



## Disciplinary Board

4 December 2018, Time: 10:30-15:00  
Holborn Gate, London

<b>Attending:</b>	Keith Oliver OBE (lay member and Chair) (KO) Athene Heynes (lay member) (AH) Gordon Sharp (actuary member) (GS) George Russell (actuary member) (GR) Kevin Doerr (actuary member) (KD) Simon O'Regan (actuary member) (SO) (left the meeting at 11:30) Simon Martin (actuary member) (SM) Jim Webber (actuary member) (JW)
<b>Absent:</b>	Simon Lofthouse QC (lay member)
<b>In attendance:</b>	Jules Griffiths, Lay Convener of Adjudication Panels (JG) (Item 0) Gareth Groake, Head of Communications (GG) (Item 8)
<b>Executive Staff:</b>	Kirsten Mavor, Secretary to Board (KM) Suzie Lyons, Head of Legal Services (SL) (Item 6 onwards) Michael Scott, Head of Disciplinary Investigations (MS) Catherine Mouat, Disciplinary Investigations Coordinator (CM) (by video conference)

Item	Title	Action
	<b>Welcome and Apologies</b>	
	The Chair opened the meeting and welcomed the board members and Jules Griffiths, the Lay Convener of Adjudication Panels.	
<b>0.</b>	<b>Discussion with Jules Griffiths, Lay Convener of Adjudication Panels</b>	
	JG gave a brief summary of her background and experience both in the IFoA's disciplinary process and as a panel member for other regulators. JG also explained what her role as Lay Convener of the Adjudication Panels involves.	
	JG advised that she has been in her role for just over a year and she has been impressed by the governance arrangements. In particular, she has found her role as Convener well supported by the policies and processes in place. JG has also welcomed the developments such as the introduction of the Capacity for Membership process.	
	From her experience as Lay Convener, there are 4 points that she would like raise: -	
	(1) CPD Cases	



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	<p>JG has chaired a number of Adjudication Panels where the main allegation against the Respondent relates to failure to complete CPD. JG would like the Executive to consider the current process in relation to CDP non-compliers and consider whether there should be a different approach.</p> <p>(2) Enforcement of Fines</p> <p>JG said that she became aware that at the adjudication panel stage the Respondent was not provided with the same opportunity to advise the panel of their means as they would be at the tribunal stage. The means of the Respondent may be something the Adjudication Panel wishes to take into account when setting the level of the fine. This has been remedied by adapting the standard letters sent at the relevant point in the process to the Respondent. JG also referred to the standard payment period provisions in the rules in the Disciplinary and Capacity for Membership Schemes (the Scheme) and said that she considered 28 days to pay a fine as not always being workable. She asked the Board to consider providing some flexibility to panels in appropriate circumstances.</p> <p>(3) Training/Education Sanction</p> <p>When it comes to considering the imposition of a retraining sanction, panel members do not consider that they have a general awareness of what training courses are available. This is something that may be holding panels back from making a training sanction. The Board agreed an action to provide additional panel support on this area for future use.</p> <p>(4) Consistency of Determinations</p> <p>JG has chaired all of the Adjudication Panels in the last year as this is part of her role. The Judicial Committee Secretary has provided guides on the setting out of determinations and this has assisted panels. Consistency of decision making is something that JG has at the forefront of her mind. The Board raised the point that determinations should not be consistent as each case should be considered and decided on its own merits. JG clarified that she considered there should be a consistent approach to decision making and also consistent level of quality. KM advised that the Board had approved the setting up of a Determinations Review Group which will be reviewing all determinations with a particular focus on the clarity of the decision and application of policies. JG advised that she would be interested in hearing feedback on any of the determinations she has written.</p> <p>The Board thanked JG for attending.</p>	
<b>1.</b>	<b>Case Update Report and Feedback from Panel Members</b>	
	<p>MS provided an update on resourcing. He advised that a secondee was in place to cover the Judicial Committee Secretary's role while a permanent replacement is being recruited.</p>	





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	<p>process to assist Applicants. The Board would like this information note to be included in the papers for the next Board meeting.</p> <p>It was noted that there were no referrals to the independent examiner during this reporting period.</p>	
<b>2.</b>	<b>Minutes</b>	
	<p>The Board approved the draft minute of the meeting of 26 September 2018 and this will be published with one redaction, for reasons of confidentiality, as agreed by the Board.</p>	
<b>3.</b>	<b>Action List</b>	
	<p>The Board noted the Action List and the oral updates from the Executive staff. MS confirmed that there had been no feedback on a determination that the Board discussed in detail at the last meeting. KM confirmed that some of the routine policy related actions will be progressed once the Judicial Committee Secretary post is filled. The Board confirmed that it was satisfied with the action list.</p>	
<b>4.</b>	<b>Chair's Update</b>	
	<p>The Chair provided an update on key developments since the last Board Meeting. In particular he provided a summary of the key points discussed during his recent meeting with the Chair of the Regulation Board. These were: -</p> <p>(a) The outcome of the Kingman Review is expected to be published on 21 December 2018.</p> <p>(b) The Executive engaged with the FRC on a proposed follow up visit to discuss progress on their recommendations following their visit in 2017. As a result of this engagement the IFoA provided a full update and the FRC decided that an onsite visit would not be proportionate this year.</p> <p>(c) A risk alert on guaranteed minimum pensions (GMP) equalisation had been issued. It was agreed that it would be useful for a copy of this risk alert to be issued to the lay board members (the actuary members have already received it).</p> <p>(d) An update was provided with regard to the first operational use of the Capacity for Membership Scheme.</p>	<p>KM</p>
<b>5.</b>	<b>2018 Objectives</b>	
	<p>The Board noted the cover paper, project plan (Board priorities) and traffic light report. The Board took the opportunity to challenge the Executive on its preliminary findings. KM provided updates on each of the objectives which reflect the body of reporting to the Board during the year (in particular the traffic light reports). The assessment of the Board priorities for 2018 will be incorporated into the Annual Report.</p>	



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6.	<b>Draft Annual Report</b>  KM presented this agenda item. KM confirmed that the purpose of presenting the front section of the Annual Report was to obtain the Board Members views on the draft Chair's Report, the review of the Board's activities for 2018 and on the proposed objectives for 2019. At the telephone meeting on 8 January 2019 the Board will be provided with a complete copy of the draft Annual Report for comments/approval.  The Board made the following comments in relation to the draft front section of the Annual Report: - <ul style="list-style-type: none"><li>• A sentence should be added to explain why the Scheme Review is being carried out.</li><li>• The wording in the Chair's Report should be amended so that it is clear the Board has ownership of the Scheme Review and this wording should be carried through to the 2019 objectives.</li><li>• Consideration should be given to including, in the Chair's Report, reference to the change in approach to recovering costs at the Tribunal stage.</li><li>• The wording in the different sections should be cross-referenced to make sure it is consistent and that it is line with the wording of the terms of reference for this Board and the Determinations Review Group.</li><li>• An additional objective should be added for 2019 covering the development of more bespoke training and skills programmes for panel members.</li></ul> It was agreed that the draft front section of the Annual Report should be revised and sent out to the Board Members. KM confirmed that full draft will be provided to the Board Members before the scheduled 8 January 2019 meeting.	<b>KM</b>
7.	<b>Capacity for Membership Scheme – Report on First Hearing</b>  SL advised that she had hoped to be able to provide a report on the outcome of the first Capacity for Membership hearing and whether there had been any process and operational 'lessons learned'. The decision has not yet been finalised so it would not be appropriate to make any comments at this stage.	
8.	<b>Communications Campaign Development</b>  GG joined the meeting and discussed his proposal for a one week focussed communications campaign. GG advised that the week beginning 18 March 2019 had been pencilled in and the campaign would focus around the launch of the Annual Report. The campaign would highlight how the disciplinary process works, the Board's role within the process and the role of volunteer/lay members. GG said his team would work with the Board to ensure that the Board Members are happy with the content and that the seriousness of the process is reflected.	<b>ALL</b>



Item	Title	Action
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## FOR NOTING

### 9. Scheme Review Development

MS presented the high level project plan for the Scheme Review. It was agreed that the project plan may need to be amended once the outcome of the Kingman Review is known. It was also agreed that the case level project will be recommenced and fed into the Scheme Review. It was confirmed that the Board would be approached for staged approval of key proposals. Also, subject to no change to the plan in light of the Kingman report, that by the end of 2019, the key proposals will be presented to the Board for strategic input.

### 10. Disciplinary Appointments Committee (DAC) update

SL advised that it has been a busy time for the DAC with the following: -

- The current campaign for recruitment of lay panel members is almost complete. It is likely that 5 new lay panel members will be appointed. SL advised that both the level and quality of the applicants was very high.
- Interviews for the Disciplinary Board Chair are taking place in December 2018.
- Recruitment of actuary panel members will be commencing shortly.
- Recruitment of investigation actuaries and a deputy Chair to the IA pool will be looked at early 2019.

SL reminded the Board that during 2018, the DAC had welcomed new members Fiona Morrison and Kim Maidment, and carried out a thorough review of its recruitment, appraisal and renewal processes, both in light of the recent IFoA governance review and best practice among other professional regulators. The process was confirmed broadly to be fit for purpose, with minor improvements introduced to enhance the diversity of disciplinary pools and the transparency of the appointment process.

### 11. AOB

KM confirmed that boardpack is currently being rolled out and should be in use for the next Board Meeting in March 2019. If any Board Members need devices to support the use of boardpack they should let KM know.

### 12. Management Board update for Chairs

The Board noted the update.



# Minutes

Item	Title	Action
13.	<b>Regulation Board update for Chairs</b>	
	The Board noted the update.	
14.	<b>Board Remit</b>	
	The Board noted its own terms of reference.	
	There being no further business the meeting closed at 14:45	

Confirmed:  
**Keith Oliver, Chair**