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Membership Disciplinary Policy

About this version

Document title: Member Disciplinary Policy

Produced by: Executive Head of Marketing and Membership (EHMM)

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Change History

Version	Page	Changes	Updated by	Date
V1	3	Change references from HCPC to “a regulator body, either statutory or voluntary”. Include criminal allegations to point 3. Add - The hearing shall be conducted in private unless the member requests otherwise	EHMM	January 2017
V1	3	Include criminal allegations to point 2.	EHMM	January 2017
V1	5	The hearing shall be conducted in private unless the member requests otherwise. This may be permitted unless the Chair of the Disciplinary Hearing Group decides otherwise at his/her sole discretion.”	EHMM	January 2017
V1	4	Submission of new evidence to the original panel rather than an appeal panel.	EHMM	January 2017
V2	3	Update text to indicate that individuals struck off from HCPC will be automatically removed, with the right to appeal.	EHMM	October 2017
V2	4	Update text to include appointment of lay person to the panel.	EHMM	October 2017
V2	7	Section 3.1 Change text to “The Disciplinary Panel – normally made up of current Institute Council members and a lay representative.	EHMM	October 2017
V2	5	Text updated to state that the panel will decide if conduct is improper and if not if any action is required.	EHMM	October 2017
V3	4	Following advice from IBMS solicitors remove text to indicate that individuals struck off from HCPC will be automatically removed, with the right to appeal.	EHMM	March 2018

V4	4	Following approval at the AGM the text to indicate that individuals struck off from HCPC will be automatically removed, with the right to appeal, was added back to the policy.	EHMM	July 2019
V4	About this version	Policy reviewed by MMC October 2022 – no amends.	EHMM	Oct 2022

The purpose of this Policy is to:

- Enable the Institute to deal with member conduct issues promptly, effectively and fairly; and
- Keep members informed of the procedures and actions they may face if they are alleged to, and/or found to have failed to meet the Institute's Professional Code of Conduct (included as an Appendix to this policy).

Raising a concern

1. Any member of the Institute or any other person may raise concerns about a member's professional conduct in writing to the Institute by emailing the Executive Head of Marketing and Membership (EHMM) at mc@ibms.org.
2. Where a regulator body, either statutory or voluntary, is considering an allegation that an Institute member's fitness to practise is impaired, the Institute will usually await the outcome of such other procedure before deciding how, if at all, to deal with the matter under the Institute's Membership Disciplinary Policy. This also applies to members facing criminal allegations.
3. The Institute will treat a finding by a regulator body, either statutory or voluntary, in respect of a member's fitness to practise as conclusive evidence that the member was (or was not) guilty of the conduct to which the finding related. It will be for the Institute to decide in accordance with its Member Disciplinary Policy whether any conduct (which is taken as proven) is unfitting conduct for the purposes of Institute membership.

Stage 1: Investigating a notification of misconduct

1. The notification and relevant information shall be submitted to the EHMM in the first instance.
2. Upon receiving notice of a potential breach of the Institute's Professional Code of Conduct that may render a member liable to be removed from membership under Article 16 of the Institute's Articles of Association (which state: "A member shall cease so to be if the Council considers him to have been guilty of **improper conduct** rendering him unfit to be a member of the Institute."), the EHMM shall form an Investigation Panel which comprises the EHMM and the Chair and Deputy Chair of Membership & Marketing Committee (M&MC) to consider the potential breach.
3. Having considered the information presented the Investigation Panel shall either:
 - i. Conclude that the Institute's Professional Code of Professional Conduct has been breached and establish a disciplinary panel (Stage 2) to determine the action to be taken, or
 - ii. Dismiss the case.
 - iii. A strike off order from HCPC will always be considered to have resulted from "improper conduct" and the member who is removed from the HCPC register will automatically cease to be a member of IBMS, but with the right to appeal.

Where there is not a unanimous decision the Investigation Panel shall:

- i. put the matter to a vote;
 - ii. no panel member shall be allowed to abstain;
 - iii. adopt the majority decision.
4. The complainant shall be notified of the Investigation Panel outcome within 7 days.

Stage 2: Initiating formal action

1. A Disciplinary Panel shall be comprised of not less than three current members of the Institute's Council appointed by the Investigation Panel.
2. The Disciplinary Panel has the authority to remove a member from membership under Article 69 of the Institute's Memorandum and Articles of Association.
3. The Council members appointed to form the panel should declare at this stage if the member is known to them and in what capacity. Conflicts of interest will be considered by the EHMM and new panel members sought if it is considered that the declared interest may prevent impartiality. Where there is a dispute over conflicts of interest the matter shall be referred to the Chief Executive for a final decision.
4. The member will be invited to attend the meeting to present their case or to present written evidence. The member must travel at their own expense to attend the meeting.
5. The member may be accompanied by a representative, who may 'petition' on behalf of the member, but it is the responsibility of the member to answer any questions from the Disciplinary Panel – the representative cannot answer questions on behalf of the member.
6. If at the disciplinary hearing the member is not present in person or represented, the hearing may proceed to consider the matter in the member's absence if it is satisfied that notice was properly served upon him or her.
7. The EHMM will provide the following information to the Disciplinary Panel 28 days prior to the Disciplinary Panel meeting:
 - i. The name of the member
 - ii. The nature of the issue
 - iii. The evidence to accompany the case
8. The Disciplinary Panel may meet in person or via teleconference/ videoconference.

Stage 3: The Disciplinary Hearing

1. The disciplinary hearing will consist of the following individuals:
 - i. The Disciplinary Panel – normally made up of current Institute Council members and a lay representative;
 - ii. A representative of the Investigation Panel; and
 - iii. Note taker; and
 - iv. Member and representative (if they attend)

The hearing shall be conducted in private unless the member requests otherwise. This may be permitted unless the Chair of the Disciplinary Hearing Group decides otherwise at his/her sole discretion.

2. Except where the Panel decides otherwise, the hearing will proceed as follows:
 - i. the representative from the Investigation Panel will outline the allegation or information received by Institute;
 - ii. the member may present their case in relation to the allegation and may present relevant evidence;

- iii. the Disciplinary Panel may put questions to the representative of the Investigation Panel;
 - iv. the Disciplinary Panel may put questions to the member if they are present;
 - v. the Disciplinary Panel shall consider its decision in private and in the absence of the parties.
 - vi. the meeting may not be audio or visually recorded.
3. If, for any reason, any member of the Panel is, during the course of the hearing, unable to continue to attend, or attend the adjourned hearing, the hearing may be re-heard by a new Panel.
 4. The Disciplinary Panel is required to decide if the member is guilty of improper conduct, which will result in their removal from membership. Where there is not a unanimous decision the Disciplinary Panel shall:
 - i. put the matter to a vote;
 - ii. no panel member shall be allowed to abstain;
 - iii. adopt the majority decision.
 5. Should the Disciplinary Panel decide that the member is not guilty of improper conduct, the Disciplinary Panel may consider if:
 - i there is no further action required;
 - ii further action is necessary to protect the Institute and/or support the member to retain membership and abide by the Institute's Code of Conduct.
 6. The outcome of the Disciplinary panel hearing will be communicated to the member in writing within 7 days of the Disciplinary Panel Meeting.
 7. If the member presents any new evidence or information during or within 30 days of the hearing the Chair of the Panel will consider whether to review or confirm the decision.

Stage 4: Appealing against a Disciplinary Panel decision

1. An appeal against a decision to revoke membership of the Institute must be submitted to the Chief Executive using 'Appeals Form' (attached) within thirty days of the date of notification.
2. A member may choose to appeal for **one** of the following reasons.
 - The sanction or finding is unfair
 - The disciplinary policy procedure was not properly applied
 - The action was based on discriminatory reasons

In the event of an appeal, the case will be presented at the next available Council meeting, in the absence of the original Disciplinary Panel members. The Appeal panel (Council) shall review all evidence received by the Disciplinary Panel **and** evidence submitted as part of the appeal.

The member will be invited to attend the appeal meeting to present the reason for the appeal. The member must travel at their own expense to attend the meeting.

The member may be accompanied by a representative, who may 'petition' on behalf of the member, but it is the responsibility of the member to answer any questions from the Appeal Panel – the representative cannot answer questions on behalf of the member.

If at the appeal hearing the member is not present in person or represented, the Appeal Panel may proceed to consider the matter in the member's absence if it is satisfied that notice was properly served upon him or her.

Where there is not a unanimous decision the Appeal Panel shall:

- i. put the matter to a vote;
- ii. no panel member shall be allowed to abstain;
- iii. adopt the majority decision.

The decision of Appeal Panel will be final and will be conveyed, in writing, to the member within 7 days of the decision.

Re-admittance

Any person who has ceased to be member of the Institute on the grounds of improper conduct may be re-admitted, at the discretion of the Council following a period defined by Membership & Marketing Committee. This may be to the class of membership in which he was classified when he ceased to be a member or to a lower class, upon reapplication for membership and payment of due fees.

Other

1. Should a member be removed from membership during the current membership year membership fees will not be refunded.
2. Hearings will proceed for members who are subject to a disciplinary investigation if they subsequently resign from IBMS membership.
3. Any member suspected of breaching the Professional Code of Conduct retains IBMS membership and the benefits that it offers until the Disciplinary Panel has made its decision.
4. Any matter which is the subject of this IBMS Membership Disciplinary Policy, and any information relating to or obtained during its use, must not be disclosed or discussed, save in so far as is reasonably necessary for the purposes of the administration, investigation, and adjudication of matters that fall under this Policy.



Appeal against the outcome of Institute disciplinary action

Note to appellant: Please complete ALL parts of this form and sign the declaration. And send to the Institute by registered post including any copies (no originals please) of **supporting evidence to:** Chief Executive, The Institute of Biomedical Science, 12 Coldbath Square, London EC1

If you have any questions please contact the Chief Executive via mail@ibms.org

Institute Membership Number:

Title:

Surname:

Forename:

Address for all correspondence:

Tel:

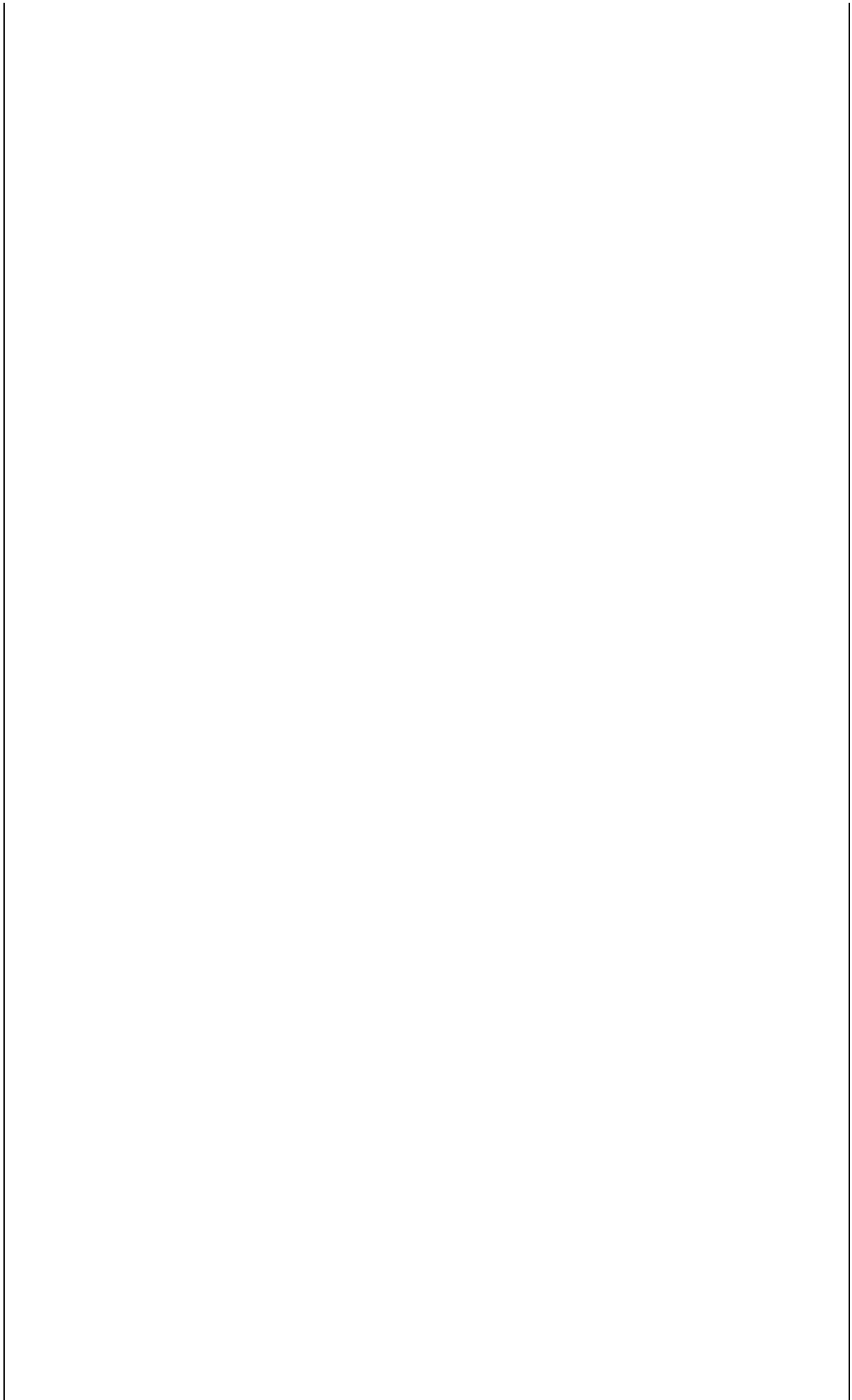
Email:

Date action notified (from notification letter):

Please state the reason for you appeal for ticking one of the following options

- The sanction or finding is unfair
- The disciplinary policy procedure was not properly applied
- The action was based on discriminatory reasons

Reason for this appeal - no more than 4 sides of A4 (please attach any additional supporting information to this appeal):



Declaration

I declare that the information given in this document and in all accompanying documentation is true and accurate.

I understand that failure to disclose full information or any deliberate misrepresentation of information can be a serious matter and will invalidate my appeal.

Signature of appellant:

Date:

Please note: The decision of Council to whom this form will be forwarded is final. The outcome will be communicated to the appellant in writing within 7 days from the Council meeting where the appeal is reviewed.

Appeal Panel use only (completed by IBMS President (or his/her representative) on behalf of Council)

Outcome:

Name:

Signature:

Date:

IBMS Professional Code of Conduct

All members of the Institute of Biomedical Science will:

1. Professionalism

- 1.1 Uphold the name and reputation of the Institute of Biomedical Science and the biomedical science profession and practice according to its responsibilities, standards, ethics and laws.
- 1.2 Maintain the highest standards of professional practice and act in the best interests of patients, the service and other professionals.
- 1.3 Respect the confidentiality of patients, employer, and service users unless disclosure is permitted by law and justified in the patient's interest
- 1.4 Not practise, nor impose upon others to practise in conditions where professional integrity, standards and laws would be compromised

2. Competence

- 2.1 Understand and work within the limits of their professional knowledge, skills and experience.
- 2.2 Never delegate a task or duty to anyone who is not trained, qualified or experienced sufficiently to undertake it without supervision
- 2.3 Ensure that colleagues under their management are fully supervised and supported
- 2.4 Exercise and continually develop their professional knowledge and skill throughout their professional life
- 2.5 Communicate effectively and meet all applicable reporting standards

3. Behaviour

- 3.1 Not allow bias, conflict of interest, or the undue influence of others, override their professional judgement.
- 3.2 Take action without delay if patient safety or service delivery is at risk according to local and national 'whistleblowing' guideline
- 3.3 Treat all patients, service users and colleagues respectfully and equally without any discrimination or prejudice that could compromise their professional roles or duty of care
- 3.4 Co-operate with employer and professional colleagues in the interests of providing a safe and high-quality service

The list is non-exhaustive. Failure to comply with this Professional Code of Conduct may result in action being taken under Article 16 of the Institute's Articles of Association which state: "A member shall cease so to be if the Council considers him to have been guilty of improper conduct rendering him unfit to be a member of the Institute".