplinary Scheme)

Across 1 June 2023 to 31 May 2024 one case was considered by the Independent Examiner under the previous Disciplinary and Capacity for Membership Schemes and two cases were considered by the Independent Reviewer under the revised Disciplinary Scheme (implemented 1 August 2023).

Case No	Outcome of referral
23/001	Independent review application, of Adjudication Panel's decision to dismiss the case, was accepted by the Independent Reviewer. On review, some allegations the Adjudication Panel had dismissed were affirmed, others were remitted back to the Adjudication Panel for further consideration.
23/002	Independent review application, of Adjudication Panel's decision to dismiss the case, was accepted by the Independent Reviewer. On review, some allegations the Adjudication Panel had dismissed were affirmed, others were remitted back to the Adjudication Panel for further consideration.
23/003	Referral to Independent Examiner, of Adjudication Panel's decision to dismiss the case, was accepted by the Independent Examiner. On review, the Independent Examiner affirmed the Adjudication Panel's decision to dismiss the case.

Disciplinary Tribunal Panels

Across 1 June 2023 to 31 May 2024 Disciplinary Tribunal Panels dismissed two cases and determined eight cases of misconduct against seven Respondents.

Case No	Source	Membership status	Location of Respondent	Key issues	Outcome	Costs award
20/004	Executive Referral	Lapsed Student	India	Exam collusion	<ul style="list-style-type: none"> Reprimand Online Professional Awareness test to be completed by Respondent if they wish to re-join the IFoA 	No costs awarded
20/005	Executive Referral	Lapsed Student	India	Exam collusion	<ul style="list-style-type: none"> Exclusion 5 years 	£4,663
20/006	Executive Referral	Lapsed Student	India	Exam collusion	<ul style="list-style-type: none"> Dismissed 	No costs awarded
21/007	Executive Referral	Lapsed FIA	UK	Dishonestly claiming expenses	<ul style="list-style-type: none"> Fine £10,000, Exclusion 5 years. 	£9,138
20/012 20/013	Executive Referral and member of the public	Resigned (former Fellow)	UK	Offensive and inflammatory social media posts in relation to Islam and Muslims.	<p><i>(Appeal Tribunal outcome pending)</i></p> <ul style="list-style-type: none"> Reprimand. Exclusion 2 years. 	£22,667
22/004	Other Actuary	Fellow	UK	Inappropriate use of external data before receiving approval from compliance team	<ul style="list-style-type: none"> Dismissed 	No costs awarded
22/018	Member of the Public	Fellow	UK	Preparing a pension on divorce report which fell below the standards expected.	<ul style="list-style-type: none"> Reprimand Fine £3,000 	£15,463
18/003	Other Actuary	Fellow	India	Formed a new partnership, in conflict with their role as a Director of another company, and approached clients from that company to be clients of the new partnership.	<ul style="list-style-type: none"> Expulsion 5 years 	£15,080
23/005	Executive Referral	Lapsed Member	China	Dishonestly submitting altered examination exemption documentation to the IFoA.	<ul style="list-style-type: none"> Reprimand Exclusion 1 year Fine £2,500 	£4,078

Published determinations are on the [website](#)

Timescales

The Disciplinary Committee have set [timescales](#) within which disciplinary matters should be progressed. Due to the introduction of the new Scheme on 1 August 2023, new timescales (applicable only to cases being dealt with under the new Scheme) were published. At each meeting the Committee are provided with quarterly case update prepared by the Executive and updated on the progress of cases and where there are any delays in the progression of the case, these are fully explained to the Committee.

Of the 12 complaints assessed by the Head of Disciplinary Investigations, five were completed with the indicative timescale of seven days from receipt of complaint. Additional time was taken in the remaining cases to allow further information to be obtained from the Referrer/ member before the assessments were carried out, as is permitted under the Scheme. The assessments were completed within 7 days of the outstanding information being received.

Of the 12 complaints which were considered by Assessment Panels, all were completed within the indicative timeframe of seven days after the Panel received the papers.

Ten investigations were completed for consideration by Adjudication Panels - of these the Disciplinary Investigation Team completed eight investigations within the indicative timeframes. Of the two that were not completed within the relevant timeframes (22/016 and 23/007):

- there were difficulties obtaining information in case 22/016 due to data protections agreements needing to be put in place between the Respondent, the IFoA and the Referrer. In addition, the Respondent requested additional time to review and comment on the papers. While the Case Manager and the Investigation Actuary made every effort to expedite this case, the timescales in this case were dictated by the parties, who were kept advised of the anticipated timescales.
- Case 23/007 took slightly longer than the expected timescales due to its technical nature, the need to obtain and review a significant amount of documentation, the increased level of input required from the Investigation Actuary, the need to instruct an expert witness, the investigation falling over the Christmas period and the time needed to allow the Respondent to respond to the Allegation and the expert report.

Fourteen cases were considered by Adjudication Panels. The Clerking Team reported to the Disciplinary Committee that:

- eleven were considered by an Adjudication Panel within the indicative timeframe of eight weeks
- three cases were not heard by Adjudication Panels within the timeframes (23/007, 23/009 and 23/011). One was postponed due to a potential conflict. In agreement with the Adjudication Panel Convener, the remaining two were delayed due to high Disciplinary Tribunal Panel numbers during the indicative timeframe period.

Disciplinary Tribunal Panel hearings are to be held within four months of the charge being served. Of the 10 cases considered by Disciplinary Tribunal Panels during 1 June 2023 – 31 May 2024:

- Two were applications to dismiss. One of these was heard within timeframe, the other (20/006) was slightly delayed due to resourcing issues during the scheduling period.
- The remaining eight cases were considered over the course of seven separate public Disciplinary Tribunal Panel hearings in the relevant reporting period. Two of these tribunal hearings were held within indicative timeframes. The indicative timeframe was not met for the remaining five hearings, for the following reasons:

- Case 20/004 was originally scheduled within indicative timeframes but was postponed at the request of the Respondent. The rescheduled hearing was then postponed again due to a late change in the availability of a Panel member;
- Case 20/012-013 was delayed to allow pre-hearing procedural matters raised by the Respondent to be determined, in addition to the granting of an extension to enable the Respondent to take steps to obtain a report;
- There were general delays affecting timeframes of the tribunal hearings for cases 22/018, 18/003 and 23/005, due to late or non-return of case management forms and limited resources during the relevant scheduling period.

Current cases

At 31 May 2024 the total number of live cases was 18. Nine of these were under a previous Disciplinary Scheme and nine under the August 2023 Scheme (including three received before August 2023 but where the Respondent opted to transfer to the new Scheme).

Glossary of Terms (applicable to current Scheme)

Term	Definition
Adjudication Panel	A Panel appointed to consider the outcome of the initial investigation, which is presented in a Case 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.
Allegation	A Complaint that has been accepted for investigation under the Scheme following assessment.
Appeals Tribunal	Should a Respondent or IFoA wish to dispute the findings of a Disciplinary Tribunal Panel, the Scheme allows a right to appeal.
Assessment Panel	A Panel of two that consider a recommendation from the Head of Disciplinary Investigations as to whether a complaint should be investigated as an allegation under the Scheme. The assessment is completed using set criteria. The Panel is one IFoA member and one lay member.
Capacity for Membership	This process provides a 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.
Complaint	A complaint by any person, body or company, or by an Executive Officer, alleging that a named Member or former Member has committed Misconduct.
Determination	Decision of an Adjudication or Disciplinary Tribunal Panel.
Disciplinary Order	An order which states the Respondent committed Misconduct and imposes sanctions. The order is proposed by the Case Manager, can be accepted by the Respondent and then approved by a Disciplinary Orders Panel.
Disciplinary Orders Panel	A Panel of two who consider the proposal of a Disciplinary Order. One Panel member is a member of the IFoA and the other is a lay member.

Term	Definition
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 Adjudication or Disciplinary Tribunal Panel; expulsion where membership is current.
Independent Reviewer	If an Adjudication Panel decides that there is no <i>prima facie</i> case of Misconduct, the person who made the complaint can refer the case to an Independent Reviewer for review, if the grounds set out in the Scheme are met. The IFoA can refer any case to the Independent Reviewer, if the grounds 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 2.1 of the Disciplinary Scheme and means any act or omission or series of acts or omissions by a Member, in their professional or non-professional life, which falls significantly short of the standards of behaviour, integrity, competence or professional judgment which other Members or the public might reasonably expect of a Member.
Respondent	A member (or former member) of the IFoA who is the subject of an Allegation of Misconduct.