



Institute
and Faculty
of Actuaries

Annual Report

of the Disciplinary Board of
the Institute and Faculty of Actuaries

For the period 1 January 2019 to
29 February 2020¹

July 2020

¹ This report covers a 14 month reporting period, so as to align our reporting period with that of the IFoA.

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Chair's Report



I am proud to present my first Annual Report of the Institute and Faculty of Actuaries' (IFoA) Disciplinary Board.

While 2019 has seen a new beginning for me as the incoming lay Chair of the Disciplinary Board, I want to start by paying credit to the work of my predecessor Keith Oliver, OBE. On starting this new role, I quickly became aware of the respect that Keith had earned with his Board and the Executive as a result of his commitment to progress and improvement. The foundations that he laid in a number of initiatives, not least the initiation of a comprehensive review of the disciplinary process, helped to set a clear work programme for the Board in 2019/20. I, in turn, am committed to doing justice to his legacy and will ensure that the pace of improvement continues.

Both the Board and Executive welcomed me warmly to join them, in a year which has also seen a new lay member, Velia Soames join the Board and a new lay Chair of the Disciplinary Appointments Committee, Richard Jones QC, who succeeds in that role following the retirement of James McNeill QC. We owe a debt of gratitude to James for the modernisation of our independent disciplinary appointment process during his tenure and I would like to take a moment to recognise the work that this independent Committee does to appoint not only members of the Board, but all roles within the IFoA disciplinary process.

The key objective in 2019/20 has been the setting up of the Scheme Review Working Party (the Working Party) with the Board considering and approving the recommendations the Working Party has made to date. The Board has been impressed by the knowledge and enthusiasm the Working Party, chaired by Ian Farr FFA, has demonstrated. I am delighted with the progress made so far, as the Working Party moves towards drafting rules and regulations. More detail of the progress of the Working Party and timetable to completion can be found in Sections 1 and 2 of this report.

While much of the focus of 2019/20 has been on this project, the Board has taken care to discharge its operational oversight role. Section 3 of this Report provides details of the 2019/20 caseload, which dealt with a similar number of cases as in the previous two years. Improvements in timescales slowed, due to

the complexity of individual cases and the additional Executive resource required for the Working Party. The Board will continue to monitor the timescales closely in 2020/21 to ensure the appropriate balance of interests between timely resolution and thorough investigation.

In 2019/20 the Board used recommendations from its newly established Determinations Review Subcommittee to develop an online training resource for Disciplinary Pool members. This will be developed further in 2020. The Board is grateful for the support of both the Disciplinary Tribunal Convener and the Adjudication Panel Convener in providing training and guidance support as they strengthen the mentoring aspects of their roles within the disciplinary pool.

Section 2 of the Report details the Board's focus for 2020/21, which will be to continue to develop the Scheme Review proposals into detailed rules and regulations. Having reflected on its own governance arrangement, the Board will also present a proposal to enhance the lay representation on this Board.

An enormous amount has been undertaken in 2019/20 by this Board, lay and volunteer members who work in the disciplinary process and the Executive. On behalf of the Board I would like to express gratitude for the ongoing commitment of each and every individual who has given time and expertise to upholding the integrity of the disciplinary process. I believe that 2020/21 will bear fruit to many of these projects.

If you have any comments on this Report or our disciplinary work, please contact the Secretary at Disciplinary.Board@actuaries.org.uk.

Stephen Redmond

Lay Chair of the IFoA Disciplinary Board

ADDENDUM

This Report was written before the COVID-19 pandemic arose. I am very grateful to all those involved in the disciplinary process for their continued support. The Board is conscious that the pandemic will cause some disruption to its business objectives and the management of investigations and hearings, and stands ready to provide such support and appropriate guidance to panels, members of the public and those involved directly in IFoA disciplinary hearings during this time.

1. Review of the Year

2019/20 Objectives

The Board is pleased to report on its progress in 2019/20. The following table sets out each objective, what has been achieved and what the next steps are.

Process Improvement. We will initiate a substantive review of the Disciplinary and Capacity for Membership Schemes in 2019 and report on progress in the Board's Annual Report for 2019.

- We will complete a comparative exercise with other regulators and explore alternative approaches to professional discipline.
- We will consider the purpose and benefits of regulatory discipline and will keep an open mind as to what approach is the best fit for the IFoA and its global membership.
- We will set up a working party to review all the processes in the current Scheme and make appropriate recommendations to the Board.
- We will engage with the profession and other stakeholders on any proposals for change.

What we have achieved

- Following an open recruitment exercise, a Working Party was established in 2019 to review the IFoA's disciplinary processes. Its composition includes actuarial and lay members, including representatives from other professions' regulatory bodies. The Board is also represented (including the new lay Chair of the Disciplinary Board).
- A comparative exercise with other regulators, including those with an international reach, was completed in early 2019 and has informed much of the Working Party's work. The Working Party also analysed user and key stakeholder feedback (including from the profession²) which supported retention of the "misconduct" regime.
- After considering alternative approaches, the Working Party recommended to the Board that the current misconduct regime remained the best fit for the IFoA and its global membership. At the September meeting the Board debated this recommendation and agreed that a misconduct regime should be maintained. Following on from the Working Party's review of all the processes within the current Scheme, 22 high level recommendations were made to the Board which were debated in detail and agreed.
- After receiving approval of the high level recommendations, the Working Party commenced the next phase of the Scheme Review which involves developing processes relating to key features of the disciplinary process. At the December meeting Board approval was sought on the definition of misconduct, the use of a filter to deal quickly with allegations that cannot amount to misconduct and the appointments/governance section of the Scheme.
- The high level recommendations have been shared with the FRC and other stakeholders such as Investigation Actuaries, Disciplinary Pool members, the Independent Examiner and legal advisers. The Working Party will consider this feedback when progressing the next phase.

What next

- Further detailed proposals will be presented to the Board at its 2020 meetings, incorporating a communications plan to engage with stakeholders and the profession.
- A full set of rules and regulations will be provided to the Board for it to consider and approve.
- The output from the Scheme Review project will be presented to Council in 2021, refined to reflect feedback received.

² Feedback from the 400 Club was obtained on the effectiveness of the IFoA current disciplinary process. The 400 Club is an IFoA online group of volunteers who are periodically asked to provide feedback on issues relevant to the profession and membership.

Continuing to Oversee the Operation of the Scheme. We will continue to oversee the management and effective operation of the disciplinary process focusing on engagement with Members, improving our ability to monitor the effectiveness of the Scheme and ensuring the independence of the process.

- The Board will continue to support the Executive with raising awareness of the Disciplinary and Capacity for Membership Schemes.
- We will receive more information about how the disciplinary process is operating in practice by obtaining feedback from users of the process and from the work of the Determinations Review Sub-committee. We will scrutinise this information and, where appropriate, act upon it.
- We will review the way in which the Board is held to account to ensure that the Board, and the processes it oversees, is transparent and independent.

What we have achieved

Raising Awareness

- In March/April 2019, a communications campaign was launched to coincide with the publication of the 2018 Annual Report. Blogs and articles were published, exploring key points in the disciplinary process and the Chair published a blog recording his observations on his first six months in post. The Board worked closely with the IFoA's Communications team who reported that the level of success of the communications campaign was successful with the number of views being 45% higher than what was expected.
- The Board's engagement programme continued with a Professional Skills webinar on 9 May 2019, involving a panel of key disciplinary representatives (including the Chair of the Disciplinary Board). This webinar has been viewed by over 1,000 members to date.

Feedback

- The Determinations Review Sub-committee was established in 2019 and provides comment and recommendations to the Board on all determinations. The Board acts on these recommendations with key messages being passed on to panels and legal advisers via the Conveners and the disciplinary newsletter. Key recommendations have also been included in the training programme for Disciplinary Pool members.
- The Board now receives improved feedback from users of the process, which has allowed it to identify and prioritise the preparation of new information notes, for example the Readmission to Membership process. Improvements were also made to the Indicative Sanctions Guidance and the Guidance Note on Sanctions involving Education, Retraining and/or Supervised Practice.
- The Board has taken a more proactive approach in the scrutiny of the hearing process, and now Board members attend Tribunals routinely to observe and feedback on the effectiveness of this stage of the disciplinary process. Board members have also reviewed all the papers put before the Tribunal in one case. This approach will be developed further in 2020 with sample audits of investigations to be carried out.

Transparency and Independence

- The Board considered its own governance arrangements, resulting in a number of changes to improve the transparency, timeliness and accountability of its work. This included a collective Board appraisal process in September to evaluate its performance, measured against the 2019 objectives and its terms of reference. The Board has agreed to review its own lay: actuary composition balance with a view to present a proposal for the enhanced representation of lay members in 2020.
- Chairs of the IFoA's Regulatory Boards (Regulation Board, Lifelong Learning Board and the Disciplinary Board) now meet regularly to discuss matters of mutual interest and to ensure that key regulatory messages are shared.

What next

- The Board will enhance its oversight of the disciplinary process by Board members continuing to attend Tribunals in an observer capacity. A tailored feedback process is being developed to report any observations.
- The Board will also consider and act on learning points from the first completed Capacity for Membership case.
- A review of the effectiveness of the Determinations Review Sub-committee will take place in 2020.
- A more analytical approach will be taken in 2020 to assessing the Board's overall performance.
- The Board will continue with a more collaborative approach, led by the Chairs of the three key regulatory boards (Regulation Board, Lifelong Learning Board and Disciplinary Board) to provide clear and comprehensive IFoA regulatory communications.
- The Board will consider its own governance arrangements and put forward a proposal to Council on its own composition.

Training and Skill Development. We will continue to develop the skills, training and capacity of the Investigation Actuary and Disciplinary Pools, ensuring they carry out their functions effectively.

- Annual training events will be delivered to panel members from 2019 onwards.
- We will continue to develop the Legal Adviser community through roundtable events so they are well positioned to support and advise panels.
- Training events will be supplemented by regular newsletters which will highlight key developments to Legal Advisers, all Disciplinary Pool members and Investigation Actuaries.

What we have achieved

- In June 2019, the Board approved a new approach of establishing an online training bank for Disciplinary Pool members to enable training to be delivered annually. This was rolled out later than originally anticipated and feedback will be considered by the Board. This training bank will be continually developed to ensure that all Disciplinary Pool members have access to training material directly relevant to their role and the IFoA's disciplinary process.
- Feedback from the Determinations Review Sub-committee was circulated to Legal Advisers and Disciplinary Pool members via newsletters in July 2019 and February 2020. Key themes from the Sub-committee's feedback were also included in the online training programme.
- As a more proportionate alternative to roundtable events, timely updates to Legal Advisers are being sent. The Board recognises that this is an area that should be developed further in the next reporting year.

What next

- Feedback on the effectiveness of the 2019 training programme will be obtained from Disciplinary Pool members. This feedback will be considered by the Board before setting and delivering the 2020 training programme.
- Further training for Disciplinary Pool members and Investigation Actuaries will take place in 2020.
- Regular newsletters will continue to be used as a means for highlighting key developments to Legal Advisers, Disciplinary Pool members and Investigation Actuaries.

2. Looking forward

The Board's priority for the next year is to progress the review of the Disciplinary and Capacity for Membership Schemes. The Board will also focus on strengthening its oversight of the disciplinary process.

Scheme Review: We will progress the review of the Disciplinary and Capacity for Membership Scheme with the rules and regulations being presented to the Board.

- The Working Party will present further detailed proposals to the Board at its 2020 meetings. These proposals and the underlying principles approved in 2019 will form the basis of the drafting of the rules and accompanying regulations.
- The detailed rules and regulations will be presented to the Board for approval.
- We will continue to engage with key stakeholders throughout the Scheme Review. Further focused engagement will take place after the Board has had the opportunity to consider and approve the rules and regulations.
- We will present the output from the Scheme Review project to Council in 2021.

Operational Oversight: We will strengthen our oversight of the disciplinary process and enhance our review of the Tribunal process

- We will increase the number of Tribunals we observe to identify any opportunities to improve the efficiency and fairness of the process.
- We will continue to monitor costs awards at Disciplinary Tribunals, to ensure that where appropriate the wider membership is not exposed to costs arising from investigating acts of misconduct.
- The Determinations Review Sub-committee will continue to review all determinations and provide recommendations to the Board. We will continue to convey key messages from the Sub-committee to Disciplinary Pool members and legal advisers via newsletters and other appropriate means.
- We will carry out sample audits of investigations to identify learning points.

Communication: We will continue to encourage communication by the IFoA that reinforces the importance of regulatory enforcement and the value to members

- We will continue to work with the IFoA's Communications Team to raise awareness of the disciplinary process with a particular focus on the key messages from the Scheme Review and educational learning points arising from disciplinary cases.
- We will continue to support clear and comprehensive regulatory communications by the IFoA. The Chairs of the three key regulatory boards (Regulation Board, Lifelong Learning Board and Disciplinary Board) will work collaboratively to achieve this.
- We will seek to influence relevant regulatory projects including the CPD review and the Professional Skills Training videos and use these opportunities to raise members' awareness of the disciplinary process.

Training: We will provide training and support to all members of the disciplinary pools

- Training will be delivered in 2020 to all Disciplinary Pool members and Investigation Actuaries. The 2020 training programme will reflect feedback from the 2019 online training programme and all other relevant feedback.
- We will continue to review regulatory and disciplinary developments in other sectors and ensure that key messages about best practice are passed on to Disciplinary Pool members.

Effectiveness: We will review the effectiveness of the Board and the Determinations Review Sub-committee

- We will continue to review the Board's own effectiveness and will present a proposal to Council for increasing lay representation on the Board.
- We will review the effectiveness of the Determinations Review Sub-committee and modify the terms of reference, if necessary.

3. Statistical Report on Casework

The following statistics provide an insight into the 2019/20 caseload and cover the period 1 January 2019 to 29 February 2020.

Disciplinary Process Outline

A flowchart outlining the disciplinary process can be seen at **Appendix 3**. Further information about the process can be found on our website, and a definitions of terms used in this section are contained in the glossary at **Appendix 4**.

3.1 ANALYSIS OF ALLEGATIONS RECEIVED IN 2019/20

Table 1 below shows the number of allegations received. In 2019/20, 39 allegations were received. While this suggests there has been a sharp increase in the number of allegations it should be noted firstly that the reporting period was 14 months, and secondly that one allegation was against 16 individual members of an IFoA Board and in terms of the Scheme were dealt with by individual Advisory Reports. The table also shows the number of Respondents who work in a Reserved Role, which means they must hold a valid Practising Certificate.³

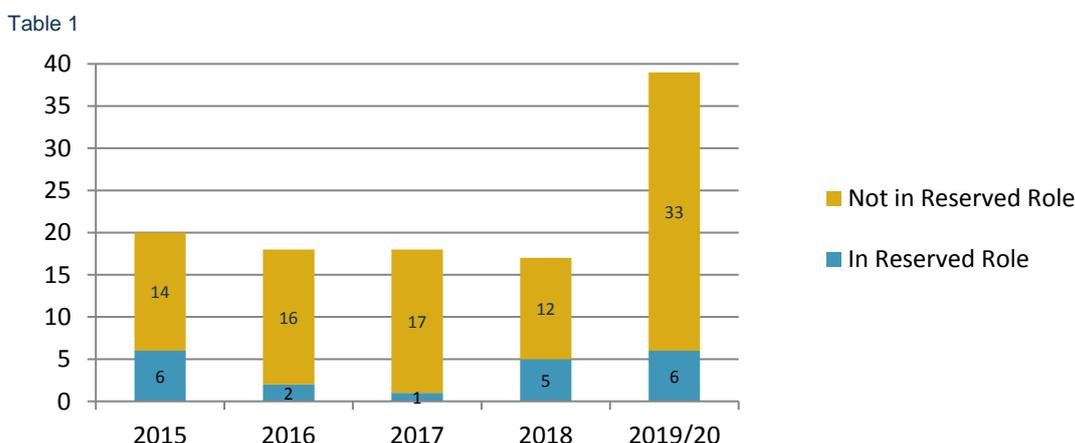


Table 2 below reflects the practice areas of Respondents over the last five years. The allegations considered in these cases may not, however, relate to technical work carried out in that area.

Table 2

All Respondents	2015	2016	2017	2018	2019/20
Consultancy	-	1	-	-	-
Education	-	-	-	-	1
General Insurance	1	4	2	4	4
Health and Care	-	-	-	-	1
Information Technology	-	-	-	-	1
Investment Management	-	-	-	-	4
Life Insurance	-	3	2	2	3
No information recorded	3	1	2	3	3
Other	-	-	-	-	3
Other actuarial	1	-	1	-	-
Pensions	10	6	5	5	15
Risk Management	-	-	-	1	-
Student	4	1	6	2	4
Student – Actuarial Analyst	1	1	-	-	-
Unknown	-	1	-	-	-
Total	20	18	18	17	39

³ <https://www.actuaries.org.uk/upholding-standards/practising-certificates>

Table 3 below outlines the main issues raised in the allegations made in 2019/20. Cases routinely contain more than one allegation and so the numbers shown do not correspond to case levels.

Table 3

Issue	Number of instances
Breach of Actuarial Professional Standard	1
Breach of confidentiality	1
Breach of Technical Actuarial Standards	1
Conflict of Interest	2
Continuing Professional Development - non-compliance	1
Criminal Charge/Conviction	1
Discriminatory Behaviour	17*
Dishonesty	5
Failure to comply with the Actuaries' Code	2
Inadequate communication	5
Non-cooperation with investigation	1
Role as Expert	2
Role of Scheme Actuary	4
Technical incompetence	5
Unreasonable behaviour	4

* 16 of the 17 instances relate to the same allegation against individual members of an IFoA Board

Table 4 below shows the sources of allegations received between 2015 and 2019/20.

Table 4

Source of allegations	2015	2016	2017	2018	2019/20
Executive Referral (see glossary at Appendix 4)	11	13	13	7	6
Members of the public	2	2	3	3	8
Other actuaries	7	3	1	7	24
Other regulator	-	-	1	-	-
Trustees	-	-	-	-	1
Total	20	18	18	17	39

3.2 INVESTIGATION STAGE

3.2.1 Completed Cases

The Disciplinary Investigations Team completed the investigation stage in 36 cases during 2019/20. Of these, 33 were heard at Adjudication Panels and three involved Applications to Convener for direct referral to a Disciplinary Tribunal.

3.2.2 Timescales

The investigation process includes a degree of inbuilt flexibility to reflect the issues in every case and to allow case progression in a fair and appropriate manner. The current Board policy⁴ outlines how long it expects an investigation to take, categorised on a straightforward (up to six months), intermediate (up to nine months) and complex (up to 18 months) basis. Categorisation is agreed with the Investigation Actuary and the Chair of the Investigation Actuaries' Pool at the outset and is reviewed throughout the investigation. The Board scrutinises the IFoA's compliance with these timescales and also how the IFoA manages expectations of all individuals involved in relation to timescales.

⁴ <https://www.actuaries.org.uk/documents/guidance-time-frames-investigations-and-proceedings-under-disciplinary-scheme>

Of the 36 cases completed at investigation stage during 2019/20, 33 were finalised within the Board's maximum policy of 18 months. Of the remaining three cases, two were adjourned by the Adjudication panel due to ongoing criminal proceedings in respect of the same issues raised by the allegations, and one case took longer at investigation due to difficulties in getting information from an overseas regulator.

The Board receives regular updates and was content with the reasons why additional time was required.

3.2.3 Ongoing Investigations

As at 29 February 2020, there were 19 ongoing investigations.

3.3 ADJUDICATION PANELS

3.3.1 Cases Heard at Adjudication Panels in 2019/20

During 2019/20 Adjudication Panels considered 15 Case Reports and 18 Advisory Reports (16 of the Advisory Reports were in respect of the same Allegation against 16 members of an IFoA Board).

Of the 33 cases considered, one related to allegations received in 2013, one from 2016, one from 2017, six from 2018 and 24 from 2019.

3.3.2 Outcomes of Cases Heard at Adjudication Panels in 2019/20

Table 5 below details the outcomes of the cases considered at Adjudication Panels in 2019/20.

Table 5

Determinations	Number of Cases
Allegations dismissed	23*
Misconduct – sanctions accepted by Respondent	4
Misconduct – one Respondent did not accept the finding and one did not respond so referred to Disciplinary Tribunal Panel	2
Panel referred the case to Disciplinary Tribunal Panel	1
Referred back to Investigation Team for further information	1
Cases adjourned for 12 months	2

*16 cases related to the same allegation

In the cases that were dismissed, the Adjudication Panel did not consider there was *prima facie* evidence of Misconduct. Where an Adjudication Panel has dismissed a case, the Respondent and the person who made the allegation both receive the Panel's full determination. The determination in dismissed cases is not otherwise published and remains confidential.

Misconduct was found and sanctions accepted by the Respondent in four cases:

- One case where the Respondent failed to comply with the IFoA's CPD Scheme.
- One self-reported criminal conviction for drink driving.
- One case where the Respondent forged travel tickets and inappropriately claimed reimbursement for a number of journeys.
- One case where the Respondent, on a number of occasions, used a student travel card when he was not entitled to do so.

Details of all cases where the Adjudication Panel made a *prima facie* finding of Misconduct, which was accepted by the Respondent can be found at the determinations page on our website.⁵ A summary of each determination is also published in The Actuary magazine.⁶

⁵ <https://www.actuaries.org.uk/upholding-standards/complaints-and-disciplinary-process/determinations>

⁶ <https://www.theactuary.com/>

Table 6 below details sanctions applied in determinations of Adjudication Panel Hearings in 2019/20.

Table 6

Sanctions accepted by Respondent	Number of Cases
Reprimand	1
Reprimand and fine (fines imposed ranged from £500 to £1,000)	3

3.3.3 Adjudication Panel Timeframes

The Disciplinary Board has set the following timeframes in relation to the Adjudication Panel stage:

- Adjudication Panels should normally be held within six weeks from when the Judicial Committees Secretary receives the Case Report; and
- Where a sanction is offered, determinations should be issued within six weeks of the Adjudication Panel; this includes 21 days for the Respondent to consider and respond to the invitation. If a sanction is not offered, determinations should be issued within three weeks of the Adjudication Panel.

There is an ongoing trial of holding Adjudication Panel meetings as quarterly events. Eight of the 33 cases heard at Adjudication Panels were held within the six week prescribed time frame. Of those heard outside of the six week timeframe, 23 were heard within six to nine weeks and two were held between 11 to 13 weeks. The Board was satisfied that in each of these cases the excess time was minimal and was due to operational efficiencies to hear multiple cases at quarterly events.

All determinations were issued within prescribed timeframes.

3.4 DISCIPLINARY TRIBUNAL PANEL HEARINGS

3.4.1 Hearings Held in 2019/20

During 2019/20, six Disciplinary Tribunal Panel Hearings were held, at which nine cases were considered. Of those nine cases, one related to an allegation received in 2016, five from 2017 and three from 2018.

3.4.2 Hearing Outcomes

Table 7 below details the outcomes of the nine cases concluded at Disciplinary Tribunal Panels in 2019/20. Published [determinations](#) can be found in the disciplinary section of our website.⁷

Table 7

Determinations	Number of Cases
Charge dismissed before tribunal (therefore not published)	1
Findings of misconduct (published)	8

Misconduct was found in eight cases; these concerned:

- Three cases where the Respondent failed to comply with the IFoA's CPD Scheme and failed to cooperate with the investigation.
- One case where the Respondent acted as Chief Actuary without holding the relevant Practising Certificate.
- Three cases where the Respondents were found to have cheated in an IFoA exam.
- One case where the Respondent submitted false documents in an application for exam exemption.

⁷ <https://www.actuaries.org.uk/upholding-standards/complaints-and-disciplinary-process/determinations>

Table 8 below details the sanctions imposed at Hearings in 2019/20 for the eight findings of misconduct.

Table 8

Sanctions	Number of Cases
Expulsion – two years	3
Exclusion – five years	1
Reprimand and fine (from £1,500 to £2,500)	3
Reprimand	1

3.4.3 Disciplinary Tribunal Panel Timeframes

All Disciplinary Tribunal Panel Hearings should take place within six months of a referral to a Tribunal. Of the nine cases heard at a Hearing in 2019/20, only one was held within the Board timescales. This timescale includes the time taken to prepare and serve the charge and schedule the Tribunal. The Board was regularly informed of any delays and accepted there were good reasons for them. However, it is conscious that the accepted timescales should be complied with, wherever possible, so as to ensure the prompt conclusion of cases which is in the interests of all parties. It is challenging the Executive to improve on these timescales in the next period, where possible.

As at 29 February 2020 there was one tribunal case awaiting a Disciplinary Tribunal Panel Hearing.

4. Cost Awards at Disciplinary Tribunal Panel Hearings

Unlike earlier stages of the disciplinary process, it is possible at the Disciplinary Tribunal Panel stage for either the Respondent or the IFoA to make an application to recover their reasonable costs at the conclusion of the hearing. The Panel will consider any such application and decide whether to award costs. In 2019/20 costs totalling £34,827 were awarded to the IFoA in six cases. No cost awards were made against the IFoA.

5. Applications to the Independent Examiner

There were two applications to the Independent Examiner during 2019/20. In one case the Independent Examiner did not accept the referral. In the other case the referral was accepted and the Adjudication Panel determination affirmed.

6. Interim Order Panels

No Interim Order applications were made during 2019/20.

7. Appeal Tribunal Panels

During 2019/20 no Appeal Tribunal Panels were held and no applications for appeal were received.

8. Capacity for Membership Hearings

As reported in the last Annual Report, a Capacity for Membership hearing took place in 2018 and special conditions were placed on the Respondent's membership. These conditions were reviewed at six monthly intervals with the final review in November 2019. The Panel decided that it was appropriate for the order to lapse at the final review and the matter has been closed.

Appendix 1

Membership of the Board

The Board operates independently of the Council of the Institute and Faculty of Actuaries and members of Council may not be members of the Board.

The Board is composed of three lay members, including the Chair, and six Fellows. All are appointed by the Disciplinary Appointments Committee (DAC), which also operates independently of the Board and of Council. (See Appendix 2).

The Board's lay members during 2019/20 were:



Stephen Redmond – Chair (from February 2019)

Stephen has a wealth of experience in professional discipline built from appointments across a wide range of regulated sectors and has worked extensively with regulatory bodies in the UK and internationally. Stephen's professional background includes experience as a senior HR consultant for the British government with the governments of Bangladesh, India, Russia, Africa and Eastern bloc countries.

Stephen is currently Chair of the Central Arbitration Committee for Great Britain and was Chair of Independent Appointments to the Bar Standards Board until January 2019. His professional disciplinary experience also includes Lay Panel and Chairing roles for the Health and Care Professions Council, Nursing and Midwifery Council, Doctors and Dentists Disciplinary Appeals Panels and the Judicial Appointments Commission.



Athene Heynes

Athene is a solicitor and was in private practice for many years, becoming a Partner and heading the Family Law division of her firm. In 1993, Athene was appointed by the Lord Chancellor to the Judiciary as a full time Chair in the Tribunal Service. In 1996, the President of the Tribunal Service appointed her as National Chair of the newly formed Child Support Appeal Tribunal.

In 2005, Athene decided to retire early from full time work. Since then, she has chaired many and varied professional regulatory committees and held chairmanships and directorships of professional disciplinary boards.



Velia Soames (from May 2019)

Velia is a solicitor with substantial experience in regulation and complaints handling work. Having started out as a litigator in private practice she then moved into public service as a lawyer, first at the Pensions Ombudsman's Office then at other professional regulatory and membership bodies; her most recent roles have been at CIMA and the Royal College of Veterinary Surgeons.

She is currently the Independent Reviewer for the Bar Standards Board and also serves as a volunteer lay member of the Public Protection Committee at the British Association of Counselling and Psychotherapy. She aims particularly to bring the perspective gained from her experience across a variety of regulators to the work of the Disciplinary Board.

The Board's actuarial members during 2019/20 were:



Kevin Doerr FIA

Kevin joined Commercial Union in 1983. After completing his actuarial exams in 1986 he worked in various roles as part of the finance team and, for two years, as manager of the regional administration centre for Scotland and Northern Ireland. He moved to Scottish Widows in 1999, initially as part of the project to implement its demutualisation and then becoming with-profits actuary in 2005. He retired in May 2017. Kevin was also a trustee director of the Scottish Widows Retirement Benefits Scheme from 2013 until March 2020.



Simon Martin FIA

Simon has recently retired, having been a pensions specialist for nearly 40 years. Simon has made a valuable contribution to the profession in a variety of posts, including involvement in the design and delivery of CPD and professionalism courses for new and experienced members. He has been an IFoA Staff Actuary, and an Investigation Actuary under the Discipline Scheme.

Before he retired, Simon was a Partner in the Retirement and Investment Business at Aon, specialising in delivering investment advice to defined benefit pension schemes.



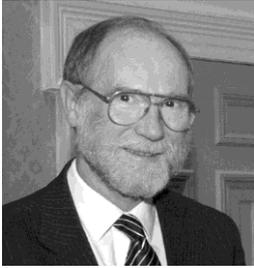
Simon O'Regan FIA

Simon qualified as an actuary in 1984. His global career has covered a wide range of financial services areas, including life and health insurance, pensions and investments. Simon was educated in South Africa, and worked for a number of life insurance companies in Ireland, Zimbabwe and the UK before joining Mercer in 1988. Simon became CEO of Mercer in Australia in 2001, then CEO of Mercer UK, Mercer Europe and finally Mercer US/Canada, retiring in 2017. Simon is now an active non-executive director of a number of organisations, public, private and governmental.



George Russell FIA

George joined the Government Actuary's Department (GAD) in 1994, following qualification with Bacon & Woodrow. He led the GAD pensions policy and demography team between 1998 and 2009, being seconded over this period to the Department for Work and Pensions and to the Pensions Regulator. He then served as Deputy Government Actuary until 2015, responsible for the oversight and operational management of the pensions teams in GAD's London and Edinburgh offices. He currently heads up GAD's Edinburgh office, leading the coordination of GAD support to the Scottish Government and to the Northern Ireland Executive.

**Gordon Sharp FFA**

Gordon joined Scottish Widows in 1974 and qualified as an FFA in 1979. He spent most of his career in pensions and investment consultancy, with Godwins Ltd (now part of Aon Hewitt) and with KPMG. He retired from KPMG in 2013, where he was the senior professional actuary in the pensions practice. He has served in several roles in the profession, including Chairman of the Pensions Board and Chairman of the Continuous Mortality Investigation, and was a member of the Council of the Faculty.

**Jim Webber FIA**

Jim qualified as an actuary in 1982 while working in the life insurance business of GRE. He then moved into consulting, becoming a partner of Tillinghast Towers Perrin (now part of Willis Towers Watson). He joined Norwich Union in 1991 and worked in a number of senior actuarial roles including Group Actuary and Chief Risk Officer for Aviva plc. Before retiring in 2018, Jim worked in education for several years, most recently leading the Actuarial programmes at Queen Mary University of London. Jim joined the Disciplinary Board in 2015, after acting as an Investigation Actuary for several years.

The Disciplinary Board held four board meetings during 2019/20. The minutes of these meetings can be found on the [Disciplinary Board](#) pages of our website.⁸

The number of meetings each Board Member attended in 2019/20 (as compared to the number they were eligible to attend) is shown in the table below. The Board was quorate at all of its meetings.

Board Member	Number of meetings attended
Stephen Redmond, Chair	4/4
Kevin Doerr	4/4
Athene Heynes	4/4
Simon Martin	3/4
Simon O'Regan	4/4
George Russell	4/4
Gordon Sharp	4/4
Velia Soames	3/3
Jim Webber	4/4

⁸ <https://www.actuaries.org.uk/about-us/governance-and-structure/other-boards-and-committees/disciplinary-board>

Appendix 2

The Disciplinary Appointments Committee

The Disciplinary Appointments Committee (DAC)⁹ is comprised of six members, four of whom are Fellows and the remaining two, including the Chair, are lay members.

The lay members in 2019/2020 were:

- James McNeill QC (Chair, pre October 2019)
- Richard Jones QC (Chair, post October 2019)
- Kim Maidment

The actuarial members in 2019/2020 were:

- Jane Curtis FIA
- Brian Duffin FFA
- Stuart Leckie FIA/FFA (pre July 2019)
- Fiona Morrison FIA

The DAC operates independently of the Disciplinary Board and Council. The DAC's role is to oversee all appointments, renewals and appraisals for individuals involved in the disciplinary process. The DAC meets four times a year. The DAC is mindful to ensure that the Disciplinary Board, Disciplinary Pool¹⁰ and Investigation Actuary Pools have a diverse skill set and, when vacancies arise, is keen to receive applications from candidates with a range of backgrounds. Vacancies¹¹ for the Disciplinary Board are advertised as and when they arise. Expressions of interest in the Disciplinary Pool and Investigation Actuary Pool are invited from individuals with the necessary skills and experience and are advertised on the IFoA's website all year round.

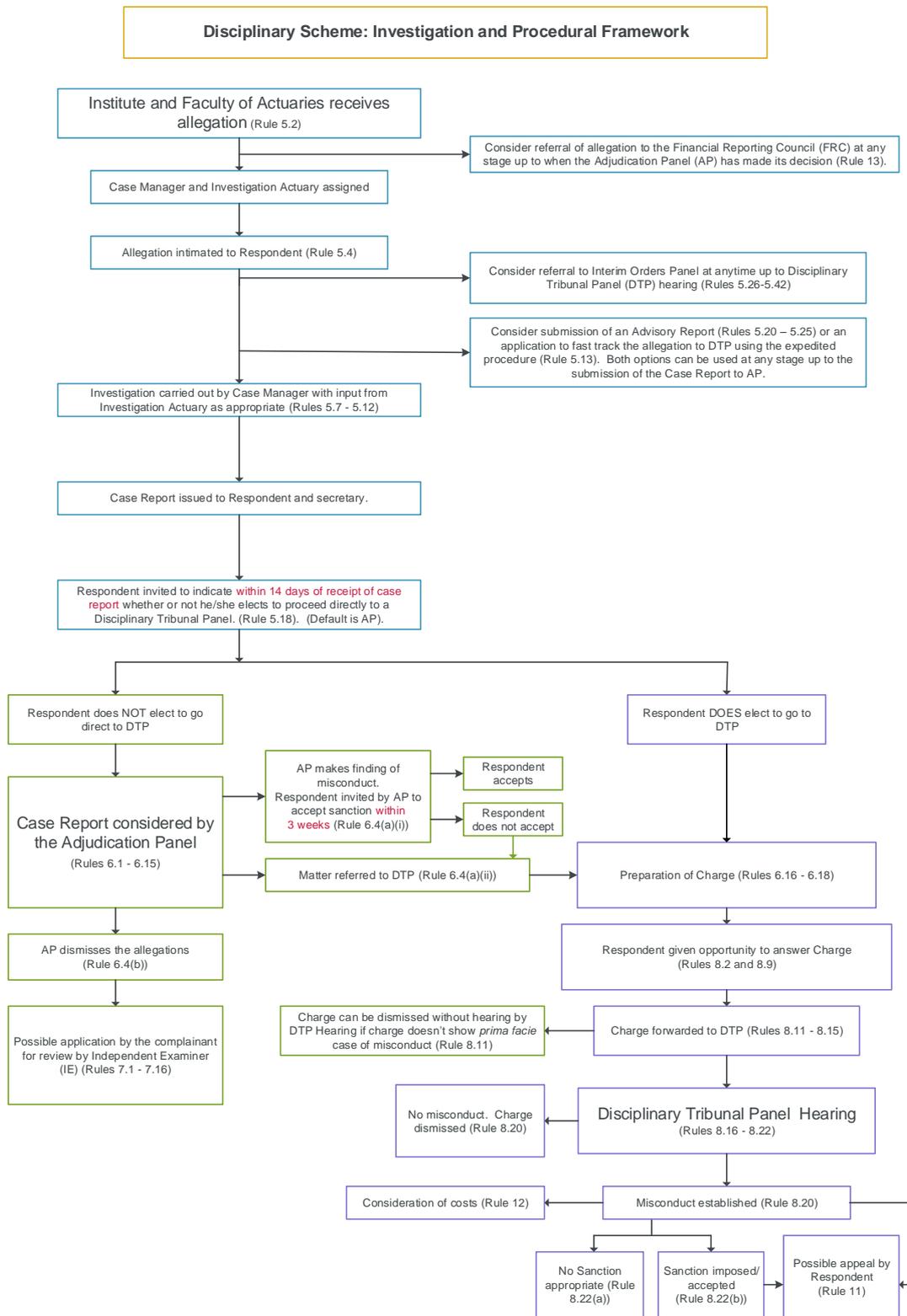
⁹ <https://www.actuaries.org.uk/about-us/governance-and-structure/other-boards-and-committees/disciplinary-appointments-committee>

¹⁰ <https://www.actuaries.org.uk/documents/disciplinary-pool-members>

¹¹ <https://www.actuaries.org.uk/get-involved/volunteering-ifo/volunteer-vacancies>

Appendix 3

Disciplinary Framework



Note: The Capacity for Membership process provides an alternative process where the Respondent’s health may have been materially impaired at the time of the alleged misconduct and continues to be a significant factor. An Application for transfer to the Capacity for Membership process can be made at any stage up until when the final determination is issued.

Appendix 4

Glossary of Terms

Term	Definition
Adjudication Panel	A Panel appointed to consider the outcome of the initial investigation, which is presented in a Case Report, or Advisory Report. For Case Reports, the Panel will determine whether or not the matters disclose <i>prima facie</i> evidence of Misconduct and agree the next step in the disciplinary process, including the option to refer to a Disciplinary Tribunal Panel. The Adjudication Panel meets in private and is comprised of at least three Panel members, one of whom is always a lay member. For further information see the “About Adjudication Panels” note on our website. ¹²
Advisory Report	Submitted to an Adjudication Panel by the Case Manager and the Investigation Actuary recommending that the investigation should be discontinued. This is usually when it is considered that the allegation, even if found proven, would not disclose a <i>prima facie</i> case of Misconduct.
Appeals Tribunal	In the event that a Respondent wishes to dispute the findings of a Disciplinary Tribunal Panel, the Scheme allows a right to appeal.
Application to Convener/ Expedited procedure	If the Case Manager and Investigation Actuary consider it to be in the interests of the public and/or the actuarial profession to refer the allegations directly to a Disciplinary Tribunal Panel, rather than an Adjudication Panel, they can make such a referral prior to the Case Report being prepared. If the Respondent does not agree to such a referral, the Case Manager and Investigation Actuary can make an application to the Convener of the Adjudication Panel who will decide whether or not the matter shall be referred directly to a Disciplinary Tribunal Panel.
Capacity for Membership	The Capacity for Membership process was introduced on 1 February 2018. This process provides an alternative route for cases where the current capacity of the Respondent is impaired and this impairment is relevant to the allegation or charge. An information note which helps explain how this process works can be found on the IFoA website. ¹³
Case Report	A Case Report sets out the allegations made against the Respondent and contains all the relevant facts and information obtained during the investigation but does not set out any recommendations. The Respondent is given the opportunity to comment on the Case Report before an Adjudication Panel considers whether or not there has been Misconduct.
Determination	Decision of an Adjudication or Disciplinary Tribunal Panel. Published determinations can be found in the disciplinary section of our website. ¹⁴

¹² <https://www.actuaries.org.uk/documents/about-adjudication-panels>

¹³ <https://www.actuaries.org.uk/upholding-standards/complaints-and-disciplinary-process/disciplinary-and-capacity-membership-schemes>

¹⁴ <https://www.actuaries.org.uk/upholding-standards/complaints-and-disciplinary-process/determinations>

Term	Definition
Disciplinary Tribunal Panel (DTP)	A DTP is convened to consider matters which have not concluded at Adjudication stage, or have been referred by the Convener via the expedited procedure. The DTP is comprised of three or more people, at least one of whom shall be a Fellow of IFoA and at least one shall be a Lay person. The DTP is advised by an independent Legal Adviser. The DTP will decide whether the allegations amount to Misconduct and, if so, what the appropriate sanction (if any) would be. DTP Hearings are usually held in public with the notice of the hearing published on the IFoA website. See further information on our website. ¹⁵
Exclusion/Expulsion	The sanction where the Misconduct found proved is of such gravity that the reputation of the profession or the public interest requires that the Member is no longer able to practice or claim membership of the profession. Exclusion is the order where membership has already ceased at the time of the Disciplinary Tribunal Panel; expulsion where membership is current.
Executive Referral Process	This process allows the IFoA to formally instigate a case investigation in the absence of an individual/organisation raising an allegation against a Member. Each referral is independently reviewed by the IFoA General Counsel (or appropriate senior deputy) and the Chair of the Investigation Actuaries' Pool before a decision is taken to instigate a formal investigation. This is also the approach followed where a member self-refers in relation to their own possible Misconduct.
Independent Examiner	If an Adjudication Panel decides that there is no <i>prima facie</i> case of Misconduct, the person who made the allegation can refer the case to an Independent Examiner for review, if the grounds set out in the Scheme are met. The Independent Examiner is completely independent of the IFoA. See note on our website. ¹⁶
Interim Order	An urgent application to impose provisional restrictions on a Member's ability to practice, pending the outcome of the disciplinary proceedings. The IFoA will use this facility in compliance with its duty to protect the public, where the facts and circumstances merit.
Lay Member	Not a member of the IFoA.
Misconduct	Defined at rule 4.2 of the Scheme and includes any conduct, whether committed in the UK 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 Rules and Bye-laws and/or relevant standards or guidance.
Practising Certificates	Granted by the IFoA and demonstrate that the holder is fit and proper and has the necessary skills and experience to potentially carry out reserved work (see definition below), thereby protecting the public interest. See further information on the IFoA website. ¹⁷

¹⁵ <https://www.actuaries.org.uk/documents/disciplinary-tribunal-panel-information-respondent>

¹⁶ <https://www.actuaries.org.uk/documents/independent-examiner-information-respondent>

¹⁷ <https://www.actuaries.org.uk/upholding-standards/practising-certificates>

Term	Definition
<i>Prima facie</i>	Adjudication Panels do not conduct a full hearing with witnesses, nor do they determine the facts on the balance of probabilities. Instead, they consider whether, on the face of it, there appears to be sufficient evidence to proceed to a Tribunal if required.
Reserved Role	Specific roles identified in legislative, regulatory requirements and/or guidance, which are reserved for actuaries, or which are commonly held by actuaries. Members in these reserved roles must hold a Practising Certificate (see definition above).
Respondent	A member (or former member) of the IFoA who is the subject of an Allegation of Misconduct.
the Scheme	IFoA Disciplinary and Capacity for Membership Schemes, effective 1 February 2018. ¹⁸
Scheme Actuary	An actuary appointed to give advice to trustees in a pension scheme.

¹⁸ <https://www.actuaries.org.uk/documents/disciplinary-and-capacity-for-membership-schemes>

Appendix 5

Board Remit¹⁹

2.41 The functions of the Disciplinary Board shall comprise:

- (a) overseeing the management and operation of this Scheme;
- (b) deciding the maximum fine which an Adjudication Panel may invite a Respondent to pay under rule 4.6(b);
- (c) providing biannual reports to the Council and such other interim reports on specific issues as it deems necessary;
- (d) producing an annual report to the Institute and Faculty of Actuaries;
- (e) setting and monitoring time frames for investigations and proceedings under this Scheme;
- (f) organising training of those involved in this Scheme;
- (g) receiving and considering reports from the Independent Examiner, from any Chairman, committee, panel or tribunal appointed under this Scheme, from the FRC regarding allegations considered under the FRC Scheme and from the Chief Executive of the Institute and Faculty of Actuaries on the operation of this Scheme;
- (h) making and varying such regulations (not being inconsistent with the provisions of the Charter, the Bye-laws, Rules or this Scheme) as it may consider necessary for the implementation of this Scheme and for the performance by Investigation Actuaries, Interim Orders Panels, Adjudication Panels, Disciplinary Tribunal Panels and Appeal Tribunal Panels of their respective functions under this Scheme;
- (i) providing guidance on procedure it considers appropriate not being inconsistent with this Scheme for the performance of functions under this Scheme;
- (j) giving feedback to the Council, and/or the FRC and/or any of its operating bodies on lessons learned from any proceedings conducted under this Scheme, in respect of any standards, advice, guidance, memorandum or statement on professional conduct, practice or duties issued by them;
- (k) providing such guidance on procedure as it considers necessary for the performance by the Institute and Faculty of Actuaries of functions under rule 1.23;
- (l) providing advice and guidance to the Council about entering into mutual disciplinary agreements with actuarial regulatory bodies outside the UK who are members of the International Actuarial Association; and
- (m) such other functions as shall be agreed from time to time by the Council.

2.42 The Disciplinary Board may at any time, subject to the agreement of the Council or such other body delegated by them for the purpose, arrange for a review of the provisions and operation of this Scheme or any aspect of it to be undertaken.

2.43 The Disciplinary Board shall from time to time provide guidelines for the manner in which sanctions involving education, retraining and/or supervised practice under this Scheme may be imposed. Such guidelines shall be published by the Institute and Faculty of Actuaries.

¹⁹ From the Disciplinary and Capacity for Membership Schemes, effective 1 February 2018.

How to contact the Board

To contact the Board:

By email: disciplinary.board@actuaries.org.uk

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Edinburgh
EH3 8RA

By telephone: +44 (0)131 240 1320

For further information on the Disciplinary Board and to see the published minutes of each Board Meeting, please visit our web pages at:

<https://www.actuaries.org.uk/about-us/governance-and-structure/other-boards-and-committees/disciplinary-board>

For further information on the Disciplinary process, please visit our web pages at:

<http://www.actuaries.org.uk/upholding-standards/complaints-and-disciplinary-process>