



## **Chartered Institute of Public Relations Code of Conduct and Complaints Procedure**

### **This document**

This document is in five sections:

- |              |                                                                                                                                                                                  |
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| Introduction | Maintaining professional standards in the public relations profession                                                                                                            |
| Section A    | The Chartered Institute of Public Relations Code of Conduct, as approved by the Institute's Council.                                                                             |
| Section B    | How to complain, if you think a public relations practitioner has breached the Code of Conduct; and what happens when you do.                                                    |
| Section C    | Regulations for the Chartered Institute of Public Relations Complaints Procedure (which includes Conciliation, the Professional Practices Committee and Disciplinary Committee). |
| Section D    | Advisory Notes to accompany the Code of Conduct:<br>Social Media Guidelines                                                                                                      |

## **Introduction**

### **Maintaining professional standards in the public relations profession**

Reputation has a direct and major impact on the corporate well-being of every organisation, be it a multinational, a charity, a Government Department or a small business.

That is why the professionalism of those people who guard and mould reputation – public relations practitioners – is so important.

The Chartered Institute of Public Relations, as the voice of the PR profession, plays a key role in setting and maintaining standards.

### **The Chartered Institute of Public Relations Code of Conduct and Complaints Procedure**

Members of the CIPR agree to abide by a Code of Professional Conduct.

Anyone can make a Complaint to the Institute if they believe a CIPR Member (or others for whom they are directly responsible) may have breached the Code.

It is the Code, and the fact that the Institute can take steps to uphold it, that makes Members accountable for the standard of their professional conduct. This accountability is a valuable asset both to Members and to those who hire or employ them.

If it appears that the Code has been breached, the CIPR's Professional Practices Committee will investigate and either negotiate a settlement or adjudicate. Particularly serious or contentious cases are referred on to the Disciplinary Committee.

We do not receive many Complaints, but – as the detailed regulations later in this document make clear – we treat them seriously and carefully. For the sake of our Members, as well as the people who have complained, we must be fair, equal and rigorous.

## **Outcomes**

We resolve most Complaints through informal negotiation ('Conciliation').

Failing that, a decision will be imposed by the Professional Practices Committee or the Disciplinary Committee. This may be to censure the person you complained about, to expel them from the Institute, or to drop the case if it is found not proven.

If the committees decide that a CIPR Member has delivered substandard work to you, they may require the Member to return any fees you paid for that work. If the substandard work was part of a larger contract, the refund is limited to the value of that part of the contract. If you want further compensation, you will have to go to law: the CIPR does not impose damages.

## **For further information**

Contact Martin Horrox, Regulatory Consultant, at [martinh@cipr.co.uk](mailto:martinh@cipr.co.uk), on 07974 964639, or by letter to

Chartered Institute of Public Relations  
52-53 Russell Square,  
London WC1B 4HP

## **Section A**

### **Chartered Institute of Public Relations Code of Conduct**

#### **Principles**

1. Members of the Chartered Institute of Public Relations agree to:
  - i. Maintain the highest standards of professional endeavour, integrity, confidentiality, financial propriety and personal conduct;
  - ii. Deal honestly and fairly in business with employers, employees, clients, fellow professionals, other professions and the public;
  - iii. Respect the customs, practices and codes of clients, employers, colleagues, fellow professionals and other professions in all countries where they practise;
  - iv. Take all reasonable care to ensure employment best practice including giving no cause for Complaint of unfair discrimination on any grounds;
  - v. Work within the legal and regulatory frameworks affecting the practice of public relations in all countries where they practise;
  - vi. Encourage professional training and development among Members of the profession;
  - vii. Respect and abide by this Code and related Notes of Guidance issued by the Institute of Public Relations and encourage others to do the same.

#### **Principles of Good Practice**

2. Fundamental to good public relations practice are:

##### **Integrity**

- Honest and responsible regard for the public interest;
- Checking the reliability and accuracy of information before dissemination;
- Never knowingly misleading clients, employers, employees, colleagues and fellow professionals about the nature of representation or what can be competently delivered and achieved;
- Supporting the CIPR Principles by bringing to the attention of the CIPR examples of malpractice and unprofessional conduct.

##### **Competence**

- Being aware of the limitations of professional competence: without limiting realistic scope for development, being willing to accept or delegate only that work for which practitioners are suitably skilled and experienced;
- Where appropriate, collaborating on projects to ensure the necessary skill base.

##### **Transparency and avoiding conflicts of interest**

- Disclosing to employers, clients or potential clients any financial interest in a supplier being recommended or engaged;
- Declaring conflicts of interest (or circumstances which may give rise to them) in writing to

clients, potential clients and employers as soon as they arise;

- Ensuring that services provided are costed and accounted for in a manner that conforms to accepted business practice and ethics.

### **Confidentiality**

- Safeguarding the confidences of present and former clients and employers;
- Being careful to avoid using confidential and 'insider' information to the disadvantage or prejudice of clients and employers, or to self-advantage of any kind;
- Not disclosing confidential information unless specific permission has been granted or the public interest is at stake or if required by law.

### **Maintaining professional standards**

3. CIPR Members are encouraged to spread awareness and pride in the public relations profession where practicable by, for example:
  - Identifying and closing professional skills gaps through the Institute's Continuous Professional Development programme;
  - Offering work experience to students interested in pursuing a career in public relations;
  - Participating in the work of the Institute through the committee structure, special interest and vocational groups, training and networking events;
  - Encouraging employees and colleagues to join and support the CIPR;
  - Displaying the CIPR designatory letters on business stationery;
  - Specifying a preference for CIPR applicants for staff positions advertised;
  - Evaluating the practice of public relations through use of the CIPR Research & Evaluation Toolkit and other quality management and quality assurance systems (e.g. ISO standards); and constantly striving to improve the quality of business performance;
  - Sharing information on good practice with Members and, equally, referring perceived examples of poor practice to the Institute.

### **Interpreting the Code**

4. In the interpretation of this code, the Laws of the Land shall apply.

## **Section B**

### **How to complain, if you think a public relations practitioner has breached the Code of Conduct; and what happens when you do**

#### **Who may make a Complaint?**

Anyone, whether an organisation or an individual.

You do not have to have suffered loss or damage in order to complain: you only have to believe that a Member of the Institute may have breached the Code of Conduct.

Sometimes the Chartered Institute of Public Relations itself will initiate a Complaint or take over the role of Complainant, for instance if the Complaint raises a matter of general principle.

#### **Whom can you complain about?**

Members of the Chartered Institute of Public Relations, and any staff or sub-contractors for whom they are directly responsible, even if those staff or sub-contractors are not CIPR Members in their own right.

Members agree to be bound by the Code of Conduct when they accept Membership. This is why it makes sense to hire CIPR Members when you need public relations support.

You may recognise Members from the letters FCIPR, MCIPR or ACIPR after their name, but you can also ask us to check whether someone is a Member – or whether they were a Member at the time of the events that you want to complain about. Members cannot avoid responsibility for their past conduct by resigning from the Institute.

We cannot deal with Complaints about PR practitioners who have not been Members of the CIPR.

#### **To register a Complaint**

Contact Martin Horrox, Regulatory Consultant, at [martinh@cipr.co.uk](mailto:martinh@cipr.co.uk), on 07974 964639, or by letter to

Chartered Institute of Public Relations  
52-53 Russell Square,  
London WC1B 4HP

Martin Horrox will advise you (and the Member you complain about) on the various stages of a Complaint. He is your contact point with the CIPR throughout.

#### **Initial checks**

We will check that the person you have complained about is actually a Member – or was, at the time of the events you are complaining about. If this is not the case, there is nothing further that we can do.

We will also tell you if we think the Complaint is not covered by the Code of Conduct.

#### **Written details**

You will be asked to state your Complaint in writing (we can help you to do this, if necessary). The person you have complained about will be shown this document and asked to provide a written reply (and the

same help is available to them).

### **Conciliation**

Most Complaints are resolved through 'Conciliation', when the Institute helps both sides to reach an agreement by acting as a go-between in negotiations. It is always the first resort, but it depends on the willingness of both sides to take part.

This is a very informal process, organised at the discretion of the Institute's conciliators. The process is confidential; no records of the discussions are kept, and the result is not published.

### **Formal hearings**

If no agreement is reached through Conciliation, the Complaint will be considered by the Professional Practices Committee and possibly, after that, by the Disciplinary Committee.

These Committees are formed of senior and experienced people from public relations and other professions. The Disciplinary Committee deals with the most serious cases, and those that cannot be resolved by the Professional Practices Committee.

Any discussions that were held as part of a Conciliation process are ignored by the Committees, and Committee members who acted as CIPR conciliators during the Conciliation process are not allowed to take part in formal hearings. The Committees, in other words, start afresh, with no preconceptions.

Both sides in the dispute have the chance to state their case in person to the Committees; they may also be allowed to bring a friend or a legal adviser to Committee hearings. If the case goes as far as the Disciplinary Committee, they may also be able to submit further information and to call and cross-examine witnesses. The Committees themselves may ask for additional written evidence and call witnesses.

Although formal hearings are subject to detailed regulations (see Section C below) they are run, above all, on the principle of natural justice: in other words, both sides should receive fair and equal treatment.

### **Confidentiality**

Everyone (you, the person you have complained about, and Committee members) must keep every detail of the Complaint and the Complaints Procedure confidential until the Chairman of one of the Institute Committees rules otherwise.

If a case goes to a formal hearing, and the decision is against the CIPR Member, a summary of the Complaint and the outcome will normally be made public.

### **Outcomes**

If the Complaint is not resolved by Conciliation, the Committees may decide to

- a) advise the Member (the person you have complained about) to improve the way he or she does business;
- b) reprimand the Member;
- c) require the Member to repay fees received for work that forms the subject of the Complaint;
- d) require the Member to pay the Institute's costs of the Complaints Procedure;

- e) expel the Member;
- f) publish the decision (naming names);
- g) drop the case, if they consider that the Complaint is not proven; or take no further action.

### **Compensation**

The CIPR does not award damages. If you have complained that a CIPR Member carried out substandard work for you, the Member may be required to return any fees that you paid for that work. If the substandard work was part of a larger contract, the refund is limited to the value of that part of the contract. If you want more or different compensation, you should use the courts.

### **Legal action**

Occasionally disputes are pursued through the courts and through a Complaint to the CIPR at the same time. We will normally halt the CIPR Complaints Procedure until the court case is completed.

Legal action, in other words, does not of itself cancel the CIPR Complaints Procedure, whether the action is taken by you (the person who is complaining) or by the CIPR Member (the person who is complained about).

## **Section C**

### **Regulations for the Chartered Institute of Public Relations Complaints Procedure**

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## 1. Definitions

For the purpose of these Regulations the following words and expressions have the following meanings, unless the context requires otherwise:

**Committee(s)** the Professional Practices Committee and/or the Disciplinary Committee, as appropriate;

**Complaint** facts or matters coming to the attention of the Director General indicating that a Member of the Institute may have become liable to disciplinary action in accordance with Articles 12-18 (Disciplinary Powers) of the Articles of Association of the Institute;

**Complainant** a person who brings a Complaint;

**Defendant** a Member against whom a Complaint has been lodged;

**Institute/CIPR** the Chartered Institute of Public Relations;

**Member** a Member of the Institute at the time the matter complained about occurred.

Note: It is a condition of Membership that Members remain subject to disciplinary proceedings in relation to their professional activities during the period of their membership, even though they may subsequently have ceased to be Members.

**President** the elected President for the time being of the Chartered Institute of Public Relations.

Other words and expressions defined in the Memorandum and Articles of Association of the Institute shall have the meanings there assigned to them.

The singular includes the plural and vice versa.

## 2. The Complaints Procedure: general management of business

- a) The Complaints Procedure, including Conciliation and proceedings of the Professional Practices Committee and Disciplinary Committee, is governed by the rules of natural justice. In particular, the procedure will be managed at all times to ensure that the Defendant has a fair and proper opportunity to answer the Complaint.
- b) The standard of proof at all times is the balance of probabilities.
- c) Unless a Committee decides otherwise, all costs and expenses incurred in connection with the Complaints Procedure and these Regulations will be borne by the Institute.
- d) Failure to comply with these Regulations in any case will not render the procedure void, but the Chairman of either Committee may act as necessary to redress the failure if he or she considers that it may have disadvantaged the Defendant or the Complainant.
- f) The Complaints Procedure is not invalidated if a relevant communication is accidentally not sent, or is not received.
- g) Any disagreement about the conduct of the Complaints Procedure, including the interpretation or application of these Regulations, will be resolved by the President.
- h) The Institute will retain all records of the Complaints Procedure (excluding records of Conciliation) until the Council decides otherwise.
- i) Any documents served in connection with the Complaints Procedure shall be deemed to have been validly served on the Defendant and/or the Complainant:

- i) if sent by registered post or recorded delivery post to the last address known by the Institute or an address that they specified in writing (including the address of their legal adviser);
- ii) if handed to them in person;
- iii) if served in any way which may be directed by the Chairman of either of the Committees.

### **3. Confidentiality**

- a) Details of a Complaint and of its progress through the Institute's Complaints Procedure must be treated as confidential by the Complainant, the Defendant and all Conciliators, Assessors and Committee members without time limit, except that:
  - i) a Committee Chairman may decide at any time that facts (other than details of any Conciliation) may be published if they are of public concern;
  - ii) decisions of the Committees will be published, with the approval of the Council.
- b) Any breach, or alleged breach, of confidentiality may itself give rise to a further Complaint.

### **4. Making Complaints**

- a) Any person (whether a Member of the Institute or not) may bring a Complaint against a Member. So too may the Director General, on behalf of the Institute, if it appears to be in the public interest. Members of the Institute have a duty to bring a Complaint against a Member, where it is in the public interest to do so.
- b) Complaints may relate to others, who may or may not be Members (e.g. subordinates or subcontractors), for whose work the Member was directly responsible at the time of events that are the subject of the Complaint

### **5. The Institute's initial response to Complaints**

- a) The Institute will maintain a register of all Complaints received and the Committees' decisions on them.
- b) The Institute will
  - i) check that the Complaint concerns a Member of the Institute at the time of the events complained about;
  - ii) identify the clause(s) in the CIPR Code of Conduct to which the Complaint refers;
  - iii) clarify any matters of uncertainty with the Complainant;
  - iv) tell the Complainant about the Complaints Procedure, these Regulations and the Institute's disciplinary powers: specifically, Regulation 3 (Confidentiality);
  - v) explain that the Defendant will be notified of the Complaint in order that he or she may exercise the right of reply.
- c) If the Complainant wishes to proceed with the Complaint, the Institute will
  - i) obtain a written statement of the Complaint, provided or approved by the Complainant;

- ii) send the written statement to the Defendant and invite him or her to submit a written response to it;
  - iii) tell the Defendant about the Complaints Procedure, these Regulations and the Institute's disciplinary powers: specifically, Regulation 3 (Confidentiality).
- e) The Defendant's written response will be forwarded to the Complainant.
  - f) Unless both the Complainant and the Defendant agree that the Complaint should be withdrawn, the Institute will ask the Chairman of the Professional Practices Committee to start the Conciliation process under Regulation 8 (Duty to conciliate) or, if either the Complainant or the Defendant does not agree to that, to initiate a hearing by the Professional Practices Committee.
  - g) The Complaint should be referred to the Chairman of the Professional Practices Committee, as in paragraph f) of this Regulation, no later than eight weeks after the Complaint was received, unless both the Complainant and the Defendant agree otherwise.

**6. Professional Practices Committee, Disciplinary Committee and Conciliation panels: membership**

- a) The Chairman of the Professional Practices Committee will, whenever necessary, appoint three members of the Professional Practices Committee to act as a panel of conciliators, one of them as Chairman of the panel.
- b) The quorum of the Professional Practices Committee is not less than four, of the Disciplinary Committee not less than three, and of a Conciliation panel two.
- c) Unless the Council decides otherwise, once a Committee has started to hear a Complaint, its members remain in membership until the hearing has been completed, even if they were due to retire from the Committee in the meantime.
- d) A Committee member shall play no part in considering a Complaint if he or she
  - i) has had previous dealings with the Defendant or Complainant personally or professionally;
  - ii) has prior knowledge of any matters relating to the Complaint; or
  - iii) has taken part in any previous consideration of the Complaint or any aspect of the Complaint, including Conciliation.
- e) The names of Committee members who will take part in a hearing will be listed in the convening notice for it. Within five days of the date of that notice the Defendant and Complainant may object in writing to any of the members, stating their grounds. If the Chairman considers that the objection is well founded, he or she shall bar the member(s) in question from hearing that Complaint. The Defendant and Complainant have the same right of objection to anyone who is subsequently appointed as an alternate.
- f) The Chairman must be present throughout the hearing of a Complaint. If any other member of a Committee is absent from any part of the hearing, he or she shall take no further part in it. This will not invalidate the hearing, so long as the number of members present throughout the substantive hearing of the Complaint is not reduced below the quorum.
- g) If a Committee Chairman is unable to carry out any particular Committee duty, that duty may be carried out by any other member nominated in writing by the President.
- h) Other things being equal, paragraphs c) to g) of this Regulation also apply to members of any Conciliation panel.

## **7. Assessors**

- a) The Chairman of a Committee may appoint one or more Assessors, who may have specialised knowledge or experience that would assist the Committee.
- b) No Assessor shall be appointed who has taken part in Conciliation under Regulation 8 (Duty to conciliate).
- c) Assessors are not members of the Committees and have no vote on decisions.

## **8. Duty to conciliate**

- a) The first step in resolving a Complaint, if the Complainant and the Defendant agree to it, is a process of conciliation, mediation or arbitration ('Conciliation').
- b) Conciliation is an informal process managed at the discretion of the Chairman of the Professional Practices Committee and of any Conciliators whom the Institute appoints.
- c) Conciliation is a confidential process: no records will be kept afterwards, and no details of it will be forwarded to the Professional Practices Committee or Disciplinary Committee.
- d) The Conciliators may investigate any facts and circumstances of the Complaint and take whatever legal or other advice they consider necessary. However, unlike at a formal hearing of a Complaint, they are not aiming at a complete understanding of the facts surrounding the Complaint.

## **9. Conciliation: management of business**

- a) Members of the panel ('the Conciliators') will receive copies of the Complaint and the Defendant's response to it.
- b) The Conciliation process should start and run as quickly as possible, and will end in any event within three months after the Conciliators were appointed.
- c) The Complainant and the Defendant are expected to speak for themselves at Conciliation meetings, but they may be accompanied by any other person they choose, whom the Chairman may allow to address the Conciliators.
- d) The Complainant and the Defendant may state their position and any relevant issues in writing at any time.
- e) The Conciliators do not have to reveal to the Complainant what they have been told by, or have said to, the Defendant; and vice versa.
- f) The Conciliators may adjourn a Conciliation meeting at any stage.
- g) Conciliation will come to an end if:
  - i) the Complainant withdraws the Complaint, or part of it, in writing;
  - ii) the Chairman of the panel of Conciliators reports to the Chairman of the Professional Practices Committee – without giving reasons – that Conciliation has not been successful;
  - iii) either the Complainant or the Defendant withdraws from the Conciliation process;
  - iv) the Complainant and the Defendant have not reached agreement within three months.

**10. Professional Practices Committee and Disciplinary Committee: general management of business**

- a) The Defendant and the Complainant have the right to appear in person before the Committees and may be accompanied at the hearing and may be represented by any person, whether legally qualified or not.
- b) Committees normally consider information and evidence that have been submitted in advance. However, in exceptional circumstances, such as where information and evidence were not previously available, the Chairman may allow the Defendant and Complainant to submit new information at a hearing.
- c) The Committees may require the Complainant and the Defendant to attend and may request witnesses to attend.
- d) The Committees may proceed even if the Defendant fails to attend or fails to make use of the rights of the Defendant under these Regulations in any other way, provided that the Institute has duly notified the Defendant of his or her rights and obligations as set out in these Regulations.
- e) In any instances not explicitly covered by these Regulations, the Chairman may manage the business of the Committee as he or she sees fit: for example, in approving any application to postpone a hearing which has not begun, or in adjourning a hearing from time to time to seek further information, or to give the Defendant or Complainant time to consider a response.
- f) The Chairman may decide that more than one Complaint against the same Member, or Complaints against more than one Member, will be handled together.
- g) The Committees do not have access to any information relating to Conciliation under Regulation 8 (Duty to conciliate). Otherwise, they may require the Defendant and Complainant to provide additional information as necessary; and the Defendant and Complainant must provide it within a specified time.
- h) The Committee may consider any evidence or information that has not been submitted by a due date, provided that the Defendant is not disadvantaged as a result.
- i) The Committees may instruct a solicitor and/or counsel to represent them at a hearing if they think fit.
- j) Decisions of the Committees will be published, with the approval of the Institute's Council.
- k) The Committees may admit evidence of any sort, whether or not it would be acceptable in a court of law; although the Institute is expected to take reasonable steps to validate any hearsay evidence with direct evidence.
- l) A majority vote is sufficient on every allegation in the Complaint. If votes are tied, the finding or decision is the one that is more favourable to the Defendant.
- m) Findings and decisions will be set down in writing and signed by the Chairman and all members of the Committee present.
- n) The Committee Chairman may take whatever steps he or she considers necessary at any time to ensure that the case is handled fairly and efficiently. This may include extending or abridging any time limit that has been imposed on the Defendant or the Complainant or that governs the procedures of the Committee.

## **11. Professional Practices Committee hearing**

- a) If a Complaint is not resolved by Conciliation under Regulation 8 (Duty to conciliate), it will be considered at a hearing of the Professional Practices Committee.
- b) At least six weeks' notice will be given of the hearing. The convening notice will
  - i) set out details of the procedure to be followed at any hearing, including the procedures in Regulation 10 (Professional Practices Committee and Disciplinary Committee: general management of business);
  - ii) be accompanied by the written submissions supplied by the Defendant and Complainant.
- c) If the Committee considers that a Complaint discloses a prima facie case for disciplinary action, it will:
  - i) proceed as in Regulation 12 (Referring a Complaint to the Disciplinary Committee) or Regulation 13 (consent orders) or Regulation 14 (letters of advice); or
  - ii) order that no further action be taken on the Complaint.
- d) If it considers that the Complaint does not disclose a prima facie case for disciplinary action, it will dismiss the Complaint.
- e) If the Defendant breaches an order made under Regulation 13 or Regulation 14 he or she may be subject to a further Complaint.
- f) The Chairman may determine that it is in the public interest to resolve a Complaint urgently. In this case the Chairman, in consultation with one or more members of the Committee, is entitled to act on behalf of the Committee in all matters, and will report his or her actions to the Committee as soon as reasonably practicable.

## **12. Referring a Complaint to the Disciplinary Committee** (*Regulation 11 – Professional Practices Committee hearing – c) i) refers*)

- a) The Professional Practices Committee may take into account any facts or matters which were considered by the Institute on previous occasions in relation to the Defendant.
- b) To refer a Complaint to the Disciplinary Committee, the Professional Practices Committee will submit
  - i) a statement of the alleged offence(s);
  - ii) a summary of the facts and matters considered by the Committee;
  - iii) a copy of the initial written submissions made by the Complainant and the Defendant;
  - iv) any other relevant information that it has gathered from the Complainant or Defendant in the meantime.

## **13. Consent orders** (*Regulation 11 – Professional Practices Committee hearing – c) i) refers*)

- a) The Professional Practices Committee will tell the Defendant in writing that
  - i) it intends to make one or more of the orders set out in paragraph b) of this Regulation;

- ii) if the Defendant does not agree within 21 days to this course, the case will be referred to the Disciplinary Committee.
- b) The Committee may order
  - i) that the Defendant be reprimanded or severely reprimanded
  - ii) that by a specified date the Defendant must return to a client all or part of a fee which the client has paid or remit to a client funds which have been retained by the Defendant in or towards payment of a fee;
  - iii) that the Defendant pay to the Institute by a specified date a sum to compensate for all or part of the costs arising from this Complaints Procedure.
- c) The Committee will report the outcome to the Council. If the Defendant has agreed to the consent order, the decision will be published, with the approval of the Council.

**14. Letters of advice** (*Regulation 11 – Professional Practices Committee hearing – c) i) refers*)

- a) The Committee may order the Defendant to obtain and follow advice from specified sources if it considers that the Complaint has arisen because the Defendant's business, or the business in which the Defendant is employed, has been managed inefficiently.
- b) Where relevant, the Committee may seek the assistance of the Defendant's employer in implementing the advice.

**15. Convening the Disciplinary Committee**

- a) Not less than eight weeks in advance, a convening notice will be circulated that
  - i) gives the date, time and place for hearing the Complaint;
  - ii) sets out the procedure to be followed at the hearing, including the procedures in Regulation 10 (Professional Practices Committee and Disciplinary Committee: general management of business);
  - iii) is accompanied by copies of any documents forwarded by the Professional Practices Committee as in Regulation 12 (Referring a Complaint to the Disciplinary Committee)
  - iv) gives a date, time and place for a pre-hearing review, in the event that the Chairman later decides that one is necessary;
  - v) explains the purpose and management of a pre-hearing review, as set out in Regulation 16 below.
- b) At the time of the convening notice, the Defendant will be required within four weeks:
  - i) to state in writing whether he or she accepts the allegations in the Complaint; and, if not, which allegations are denied, and why;
  - ii) to deliver two copies of any additional documents (paginated and indexed) to support his or her defence.
- c) At the time of the convening notice, Defendant and Complainant will be required within four weeks:
  - i) to state in writing whether they intend to attend and/or be represented at the hearing and

- the identity of any representative;
  - ii) to state in writing whether they accept the facts as stated in the accompanying information; and, if not, which facts are denied, and why;
  - iii) to state in writing whether they wish to challenge the authenticity of any of the accompanying documents;
  - iv) to provide the names and addresses of any witnesses they wish to call, and to deliver a written statement of the evidence of each witness.
- d) The Chairman will decide as soon as practicable whether any or all of the witnesses proposed by the Defendant and Complainant, and their evidence, are admissible.
- e) Any additional documents submitted by the Defendant under paragraph c) ii) of this Regulation will be copied to the Committee and the Complainant. If the Complainant chooses to submit a response, this must be received with two weeks and will be copied to the Defendant.

## **16. Pre-hearing review**

- a) The Chairman of the Disciplinary Committee may conduct a pre-hearing review to clarify the issues before the Committee and generally to ensure that the case is handled fairly and efficiently.
- b) The Chairman will give at least two days' notice if he or she decides that a pre-hearing review is unnecessary (*Regulation 15 – Convening the Disciplinary Committee – paragraph a) iv) refers*).
- c) The Chairman may direct the Defendant to appear in person at a pre-hearing review.
- d) The pre-hearing review may consider, and the Chairman may issue subsequent directions relating to, the following matters:
- (i) whether the hearing should be held in private or in public;
  - (ii) whether more than one Complaint should be considered together by the Disciplinary Committee;
  - (iii) application to strike out allegations;
  - (iv) attendance of witnesses;
  - (v) admission of documents;
  - (vi) admission of facts;
  - (vii) the estimated duration of the hearing;
  - (viii) any other relevant matters.
- e) The Chairman of the Disciplinary Committee may adjourn the pre-hearing review from time to time as he or she considers appropriate.
- f) The directions made by the Chairman resulting from the pre-hearing review will be issued to the Complainant and the Defendant.

## **17. Disciplinary Committee: management of business**

- a) The hearing will be in private unless the Chairman decides otherwise.
- b) The Disciplinary Committee may
  - i) amend a Complaint formulated by the Professional Practices Committee;
  - ii) formulate a new Complaint on the basis of information which arises during the procedure;
  - iii) remit any Complaint to the Professional Practices Committee for it to be changed;provided that
  - iv) the Committee is satisfied that the conduct of the Defendant's case is not prejudiced as a result; and
  - v) the Committee shall, if the Defendant or Complainant asks, adjourn to enable the Defendant and/or the Complainant to respond to the changed circumstances.
- c) The Chairman may allow the Defendant and Complainant to call witnesses and question witnesses. The members of the Committee may also question witnesses.
- d) The hearing will be conducted in the presence of both the Complainant and the Defendant, unless the Chairman decides otherwise from time to time (*Regulation 10 – Professional Practices Committee and Disciplinary Committee: general management of business – paragraph d) applies*).
- e) The normal order of business, subject the discretion of the Chairman, will be:
  - i) The Chairman will ensure that everyone present is made known, and explain the procedure that the Committee will follow.
  - ii) The Committee will consider the Complaint and any other written submissions.
  - iii) The Defendant and his or her representatives will be called to speak and to present any witnesses.
  - iv) The Complainant and his or her representative will be called to respond, to question the Defendant's witnesses and to present any witnesses of their own.
  - v) The Defendant and his or her representative will be invited to question the Complainant's witnesses.
  - vi) The Committee will consider its findings in private.
  - vii) The Defendant (and those with him or her) will be recalled and the Chairman of the Committee will tell them its findings on the Complaint. If any finding is against the Defendant, he or she (or his or her representative) will be invited to address the Committee in mitigation.
  - viii) The Committee will decide in private on its decision, then announce it in the presence of both the Complainant and the Defendant.
- f) Unless the Chairman decides that an adjournment is necessary from time to time, the Disciplinary Committee will sit from day to day until it has announced a decision on all aspects of the Complaint.
- g) A record will be taken of the Committee proceedings and will be supplied to the Defendant or the Complainant if they
  - i) request it within three months of the hearing;

- ii) pay the cost of supplying it.

#### **18. Disciplinary Committee: findings and decisions**

The Committee's final decision in the form of a report to the Council will

- a) indicate how the Council should exercise its powers under Article 12 or state that no action should be taken against the Defendant;
- b) record whether the Defendant was present throughout the proceedings and, if not, confirm that Institute had duly notified the Defendant of his or her rights and obligations as set out in these Regulations;
- ci) if the Defendant has failed to comply with these Regulations or any direction made under these Regulations, recommend to the Council that one of the measures under Article 12 should be exercised against the Defendant;
- d) state whether the Defendant should pay any costs and, if so
  - i) the amount to be paid or the way in which it is to be calculated;
  - ii) the deadline for payment.