



Disciplinary Committee

23 March 2022, Time: 09:00 – 12:00

By video conference

Attending:	Stephen Redmond (lay member and Chair) (SR) Velia Soames (lay member) (VS) – from 10.30am Kevin Doerr (actuary member) (KD) Rosalyn Hayles (lay member) (RH) Jim Webber (actuary member) (JW)
In attendance:	Ian Farr, Chair of Scheme Review Working Party (IF) (Item 1)
Apologies:	George Russell (actuary member) (GR)
Executive Staff:	Jenny Higgins, Senior Disciplinary Lawyer (JH) Ben Kemp, General Counsel (BK) (Item 1) Michael Scott, Head of Disciplinary Investigations (MS) Julia Wanless, Judicial Committees Secretary (JSW) Sarah Borthwick, Case Manager (SB) Alison Simpson, Case Manager (AS) (item 2 onwards) Catherine Mouat, Disciplinary Investigations Coordinator (CM) (note taking – Item 1)

Item	Title	Action
	Welcome/ apologies/any conflict of Interest declarations	
	<p>The Chair welcomed the Committee. The Chair noted that IF and BK would be joining the meeting for the Scheme Review discussion.</p> <p>Apologies were received from GR. No conflicts of interests were declared.</p>	
1	Scheme Review	
	<p>IF provided an introduction to the draft Scheme and Regulations which were before the Committee for approval. He noted that it had been monumental task for SB, MS and others.</p> <p>SB introduced the cover paper and asked if anyone had any detailed drafting comments to please contact SB directly after the meeting. SB extended her thanks to IF and KD, recognising that they provided significant support and input, all on a voluntary basis.</p> <p>The Committee first discussed whether Disciplinary Orders should have the same sanctioning powers as Adjudication Panels, in particular the ability to exclude a former member. After discussion it was agreed that a Disciplinary Order should have the ability to exclude a former Member, noting the process was entirely consensual. SB noted that once the new Scheme is operational, the Committee will monitor and</p>	

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	<p>assess how the Disciplinary Order process works and interacts with the Adjudication Panel process.</p> <p>SB also provided an overview of the comments received from the FRC and it was noted that, although they had asked some questions of the approach being taken, they were generally supportive.</p> <p>The Committee approved the Disciplinary Scheme.</p> <p>SB raised a question about the presentation of the General Disciplinary Regulations and whether the Committee would prefer some sections of the General Disciplinary Regulations to be separated out in to stand alone Regulations. After discussion it was agreed they should be separated out.</p> <p>The Committee also approved, in principle, the General Disciplinary Regulations, Interim Order Regulations, Capacity for Membership Regulations, Disciplinary Tribunal Regulations, Readmission Regulations, Appeals Regulations and the FRC Scheme Regulations, subject to final sign off by KD,IF and SR. It was noted that the Appointment Regulations would be shared with the Committee, for approval, in April/May.</p> <p>It was noted that the Scheme would be presented to the Regulatory Board in April 2022.</p>	<p></p> <p></p> <p></p> <p>SB</p> <p>SB</p> <p></p>
2	<p>Chair's Update- Oral</p> <p>The Chair provided an update on his activities since the last meeting. The Chair had attended the disciplinary training webinar in December 2021. The Chair had also attended, along with IF, the Regulatory Board in February 2022, to provide them with a high level overview of the work of the Disciplinary Scheme Review. This had been well received.</p> <p>SR also advised that he had recently met with someone who had referred a complaint under the disciplinary process and he would provide more information on this under Item 7.</p> <p>It was noted that this was the last Committee meeting for JW and GR and the Committee thanked them for the valued contributions over the years.</p> <p>The Chair thanked Kirsty Mavor for her wonderful work in supporting the Chair and the Committee and wished her well in her new role.</p> <p>The Chair noted that VS's first term on the Committee will come to an end at the end of April, however VS had agreed to extend her appointment for a further three year term.</p> <p>The Chair also noted that it was his last meeting as the Chair of the Committee and thanked the Committee members for their support throughout his term. He advised that he hoped to have a handover meeting with the new Chair once they had been appointed.</p>	

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3	<p>Executive's Update</p> <p>JH referred to the Executive Update and advised that SB had been appointed as the Disciplinary Policy Manager and part of that role would be to support this Committee. JH advised that recruitment was underway to fill SB's post. JH further advised that AS had recently joined the IFoA as a Case Manager.</p> <p>JH provided a brief update on ongoing litigation. JW asked whether anything arising out of the litigation interacted with the review of the Scheme. JH confirmed that she had been working closely with SB to ensure any relevant points are addressed.</p> <p>JH confirmed that the review of the Regulatory Appointments process is underway and this Committee will be invited to feedback their views.</p> <p>JH advised that Suzie Lyons thanked the Committee for their feedback on the Assessment Regulations and noted that there would be an upcoming action for this Committee regarding which type of cases should be referred for formal investigation under the disciplinary process.</p> <p>The Committee noted the remainder of the updates from the Executive.</p>	
4	<p>Minutes and Actions - To approve December minutes and note actions</p> <p>The Committee approved the December minutes and agreed they should be published in full.</p> <p>The Committee noted the action list. It was agreed that GR should be asked to provide a paper on his case review even though he would be leaving the Committee at the end of March 2022. It was agreed that the paper should be circulated to the Committee prior to their next meeting.</p>	MS/GR
5	<p>Risk Register - To consider and approve Risk Register</p> <p>JH invited the Committee to comment on the risk register. JW referred to the issue raised in case feedback about charges not being framed effectively. It was agreed that wording should be added to risk DC01 to reflect this.</p> <p>It was agreed that legal challenges to disciplinary decisions and the disciplinary process should be captured in the risk register.</p> <p>Subject to these changes, the risk register was approved.</p>	<p>JH</p> <p>JH</p>

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6	<p>2021/22 Objectives - To consider update on annual objectives</p> <p>The Committee noted the cover paper, traffic light report and project plan. JH noted the main change in the traffic light report is that the overall rating for the 2021/2022 objectives has been changed to amber, as agreed at the December meeting. This was to reflect the slip in the timetable for the Scheme Review project.</p> <p>It was agreed that, as the Scheme and Regulations had been approved at this meeting, the status of the Committee's objectives should be changed back to green.</p> <p>JH advised that the reporting year has been extended to 31 May 2022, to align with the Regulatory Board year.</p> <p>The Committee did not have any further comments on the project plan or 2021/22 objectives.</p>	<p>JH</p>
7	<p>Case Update Report - Update on Investigations/Feedback</p> <p>JH and JSW presented the Case Update report. JH noted that, since the case update report had been prepared, 12 additional cases had been received. The Committee were pleased to note that the majority of investigations are well within timeframes and noted that several Case Reports will be submitted to Adjudication Panels before the next Committee meeting.</p> <p>JSW advised that the eight weekly Adjudication Panel diets continue and these appear to be working well. She noted that 12 cases had been dealt with since the last Committee meeting, the majority of which were considered by Adjudication Panels within eight weeks of receipt. Those beyond eight weeks took longer due to applications from Respondents for additional time to respond.</p> <p>It was noted that a further Adjudication Panel was scheduled for 4 April 2022, with one case listed to be dealt with. JSW noted that two Disciplinary Tribunal Panel hearings have been listed for May 2022 and one further case would be listed shortly.</p> <p>The Committee considered feedback from those that were involved in the disciplinary process. VS asked about the comments about the way the allegations had been drafted. VS wanted reassurance that the feedback was being taken on board and what was being done. JH confirmed that the Executive would reflect on the feedback. JH explained the neutral role of the Case Manager and Investigation Actuary at the Adjudication Panel stage, as well as the importance of ensuring that the referrer's concerns were captured in the allegation considered by the Adjudication Panel. It was agreed that the role of the Case Manager and Investigation Actuary in drafting allegations should be highlighted to Adjudication Panels in Case Reports.</p> <p>JH confirmed that she would circulate to the Committee feedback that had been received from a Panel member in relation to pension sharing allegations.</p> <p>The Chair advised that in February 2022 he met with a Member who had made a complaint under the disciplinary process. Their main concern was the sanction applied and how the IFoA can prevent people coming back into membership. The Chair noted that the Member's feedback on the process was generally positive. The Committee</p>	<p>JH</p> <p>JH</p>

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	discussed the ability of Panels to impose a sanction of education and retraining on former members. It was agreed that the Guidelines on Sanctions involving Education, Retraining and/or Supervised should be reconsidered in light of this discussion.	JSW
8	Determinations Review Sub Committee	
	VS noted there had been two meetings of the subcommittee in January 2022 and March 2022 and introduced the reports from those meetings. Most action points arising were for the Executive or discussion for this Committee. The Committee agreed with the actions proposed by the Sub Committee.	
	It was agreed that a review of determinations regarding social media allegations should be undertaken in the next 12 months to consider whether the approach being taken by Panels is consistent.	SB
	It was agreed that the Regulatory Board should be asked to consider whether the communication principle in the Actuaries' Code should make reference to use of social media.	SB
	SB confirmed that closure of cases involving a deceased Respondent had been addressed in the new Scheme.	
9	Regulatory Board Annual Report- Update	
	JH presented this paper and advised that the Committee would be asked to provide a contribution to the Regulatory Board annual report in May 2022. It was agreed that RH would work with the Executive, on behalf of Committee, to approve the draft.	SB/RH
	The Committee agreed with the proposed content for the submission. It was agreed that the submission should also include a flavour of the external challenges that the disciplinary process is operating in as well as noting the increasing number of cases relating to social media. It was also agreed that the statistics should include some comparative data to provide some context.	
10	Training Webinar Feedback	
	JH presented this paper and advised the December webinar was the first online training session organised by the Committee. The Committee noted the feedback. VS commented she found the training interesting. JW suggested that future surveys should include the response rate to allow the Committee to understand what percentage of attendees had responded.	SB/JW
11	AOB	
	VS, on behalf of the Committee, thanked the Chair for his exceptional hard work as Chair of the Committee.	
12	Regulatory Board update	
	The Committee noted the update from the Regulatory Board's strategy meeting on 29 September 2021.	

Item	Title	Action
13	DC Terms of Reference	
		The Committee noted its terms of reference
14	Schedule of term times	
		The Committee noted this and that recruitment has commenced for an actuary member.
15	Forward Planning Schedule	
		The Committee noted this.
16	Schedule of Guidance	
		The Committee noted the Schedule of Guidance.

- **Dates of next meetings:** 22 June, 21 September and 14 December 2022