



<b>Opening date</b>	28 August 2024
<b>Closing date</b>	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](mailto: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

<b>1</b>	<b>Read the proposals</b>	Please ensure that everyone involved in drafting your organisation’s response has read the full proposals before taking part. <a href="#">Go to the IFoA website to read the proposals.</a>
<b>2</b>	<b>Draft response</b>	Please use this questionnaire to draft your response. To help coordinate your response you can use <a href="#">Track Changes</a> 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 <a href="#">Privacy Policy</a> .
<b>3</b>	<b>Submit response</b>	Please send your completed response to <a href="mailto:regulation@actuaries.org.uk">regulation@actuaries.org.uk</a> 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.

## Regulatory consultation questionnaire

### Diversity, Equity, and Inclusion

#### 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

<b>Name</b>	The Free Speech Union Ltd		
<b>Type</b>	Other	Membership Public Interest Body	

##### About IFoA members employed by your organisation

<b>Number</b>	How many IFoA members does your organisation employ?	0			
<b>Locations</b>	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 <input type="checkbox"/>	Canada <input type="checkbox"/>	China <input type="checkbox"/>	Hong Kong <input type="checkbox"/>	India <input type="checkbox"/>
	Ireland <input type="checkbox"/>	Kenya <input type="checkbox"/>	Malaysia <input type="checkbox"/>	New Zealand <input type="checkbox"/>	Singapore <input type="checkbox"/>
	South Africa <input type="checkbox"/>	Switzerland <input type="checkbox"/>	UK <input type="checkbox"/>	USA <input type="checkbox"/>	Zimbabwe <input type="checkbox"/>
	<a href="#">Click to list all other counties not included above</a>				

##### 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.

<b>Name</b>	Toby Young
<b>Email address</b>	info@freespeechunion.org
<b>ARN</b>	<a href="#">Click to respond</a>

Please send your completed form to [regulation@actuaries.org.uk](mailto: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?

We remain firmly opposed to the proposed changes to the Code and the draft guidance that accompanies it. In today's climate, the requirement to encourage diversity, equity and inclusion (DEI) is equivalent to imposing a workplace speech code. It will effectively import a specific set of political values and expectations into the Actuaries Code – particularly given that the E in this instance refers to Equity, rather than Equality.

Approximately one-in-20 of the more than 3,000 cases the FSU has taken on are related to DEI policies and/or training schemes in the workplace. Where we are involved in a case from beginning to end, it is favourable for our members over 75% of the time. This success rate underlines how problematic these DEI approaches are, with our success often due to the fact that the policies underpinning these initiatives either misstating equalities law or are straightforwardly unlawful.

We are further concerned by the broad requirements imposed by the new Principle 1.3 not to subject others to bullying, victimisation and harassment. We believe that the definitions set out in the draft guidance are too broad, go beyond the law and risk further stifling the free expression of IFoA members.

The proposed Code, especially when interpreted alongside the draft guidance, will have a detrimental effect on the free speech rights of IFoA members and is likely to trigger a wave of vexatious, politically motivated complaints against members.

Question 2

Do you think that the guidance clearly sets out how the IFoA interprets the terms "Diversity, Equity and Inclusion"?

No

Please provide any reasons or further explanation for your response in the space below.

Page 10 of the guidance states: "Some Members may dislike the DEI terminology used in this provision, but the focus is intended to be on setting expectations about how we treat others." This suggests that the DEI terminology will be interpreted in a reasonable way by employers, clients and potential complainants. But that is not our experience.

A survey undertaken by the Free Speech Union in March 2024 involving a representative sample of 800 British workers, all of whom had been through some kind of DEI or climate training, found that an authoritarian version of DEI has become endemic in UK workplaces. According to our extensive survey, while DEI training is supposed to make offices more inclusive and attractive places to work, it is having the opposite effect – and is particularly unpopular among ethnic minorities and members of the LGBT communities. Sixty-two per cent of workers said they have had to conceal what they really think about the training they've received, including 22% who have been compelled to say things that they don't really believe. This rises to 31% among Black and Asian respondents.

Thirty-six per cent said they had witnessed staff being penalised in some way by their current employer because they challenged DEI training, including 12% who have witnessed staff being fired for doing so.

Given the extent of self-censorship going on as a result of the imposition of DEI in the UK workplace, DEI terminology – and its equivalents – should be abandoned by the IFoA.

**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)

Not at all

Please provide any reasons or further explanation for your response in the space below.

In our April 2023 response to the DEI Consultation, we raised the concern that “showing respect for everyone” is a significant amplification on the current Code. We are pleased that section 5.6 of the guidance states: “The duty to show respect does not impose an obligation on Members to agree with all views, or to withhold dissenting opinions. Rather, it imposes a requirement on Members to show courtesy to others and to engage in any debate in a respectful and professional manner.”

We remain concerned, however, that IFoA members could be deemed to have fallen foul of the proposed Code when third parties treat the expression of a dissenting view in itself as a matter of failing to show respect – however reasonably and calmly that view may be expressed. We have seen this repeatedly in the debate around gender identity, whereby workers are penalised for refusing to endorse gender identity ideology by not displaying their preferred pronouns in their lanyards or email signatures. Indeed, the stifling of debate on this issue was highlighted as a problem by Dr Hilary Cass in her ‘Final Report’ of April 2024. In this environment, where any dissent on an issue is treated as a sign of disrespect, we fear that the proposed Code will lead to a wave of vexatious complaints against people who believe in the biological reality of sex being submitted to the IFoA.

We reiterate our suggestion from our previous response that the IFoA should consider using the word ‘tolerate’ rather than ‘respect’, as scholars at Cambridge University voted to do in 2020 when they were asked to approve a new university-wide policy requiring them to ‘respect’ other people’s views. The term ‘tolerate’ would meet the goal of ensuring cordial conduct without imposing on members the implied endorsement and deference signified by ‘respect’.

**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)

Not at all

Please provide any reasons or further explanation for your response in the space below.

The section on page 8 gives examples of ways that members might encourage DEI. Several of these simply describe the basics of professional behaviour, which is already covered in the existing Code. We are concerned, however, by several of the themes emerging in the examples listed in the draft guidance.

The third bullet point in the box under 5.16 discusses individual biases, including those that may be unconscious. This appears to be suggesting there is merit in ‘Unconscious Bias Training’. Indeed section 9.7 of the draft guidance contains links to an IFoA microsite called “The Many Faces of Bias”, which describes both conscious and unconscious bias in more detail. In December 2020, however, the government’s Behavioural insights Team came to the view that Unconscious Bias Training was not effective. The Written Ministerial Statement accompanying that study noted: “Despite a growing diversity training industry and increased adoption of unconscious bias programmes, a strong body of evidence has emerged that shows that such training has no sustained impact on behaviour and may even be counterproductive.”

The penultimate bullet in 5.16 states: “the scope of, and language for talking about, DEI matters is constantly evolving” and that “continuous learning [...] will support your ability to encourage DEI effectively”. To date, the evolution of DEI concepts and definitions has largely been driven by activists with an ideological agenda. Where this is coupled with authoritarian training, the effect is to stifle free speech in the workplace – as revealed in our research from March 2024 (and described in more detail in our answer to question 2).

Section 5.17 of the draft guidance makes the following claim: “The benefits of diversity are manifold. On one hand, it is aligned with our accepted principles of fairness that the workplace is accessible and inclusive to all, and that individuals with the talent and drive to succeed are not excluded by reason of their individual characteristics. Separately, diversity also allows the profession to thrive. Having a diverse population within our profession, enables different angles and mindsets to be explored – it broadens ideas and thinking, which can lead to improved outcomes.”

## Regulatory consultation questionnaire

### Diversity, Equity, and Inclusion

We agree that principles of fairness should apply in the workplace. Yet following the consultation of April 2023, the IFoA removed the ‘fairness’ requirement from the proposed Code. Section 3.12 of that report went further and stated: “Some respondents commented that the requirement to act ‘fairly’ conflicted with the obligation to encourage equity, because it was their view that equity (i.e. potentially treating others differently to address an underlying inequity) is ‘inherently unfair’.” Based on the accepted principles of fairness cited in the draft guidance, we believe the requirement to promote Equity should be removed from the proposed Code. Equity is in direct conflict with fairness principles.

Finally, we believe that the draft guidance should expand further on the need to broaden ideas and thinking and to avoid groupthink. Across our casework at the FSU, we have seen repeated examples of a one-sided approach to DEI, with the uncritical acceptance of gender identity ideology and critical race theory, as well as other aspects of identity politics. As a result, diversity and inclusion initiatives have often embedded groupthink more deeply across organisations.

#### 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)

Not at all

Please provide any reasons or further explanation for your response in the space below.

We are pleased to see that the words “behaviour that may amount to” have been removed from Principle 1.3. The definitions of bullying and harassment provided in the guidance, however, are too broad and will restrict the free speech rights of members.

We reiterate the point we made in the April 2023 consultation that this proposal is not needed since victimisation and harassment of colleagues is already prohibited by the Equality Act 2010 and the Code already contains Principle 1 (Integrity).

Bullying is defined in the draft guidance as “behaviour that is offensive, intimidating or insulting, and which causes harm to another person”. Among the examples is “making offensive comments about someone on social media”. While we understand that professionals need to be held to a high standard, that standard is already established by the current Code. Worryingly, the new proposal risks going further than the law and infringing on the free expression of IFoA members. Following free speech concerns raised by several high-profile individuals across the political spectrum, in 2013 the word “insulting” was removed from Section 5 of the Public Order Act 1986. Similarly, both the Malicious Communications Act 1988 and the Communications Act 2003 employ the term “grossly offensive” rather than merely “offensive”. These are important protections to ensure that robust protest and debate can take place in the public square. It would be perverse for there to be an attempt to remove or restrict these speech rights via the proposed Code. The IFoA further risks legal challenge if it tries to impose these broad definitions on its members, especially in their personal lives.

Harassment is defined as “behaviour which intends to annoy, bother or upset someone and an example would include making offensive comments to or about someone; subjecting someone to persistent unwarranted criticism; or providing unwanted remarks about someone’s appearance”. This loose definition similarly runs the risk of restricting the free speech of IFoA members.

#### Question 6

Do you think the guidance clearly sets out what bullying, victimisation and harassment means in the context of the Code?

No

Please provide any reasons or further explanation for your response in the space below.

We refer to the concerns raised in our answer to question 5.

**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).

Significantly

Please provide any reasons or further explanation for your response in the space below.

We were pleased to see that Principle 5.2 was amended to provide that Members should speak up if others are “excluded unreasonably” rather than just “excluded”. As we described in our response to the 2023 DEI Consultation, exclusion can sometimes be justified.

**Question 8**

To what extent do the illustrative examples and Q&As included in the guidance provide practical value to members?

Slightly

Please provide any reasons or further explanation for your response in the space below.

The examples need to be more concrete, especially around contentious DEI topics such as gender ideology and pronoun declaration.

**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?

Not at all

Please provide any reasons or further explanation for your response in the space below.

There is reference to the Code requirements applying to members' personal lives (in 8.1, for example). However, given how concerned we are by the potential infringement on members' free speech by the proposed new Code, both at home and work, this needs to be clarified in the guidance, and additional examples included, so that members are forewarned.

**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?

Not at all

Please provide any reasons or further explanation for your response in the space below.

The guidance simply restates existing content.

**Question 11**

Do you think the guidance is clear on how the DEI requirements within the Code apply globally?

To some extent

Please provide any reasons or further explanation for your response in the space below.

The guide does not explain how this will apply in practice, other than stating that members will need to abide by local legal requirements.

**Question 12**

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

No

**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.

We believe there needs to be a pause before the implementation of any proposed Actuarial Code amendments relating to DEI. Many UK businesses are realising that DEI initiatives in their current incarnation are having a detrimental effect on the bottom line and a divisive effect across the workforce. Far from eliminating groupthink, DEI effectively imposes a politically contentious speech code into the UK workplace. This leaves businesses, professions and regulators vulnerable to legal challenge.