



Institute  
and Faculty  
of Actuaries

**Adjudication Panel Meeting**

**16 April 2019**

**Institute and Faculty of Actuaries, Clark Room, 7th Floor Holborn Gate, 326-330 High  
Holborn, London, WC1V 7PP**

**Respondent:** Mr Peter Rudranath Ragoobar AIA

**Category:** Associate since 2009

**ARN:** 6923

**Panel Members:** Jules Griffiths (Chair/Lay member)  
Andy Scott FFA (Actuary member)  
Melissa D'Mello (Lay member)

**Legal Adviser:** James Palmer

**Judicial Committees Secretary:** Julia Wanless

**Allegation:**

The allegation against Mr Ragoobar (the Respondent) is:

A1 He failed to comply with the Institute and Faculty of Actuaries' CPD requirements of the 2015/2016 CPD reporting year in that he failed to complete sufficient CPD activity and/or meet the CPD requirements of his primary regulator, the Caribbean Actuarial Association, his actions being in breach of;

(a) The integrity principle of the Actuaries' Code (version 2.0)

(b) The compliance principle of the Actuaries' Code (version 2.0)

His actions above, in all or any of the above, constituted misconduct in terms of Rule 1.6 of the Disciplinary Scheme of the Institute and Faculty of Actuaries (effective 1 June 2016).

**Panel's determination:**

The Panel considered the Case Report and appendices submitted by the Case Manager and Investigation Actuary and the Respondent's response to the Case Report dated 3 April 2019.

The Panel determined that the Case Report disclosed a *prima facie* case of Misconduct.

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

- Reprimand
- Fine of £1000 to be paid within 28 days of the Respondent's acceptance of the Panel's invitation

**Background:**

Mr Ragoobar (the Respondent) was admitted as an Associate of the Institute and Faculty of Actuaries (IFoA) on 2 February 2009. He is a partially regulated member of the IFoA and is fully regulated by the Caribbean Association of Actuaries (CAA).

For the 2015/2016 Continuous Professional Development (CPD) year, as a partially regulated member of the IFoA he was required to comply with CPD requirements of his primary regulator, the CAA. It is alleged that the Respondent failed to comply with the CPD requirements of the CAA, and as such he breached the requirements of the IFoA CPD Scheme 2015/2016.

In summary, the CPD Policy of the CAA in force at the relevant time says that its requirements for members were the same as those of the professional body through which the member qualified as an Actuary, which for Mr Ragoobar was the IFoA.

Under the IFoA's CPD scheme which was effective from 1 July 2015 until 30 June 2016. Mr Ragoobar was required to complete at least 15 hours of CPD unless he had applied for, and been granted, an exemption. The CPD scheme requirements were communicated to all members in June 2014 by personal e-mail and also publicised in newsletters and the Actuary Magazine.

As part of a routine audit the IFoA requested Mr Ragoobar to provide evidence of his compliance with the CAA's requirements. He responded by providing a screen shot in which he had self declared compliance. In reply to further enquiries he explained that he had retired from his actuarial employment in August 2015, worked in a different industry and subsequently returned to his old actuarial related job in March 2016, picking up his CPD in August 2016.

As the investigation continued he explained his understanding that, having done two hours of professional credits he was compliant with the 2015/2016 CPD requirements, hence his self declaration on the CAA website. At the IFoA's request the CAA reviewed the position and, having determined that his CPD activity log was insufficient for 1 July 2015 to 30 June 2016, corrected the record to show that he was not compliant.

In his submission, dated 3 April 2019, Mr Ragoobar accepted that he did not complete the CPD required for 2015/2016.

The Panel noted that Mr Ragoobar had recorded over 15 hours of CPD for the years 2013/2014, 2014/2015, 2016/2017 and 2017/2018, having previously paid a £750 charge for non-compliance with the CPD Scheme in 2010/2011. The Panel also noted that he had

provided full, but contradictory, replies to the IFoA with regard to his compliance with the CPD requirements.

### **Decision and Reasons on the Allegations:**

The Panel received advice from the Legal Adviser as to the meaning of integrity. The Panel was of the view that Mr Ragoobar's actions fell below the highest standards of integrity expected of an Actuary, and so was a breach of the integrity principle of the Actuaries' Code. He had previously paid an administrative fine because he had not complied in the 2010/2011 reporting year. The Panel considered that he was, or should have been, fully aware of the requirements. It took account of his self declared compliance with the requirements of the 2015/2016 CPD reporting year, when he was not in fact compliant. It was satisfied that his irreconcilable responses on this point, during the investigation, demonstrated an unprofessional attitude to the IFoA's CPD requirements.

The Panel noted that Mr Ragoobar had eventually accepted that he had failed to comply with the requirements of the 2015/2016 CPD reporting year in that he failed to demonstrate that he undertook the appropriate minimum amount of CPD, or apply for an exemption. It was aware that information relating to CPD requirements was readily available to Members through the website and on request from the Membership Department. The Panel was therefore satisfied that Mr Ragoobar had breached the compliance principle of the Actuaries' Code.

### **Decision and Reasons on Misconduct:**

The Panel then considered whether there was a prima facie case that the Respondent's actions amounted to Misconduct. For the purposes of the Disciplinary Scheme, Misconduct is defined as any conduct by a Member, whether committed in the United Kingdom or elsewhere, in the course of carrying out professional duties or otherwise, constituting failure by that Member to comply with the standards of behaviour, integrity, competence or professional judgement which other Members or the public might reasonably expect of a Member having regard to the Bye-laws of the Institute and Faculty of Actuaries and/or to any code, standards, advice, guidance, memorandum or statement on professional conduct, practice or duties which may be given and published by the Institute and Faculty of Actuaries and/or, for so long as there is a relevant Memorandum of Understanding in force, by the

FRC (including by the former Board for Actuarial Standards) in terms thereof, and to all other relevant circumstances.

Compliance with the CPD scheme by Members of the IFoA is important for the maintenance of public confidence in the profession and the upholding of the profession's reputation.

The Respondent had been an Associate since 2009 and should have been aware of the requirements of the CPD scheme, especially after being found non-compliant in 2010/2011. Undertaking and recording CPD is important, particularly as the CPD scheme is expressly linked to the obligation of competence under the Actuaries' Code.

In the circumstances, the Panel determined that there was a prima facie case that the Respondent's actions were sufficiently serious as to constitute Misconduct under the Disciplinary Scheme.

#### **Decision and Reasons on Sanction:**

In reaching its decision, the Panel had regard to the Indicative Sanctions Guidance (August 2016) and the CPD Infringement Supplementary Guidelines (December 2016). The exercise of its powers in the imposition of any sanction is a matter solely for the Panel to determine and it is not bound by the Indicative Sanctions Guidance.

The Panel was aware that the purpose of sanction is not to be punitive although it may have that effect. Rather, the purpose of sanction is to protect the public, maintain the reputation of the profession and declare and uphold proper standards of conduct and competence. The Panel is mindful that it should impose a sanction, or combination of sanctions necessary to achieve those objectives and in so doing it must balance the public interest with the Respondent's own interests.

In considering sanction, the Panel took into account the following aggravating factors:

- Mr Ragoobar had previously been noncompliant in 2010/2011 and on that occasion he had elected to pay the £750 charge.

- It considered the potential harm caused and agreed that there was no evidence of harm to clients or consequential financial loss. However by claiming to be compliant when he was not Mr Ragoobar undermined the reputation of the profession. In turn this was detrimental to the trust which the public are entitled to have in the profession.

The Panel also took into account the following factors in mitigation:

- Mr Ragoobar demonstrated good engagement with the IFoA during its investigation.
- The Panel noted that he had recorded sufficient CPD in the following years.

The Panel considered whether this was a case that warranted no sanction. It did not consider that this was an unusual case where no sanction is imposed following a finding of Misconduct. It reflected on the aggravating factors identified above and was satisfied that any failure to comply with the requirements of the CPD scheme is too serious to impose no sanction.

The Panel then considered whether to impose a Reprimand. This is the least sanction that can be imposed, and is appropriate on its own for cases where, for example, there was a single act, that act was an aberration, where harm is limited, or where there are extensive mitigating factors, and no sign of a deeper attitudinal problem. In the circumstances of this case the Panel was satisfied that there were no signs of a deeper attitudinal problem. However it was also mindful that there was harm to the reputation of the profession and there had been a similar shortcoming in the previous 10 year period. It therefore considered that a reprimand in isolation was not sufficient in this case.

The Panel considered whether to also impose a Fine. Taking account of the CPD Infringement Supplementary Guidelines, which indicate that a minimum fine of £750 would normally be appropriate in cases such as this, and the specific factors in this case, it decided the minimum appropriate fine would be £1000. In reaching this decision the Panel took account of the £750 administration fee paid by Mr Ragoobar for his previous non-compliance with the CPD scheme. Mr Ragoobar had not provided the Panel with any information in relation to his personal financial circumstances. However, the Panel took account of the global relative incomes and purchasing power as compared to the UK and concluded that a fine of £1000 was proportionate and met the wider public interest considerations of this case.

The Panel considered other available sanctions including whether to impose a period of education, training or supervised practice but was satisfied that this was not appropriate in this case as it would not address the nature of the Misconduct.

**Publication:**

The Panel took account of the Disciplinary Board's Publication Guidance Policy (April 2018). In the Panel's view there were no unusual circumstances in this case for it to default from standard. The Panel therefore determined that, if the Respondent accepted the findings of the Panel, this determination will be published and remain on the IFoA's website for a period of five years from the date of publication. A brief summary will also be published in the next available edition of *The Actuary Magazine*.

That concludes this determination.