Institute and Faculty of Actuaries

Regulatory consultation
Diversity, Equity and Inclusion

Opening date	28 August 2024
Closing date	29 October 2024

Questionnaire for organisations

The IFoA is consulting on proposals to publish non-mandatory guidance to support the incorporation of diversity, equity and inclusion (DEI) values into its regulatory framework. Organisations responding to the consultation should use this questionnaire. Please follow the "How to" guidance below, to respond on behalf of your organisation. If you would like to provide a personal response, please go to our questionnaire for individuals.

If you have any questions about these proposals or about responding to this consultation, or if you require materials in a different format, please get in touch by emailing the team at regulation@actuaries.org.uk.

Thank you for taking part in this consultation. Your input is very valuable to the IFoA.

How to take part using this questionnaire

1	**Read the proposals**	Please ensure that everyone involved in drafting your organisation's response has read the full proposals before taking part. Go to the IFoA website to read the proposals.
2	**Draft response**	Please use this questionnaire to draft your response. To help coordinate your response you can use Track Changes to collaborate with colleagues. Please only include personal data relevant to your response and that you are lawfully entitled to supply. Any personal data provided in this questionnaire, or otherwise, will be processed in accordance with UK data protection law and the IFoA's Privacy Policy.
3	**Submit response**	Please send your completed response to regulation@actuaries.org.uk with the subject line "Regulatory consultation response," no later than 29 October 2024. Please provide a copy of your response in the format of this download (".docx"), as we will be using automation to collate responses in Microsoft Excel.

About your response to the consultation

Your publication preferences

Following the consultation, the IFoA will publish a report which includes:

- a list of organisations who have responded; and
- the full written comments received in response to each consultation question.

The IFoA will not publicly attribute comments to respondents, unless the comments themselves identify the respondent, either directly or indirectly.

If you would prefer that your organisation's name or comments are not included in the published report, please indicate that here.

Do you agree to your organisation's name appearing in a published list of respondents?	Yes
Do you agree to your organisation's comments being published in the report?	Yes

About your organisation

Name	Association of Consulting Actuaries	
Type	Representative body	Click here to specify "Other"

About IFoA members employed by your organisation

Number	How many IFoA members does your organisation employ?	0

Locations

Below is a list of the fifteen countries in which most IFoA members are based.

Please tick all countries in which IFoA members employed by your organisation are based. Please use the additional space provided to list any countries not included in the list.

Australia ☐	**Canada** ☐	**China** ☐	**Hong Kong** ☐	**India** ☐
Ireland ☐	**Kenya** ☐	**Malaysia** ☐	**New Zealand** ☐	**Singapore** ☐
South Africa ☐	**Switzerland** ☐	**UK** ☐	**USA** ☐	**Zimbabwe** ☐

Click to list all other counties not included above

Your contact details (if applicable)

Following the consultation, we may contact you about your response. If you are content to be contacted by us, please provide details.

Name	James Beardmore
Email address	James.beardmore@hughespricewalker.co.uk
ARN	1460

Please send your completed form to regulation@actuaries.org.uk by no later than 29 October 2024

Your response to the consultation (page 1 of 5)

Question 1

Having sight of both the proposed changes to the Actuaries' Code (the Code), and the draft guidance, do you have any new or additional comments or feedback on the proposed Code changes?

It is a pity the changes the ACA suggested (with reasons) to the Actuaries Code section 1.3 and section 5 in the previous feedback in 2023 have not been adopted, or specifically answered, particularly given the IFoA's member pledge (3).

There is a distinction between supporting the DEI principles, for which there was positive ACA feedback, and individuals being subject to professional risks from varying (or maleficent) interpretation of particular words and phrases in the Code, within diverse workplaces and beyond workplaces in society. (Reference is also made to this evolving meaning in the penultimate bullet point in the example before paragraph 5.17 in the guidance).

One benefit of adopting a purely principles based Code without detailing terms that are too specific is to remove unnecessary risks for practitioners without diminishing the promotion of valued aspects of DEI.

Question 2

Do you think that the guidance clearly sets out how the IFoA interprets the terms "Diversity, Equity and Inclusion"? Please provide any reasons or further explanation for your response in the space below.	Yes

Yes in sections 2.1 to 2.4 of the guidance

Question 3

To what extent does the guidance assist you in understanding the requirement that members must show respect for everyone, in relation to DEI? (Amplification 1.1) Please provide any reasons or further explanation for your response in the space below.	Slightly

Partly. It could be helpful to make 5.10 in the guidance more prominent, along with a cross-reference to the defined scope of the Code in relation to other conduct/non-professional life. This is because it seems to be an area where practitioners are significantly less clear on the DEI obligations and have more queries.

The layout of the content could then initially develop more the workplace issues, including more on the role of the member's employer in promoting DEI for example in client engagement and communication materials. The last section of the guidance could then discretely develop more the non-professional issues, including for example the difficulties of speaking-up in various arenas (and to whom?).

It could be helpful to also identify "respect for an individual's privacy" as a key and fundamental component of respect (for courtesy and statutory reasons), as it can often seem to be missed or given insufficient weight in the ongoing move to inclusion, and in a world of social media, big data, and AI.

Your response to the consultation (page 2 of 5)

Question 4

To what extent does the guidance assist you in understanding how members should encourage DEI? (Amplification 1.2) Please provide any reasons or further explanation for your response in the space below.	Slightly

Partly. It is clear there is no measured threshold for the encouragement of DEI, but that a DEI mindset, put into action, is what is needed.

It could be helpful to comment on how members who are older and have experienced and understood different values for much of their lives will have specific needs in the workplace to transition respectfully to a DEI mindset, consistent with their beliefs. It should also be helpful to bring out how younger members can respectfully bring valued input. Opportunities for leading by example (at whatever level the member is) are another good way of promoting DEI.

For those in a consultancy role, it would be helpful to include guidance on the extent to which actuaries are expected to challenge client (rather than colleague or employer) behaviour, either under this amplification or under the speaking up principle. For example, is there an expectation that actuaries will challenge a trustee board on meeting arrangements, trustee selection criteria or conduct of meetings where these contravene DEI principles?

Question 5

To what extent does the guidance assist you in understanding the requirement that members must not subject others to bullying, victimisation or harassment? (Amplification 1.3) Please provide any reasons or further explanation for your response in the space below.	Slightly

It is possibly inadequate. The EHRC has recently published detailed technical guidance on harassment which shows the depth of understanding now needed in the workplace. A link to this in the (current) section 9 could be included. Each employer would also have its own policies/guidance which should be acknowledged.

Guidance paragraph 5.25 is too narrow in our view as it aligns with intention rather than impact. An action may not be intended as harassment, but may cause offence. Examples of this could be behaviour that is not intended as offensive but could be construed as sexual harassment..

At the edges of development, the UK has had a discussion on the “right to switch-off” and some more protective conditions sought by unions in certain industries.

This reinforces our view that a Code with principles without details that are too specific will be more durable over time and remain more appropriate for the profession.

Question 6

Do you think the guidance clearly sets out what bullying, victimisation and harassment means in the context of the Code? Please provide any reasons or further explanation for your response in the space below.	To some extent

Please see comments for Question 5 above.

Your response to the consultation (page 3 of 5)

Question 7

To what extent does the guidance assist you in understanding the requirement that members should speak up if they believe that others are being treated unfairly or excluded unreasonably? (Amplification 5.2). Please provide any reasons or further explanation for your response in the space below.	Slightly

Partly. Actuaries are already acquainted with the Speaking Up principle.

In our previous ACA consultation response (to Q4 of that consultation) we highlighted some problems that just "believing" an issue to exist creates where there is a requirement to speak up – a more informed basis should be needed.

No-one can always be 100% free from bias – as recognized in bullet point three in the DEI guidance example after paragraph 5.16 – this bias might trigger ill-conceived speaking up without a sound basis. We therefore re-iterate the suggestion on "reasonable cause to believe" in the previous consultation response.

The comment in response to Q5 regarding guidance for those in a consulting role is also applicable here.

Question 8

To what extent do the illustrative examples and Q&As included in the guidance provide practical value to members? Please provide any reasons or further explanation for your response in the space below.	Slightly

The Q&As are useful, and provide some practical value. The range of possible situations is vast, and it not expected that any list of Q&As will cover all situations.

Question 9	
To what extent does the guidance clarify that the DEI requirements within the Code apply to a member's conduct in relation to their actuarial role and conduct outside their actuarial professional life, in the same way as the other provisions of the Code? Please provide any reasons or further explanation for your response in the space below.	Slightly

Please see comments for Q3.

Your response to the consultation (page 4 of 5)

Question 10	
To what extent does the guidance help you understand how the IFoA's Disciplinary Scheme applies to members' conduct in respect of DEI? Please provide any reasons or further explanation for your response in the space below.	Slightly

Partly, but guidance is one thing, and practice another. It will be very instructive to see how any disciplinary cases are treated, although we hope actuaries will always meet required standards and no cases arise.

Given there is significant overlap between the proposed requirements for actuaries and each actuarial employer's policies in this area, it may be helpful to comment on how disciplinary cases will be viewed where an actuary's behaviour is either subject to an employer investigation of the same complaint, or where the action being investigated was strongly influenced / determined by their employer policies. The guidance is clear that local laws override the guidance where there is a conflict, but is less clear where there is a conflict with employer policies (and where the individual is not in a position to challenge this).

Question 11

Do you think the guidance is clear on how the DEI requirements within the Code apply globally? Please provide any reasons or further explanation for your response in the space below.	No

No. In a world with some populous nations that do not, for example, allow women equal rights, or even in some cases an education, it is expected that UK actuaries will need to consider all the relevant circumstances in any such difficult situations (for the globally inclusive aim re paragraph 1.2) - and to try to follow the principles set out in paragraphs 5.6 and 5.7 of the guidance and the Code generally to the best of their abilities (in accordance with paragraph 5.15.- taking whatever actions are suitable).

Question 12

Are there any other areas you feel ought to be covered in the guidance?

A follow-up in time may be helpful. For example an anonymised summary of DEI queries that were raised with the Professional and Regulatory Support helpdesk, or other relevant issues arising that would make good case studies.

Your response to the consultation (page 5 of 5)

Question 13

If you wish to provide any other feedback not already covered then please do so here.

The numbering appears to need change – the guidance goes from section 6 straight to section 8.

At some point the guidance could be consolidated with other Code guidance in a single document.