

The Disciplinary Board

ARRANGEMENTS FOR THE MANNER IN WHICH CERTAIN DECISIONS AND DETERMINATIONS UNDER THE DISCIPLINARY SCHEMES SHALL BE PUBLISHED (Version 3.0)

1. The Disciplinary Board oversees the monitoring of the Profession's disciplinary schemes.
2. The Board considers that the objectives of publicising decisions of the judicial panels and notices about the proceedings of the scheme include:
 - informing the public
 - informing members of the Profession
 - reinforcing public accountability through openness, and
 - educating members of the Profession.
3. Rule 10.12 of the disciplinary schemes states that the Disciplinary Board shall prescribe such arrangements as it thinks fit for the manner in which certain decisions and determinations under the disciplinary schemes shall be published. These arrangements are set out below and publication will be as soon as reasonably practicable after the decision is made.

ADJUDICATION STAGE

4. Determinations of an Adjudication Panel to refer to a Disciplinary Tribunal Panel (rule 4.2 (b) (ii)):

- a. These should be published on the Profession's website forthwith, and should include the Respondent's name, category and date(s) of Membership.
- b. After the charge of misconduct has been served on the Respondent a replacement notice should be published on the Profession's website including the information in a above together with the date, time and place of the Tribunal Panel hearing and an indication of the nature of the charge.

5. Determinations of an Adjudication Panel to refer to a Disciplinary Tribunal Panel where the Respondent has not accepted the findings of the Adjudication Panel (rule 4.9):

- a. These should be published on the Profession's website forthwith, and should include the Respondent's name, category and date(s) of Membership.
- b. After the charge of misconduct has been served on the Respondent a replacement notice should be published on the Profession's website including the information in (a) above together with the date, time and place of the Tribunal Panel hearing and an indication of the nature of the charge.

6. Determinations (with reasons) of an Adjudication Panel where the Respondent has accepted that there has been misconduct and, where appropriate, a reprimand, fine or period of education/retraining/supervised practice (rule 4.2(b)):

- a. These should be published in full* on the Profession's website, should include the date of publication; the Respondent's name, town (village/city) of residence, and country if outside the UK; category and date(s) of Membership; and either any sanction accepted,

including its length, or a determination that no sanction is appropriate. The names and details of the Adjudication Panel members are not published.

- b. The determination should also, subject to its length, be published in full* in the next available edition of *The Actuary* magazine;
- c. Where the determination is deemed too long to be published in full a summary should be published including the Respondent's name, category and date(s) of Membership, and a reference to the full report on the website, giving its date.

Note: The schemes do not allow for publication of the Adjudication Panel's determination when it decides under rule 4.2 (a) no disciplinary action should be taken against the Respondent because it has found that the Case Report does not disclose a prima facie case of misconduct. *The Actuary* may, at the request of the Respondent, publish the determination. The Complainant will be advised of this. The determination will not appear on the website unless it is part of an anonymised report. The Chief Executive of the Profession may, however, respond factually to inquiries arising from publication, in the terms of the Panel's determination report.

INTERIM ORDERS STAGE

7. Interim Orders, and the rescission or variation of those Orders (rule 3.23):

The fact of the making, rescission and/or variation of an Order, including the Respondent's name, category and dates of membership, should be set out in a notice on the Profession's website and in *The Actuary* magazine.

TRIBUNAL STAGE

8. The election by a Respondent to refer a matter to a Disciplinary Tribunal Panel (rule 3.17):

- a. These should be published on the Profession's website forthwith, and should include the Respondent's name, category and date(s) of Membership, an indication of the nature of the allegations and a statement that it was the Respondent's election to proceed to a Disciplinary Tribunal Panel rather than an Adjudication Panel.
- b. After the charge of misconduct has been served on the Respondent a replacement notice should be published on the Profession's website including the information in a above together with the date, time and place of the Tribunal Panel hearing and an indication of the nature of the charge.

9. Determinations (with reasons) of a Disciplinary Tribunal Panel (rules 6.22, 6.23 and 6.25)

- a. These should be published as soon as practicable after they are made, and in full* on the Profession's website. They should include a statement making it clear that the Respondent has until (date) to make an application for an appeal.
- b. They should include the date of publication; the Respondent's name; town (village/city) of residence, and country if outside the UK; category and date(s) of Membership; and either any sanction imposed, including its length and the amount of any fine, with any costs award, or a determination that no sanction is appropriate.

The names and details of the Disciplinary Tribunal Panel members, as well as the legal adviser to the Panel and the lawyers representing the Respondent and the Faculty or Institute, are also published with the determinations.

- c. They should also, subject to their length, be published in the next available edition of the Actuary magazine without the names of the parties other than the Respondent.
- d. Where they are deemed too long to be published in full there should be published a summary including the Respondent's name, category and date(s) of Membership, such brief details as the Disciplinary Tribunal Panel deems appropriate as to the nature of the case, and a reference to the full report on the website, giving its date.
- e. If, at any time before publishing a final determination, the Disciplinary Tribunal Panel make any pronouncement orally at a public hearing they will supply a brief summary of the position for immediate posting on the Profession's website in order that the public at large can obtain an accurate statement of the situation not just those attending the hearing.
- f. At the end of the appeal period; if no appeal is lodged, the determination should be amended to report that the Respondent had not appealed the decision. If an appeal is lodged then the determination should be amended to state that. (The determination would be removed from the website if the appeal were successful)
- g. If an appeal is lodged before the copy date for publication in *The Actuary* magazine the determination should be replaced in that publication with a brief notice indicating the decision, sanction (and costs order if any) and a statement that the Respondent has appealed the decision and an appeal hearing will be set in due course.

APPEAL STAGE

10. Referrals to an Appeal Tribunal Panel (rule 7.9)

- a. These should be published on the Profession's website after the hearing of the appeal has been appointed, and should include the date, time and place of the Appeal Tribunal hearing, the Respondent's name, category and date(s) of Membership, and whether the appeal is against an Interim Order or a determination of a Disciplinary Tribunal Panel.
- b. Where the Notice of Appeal is withdrawn by the Respondent the notice will be removed forthwith from the website, and the copy of the determination on the website amended accordingly.

11. Determinations (with reasons) of an Appeal Tribunal Panel (rule 7.15)

- a. These should be published as soon as practicable after they are made, and in full* on the Profession's website.
- b. They should include the date of publication; the Respondent's name; town (village/city) of residence, and country if outside the UK; category and date(s) of Membership; and either any affirmation, variation or rescission of any determination of a Disciplinary Tribunal Panel, or any substituted determination, and any costs award. The names and details of the Appeals Tribunal Panel members, as well as the legal adviser to the Panel and the lawyers representing the Respondent and Faculty or Institute, are also published with the determinations.

- c. They should also, subject to their length, be published in the next available edition of *The Actuary* magazine without the names of the parties other than the Respondent.
- d. Where they are deemed too long to be published in full there should be published a summary including the Respondent's name, category and date(s) of Membership, such brief details as the Appeal Tribunal Panel deems appropriate as to the nature of the case, and a reference to the full report on the website, giving its date.
- e. If, at any time before publishing a final determination, the Appeal Tribunal Panel make any pronouncement orally at a public hearing they will supply a brief summary of the position for immediate posting on the Profession's website in order that the public at large can obtain an accurate statement of the situation not just those attending the hearing.

GENERAL MATTERS

12. Date(s) and place of any public hearings to be held under the schemes:

The date, place and number of cases to be heard should be published on the Profession's website at least one week before the relevant hearing.

13. Publication date

All published notices will bear a publication date and will remain on the Profession's website until whichever occurs last of the expiry of 2 years from the date of publication, and the ending of any period specified in the sanction.

14. Third parties

The published determinations do not name the Complainant, Investigating Actuary or any other third parties referred to in the complaint, such as a Pension Scheme or insurer, although these are known to the Respondent.

15. Additional Publicity

Where it is considered appropriate, in order to inform the public about a case of particular public interest, then a brief press release will be issued by direction of the Chief Executive, containing such information from the Disciplinary Tribunal Panel or Appeal Tribunal panel as the press office chooses to include.

16. Anonymised Reports

In order to fulfil the duty of educating the Profession, anonymised reports giving examples of the type of cases considered by Adjudication, Disciplinary Tribunal, Interim Orders and Appeal Tribunal Panels may be published on the website.

17. Disciplinary Board Publications

The Disciplinary Board will also publish twice yearly reports to the Councils and annual reports to the members giving general information about the operation of the schemes and the nature of the cases.

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*except where confidential details are withheld at the discretion of the Panel if there is good reason to do so.