

The Board of Trustees has delegated powers to the Professional Development Committee (PDC) to investigate alleged breaches of the IFST Code of Professional Conduct (CoPC) by members and registrants and if a breach is established to recommend appropriate sanctions to the Board.

These procedures will apply if a complaint is received against a member or registrant. Articles 4 & 8 and Regulation 31 must be read in conjunction with these procedures.

## 1. **Complaint is received**

Only written complaints from a named complainant will be considered.

If a potential allegation is discovered by a member of staff, they will refer this to an officer of the PDC. If the officer considers there may be a breach of the CoPC, they will act as the complainant, but may take no further part in the procedure.

If the Chief Executive feels the complaint is trivial or vexatious, with no reasonable prospect of a preliminary investigation finding a case to answer, then the formal complaint may be dismissed and alternative dispute resolution explored with the complainant.

## 2. **Preliminary investigation**

A sub-committee comprising two nominees of the PDC will carry out a preliminary investigation to decide whether a full investigation is justified. These would normally be an officer of the PDC and a trustee (or a former officer or trustee).

There should be a presumption of innocence until a breach of the CoPC is established.

## 3. **Statement of the Case**

If the complaint warrants further investigation, the sub-committee will prepare a Statement of the Case for consideration by the Disciplinary Panel.

## 4. **Appointment of Disciplinary Panel**

The PDC will appoint a competent Panel of examiners to hear the case, comprising of two professional members (Member of Fellow) who are not a current trustee or member of the preliminary investigation sub-committee and one person who is not an IFST member to represent the public interest.<sup>1</sup>

The Professional Development Committee may at its sole discretion consider the first appeal made to it with good cause by the respondent in advance of the hearing regarding the suitability of any panel member. The respondent must not be personally known to any of the Panel and the respondent must not attempt to make contact with any of the Panel members. The respondent must state any previous names by which they have been known.

## 5. **Disciplinary Hearing**

The respondent will be informed of the date and time of the hearing by special delivery post at least 42 days in advance, together with the Statement of the Case and a copy of this protocol.

Both the Panel and the respondent may provide additional written evidence to the disciplinary hearing.

Respondents are entitled to bring a supporter to the hearing or in their absence to send an observer. This person will not be able to speak on the respondent's behalf. The disciplinary hearing will consider the Statement of the Case, and supporting evidence (with any cross examination of the respondent), and followed by an evidenced rebuttal by the respondent, which is also open to cross-examination.

If, ten-or-more days prior to the date of the hearing, the respondent freely admits the circumstances as set out in the Statement of Case, then the Disciplinary Panel will have regard to this before deciding the recommended penalty, or the member may voluntarily (and permanently) resign.

## 6. **Results of Disciplinary Hearing**

The decision of the Panel will be unanimous.

If the complaint is upheld, then the Panel will hear any mitigation, decide the recommended penalty and prepare a report for Board endorsement.

The respondent will be notified of the decision within 28 days of the hearing.

If the sanction is expulsion, the result will remain on the record indefinitely. If lesser sanctions are given, these will remain on the record for 2 years.

If the complaint is proven against a Chartered Scientist, the Institute will advise the Registrar of the Science Council of the result.

The outcome of disciplinary hearings shall normally be published on the IFST website for the two years following the date of the decision. The Board may at its sole discretion in the public interest decide not to publish the outcome of a particular disciplinary case

## 7. **Appeal**

The leave to appeal will be granted only on specific grounds: new evidence, significant failure to follow procedures, apparent injustice at first hearing. The respondent must give written notice to the Chair of the PDC stating the grounds for appeal within 28 days of the hearing. If the Chair feels the complaint is of a frivolous or trivial nature the appeal can be dismissed without the need for an appeals panel to be convened.

The PDC will appoint an appellate Tribunal comprising three senior persons, two who are a past president or past vice president (one to be Chair) and one who is not an IFST member<sup>1</sup>. None shall have had contact with the case beforehand or have personal knowledge of the respondent and who are not current trustees. The respondent will be

offered the names of three members and two non-members. From these, the respondent will choose two members and one non-member to hear the appeal.<sup>1</sup>

The decision of the appellate Tribunal will be unanimous. Such decision will be final and will be reported to the Board. There is no right of appeal to the Board.

**8. Clerk to the Panel/Tribunal**

A senior member of the IFST staff will act as “clerk” to the Panel or appellate Tribunal and will be present throughout the proceedings to take notes and offer advice, but will not take part in any voting.

**9. Replacement of Panel/Tribunal**

After the Panel or Tribunal membership has been constituted, if one member is subsequently found to be unable to attend the hearing either in person or by telephone, IFST may appoint a replacement. If more than one member withdraws, a new Panel or Tribunal will be constituted and a new date arranged.

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<sup>1</sup> Non-members should be senior members or employees of a professional body or learned society adhering to a code of conduct.