



Determination Report for Adjudication Panel

3 May 2017

**Sian Maureen Trevelyan FIA,
(the Respondent)**

On 3 May 2017 the Adjudication Panel considered a complaint that the Respondent, whilst a Member of the Institute and Faculty of Actuaries (the IFoA):-

- A.1 On 6 November 2015 was convicted of a criminal offence, in that she drove a vehicle with an alcohol level over the legal limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
- A.2 The Respondent did not disclose the above conviction promptly as is required by rule 1.19.

In her actions, at above, she failed to maintain and observe the standards of conduct expected of a Member, in breach of principles of integrity of the Actuaries' Code version 2.0 and, in any event, constituting Misconduct in terms of Rule 1.6 of the Disciplinary Scheme of the Institute and Faculty of Actuaries (effective 1 June 2016) being conduct falling below the standards of behaviour, integrity, competence or professional judgement which other Members or the public might reasonably expect of a Member.

Determination

The Panel agreed that it had sufficient information on which to make a decision and did not need to invoke its power under Rule 4.12 of the Disciplinary Scheme to adjourn or seek further information.

Having considered the Case Report and the written comments provided by the Respondent, the Panel found that the facts as alleged above were proven and amounted to a breach of the Actuaries' Code and disclosed a *prima facie* case of Misconduct under the Disciplinary Scheme.

The Panel invited the Respondent to accept that there had been Misconduct and to accept the following sanction:

- A reprimand.

The Panel's reasons were as follows:

1. The circumstances of the conviction were that the Respondent, on 22 April 2015, drove a vehicle after consuming so much alcohol that the proportion of it in her breath, namely 119 microgrammes of alcohol in 100 millilitres of breath, which was above the legal limit.
2. The Respondent, having pled not guilty, was convicted at Crawley and Horsham Magistrates' Court on 6 November 2015.
3. Under Rule 1.19 of the Disciplinary Scheme, members have a duty to disclose promptly to the IFoA any criminal conviction.
4. On 21 November 2016, the Respondent reported to the IFoA that she had been convicted in November 2015. Her explanation was that she had consumed the alcohol only after driving and in her home. She had done so as a mechanism for coping with the recent anniversary of the death of her young daughter.
5. The Disciplinary Scheme states at Rule 1.13(a) that:

"The fact that a member:

(a) has by a court of competent jurisdiction in the United Kingdom or elsewhere been convicted of a criminal offence ...

... shall for the purposes of this Scheme be treated as conclusive evidence of the findings of fact upon which the conviction, determination, judgement or disqualified order is based."

6. The Panel also recognised that the Actuaries' Code (version 2.0 of August 2013) which was in force at the time of the alleged Misconduct states that:

"The Code applies at all times to members' conduct in their work as actuaries, but will also be taken into consideration where their conduct in other contexts could reasonably be considered to reflect on the Profession."

7. After due consideration, the Panel determined that the nature of the offence of which the Respondent had been convicted was such that the Respondent had breached Principle 1 of

the Actuaries' Code concerning integrity and that the Respondent's behaviour and integrity had fallen below the standards defined in Rule 1.6 of the Disciplinary Scheme.

8. When considering possible sanctions, the Panel took into account the mitigation put forward by the Respondent and the explanation given by her setting out the personal circumstances leading up to the commission of and ultimate conviction for the offence. In particular it took into account that it occurred only a few days after the anniversary of her daughter's death.
9. The Panel also had regard to the reporting requirement under Rule 1.19 of the Disciplinary Scheme which states that:

"Every Member has a duty to disclose promptly to the Institute and Faculty of Actuaries any conviction ... to which he is subject."

10. The Panel noted the explanation given by the Respondent for her delay in reporting but considered that nevertheless the period she had taken to report the conviction to the IFoA had been too long. Accordingly the Panel took this to be an aggravating factor.
11. The Panel determined that the sanctions available to them were sufficient to deal with this case and did not consider it was necessary to refer the matter to a Disciplinary Tribunal. In considering which sanctions were appropriate the Panel had regard to the Disciplinary Board Guidance and as such they took into consideration the sanctions which had already been imposed by Crawley and Horsham Magistrates' Court in respect of the allegation.
12. In considering whether to impose a sanction the Panel were mindful that the purpose of the Disciplinary Scheme is the protection of the public and the need for the public to have confidence in the role of the IFoA. They were also mindful of the principle of proportionality together with the impact of any sanction(s) on the Respondent and the seriousness of the *prima facie* Misconduct itself. In addition the Panel were mindful of the particular and unusual circumstances leading up to the conviction and that as soon as she was reminded of the requirement to report the conviction she notified the IFoA. In the whole circumstances the Panel considered a reprimand was sufficient.
13. The Panel further determined there were no circumstances which gave the Panel cause to order any additional expansion of the publication of its determination.

18 May 2017