



## Disciplinary Committee

19 June 2024, 09:15 – 12:15

<b>Attending:</b> Nicola Williams (NW), Chair Jeremy Hill (JH) Robert Garvin (RG) Rosalyn Hayles (RH) Velia Soames (VS)	<b>Executive Staff:</b> Jenny Higgins (JAH), Head of Disciplinary Investigations Julia Wanless (JW), Judicial Committees Secretary Alison Simpson (AS), Case Manager Sarah Borthwick (SB), Interim Regulatory Board Secretary Catherine Mouat (CM), Disciplinary Investigation Coordinator (note taker)
<b>In attendance:</b> Natalie Cohen from Kingsley Napley (item 5) Neil Buckley, Regulatory Board Chair (item 7) Chloe Duncan, DEI Business Partner (item 8)	
<b>Apologies</b> None	

Item	Title
As this meeting had a fuller agenda than usual, with time allotted to three guest speakers (items 5, 7 and 8), Committee members were asked to submit any questions they had relating to standing items 4, 9, 10, 11, 12 and 14) in advance. The questions received were addressed to the satisfaction of the Committee members who raised them before the meeting with no further discussion required at the meeting.	
1.	<b>Welcome and apologies</b>  NW welcomed everyone to the meeting, and thanked all who had submitted questions ahead of the meeting.  No apologies were received from Disciplinary Committee (Committee) members.
2.	<b>Declaration of Conflicts of interests</b>  No conflicts were declared.
3.	<b>Chair's update</b>  The Committee noted NW's update which included a summary of her recent meeting with the Convener of the Adjudication Panels and an update from the Regulatory Board Interim meeting on 8 May and the meeting on 14 May.  Following a meeting between the Chair and the Convener of Adjudication Panels, the Committee confirmed that the Convener should be sharing feedback he receives from the Determinations Review Sub Committee with panel members.  <b>Action: The Clerk to confirm with Convener regarding sharing feedback from DRSC.</b>



Item	Title
4.	<p><b>Executive's Update</b></p> <p>The Committee noted the contents of the update, which included:</p> <ul style="list-style-type: none"><li>• An update on the FRC's oversight plans, including a case file review of a sample of closed assessment cases taking place this week.</li><li>• Advising that the report from the February Regulatory Board meeting will be shared with the Committee once received.</li><li>• Information on the <u>IFOA's 400 Club</u> survey issued by the Executive in May which focussed on awareness of the Disciplinary Scheme among members and barriers to reporting conduct to the IFoA.</li></ul>
	<p><b>Minutes and Actions</b></p> <p>The minutes of the March 2024 meeting were approved (with no redactions) for publication.</p> <p><b>Action: Minutes of March 2024 meeting to be published.</b></p>
5.	<p><b>Judicial Review Training Session</b></p> <p>NW welcomed Natalie Cohen (NC) from Kingsley Napley and, after introductions, NC provided a high-level overview for the Committee on Judicial Review.</p> <p>Following this the Committee discussed whether further training in this area would be beneficial. It was noted that further training on good practice in decision making from the perspective of minimising the risk of judicial review could be beneficial for the Committee and members of the disciplinary pools.</p> <p><b>Action: JAH to investigate options for further training which may be added to the Training Plan.</b></p>
6.	<p><b>Objectives Update</b></p> <p>The Committee discussed the paper which provided an end of year review of the Committee's objectives for 2023/2024 and set out proposed objectives for 2024/2025.</p> <p><b>Review of 2023/24 Objectives</b></p> <p>The Committee's objectives for 2023/24 were:</p> <ul style="list-style-type: none"><li>• Implementation of new Disciplinary Scheme.</li><li>• Analysis of risks following introduction of new Scheme.</li><li>• Continuation of embedding DEI strategy into the work of the Committee.</li><li>• To monitor the enforcement powers and procedures of the Audit Reporting and Governance Authority (ARGA) and how this may impact on the disciplinary function.</li><li>• Review of the function, effectiveness and composition of the Determinations Review Sub-Committee (DRSC).</li></ul> <p>The Committee agreed that embedding of the DEI strategy should remain as an ongoing objective and that the remaining four objectives were now complete.</p> <p>The Committee noted that it would report to the Regulatory Board on its progress during the 2023/2024 year in November 2024.</p>



Item	Title
	<p><b><i>Proposed 2024/25 Objectives</i></b></p> <p>The Committee approved the following objectives for the 2024/2025 reporting year:</p> <ul style="list-style-type: none"><li>• Review of the Disciplinary Scheme - considering feedback, assessing whether any changes are needed, monitoring and identifying risks.</li><li>• Embedding DEI strategy into the work of the Committee - including the impact of the proposed DEI changes to the Actuaries' Code.</li><li>• Development of a complaints statement setting out what the Committee can and cannot consider.</li><li>• Consideration of how the IFoA's aim of being a global body may impact on the disciplinary process.</li></ul> <p><b><i>Internal Review of Completed Cases</i></b></p> <p>It was agreed at the January and March 2024 meetings that the Committee should review a small sample of cases from beginning to end, and that the timing and scope was to be agreed at this meeting when the scope of the FRC case file review is known.</p> <p>The Committee discussed various factors to consider when selecting the cases to review, such as:</p> <ul style="list-style-type: none"><li>• feedback from the FRC's current case file review;</li><li>• the merits of reviewing some of the same files reviewed by the FRC;</li><li>• looking at cases from old versus new Disciplinary Schemes, for example comparing a case which concluded after an advisory report/adjudication panel with one which concluded after the new assessment process; and</li><li>• the possibility of more Disciplinary Orders concluding before Autumn, which would give a higher sample to select from.</li></ul> <p>RH previously volunteered to take the lead on this, and it was agreed a call with JAH and RH ahead of the September meeting would be helpful to progress a clear plan.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"><li>• <b>JAH/RH to discuss plan for review of completed cases before the September meeting.</b></li><li>• <b>Case review planning to be added to the September agenda.</b></li></ul>
7.	<p><b>Regulatory Board Chair</b></p> <p>The Chair welcomed Neil Buckley (NB) to the meeting. NB introduced himself and provided the Committee with an overview of where the Regulatory Board's remit to regulate the actuarial profession in the public interest, as set out in the IFoA's <a href="#">Regulatory Policy Statement</a>.</p> <p>NB updated the Committee on some of the Board's current priorities and commented on how the work of the Committee feeds into the Enforcement and Discipline section of the Board's Regulatory Framework (included in the Regulatory Policy Statement). He highlighted the implementation of the revised Disciplinary Scheme, the importance of reviewing the effectiveness of this and the impact on the number of cases going forward.</p>



Item	Title
	<p>NB explained the Regulatory Board's approach to formalising DEI in the regulatory framework. He confirmed that he would be happy to attend another meeting if there were any further topics it would be helpful to discuss.</p> <p><b>Action: Committee to receive an update on the approach to breaches of the Assessment Regulations in IFoA examinations following the appointment of the new Director of Learning.</b></p>
8.	<p><b>The IFoA's Diversity, Equity and Inclusion (DEI) Business Partner</b></p> <p>The Chair welcomed Chloe Duncan (CD), DEI Business Partner, and noted the importance of embedding DEI into the work of the Committee.</p> <p>CD introduced herself and advised she is leading the <a href="#">IFoA's five-year strategy</a> and also works with the member led <a href="#">Diversity Action Group</a> (DAG). She gave the Committee some background information on the structure of the strategy, which was launched in 2022, and advised they are currently undertaking a mid-point review, which includes getting views from members and other stakeholders.</p> <p>CD provided an update on current activities driving the strategy forward, and highlighted work on finalising online training tailored towards Committees. CD acknowledged how much the Committee has already done in this area and gave thanks for this level of engagement.</p> <p>The Committee asked CD if there is anything further the Committee could be doing at this stage. CD offered to put her ideas in writing and share these with the Committee for fuller consideration.</p> <p>CD advised she would be happy for Committee members to contact her should they have any further questions.</p> <p>NW asked if the Chair of the DAG would be willing to speak to the Committee. CD confirmed she would.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"><li>• <b>CD to provide suggestions for further Committee actions, and Executive to circulate this to Committee.</b></li><li>• <b>Chair of DAG to be invited to a Committee meeting.</b></li></ul>
9.	<p><b>Case Update Report</b></p> <p>The Committee noted the contents of the Case Update Report which summarised progress made on cases since the last meeting.</p> <p>Committee questions received ahead of the meeting related to the format and layout of the report. No further questions were raised during the meeting.</p>



Item	Title
10.	<p><b>Feedback</b></p> <p>The Committee noted the cover paper and the associated feedback.</p> <p>In considering the DEI discussion earlier in the agenda, the Committee suggested adding questions to the feedback surveys relating to whether parties had required adjustments to be made and whether their needs had been met.</p> <p>A question was asked ahead of the meeting relating to a Panel member's difficulty in navigating an electronic paper bundle. The Executive will now provide a guide for Panel members which will assist with navigating the papers. Panel members will be reminded that they should contact the Clerk team if they need assistance.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"><li>• <b>Executive to update feedback forms.</b></li><li>• <b>Executive to provide a guide for Panel members and to remind Panel members to contact the Clerk Team if they need assistance.</b></li></ul>
11.	<p><b>Determinations Review Sub-Committee (DRSC)</b></p> <p>The Committee noted the paper from the May 2024 DRSC meeting and approved the report and action list.</p> <p><b>Action: Executive to share feedback with the Conveners.</b></p>
12(a).	<p><b>Risk Register</b></p> <p>The Committee noted contents of the paper and associated risk register.</p>
12(b).	<p><b>Training Update</b></p> <p>The Committee noted the contents of the update and had no questions in advance of the meeting.</p> <p>The Committee discussed various aspects of training including whether training should be compulsory or remain optional, attendance levels, remuneration and attendance logs.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"><li>• <b>JAH to recirculate the paper from the March meeting which contained further detail on the matters discussed.</b></li><li>• <b>Information on the number of attendees at training sessions to be provided to the Committee.</b></li></ul>



Item	Title
13.	<p><b>Agreeing agenda items for September in-person meeting on 3 September</b></p> <p>The Committee noted the proposed agenda items:</p> <ul style="list-style-type: none"><li>• Review of the new Disciplinary Scheme</li><li>• Awareness of the Disciplinary Scheme among members and barriers to reporting conduct</li><li>• Approach to drafting and delivering determinations</li></ul> <p>Committee members were asked to notify the Executive by 28 June if they have any additional items to add to the September agenda and to advise of any work they would like the Executive to carry out in advance of the meeting.</p> <p>RH agreed to carry out some preparatory work in planning the internal case file review, focussing on the early stages of the process. See action under Internal Audit section of agenda item 6.</p> <p><b>Action: Committee to notify Executive of any additional agenda items by 28 June.</b></p>
14.	<p><b>Matters to raise with the 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 – Previous Scheme</b></p> <p>Noted</p>
16.	<p><b>Schedule of Guidance/Regulations – New Scheme</b></p> <p>Noted.</p>
17.	<p><b>Schedule of Committee term times</b></p> <p>Noted</p>
18.	<p><b>AOB</b></p> <p>None</p>

## For information

[Committee Terms of Reference](#)

### Dates of Next Meetings:

3 September 2024

10 December 2025

19 March 2025

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