



DISCIPLINARY PROCEDURE

1. Introduction

The Institution has a published Code of Professional Conduct which all individual members are duty bound to abide by.

If an allegation that an individual member has breached the code is properly made to the Institution, then it will investigate the matter in a fair and unbiased manner in accordance with this Disciplinary Procedure.

2. Submissions

Any alleged breach of the Institution's Code of Conduct must be submitted to the Chief Executive in writing and signed personally by the complainant.

Allegations of any breach of the Code of Conduct received by any other means shall be discarded without further action.

Any allegations received anonymously shall be similarly discarded.

3. Initial Investigation

The Chief Executive shall report the receipt of any alleged breach of the Code of Conduct directly to the Executive Board and report any indication of frivolous or malicious intent.

The Executive Board shall determine if there is any evidence to substantiate the alleged breach and whether or not the complaint should be submitted to full investigation.

This process will be completed within one month of the receipt of the complaint.

If it is decided that there is no case to answer, then the complainant shall be informed in writing and no further action will be taken and the respondent shall not be advised that an allegation has been received and considered.

The Executive Board may, at its discretion and if deemed appropriate, refer the complainant to other authorities or bodies who may be better placed to consider the complaint.

If the Executive Board decide that there is evidence to suggest the need for full investigation, then the matter will proceed to the next stage.

4. Full Investigation

In the event that it is deemed that there is sufficient evidence to necessitate a full investigation of an alleged breach of the Code of Conduct then the Executive Board shall immediately constitute itself as Professional Conduct Panel and both respondent and complainant informed that this action has been taken.

Any member of the Executive Board who knows personally the complainant or the respondent shall take no part in this process. The Executive Board may appoint whomsoever it wishes to replace any of its members unable to take part in this process for this reason.

The Executive Board may appoint whomsoever it wishes to participate in the process of investigation if it is deemed necessary to do so by the nature of the complainant e.g. be it of a technical nature or a breach of membership regulations or should it be directed at a member of the Executive Board.

The Executive Board will also appoint one independent person to observe and contribute opinion from an independent perspective. Such persons shall be appointed from the Institute of Association Management or another professional body.

The Professional Conduct Panel will examine the evidence, question witnesses if appropriate and hear evidence from the respondent. The Panel may, if deemed appropriate, be advised by a legally qualified adviser throughout the process. The respondent may be advised or represented by a legally qualified advisor or a McKenzie Friend.

The Chief Executive shall act as Secretary to the Panel.

If there is no response from the respondent, then every reasonable attempt to make contact shall be made up to a maximum of three written communications. The last of these shall inform the respondent that he or she will be subject to sanctions as detailed at Point 6 of this procedure without further recourse if no response is made within the specified time.

The process of investigation shall be completed within a maximum period of two months from the date of constitution of the Professional Conduct Panel.

If the Professional Conduct Panel decides that there is no case to answer, then the complainant shall be informed in writing and no further action will be taken. The respondent will also be similarly informed together with any witnesses if appropriate.

If the case is found proven, then the respondent shall be informed accordingly in writing and given notice of one month from the date of the notice of the right to appeal.

5. Appeals

An appeal by the respondent or complainant must be made in writing to the Chief Executive within one month of the date of the written notice confirming the decision of the Panel regarding the Code of Conduct.

The complainant will also have a right of appeal mirroring that of the respondent.

The appeal must provide proper grounds for its consideration and must be accompanied by a payment of £100 which may be forfeit in the event of an unsuccessful appeal.

The Appeal Panel shall comprise the Past Presidents of the Institution as defined in the Articles of Association. The most junior Past President in order of service shall act as Chairman.

The Chief Executive shall act as Secretary to the Appeal Panel.

The Appeal Panel may, if deemed appropriate, be advised by a legally qualified adviser. The respondent or complainant may be advised or represented by a legally qualified advisor or a McKenzie Friend.

The Appeal Panel will consider the written grounds for appeal and both respondent and complainant shall be given the opportunity to present further evidence and witnesses.

The Appeal Panel will make its findings known to the Executive Board within one month of completion of the appeal process.

6. Sanctions

If an alleged breach of the Code of Conduct is proven, then the Executive Board shall have recourse to the following sanctions:

- Reprimand the respondent verbally
- Reprimand the respondent in writing

- Require the respondent to give an undertaking in writing as to his/her future conduct or to undertake a specific course of action or re-training.
- Expel the respondent from membership of the Institution for a specific period.
- Expel the respondent from membership of the Institution indefinitely.
- Any combination of the above or any other sanction the Executive Board deems appropriate. For example, informing the respondent's employer, informing any other appropriate bodies including other professional institutions or associations.

7. Engineering Council

The Engineering Council will only be informed of breaches of the Code of Conduct if the respondent is a registrant with the ILP and if the case is found proven.

A right of appeal to the Engineering Council shall exist only if the respondent believes the process followed by the ILP to be at fault.

8. Publication

The finding and any sanctions (together with the outline complaint) may be published to members of the Institution by means of its Journal or other media if deemed appropriate by the Executive Board.

This may include naming the individuals, employers and organisations involved in the case.

9. Natural Justice

Rules of 'natural justice' will be followed, where appropriate. These include giving the Respondent details of the charge and an opportunity to rebut it. No member of the Executive Board or Appeal Panel will have been personally involved in the case. A written record of all proceedings will be made. These records will be retained by the Institution for a period of five years.

10. Costs

The Institution will pay no costs or expenses in respect of investigation and processing of an alleged or actual breach of the Code of Conduct to either the respondent or complainant.

Costs may be paid where deemed appropriate to any independent observer or legal adviser and to any member of the Appeal Panel. These may be reclaimed from the respondent if the case is found proven.

11. Confidentiality

The disciplinary procedure shall be conducted with strict confidentiality throughout the process until the point at which the Executive Board deems that it shall be made known to the Institution's membership and any other appropriate organisation. The ILP reserves the right to publish the names of individuals, employers or organisations involved in the case if such action shall be deemed desirable

12. Additional Notes

An investigation cannot take the place of an industrial tribunal or other legal process.

The ILP has no powers of subpoena and any panel can only deal with voluntarily supplied documentary evidence.

The Disciplinary Procedure may not be used for purposes of whistleblowing.

13. Review

This procedure shall be subject to review within a period of three months following the completion of any disciplinary hearing and appeal.

It will be reviewed at two-year intervals should no hearing take place during that time.