



Institute
and Faculty
of Actuaries

DISCIPLINARY TRIBUNAL PANEL HEARING

Readmission to Membership

Institute and Faculty of Actuaries

Held online

05 October 2020

Applicant: Norman Head

IFoA: Jenny Higgins (IFoA)

Panel Members: Paul Housego (Chair/Lay Member)
Darshan Ruparelia (Actuary Member)
Angela Brown (Lay Member)

Legal Adviser: Graeme Watson

Judicial Committees Secretary: Julia Wanless

Decision:

The application for re-admission to the Institute and Faculty of Actuaries is granted.

Reasons:

1. On 09 July 2015 Mr Head was expelled from the Institute and Faculty of Actuaries ("IFoA"), and not permitted to apply for readmission for five years. On 21 July 2020, that period having expired, he made application for readmission to membership as a Fellow of the IFoA. He stated that he had no wish to practise and would wish to be a Category 7 (retired) member: now called a non-practising member.
2. The IFoA was neutral on the application, neither opposing nor supporting it.
3. The reasons for Mr Head's expulsion were irregularities in his professional activities in relation to several linked pension funds. At their root was that Mr Head had acted as if he was scheme actuary when he was not, and with mistakes in the professional work he had undertaken for them. The scheme actuary and Mr Head had expected that Mr Head would succeed the scheme actuary on his retirement and the scheme actuary had been fully participant in what Mr Head had done (and was also expelled from the IFoA).
4. This was not the first time Mr Head had appeared before the Disciplinary Tribunal Panel ("DTP"). In 2010 he had been found guilty of misconduct. That related to an issue that had arisen in actuarial work through a misunderstanding of legislation.
5. He was admitted to the IFoA as a fellow on 25 December 1986. Following his expulsion from the IFoA Mr Head continued to work in the administration of corporate pension schemes, but had not worked as an actuary. He retired from all practice in 2017, when he was 67.
6. Mr Head explained that he did not wish to resume practice, but was active as a volunteer for various Church related bodies, as Chair and in other roles.
7. Mr Head said that he wished to be able to access educational opportunities open to members, such as webinars and other material open only to members via the IFoA's website. He hoped to be able to volunteer to be involved in conferences and lectures, mentoring others in the importance of professional standards and how to deal with difficult situations and to practise to high ethical standards.

8. Mr Head submitted six supporting references of which five are from actuaries speaking to his character, his level of insight into the previous matters, and attesting to the value of, and commitment to, his voluntary work. One of those references was from a past Chairman of the Association of Consulting Actuaries and past Master of the Worshipful Company of Actuaries. Another of Mr Head's references was from the senior actuary at the firm which took over the business of the firm where Mr Head had worked. That reference advised that no complaint had been received by them from the client in respect of Mr Head's work for them.
9. All the references consider Mr Head to be a man of integrity and honour. The 2015 decision expressly made no finding of lack of integrity.
10. In his evidence given on oath Mr Head undertook that if he was readmitted as a member he would immediately apply to be a non-practising member.
11. The DTP accepted the advice of the legal adviser, who referred the DTP to Rules 10.12 and 10.13. The latter states:

“10.13 In reaching its determination the Disciplinary Tribunal Panel shall consider all relevant factors including where appropriate the circumstances of the Applicant, the Applicant's behaviour since expulsion or exclusion, the steps which the Applicant has taken to keep up to date with professional standards and practice, the nature of any professional opportunities open to the Applicant and whether, if readmitted, the Applicant could be expected to uphold the standards expected of a Member.”
12. This requires the DTP to consider all relevant factors and gives five examples, to be considered where appropriate (and by necessary implication not if it is not appropriate to do so).
13. There was no dispute of fact. The IFoA did not seek to challenge the evidence given by and for Mr Head. Accordingly there is no burden or standard of proof. The decision is a matter for the judgment of the DTP.
14. The DTP bore in mind that the relevant factors to be considered are three.
 - 14.1. The protection of the public.
 - 14.2. The reputation of the profession.

14.3. The need to declare and maintain proper professional standards (and of the regulator as their custodian).

15. This has been expressed¹ as

“As this and other authorities make clear, although two elements of the sanction's purpose may be to punish the solicitor in question and to deter repetition of similar or other misconduct by him, these are not the main purposes. The primary purpose of the sanction is to deter others and uphold the reputation of the profession (see e.g. Anderson per Treacy LJ at [72]). In determining sanction the tribunal will properly have in mind the message which the sanction will send to other solicitors for the purposes of promoting and maintaining the highest standards by members of the profession, and the high standing of the profession itself in its reputation with the public at large. This latter aspect engages not only the public's confidence in the standards maintained by practising solicitors, but also its confidence in the organs of a self regulating body to conduct effective and fair disciplinary regulation.”

For health professionals, but analogous:

“Each case of this type can only properly be resolved by the application of general established principle to its own specific facts. The purpose of the imposition of a sanction is not merely to punish the individual in the wider public interest but to ensure that public confidence is maintained in the standards to be required of health professionals and that faith can be placed in the regulatory system to police and punish any significant lapse.”

16. A profession does not require solely technical expertise but adherence to a code of ethics and behaviour. Members of professions espouse a shared ambition to achieve both these goals. Professional bodies are collegiate, and are more than organisations imposing rules and regulations.

17. Mr Head has not practised as an actuary for five years and has retired from paid employment three years ago. He does not seek readmission for a work related reason. He seeks readmission because he had a long career as an actuary. He retains the friendship of other actuaries, and wishes to be part of bodies whose members are actuaries. He

¹ Fuglers LLP & Ors v Solicitors Regulatory Authority [2014] EWHC 179 (Admin), para 32 and The Professional Standards Authority v Health and Care Professions Council & Anor [2016] EWHC 1237 (Admin), para 20

seeks to access the opportunities for webinars and other materials available through the IFoA to its members. He would like to be involved as a volunteer to try to assist at lectures and conferences about how not to fall into errors in behaviour.

18. The DTP considered that in his oral evidence Mr Head showed genuine remorse and insight into the matters which led to his expulsion. His remediation had led him to significant voluntary work for Church and Church related community bodies.
19. The DTP considered first risk to the public. The DTP was satisfied that there was none. Mr Head will not be returning to practice. The DTP considered carefully whether the organisations of which he was part would give greater weight to his contributions if he were an actuary. The DTP considered that as Mr Head was not acting as an actuary and would not be working as such the risk of this was limited, both as to opportunity and because Mr Head would be an actuary who ceased to practice over five years ago. The DTP considered that Mr Head's colleagues would know this, and so would know he was not up to date. The DTP also considered Mr Head's evidence that he would not be holding himself out as competent to advise as an actuary to be reliable.
20. It follows that it is not appropriate to consider whether Mr Head has been keeping up to date, or whether there are opportunities open to Mr Head.
21. As to one other factor in Rule 10:13, it is clear that Mr Head has conducted himself well since 2015 in his Church and community activities.
22. The decision for the DTP is, in essence, whether Mr Head is a fit and proper person to be a member of the IFoA.
23. The DTP notes that there was no lack of integrity in the matters which led to Mr Head's expulsion. The DTP notes also that one of his references comes from a past Chair of the Association of Consulting Actuaries and past Master of the Worshipful Company of Actuaries.
24. The DTP considered that the members of the profession would agree that it was right that Mr Head be readmitted on the basis of his application, set out above.
25. The DTP considered that the reputation of the profession would be enhanced by recognition of the rehabilitation of Mr Head by permitting him again to say that he is an actuary. Being a member of a profession is an important part of a professional person's life and sense of identity. Mr Head was an actuary for nearly 30 years.

26. The function of the DTP in declaring and upholding proper professional standards was achieved in 2015. Granting the application does not diminish that. There would not be provision in the Rules for readmission were it not possible to succeed in such applications.

27. The DTP finds that there is no risk to the public in Mr Head being readmitted and the other reasons for the imposition of sanctions have been met by the five year expulsion and that it is right and just that Mr Head be readmitted, and so decided to grant his application.

Publication:

28. Having taken account of the Disciplinary Board's Publication Guidance Policy (May 2019), the Panel determined that 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.