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# **Membership Disciplinary Review Policy**

## About this version

<b>Document title:</b>	Membership Disciplinary Review Policy
<b>Produced by:</b>	Executive Head of Marketing and Membership (EHMM)
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<b>Review date:</b>	5 uses or three years whichever comes first

## 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 <del>remove</del> 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
V5	Throughout	Full review	Moore Barlow	Oct 2025

The purpose of this Policy is to:

- Enable the Institute to deal with member conduct issues promptly, effectively consistently and fairly.
- 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).

The Institute wishes to clarify that this Policy strictly pertains to member conduct matters as outlined in the Professional Code of Conduct. The Institute is committed to maintaining high ethical standards and will focus its efforts solely on situations that fall within the scope of professional conduct and behaviour as defined by the Code of Conduct.

If a situation or issue falls outside the scope of member conduct, such as personal grievances, external legal disputes, or matters unrelated to professional behaviour, the Institute will not intervene. In such cases, members are advised to direct their concerns to the appropriate organisation, legal authority, or regulator body as may be appropriate to handle those matters.

Similarly, and by way of example only, where a concern or complaint is apt for consideration by the complainant's employer, for example they are aggrieved about how their colleague (who is a member of IBMS) has behaved, they should first address their concerns to that employer pursuant to the employer's grievance procedure; and then include the outcome of that grievance when raising the concern with IBMS.

Any complaints in relation to services you have received from IBMS should be raised under the complaints process on our website.

### **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](mailto:mc@ibms.org).
2. Where a regulator body, either statutory or voluntary, employer or other appropriate body is considering a member's alleged conduct or an allegation that an Institute member's fitness to practise is impaired or where the Science Council has referred a member to a relevant professional body, the Institute will firstly 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 that may be the subject of police investigation.
3. The Institute will accept the findings made by a regulator body, either statutory or voluntary, employer or other appropriate body in respect of a member's conduct and/or fitness to practise. It will be for the Institute to decide in accordance with its Member Disciplinary Policy whether any such findings demonstrate that conduct is unfitting conduct for the purposes of Institute membership.

### **Stage 1: Investigating a notification of misconduct and delivering a determination**

1. The notification and relevant information shall be submitted to the EHMM in the first instance.

2. If not being considered by a regulator body, employer or other appropriate body, 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 18 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) and potentially a lay representative to consider the potential breach.
3. Conflicts of interest declared by any panel member will be considered by the EHMM, and alternative members appointed if necessary. Disputes over conflicts will be referred to the Chief Executive for final decision.
4. The member will be informed of the allegation(s) and/or complaint against them and given the opportunity to provide written evidence or a statement during the investigation. Attendance at a meeting is not required at this stage.
5. The Investigation Panel will consider the evidence and representations and determine whether a breach has occurred and, if so, what action should be taken. 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 determine appropriate action  
For the avoidance of doubt, 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.

or

- ii. Dismiss the case. If no breach is found, the Investigation Panel may recommend no further action or additional support measures to help the member comply with the Institute's Professional Code of Conduct

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.

There will be no separate Investigation Panel or hearing at this stage; the Investigation Panel will make the final determination regarding any sanction or membership action based on the information available.

6. The Investigation Panel may meet in person or via teleconference/ videoconference.
7. The Institute may take legal advice in dealing with any concerns of member misconduct.

### **Delivery of decision**

1. Following completion of the investigation, the EHMM will issue a written summary of the findings and the decision of the Investigation Panel to the member.
2. The written summary will specify:
  - i. the allegation and/or complaint against the member;
  - ii. the decision reached (breach or no breach);
  - iii. any action or sanction to be applied;

- iii. the member's right to appeal and the process for doing so.

## **Stage 2: Appeal against a decision**

1. The member that has had disciplinary action against them can appeal against a decision to revoke or sanction membership of the Institute. The appeal must be done in writing and submitted to the Chief Executive using the 'Appeal against the outcome of Institute disciplinary action' form (included as an Appendix to this policy) within thirty calendar days of the date of notification of the decision.

A member must clearly state the grounds for their appeal using the 'Appeal against the outcome of Institute disciplinary action' form .

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

The member will be invited to attend the appeal meeting to present the grounds for the appeal. The member must travel at their own expense to attend the meeting. The appeal meeting will form part of the Council meeting and will be dealt with as part of a Closed (confidential) session this may be online or in person.

The member may be accompanied by a companion for support, but it is the responsibility of the member to answer any questions from the Appeal Panel – the companion is not permitted to answer questions on behalf of the member or to otherwise obstruct the meeting. For the avoidance of doubt, legal representation is not permitted anywhere in this procedure.

Where the member legitimately can not attend an alternative date will be offered. In the event that the member does not attend either online or in person without any reason 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 following a finding of improper conduct may be re-admitted, at the discretion of the Council following a successful appeal, or following a period defined by Membership & Marketing Committee. This may be to the class of membership in which the member was classified when they 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. Any member suspected of breaching the Professional Code of Conduct retains IBMS membership and the benefits that it offers until the Investigation Panel has made its decision.
3. Any person whose membership is revoked shall not enjoy any membership benefits unless or until their membership is reinstated.
4. Any matter which is the subject of this IBMS Membership Disciplinary Policy, and any information relating to or obtained during its use, must remain confidential, save in so far as is reasonably necessary for regulatory or other legal requirement.



### **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 [chiefexecutive@ibms.org](mailto:chiefexecutive@ibms.org)

**Institute Membership Number:**

**Title:**

**Surname:**

**Forename:**

**Address for all correspondence:**

**Tel:**

**Email:**

**Date action notified (from notification letter):**

**Please clearly state the grounds for your appeal**

**Please list below any additional information that supports the above grounds of 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 appeal 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, bullying, harassment, 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 18 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".