



Opening date	16 January 2023
Closing date	15 April 2023

Questionnaire for organisations

The IFoA is consulting on proposals to incorporate 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	Read the Q&A	This is designed to provide clarity and should be read in conjunction with the proposals. We strongly recommend everyone involved in drafting reads the Q&A, as it is designed to provide reassurance for anticipated areas of concern. Go to the IFoA website to read the Q&A.
3	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 .
4	Submit response	Please send your completed response to regulation@actuaries.org.uk with the subject line “Regulatory consultation response,” no later than 15 April 2023. 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 not to be 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	The Free Speech Union Ltd	
Type	Other	Membership Public Interest Body

About IFoA members employed by your organisation

Number	How many IFoA members does your organisation employ?	1 (sole practitioner)
Number	How many IFoA members does your organisation employ?	1 (sole practitioner)

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 <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 checked="" type="checkbox"/>	USA <input type="checkbox"/>	Zimbabwe <input type="checkbox"/>
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	Toby Young
Email address	info@freespeechunion.org
ARN	Click to respond

Please send your completed form to regulation@actuaries.org.uk by no later than 15 April 2023

Your response to the consultation (1 of 3)

Question 1

To what extent do you agree with the proposal to amend Principle 1.1?

Disagree

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

The Code is intended to be a high-level and principles-based document. Treating others fairly is already implied by the Code's integrity principle (Principle 1), which states that "Members must act honestly and with integrity". The guidance to Principle 1 in the current Code also contains clause 3.3: "Acting with integrity in a professional setting will generally mean being straightforward and honest in your professional and business relationships and dealing fairly with those around you. This expectation extends to situations in which you are promoting your business services."

The current wording, "showing respect for others", reads as a general statement on behaving in a respectful manner with colleagues and members of the public with whom you come into contact, while carrying out your job. "Showing respect for everyone" is a significant amplification, which means that to follow the Code actuaries would need to show respect to all sorts of people, including racists, homophobes, misogynists, transphobes and those convicted of rape, murder, and paedophilia.

In general, the problem with a word like 'respect' is that its meaning is potentially – sometimes deliberately – vague and subjective. For example, what about other people's views? Will IFoA members be expected to respect them? Could an IFoA member be found to be in breach of the new Code simply for showing support for a public figure who expresses perfectly lawful criticisms of other peoples' beliefs that he or she disagrees with, such as J.K. Rowling?

If the wording of the current Code must be changed, the IFoA might 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'.

Question 2

To what extent do you agree with the proposal to add a new Principle 1.2 to introduce an obligation on Members to encourage DEI?

Strongly disagree

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

The IFoA has stated on its consultation website that it will be producing non-mandatory guidance to assist members with navigating their professional responsibilities in relation to DEI. Without that guidance, it is very difficult for members to make a judgment now on the merits of the proposal. For example, what proportion of time should a member spend on this proposed obligation? Would encouraging one aspect of DEI be sufficient to meet the requirement or would all aspects need some attention? Will there be any penalties for failing to discharge this responsibility?

While most people endorse consistent principles of non-discrimination, some interpretations of DEI have become highly politicised and at odds with public opinion. See, for example, the ongoing debates in the political arena on topics such as 'critical race theory' and 'gender identity ideology'. A more traditional/liberal view of DEI is presented by organisations like Don't Divide Us and The Equiano Project.

The consultation website states that this new principle “[reflects] the IFoA’s clear view that more is required of members than simply not acting in a discriminatory way”. There is a risk here that personal rights and freedoms will be infringed upon, e.g., the right not to promote something you don’t believe in or actively disbelieve in (such as the view that sex is located on a spectrum and can change during a person’s lifetime rather than being binary and immutable). Equally, in embarking down this path, the IFoA may cause members to be put under pressure to perform actions contrary to their religion, beliefs, or political views, such as a request to include the logo for the political organisation Black Lives Matter beneath their signatures or add preferred pronouns. While the Code states that legal requirements supersede anything in the Code, the Code should not mislead members/employers/organisations into unlawfully compelling speech or behaviour.

The proposals state that the definitions of DEI will not be included in the Code. The IFoA has come up with its own definitions, although it’s not clear how these will relate to the Code. For example, ‘Diversity’ is defined by the IFoA as follows: “Diversity means recognising differences and variety in people and their skills and experience and appreciating these variations.” Diversity is a noun generally meaning the existence of variety/differences – in this context, the existence of human variety/difference. It is not a verb, i.e., the act of recognising or appreciating difference as per the IFoA’s definition.

There is a risk that the IFoA’s preferred meaning(s) of the words ‘Diversity’, ‘Equity’ and ‘Inclusion’ could change over time, moving the goalposts as to what the requirements of members are under the Code and associated guidance. A good example is the use of the word ‘equity’ rather than ‘equality’ in the ‘DEI’ acronym as presented in this consultation. The former is focused on equality of outcome, while the latter is the more traditional (and more widely accepted) concern with equality of opportunity. A desire for equality of outcome could quickly tend towards divisive identity politics – for instance, by making firms believe they are required to promote women and people of colour over individuals who are better qualified for the role in question.

During the IFoA webinar of 6 February 2023, equity was defined as “allowing individuals the resources they need to succeed” (timestamp 05:25), which appears to be a statement focused on equality of outcome. However, when the importance of equity was discussed later on in the webinar, the slide contained the following comment about equity, “In order to increase diversity, people need to be able to access opportunities” (timestamp 09:10). This latter comment appears to be focusing on equality of opportunity. Indeed, the practical examples provided in the webinar, such as that of a blind person (timestamp 10:15), were more reflective of the ‘reasonable adjustment’ prerogative that is already contained in the 2010 Equality Act. This in itself demonstrates the danger of imprecise definitions and scope creep in the Code. To reduce this risk, the IFoA should define DEI so that it explicitly refers to “diversity, equality and inclusion”, rather than “diversity, equity and inclusion”.

The IFoA has stated that the requirements of the Code are intended to be proportionate, consistent, targeted, accountable, and transparent. While these are laudable aims, at the Free Speech Union (‘FSU’) we have repeatedly found that organisations (including other regulatory and/or professional supervisory bodies) struggle to live up to these principles in the area of DEI, with disagreements escalating rapidly and, too often, quite unnecessarily. This can have a devastating effect on individuals who are put through an investigation or disciplinary process that has a profound effect on their wellbeing for what are often very minor perceived infractions of DEI expectations. Despite the IFoA’s stated aim that this proposed change should not lead to an

increase in the numbers of complaints, we fear it will.

Question 3

To what extent do you agree with the proposal to add a new Principle 1.3 to introduce an obligation on Members not to subject others to bullying, victimisation or harassment?

Strongly disagree

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

This proposal is not needed since victimisation and harassment of colleagues is already prohibited by the Equality Act 2010 and we already have Principle 1 (Integrity). Bullying, victimisation and harassment are clearly not professional behaviours and do not show tolerance for others.

The proposed wording is also too wide. Behaviour that “may amount to bullying, victimisation or harassment” is not equivalent to behaviour that actually is bullying, victimisation or harassment. The latter is unprofessional, unethical and, if it involves a colleague, a breach of the Equality Act 2010. The former, by including the word “may”, is too vague and will leave members unclear as to how to comply. In addition, the wording voids due process and a fair hearing if an allegation of bullying, victimisation or harassment is made that warrants further investigation. It also risks creating a chilling-effect, e.g., it may make it difficult to lead a team and delegate work etc. without worrying about spurious complaints or allegations that your behaviour may be unethical.

The IFoA has not provided its definition(s) of bullying, harassment, or victimisation. Under the Equality Act, harassment and victimisation have specific meanings.

Bullying is not well-defined and is an extremely vague standard to include in the Code.

Your response to the consultation (page 2 of 3)

Question 4

To what extent do you agree with the proposal to amend Principle 5 to include specific DEI requirements?

Strongly disagree

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

This proposal could encourage members to make complaints about others, simply to comply with the Code rather than take positive action to include others where appropriate or address unfair treatment directly.

People have a right to freedom of association with others; this will mean that not everyone is always included in everything.

Exclusion can also be justifiable in the furtherance of greater equality. Indeed, the Equality Act 2010 provides for the ability to discriminate where this is a proportionate means of achieving a legitimate aim. For example, an employer might want to offer a project to support women's progression on returning from maternity leave. People under 35 may be excluded from a veterans' rugby match or a veterans' rugby social event that is aimed at people over the age of 35, etc.

Question 5

Do you feel that you would have any concerns about your ability to comply with the proposed amendments to the Code?

Yes

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

The guidance intended to accompany the proposed changes to the Code has not been published. Without this guidance, it is impossible for members to know what they're expected to comply with. As the previous answers show, there are several areas of concern.

The IFoA should also list the third parties that have been consulted in the drawing up of the IFoA's interpretation of DEI. Certain external organisations and/or training providers are now recognised as pursuing divisive political goals. In many instances, DEI has become homogeneous and aggressively opposed to any alternative thinking. In short, the IFoA should be seeking out a diversity of alternative views on DEI.

Question 6

How significant do you think the impact of the proposed amendments to the Code would be on your professional or personal life?

Neutral

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

[Click here to provide any reasons or further explanation for your response](#)

Your response to the consultation (page 3 of 3)

Question 7

Do you feel that DEI values would be better reflected within guidance only?

Yes

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

Diversity, Equality and Inclusion are already reflected in the Code under the Integrity principle, clause 3.7: “The IFoA promotes equality and diversity and the development of an inclusive profession that incorporates people from a range of backgrounds. Members are encouraged to behave in a way that recognises and respects diversity and different cultures.”

Given our responses to earlier questions, the guidance should make clear that the E in DEI refers to equality rather than equity.

While members can be disciplined for failure to comply with the guidance (not just the Code – see clause 4.2 of the Disciplinary Scheme), breaches of the guidance are likely to be punished less severely in disciplinary proceedings than breaches of the Code.

The Code is the profession’s ethical code of conduct and one of the most foundational documents governing our behaviour as members of the IFoA. Moreover, it applies to members across a very broad range of circumstances – wherever conduct could reasonably be considered to reflect upon the profession. So, for example, it could include social media posts or political activity in members’ personal lives. It also applies to members across different regions of the world where cultural norms are quite distinct. Considering this broad application, it is very important that there is minimal ‘mission creep’ in the scope of the Code. This is especially true to avoid bad actors using the Code against members of the profession where there just happens to be a disagreement on political issues.

Regulatory consultation questionnaire
Diversity, Equity, and Inclusion

Question 8

Are there any other areas of the Code you feel ought to be amended to reflect DEI expectations?

No

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

[Click here to provide any reasons or further explanation for your response](#)

Question 9

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

There should be a pause in this consultation to allow time for the proposed DEI guidance to be published so that members can review this guidance alongside the proposed changes to the Code.

Within the IFoA's DEI strategy, it states that the IFoA will "Work with other organisations and professional bodies to support, learn and develop DEI best practices". In the interests of transparency, the consultation webpage should include a list of the key stakeholders who have been involved in the review of the DEI strategy that has led to the proposed changes and a list of any external agencies or training providers that have provided support or will be involved in the production of any guidance. Where the IFoA may have replicated or reflected the approach of other professional organisations or regulators, the IFoA should provide detail on how a diversity of views on DEI has been considered, given the observations on homogenisation in our answer to question 5 above.

Further, commentary on any research, analysis or benchmarking reports that underpin the proposed changes should be provided for the sake of transparency and to provide clarity of purpose for members needing to comply with the new guidance.