



Disciplinary Committee

8 December 2021, Time: 10:00 – 12:30

By video conference

Attending:	Stephen Redmond (lay member and Chair) (SR) Velia Soames (lay member) (VS) Kevin Doerr (actuary member) (KD) George Russell (actuary member) (GR) Roselyn Hayles (lay member) (RH) Jim Webber (actuary member) (JW)
In attendance:	Peter Wrench, Convener of Disciplinary Tribunal Panels (Item 6)
Apologies:	None
Executive Staff:	Kirsten Mavor, Secretary to the Committee (KM) Jenny Higgins, Senior Disciplinary Lawyer (JH) Michael Scott, Head of Disciplinary Investigations (MS) Julia Wanless, Judicial Committees Secretary (JSW)

Item	Title	Action
	Welcome, apologies and conflict check SR welcomed the Committee and advised that both GR and JW had agreed to extend their terms so that they could attend the meeting when the new Scheme will be considered by the Committee. SR thanked both GR and JW for agreeing to do this. There were no apologies or declared conflict of interests.	
1 & 2	Chair and Executive Updates The Chair provided an update on his activities since the last meeting including his attendance at a Regulatory Board meeting on 10 November. SR also advised that MS had provided an update in relation to the Scheme Review. MS confirmed that while good progress is being made with the drafting, with favourable comments on the rules and regulations drafted so far, it was taking longer than anticipated. Timescales will be reviewed but this would not affect the overall timescale for getting the updated Scheme rules and regulations to Council in June. MS will keep the Committee updated. The Regulatory Board will be provided with an overview of the Scheme Review Working Party's approach at its February meeting before it is asked to approve the new Scheme in April 2022. Overall the Committee was satisfied with the approach being taken. KM referred to the Executive Update and advised that Suzie Lyons, Head of Legal Services will be holding a drop in session to discuss the review of the assessment regulations and the interaction with the disciplinary process. Calendar invites will be sent out shortly.	KM

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	<p>In relation to resourcing, MS advised that recruitment for a Case Manager had been successful and they will be joining the team in the New Year.</p> <p>The Committee noted the remainder of the updates from both the Chair and the Executive.</p>	
3.	<p>Minutes and Action List</p> <p>The Committee approved the September minutes and agreed that they should be published in full. It was also agreed that the Committee's minutes should continue to record when decision are made by a majority rather than whole Committee so that it is clear that alternative views have been put forward.</p> <p>The Committee noted the action list.</p>	
4.	<p>Risk Register</p> <p>KM referred to discussions at the September meeting and advised that the Risk Register had been updated to include arrows to indicate whether the risk was increasing, decreasing or remained the same. The Committee discussed the Risk Register and agreed that the risk relating to the change from Disciplinary Board to Disciplinary Committee should be closed. Subject to this change, the risk register was approved.</p>	KM
5.	<p>2021/22 Objectives</p> <p>The Board noted the cover paper, project plan (Board priorities) and traffic lights report. KM advised that the objective relating to the Scheme Review has been classified as amber due to the shift in timescales. It was agreed that as the Scheme Review is the main piece of work for the Committee, the overall rating for the 2021/22 objectives should also be changed to amber.</p> <p>The Committee noted that delivery of the training programme had commenced with a webinar scheduled for 13 December 2021. The Chair will be presenting at the webinar and a further three Committee members will be attending.</p> <p>The Committee did not have any further comments on the project plan or 2021/22 objectives.</p>	KM
6.	<p>Observations from Convener of Disciplinary Tribunal Panels</p> <p>SR welcomed PW to the meeting and introduced him to the rest of the Committee. PW provided a summary of his background and advised he welcomed the opportunity to provide the Committee with his initial observations about the IFoA's disciplinary process.</p> <p>Overall, PW would like to reassure the Committee that the Tribunal process works well with the papers and presentation to the Tribunal being of high quality.</p> <p>PW would like to offer the following observations with the caveat that he has chaired a limited number of hearings since he was appointed: -</p> <p>(a) Remote hearings – PW recognises that there are some benefits to remote hearings particularly when the Membership of the IFoA is global. Remote hearings also allow for non-UK based panel members to take part. For more complex hearings, it is PW's view that in-person hearings are preferable due to the volume of papers and it being easier for the panel to have more detailed discussions.</p>	

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	<p>PW advised that fairness to the parties is the main consideration. If both parties agree to a remote hearing being held this should be the starting point.</p> <p>(b) Chairing of Tribunals – PW would like to see the chairing pool widened so the Convener is not always appointed as Chair. This would ensure a more diverse approach. PW recognises that the relatively low number of Tribunals makes it difficult for Chairs to get ‘in-seat’ experience and also that drafting of determinations is a key skill for anyone appointed as Chair.</p> <p>(c) Disciplinary Scheme – PW finds the current Scheme works well but it could be more streamlined. PW is interested in seeing the outcome of the Scheme Review and how a more streamlined approach will be implemented.</p> <p>SR thanked PW for attending his first Disciplinary Committee meeting and his helpful observations. It was agreed that PW should attend a further meeting in 2022.</p>	
7	<p>Case Update Report</p> <p>JH and JSW presented the Case Update Report. JH advised that four new allegations had been received since the last Committee meeting. It has been a busy time for the Disciplinary Investigations Team with six Case Reports being served which were considered by Adjudication Panels in November. A further eight Case Reports will be served by the end of this week and are likely to be considered in January. Once these Case Reports have been served the backlog, resulting from resource challenges during the pandemic, will be cleared. The remaining live cases are all within timescales.</p> <p>JSW advised that one Tribunal has been held since the last meeting but it was adjourned. Two further charges have been served. It has been a busy time for the Adjudication Panels with a large volume of cases being considered at the November diet (six cases, five of which have concluded) and the remaining to be considered in January.</p> <p>VS thanked the Executive for the clear report and noted the significant progress in concluding investigations. It was noted that 10 cases were at the Tribunal stage. JH confirmed that this number included linked cases so they will not all require a separate hearing date. Delays in relation to some of these cases were at the Respondent’s request. JH confirmed that steps will be taken to progress these cases as quickly as possible with scheduling of Tribunal dates being a priority.</p> <p>The Committee considered feedback from those that were involved in the disciplinary process. The Committee was pleased to note that some of this feedback was positive particularly regarding the quality of the Case Reports.</p> <p>The Committee noted that a bundle of correspondence has been provided from a Respondent. The Committee confirmed that it had considered all of this correspondence and that it had previously been shared with the Committee. It was noted that, on behalf of the Committee, the Chair had previously corresponded directly with the individual. As there are ongoing legal proceedings it was agreed that it would not be appropriate for the Committee to correspond further. Also, the Committee was satisfied that it was appropriate for the IFoA to directly communicate with this individual.</p>	

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8.	<p>Remote Hearings Guidance</p> <p>JH presented this paper and advised that the Remote Hearings Guidance had been drafted at the start of the pandemic when the IFoA was in crisis management mode. It has been reviewed and reissued and the current version is valid until 31 December 2021. Given the time that has passed since the start of the pandemic, it is the Executive's view that the IFoA should be implementing a longer term approach to how hearings are held.</p> <p>The Committee discussed both the advantages and disadvantages of holding remote hearings and took into account the observations from PW. The Committee agreed that remote hearings were of particular benefit to respondents based outside the UK and they also reduced the costs associated with holding a hearing. These costs may ultimately be passed on to the Respondent. It also noted that remote hearings allowed for a more diverse panel to be appointed that includes panel members based outside the UK. This was particularly important given the IFoA's global membership.</p> <p>It was agreed that in some circumstances in-person hearings are more appropriate. A case-by-case approach should be taken with the starting point being that hearings should be held remotely. It is anticipated that straightforward cases or procedural matters will be dealt with remotely. More detailed matters may require an in-person hearing. Fairness to the parties is the key factor and any long term policy should reflect this.</p> <p>The Committee agreed to extend the current guidance until 28 February 2022 so that the Executive can draft and circulate a new policy. This new policy should refer to remote hearings as being the starting point. The current policy should be extended with a view to replacing it once the new policy has been considered and agreed by the Committee.</p>	JH/JSW
9.	<p>Diversity, Equity and Inclusion</p> <p>KM presented this paper which provided an update to the Committee on when the IFoA's DEI strategy will be published and the approach being taken by the Regulatory Board. The Committee was asked to note this update. Further steps to progress the Committee's DEI objectives will be taken once the IFoA's strategy is published in January 2022.</p>	
10.	<p>AOB</p> <p>GR advised that he was continuing to work on the internal review of investigations and hoped to share his observations with the Committee in the early New Year.</p>	
11.	<p>Regulation Board update</p> <p>The Committee noted the update from the Regulatory Board's strategy meeting on 29 September 2021. The update from the Regulatory Board's November meeting will be circulated when it is available.</p>	
12.	<p>Committee Remit</p> <p>The Committee noted its terms of reference.</p>	

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13.	Schedule of term times The Committee noted this and that recruitment has commenced for an actuary member.	
14.	Forward Planning Schedule The Committee noted this.	
15.	Schedule of Guidance The Committee noted that the Schedule of Guidance has been updated to reflect the light touch review.	

- **Dates of next meetings:** 23 March, 22 June, 21 September and 14 December 2022