



Disciplinary Board

9 December 2020, Time: 10:30 – 14:15

By video conference

Attending:	Stephen Redmond (lay member and Chair) (SR) Velia Soames (lay member) (VS) Kevin Doerr (actuary member) (KD) Simon Martin (actuary member) (SM) Simon O'Regan (actuary member) (SO) George Russell (actuary member) (GR) Gordon Sharp (actuary member) (GS) Jim Webber (actuary member) (JW)
In attendance:	Neil Buckley, Chair of Regulation Board (NB) (Item 1) Richard Jones QC, Chair of Disciplinary Appointments Committee (Items 1 and 2) Ian Farr, Chair of Scheme Review Working Party (Item 3)
Absent:	Athene Heynes (lay member) (AH)
Executive Staff:	Kirsten Mavor, Secretary to Board (KM) Michael Scott, Head of Disciplinary Investigations (MS) Julia Wanless, Judicial Committee Secretary (JSW) Sarah Borthwick, Case Manager (SB) (items 3 and 11) Catherine Mouat, Disciplinary Investigations Coordinator (CM) (note taking) Leisha Watson, Secretary to the Regulation Board (LW) (observing)

Item	Title	Action
	Welcome, apologies and conflict check The Chair opened the meeting and welcomed the Board Members. The Chair advised that the following individuals would be joining the meeting (i) Neil Buckley, Chair of Regulation Board (ii) Richard Jones QC, Chair of Disciplinary Appointments Committee and (iii) Ian Farr, Chair of Scheme Review Working Party. There were no apologies from Board Members but it was noted that AH would not be joining the meeting. Board Members were asked to raise any conflicts arising from the agenda. GR referred to the conflict he has with some of the cases that are likely to be discussed under item 9. It was agreed that GR would leave the meeting when the relevant cases were discussed. SO advised that he needs to update his details on the register of interests and he will provide the relevant details via email.	SO/KM

Item	Title	Action
	<p>Chair and Executive Updates</p> <p>SR referred to these papers providing an update on activities since the September meeting. SR advised that he regularly met with NB, Chair of the Regulation Board to discuss the upcoming governance changes. He advised that the Board would have the opportunity to ask NB questions about the upcoming changes when he joined the meeting.</p> <p>SR would like the opportunity to discuss the disciplinary process with the IFoA President and one other board member should join this meeting.</p>	KM
1.	<p>Regulatory Governance</p> <p>[CONFIDENTIAL DISCUSSION REMOVED]</p>	
2.	<p>Disciplinary Appointments Committee</p> <p>SR welcomed RJ to the meeting and advised the Board that had met with RJ on a couple of occasions to discuss matters of mutual interest. RJ provided an overview of the Disciplinary Appointments Committee work and the recent round of recruitment. The DAC would like to have more interest from volunteers with a general insurance background. RJ asked the DB to pass on details of the volunteer vacancies to any contacts the board members may have. RJ advised that the DAC has been focussing on diversity and inclusion and recently attended an informative training session in this area. RJ provided an update on recent recruitment and advised that the DAC would continue to provide regular updates.</p> <p>SR thanked RJ for attending the meeting and for his helpful update.</p>	AII/JSW
3.	<p>Scheme Review</p> <p>IF and SB joined the meeting to present the Working Party's recommendations. IF commented that the Working Party has now recommenced its work and he continues to be impressed by both the commitment and expertise of Working Party members. In particular, he would like to thank the Project Manager, Sarah Borthwick for the quality of reports she provides.</p> <p>SB presented the cover paper and advised that two Working Party meetings were held in October and November 2020. Further meetings are scheduled for January and February 2021 and it is anticipated the remaining proposals will be presented to the Board in March 2021. The Executive will be meeting with the IFoA's communication team in January to ensure stakeholders are updated on progress.</p> <p>IF presented three detailed proposals relating to (i) Advisory Reports (ii) Readmission to Membership and (iii) Appointments to Panels. The Board accepted all of the recommendations of the Working Party with some minor suggested amendments.</p> <p>With regard to Advisory Reports, after further consideration of this, the Working Party recommended that this process should be removed. The Board agreed that this would simplify the process and the introduction of a filter in the process would ensure that only appropriate cases were investigated.</p> <p>The Board supported the recommended approach of having a separate Readmissions Panel and agreed that it was appropriate that a member of the Executive, with experience of dealing with admissions, should sit on this panel. It was agreed that the</p>	

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	<p>Readmissions Panel should have the ability to set conditions on membership and will also have the flexibility to set the amount of time between applications, in the event the first one is unsuccessful.</p> <p>JW requested further background information regarding the readmission process including guidance notes. The Executive is also to provide further information on the categorisation of membership and what monitoring is in place to ensure conditions placed on membership are met.</p> <p>The Working Party recommended that the appointments process for panels should be Executive led. For technical cases the Executive will consult the Deputy Convener to ensure relevant expertise is on the panel. It was noted that there will be a flexible approach to appointing panels and the Chair could be either an actuary or lay member. The Board accepted the recommendations in relation to appointments.</p> <p>JW asked that the Working Party consider whether or not it is appropriate to set a maximum number of years for expulsion/exclusion, as is within the current Scheme.</p> <p>More generally it was agreed that all the proposals presented to the Board to date will be accessible by Board members in one separate online folder.</p> <p>SR thanked IF, SB and the rest of the Working Party for its continuing work in this area.</p>	<p>SB</p> <p>JSW</p> <p>SB</p> <p>SB</p>
4.	<p>Chair and Executive Update</p> <p>These papers were discussed at the beginning of the meeting and there was no further discussion at this stage.</p>	
5.	<p>Minutes</p> <p>The Board approved the draft minute of the meeting of 30 September 2020. It was agreed that the minutes could now be published with no redactions required.</p>	
6.	<p>Action List</p> <p>MS provided an update on whether or not the IFoA could strengthen its ability to obtain information from third parties. MS advised the Board that this would require primary legislation and this was unlikely to happen in the near future.</p> <p>Progress against the action list was noted and approved.</p>	
7.	<p>2020/21 Objectives</p> <p>The Board noted the cover paper, project plan (Board priorities) and traffic lights report. KM advised that the implementation of the training programme will commence in early 2021 and the classification of this objective has been changed to amber to reflect the slight delay.</p> <p>The Board asked the Executive to ensure that there is specific training for Chairs once a Chair pool is established.</p>	<p>KM/JSW</p>

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8.	<p>Risk Register</p> <p>KM confirmed to the Board that the risk register had been updated to reflect the comments made at the September meeting. It was agreed that it was important that the risk register is considered at every meeting and that sufficient time is allocated on the agenda to do this. It was further agreed that both the Executive and Board should be considering risk implications between scheduled meetings.</p> <p>It was agreed that that risk register should include a risk relating to the upcoming governance changes.</p> <p>Overall the Board was content with the risks identified and the steps being taken to mitigate these risks as listed in the Risk Register.</p>	<p>KM/AII</p> <p>KM</p>
9.	<p>Case Update Report</p> <p>Before considering the Case Update Report, MS provided the following information: -</p> <ul style="list-style-type: none"> • There has been pressure on resources due to the recommencement of the Scheme Review and the higher than usual number of cases being referred to the Tribunal stage. MS will provide an update to the Board directly about the possibility of short term resource being recruited. • At the last meeting the Board asked for the Case Update Report to indicate whether timescales had improved or not since the last meeting. MS reported that there had been a slight slip in timescales but the Executive are doing all they can to manage this and the expectations of the parties. <p>MS and JSW presented the Case Update Report. MS advised that at the time of preparing this Case Update Report there had been no new allegations but five have been received in the last two weeks. There are 13 'live' cases currently being investigated.</p> <p>JSW advised that three cases had been considered at the Adjudication Panel stage in the reporting period. Two Tribunals and a Readmission to Membership Hearing were also held during the reporting period. Copies of the relevant determinations have been provided to the Board. Further to the comments earlier in the meeting from RJ, JSW reiterated the steps being taken to recruit volunteers from a general insurance background and asked board members to pass on the details to anyone suitable they may know.</p> <p>The Board asked for the Case Update Report to provide a comparison between the agreed timescales for investigation and the actual time taken. MS agreed this would be included in the next Case Update Report.</p> <p>The Board reviewed associated feedback from the panel members and legal advisers. This feedback was noted together with the feedback from the board members who had observed the Tribunals. Overall, there was a sense that virtual hearings were working well in the circumstances.</p> <p>The Board also noted the specific feedback received from both Respondents and persons who referred the allegation. It was agreed that this feedback did not necessitate any direct action by the Board but did assist with the Board's understanding of how the disciplinary process was viewed by 'users'.</p>	<p>MS</p> <p>AII/JSW</p> <p>MS</p>

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	<p>The Board noted that the Executive will continue to look at ways to speed up the process. The Executive is also reviewing its communications with parties to an Allegation to better manage expectations on timescales.</p> <p>GR left the meeting while the referrals to the FRC were discussed. [CONFIDENTIAL INVESTIGATION DISCUSSION REMOVED]. MS said he will update the Board when he hears further from the FRC regarding the other two remaining related cases and one other longstanding matter.</p> <p>GR returned to the meeting.</p>	
10.	<p>Determinations Review Sub Committee Report</p> <p>GS presented this paper. He advised that the Sub Committee reviewed eleven determinations and overall, the quality of the reasoning continued to be high. The Board accepted the recommendations put forward by the Sub Committee and noted they would be actioned by the Executive.</p> <p>The Sub Committee also carried out a review of its own effectiveness. It was agreed that the terms of reference should be amended to include reviewing Independent Examiner reports. Also, it should be updated to reflect the change in membership with VS being appointed as Chair and JW as member. It was agreed that the Sub Committee should meet quarterly going forward and these meetings should be aligned with the Board meetings. Overall, the Board considered the Sub Committee's work to be of value and a useful way of assisting the Board with overseeing the disciplinary process.</p>	<p>KM/JSW</p> <p>KM</p>
11.	<p>Diversity, Equality and Inclusion</p> <p>KM presented this item and asked the Board to consider what steps should be taken to ensure that the disciplinary process is as inclusive as possible. After a discussion the Board agreed that steps should be taken to collect and monitor diversity data.</p> <p>KM will discuss with the IFoA's data protection officer and the member of the Executive leading on this area to ensure there is an organisation wide approach to collating data. It was agreed that this was an area which should be examined more closely in 2021 and included in next year's objectives.</p>	<p>KM</p>
12.	<p>Internal Review: Investigations</p> <p>MS and KM presented this paper. This area is a specific objective for the Board as set out in the Board's Annual Report. The Executive is of the view that a proportionate and targeted approach should be taken to this. It was agreed that there should be a meeting between SR and members of the Executive to progress this.</p>	<p>KM</p>

Item	Title	Action
13.	<p data-bbox="292 264 355 293">AOB</p> <p data-bbox="292 320 1294 461">SR acknowledged that it was both GS and SM last meeting as Board members. SR referred to the variety of roles that both GS and SM held within the IFoA and their valuable contribution to the Board's work over their tenure. SR advised that he had personally acknowledged AH's contribution to the Board.</p> <p data-bbox="292 506 1193 573">It was agreed that there were no papers before the Board where it would be appropriate to publish.</p> <p data-bbox="292 618 671 647">The meeting concluded at 2:45.</p>	
14.	<p data-bbox="292 683 748 712">Regulation Board update for Chairs</p> <p data-bbox="292 734 1019 763">The Board noted the two updates from the Regulation Board.</p>	
15.	<p data-bbox="292 801 834 831">Research and Thought Leadership Update</p> <p data-bbox="292 853 639 882">The Board noted this update.</p>	
16.	<p data-bbox="292 920 456 949">Board Remit</p> <p data-bbox="292 972 810 1001">The Board noted its own terms of reference</p>	
17.	<p data-bbox="292 1039 592 1068">Schedule of term times</p> <p data-bbox="292 1090 552 1120">The Board noted this.</p>	
18	<p data-bbox="292 1158 651 1187">Forward Planning Schedule</p> <p data-bbox="292 1209 1289 1276">The Board noted this and will provide any comments to KM if there is anything to be added.</p>	

Dates of next meetings: 10 March 2021, 16 June 2021, 23 September 2021 and 8 December 2021