



Disciplinary Board

21 April 2020, Time: 10:20 – 12:30

via video conferencing

Attending:	Stephen Redmond (lay member and Chair) (SR) Athene Heynes (lay member) (AH) Velia Soames (lay member) (VS) Kevin Doerr (actuary member) (KD) Simon Martin (actuary member) (SM) George Russell (actuary member) (GR) Jim Webber (actuary member) (JW)
Apologies:	Gordon Sharp (actuary member) Simon O'Regan (actuary member)
Executive Staff:	Ben Kemp, General Counsel (BK) Kirsten Mavor, Secretary to Board (KM) Michael Scott, Head of Disciplinary Investigations (MS)

Item	Title
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Chair Introduction

SR thanked board members for being able to attend today's meeting at relatively short notice. In an email dated 16 April 2020 to Board members the Executive proposed a change in approach to complaints about members carrying out functions on behalf of the IFoA. It was agreed that a short meeting should be held to discuss this proposal.

SR advised that BK would provide an introduction to the subject matter with MS adding further comment. Each board member would then be provided with the opportunity to ask questions and make comments before the Board's final decision is sought.

Discussion

BK thanked the Board for its time. BK provided some background to SR's email of 16 April 2020 and advised that historically there had been a small number of individuals raising allegations against Members carrying out functions on behalf of the IFoA. These allegations had been admitted under the Disciplinary and Capacity for Membership Schemes (the Scheme) and all had been dismissed by Adjudication Panels. BK confirmed that recently there had been an escalation in these types of complaints. In addition the IFoA had been innovative in quickly putting in place processes to allow students to sit the April diet of exams online and the members of the Board of Examiners were very concerned at exposure to individual complaints that might arise where they might have to exercise discretion in making decisions in accordance with the exam regulations, where any such complaints would in reality be challenges to the decisions made rather than matters of conduct.

Item	Title
	<p>Historically, the Disciplinary Investigations Team (DIT) has taken a narrow view of the definition of 'Allegation' in the Scheme. A slight change in approach from this narrow interpretation to a wider, more purposive interpretation is proposed. This would involve looking at the substance of what is being alleged and, where the allegation is properly characterised as being related to how a function of the IFoA has been carried out, referring the matter to the IFoA's Putting Things Right process as a complaint about the IFoA, rather than a question of individual conduct. Such cases would additionally be considered under the Executive referral process, so that any matter which is properly characterised as giving rise to a question of individual conduct will still be referred for disciplinary consideration. The Executive referral process will provide independent (of the Executive) oversight in this respect, through involvement of the Chair of the Investigation Actuary pool.</p> <p>BK acknowledged that this was a slight shift in approach but considered that it is consistent with the Scheme, including its spirit and principles. From a practical point of view, it would allow DIT to focus its resources on ensuring that appropriate cases are investigated and determined in the public interest.</p> <p>MS advised that he supports this proposed shift in approach. From a practical point of view, the current approach takes at least 6-8 weeks to investigate even plainly non-meritorious cases and does take significant resource.</p> <p>Individual board members then raised questions about this shift in approach.</p> <p>After detailed discussion the following was agreed by the majority of the Board with two members dissenting: -</p> <ol style="list-style-type: none"> 1. A slightly wider, purposive interpretation of the definition of allegation was appropriate in the circumstances described. Complaints which are properly related to the outcome of an IFoA function, rather than to any specific conduct by an individual member, should be referred to the IFoA's Putting Things Right process, upon the basis that they are appropriately characterised as complaints about the IFoA, rather than a disciplinary Allegation. The Board was satisfied that the current wording of both the Disciplinary Scheme and the Putting Things Right policy supported this approach. 2. To protect the public interest, such complaints will additionally be considered under the Executive Referral process, with the Chair of the Investigation Actuary pool providing independent (from the Executive) oversight. If the matter is identified as giving rise to a relevant question of individual professional conduct, properly so called, it will be referred for consideration under the Disciplinary Scheme. 3. The Scheme Review Working Party will be advised of this approach to the Executive Referral process and may wish to consider its approach to implementing a formal filter. 4. Consideration should be given (in due course) to including lay member input into the Executive Referral process to strengthen the independence of this process, and to the introduction of Regulations to support the Scheme Rules. Both could be considered in the context of the ongoing Scheme Review. 5. A minute of today's discussion will be published.

Dates of next meetings: 9 June, 30 September and 9 December (Oxford)