Regulations for CILIP Disciplinary Regulations

Preamble

Professional practice is shaped by two key elements: knowledge and skills; ethics and conduct. As the regulatory body for library and information practice in the UK, CILIP provides a Framework of Qualification and Accreditation to benchmark the knowledge and skills of professional practitioners. CILIP also prescribes a set of ethical principles and a Code of Professional Conduct to benchmark the behaviour of professional practitioners. These Disciplinary Regulations set out the procedures to be followed when a complaint is made about the professional conduct of a CILIP Member.

Introduction

1. These regulations were made by the Council on [date to be added]. They came into force on that date, superseding all previous disciplinary regulations.

2. These regulations set out the procedures to be followed in the investigation and adjudication of any complaint that a Member may have acted in a manner contrary to the aims, objects and interests of CILIP or otherwise contrary to its Charter, Bye-Laws or Regulations, or in a manner prejudicial to his/her professional status or the reputation of CILIP. They are intended therefore to cover issues relating to the professional conduct of a Member. It will not normally be within the scope of these regulations to consider alleged grievances against a Member which are of an employment or contractual nature.

3. Members are required to comply at all times with the ethical principles and Code of Professional Practice prescribed and published by CILIP. At all stages of these disciplinary procedures, regard will be had to any such ethical principles and/or Code of Professional Practice in force at the time of the conduct which is the subject of the complaint. Failure to comply with any such ethical principles or Code may be a ground for disciplinary action.

4. These regulations relate to the conduct of Individual Members (but not Organisation Members) of CILIP.

5. There are broadly four stages to these Regulations: (1) a complaint is made and investigated; (2) if there is a case to answer, a consent order may be offered or a disciplinary hearing is held; (3) there is a right of appeal against the outcome of a disciplinary hearing; and (4) a decision to suspend or expel a Member must also be endorsed by the Council.
Invoking the Disciplinary Procedure

6. A member of CILIP or any other person may make a formal complaint in writing to CILIP (by email or letter to the Chief Executive) concerning the professional conduct of a Member.

7. The Chief Executive (or his/her nominee) shall if possible acknowledge a formal complaint within seven working days of receipt.

8. Where the Chief Executive (in consultation with the President) deems it appropriate, the complaint will be investigated under these regulations provided that it is made within six months from the time when it arose.

9. CILIP can itself initiate a complaint where the Chief Executive becomes aware of any fact or matter concerning the professional conduct of a Member which in his/her opinion (in consultation with the President) warrants investigation under these regulations.

Grounds for Disciplinary Action

10. It shall be a ground for disciplinary action if a Member is guilty of professional misconduct. This is defined as a Member having acted:

   (i) contrary to the aims, objects and interests of CILIP, or otherwise contrary to its Charter, Bye-Laws or Regulations or
   (ii) in a manner prejudicial to his/her professional status or the reputation of CILIP.

STAGE I - DISCIPLINARY INVESTIGATION

Appointment of an Investigating Officer

11. Where a complaint or matter is to be investigated, the President shall appoint an Investigating Officer to consider the matter further.

12. The Investigating Officer shall be a member of the Disciplinary Panel (other than the President and Chair) who has no interest in the matter and has received appropriate training in the role.

13. Notwithstanding the requirement for the annual appointment of members to the Disciplinary Panel, an Investigating Officer shall continue in that role until the matter he/she was appointed to deal with has been concluded.

Duties and Powers of the Investigating Officer

14. The Investigating Officer shall consider the matter and decide whether or not in his/her opinion there is a case to be answered, and if there is then whether to proceed under paragraph 20(ii) or (iii) below.

15. In considering the matter, the Investigating Officer shall make such inquiries as he/she considers necessary to establish the facts and circumstances by whatever means he/she considers appropriate, including requesting a response from the Member within a specified period of not less than ten working days.

16. The Member shall be informed, upon the raising of any questions with him/her, that such questions are asked in connection with possible disciplinary proceedings.

17. The Member is expected to comply with the reasonable requirements of the Investigating Officer.
18. The identity of the complainant shall be made known to the Member unless the Investigating Officer determines that there are compelling reasons why the complainant should not be identified taking into account, amongst other things, the need for the Member to fully understand the nature of the complaint against him/her.

19. The Investigating Officer shall seek to complete his/her inquiries within thirty working days of the matter being referred to him/her. CILIP will keep the complainant and the Member informed of the timetable.

20. Upon completion of the investigation, the Investigating Officer shall decide whether in his/her opinion:

(i) there is no case to answer; or

(ii) there is a case to answer and the Member to be invited to consent to a disciplinary order imposing a written warning and/or written reprimand under paragraph 30 below; or

(iii) there is a case to answer and the matter to proceed to a disciplinary hearing under paragraph 31 below.

The Investigating Officer’s decision – No case to answer

21. If the Investigating Officer decides that there is no case to answer, the complainant (if applicable) will be informed, giving him/her brief written reasons for the decision and notifying him/her in writing of his/her right to request a review of the decision.

22. CILIP shall at the same time inform the Member of the decision in writing with brief written reasons, advising him/her that the complainant has the right to ask for a review of the decision, and therefore that the matter may be reviewed.

Review of decision

23. Provided the complainant makes his/her request for a review in writing and within twenty working days from the date of the notification sent to him/her under paragraph 21 above, the Investigation Officer’s decision will be reviewed by the Vice-President or if he/she is not available, by a Past President (“the reviewer”).

24. The Investigation Officer's decision will be reviewed on the basis of the written request for the review together with the papers that were before the Investigating Officer when he/she reached his/her decision. If possible, the review will be carried out within thirty working days of receipt of the request for a review.

25. The outcome of the review will be:

(i) To confirm the decision of the Investigating Officer that there is no case to answer; or

(ii) To remit the matter back to the Investigating Officer for reconsideration if the reviewer is of the opinion that one or more of the following apply:

   (a) Fresh evidence of a material nature has become available to the complainant since the Investigation Officer’s decision; or

   (b) The Investigating Officer’s decision was not one which could reasonably have been arrived at upon due consideration of the facts and matters before him/her; or

   (c) The Investigating Officer was biased; or
(d) The Investigating Officer did not adequately investigate the complaint in accordance with these regulations.

26. CILIP shall inform both the Member and the complainant of the review decision. There shall be no right of appeal by any party against the review decision.

27. Where the reviewer remits the matter for reconsideration under paragraph 25(ii) c above, the President shall appoint a different Investigating Officer to reconsider the matter.

28. In reconsidering any matter, the Investigating Officer must have regard to any written reasons given by the reviewer for remitting the matter.

29. If, after reconsideration of the matter, the Investigating Officer decides again that there is no case to answer, there shall be no further right of review.

The Investigating Officer’s decision – Case to answer (with offer of consent order)

30. If the Investigating Officer decides that there is a case to answer under paragraph 20(ii) above:

30.1 CILIP will write to the Member outlining the alleged conduct or circumstances alleged to amount to professional misconduct with brief written reasons for the decision, inviting him/her to respond in writing within 20 working days consenting to a disciplinary order imposing a written warning and/or a written reprimand (but no other form of disciplinary action).

30.2 If the Member gives his/her written consent within 20 working days, CILIP will make the disciplinary order as proposed by CILIP and consented to by the Member.

30.3 If the Member either refuses consent or does not reply within 20 working days, the matter will proceed to a hearing under paragraph 31 below.

30.4 CILIP will keep the complainant informed of actions taken under this paragraph with brief written reasons for any disciplinary order made under paragraph 30.2 above.

The Investigating Officer’s decision – Case to answer (at disciplinary hearing)

31. If the Investigating Officer decides that there is a case to answer under paragraph 20(iii) above (or if paragraph 30.3 applies):

31.1 CILIP will inform the Member and the complainant in writing that the matter will proceed to a disciplinary hearing.

31.2 The matter will be referred to the Chair of the Disciplinary Panel.

STAGE II- DISCIPLINARY HEARING

32. Upon receiving a referral under paragraph 31.2 above, the Chair of the Disciplinary Panel shall appoint a Disciplinary Hearing Group (DHG) to hear the matter.

Composition of the Disciplinary Hearing Group (DHG)

33. In each case, the DHG shall comprise any three members of the Disciplinary Panel, including the Chair of the Disciplinary Panel, who have not served in the same matter and who have no interest in the matter.

34. The Chair of the Disciplinary Panel shall chair the DHG. If the Chair of the Disciplinary Panel has an interest in the matter or if for any other reason he/she is unable to sit on the DHG, he/she will nominate a third member of the DHG in his/her place (from among the members of
the Disciplinary Panel) and will then nominate one of the three members of the DHG to serve as Chair.

35. Notwithstanding the requirement for the annual appointment of members to the Disciplinary Panel, a DHG shall continue with its original membership until it has concluded the matter it was appointed to deal with.

**The Parties in the proceedings before the DHG**

36. The Investigating Officer shall, on behalf of CILIP, present the case before the DHG, and for this purpose may instruct a representative (who may be legally qualified). Any costs incurred are to be borne by CILIP.

37. The Member shall be entitled to be represented by any person (who may be legally qualified). Any costs incurred are to be borne by the Member.

**Procedure of the DHG**

38. The hearing of the case shall be conducted as outlined below except where to do so would be unjust or inconvenient, in which case the Chair of the DHG may modify the procedure to the extent that he/she deems necessary, provided that the result is fair to the Member under complaint.

**PROCEDURE BEFORE THE DHG**

**Notification of hearing and exchange of information**

39. Following the appointment of the DHG, CILIP shall serve on the Member at least fifteen working days' written notice of the date, time and place of the hearing.

40. The notice referred to at paragraph 39 above shall include

   (i) particulars of the conduct or circumstances alleged by the Investigating Officer to amount to professional misconduct;

   (ii) a summary of the facts and matters relied upon by the Investigating Officer, including copies of any written statement and other document that it is proposed to put before the DHG;

   (iii) the names and addresses of any witnesses whom the Investigating Officer intends to call in person and an outline of what each witness is expected to say;

   (iv) an invitation to the Member to attend the hearing and/or to submit written representations for consideration by the DHG.

41. At least five working days prior to the date of the hearing, the Member shall:

   (i) confirm whether or not he/she intends to attend the hearing and, if so, the name of any person who will be accompanying or representing him/her.

   (ii) submit:

      (a) brief particulars of any defence intended to be made;

      (b) a summary of the facts and matters that will be relied upon in that defence, including copies of any written statement and other document that he/she intends to refer to; and
(c) the names and addresses of any witnesses whom he/she intends to call in person and an outline of what each witness is expected to say.

42. Neither party shall, without the consent of the other or the permission of the DHG, rely on any statement or document or call any witness other than those provided or identified under paragraphs 40 and 41 above.

Adjournment

43. At the request of either party or at his/her own volition, the Chair of the DHG may, at any time, adjourn the hearing if satisfied that it is in the interests of justice so to do. An application for the adjournment of a hearing that has not begun may be agreed between the parties.

44. In the event that any member of the DHG (sitting at the hearing of a case) is unwilling or unable to hear an entire case and the matter cannot be dealt with by adjournment of the hearing, then the Chair of the Disciplinary Panel shall appoint a new DHG and the case shall be re-heard. Members of the DHG who sat previously and were not the member unable or unwilling to continue shall be eligible to be appointed to the new DHG.

The absence of the Member

45. If at the hearing the Member is not present in person or represented, the DHG may proceed to consider the matter in the Member's absence if it is satisfied that notice was properly served upon him/her in accordance with paragraphs 39 and 40 above.

Joinder of cases

46. The DHG may hear two or more complaints against a Member at the same time.

Joinder of Members

47. The DHG may also hear complaints against two or more Members at the same time if it considers it just to do so.

Proof and Evidence

48. (i) The burden of proving the alleged professional misconduct shall lie upon the Investigating Officer

(ii) The professional misconduct shall be proved by the Investigating Officer on a balance of probabilities

(iii) The DHG shall not be bound by strict rules of evidence

Private Hearing

49. The hearing shall be conducted in private unless the Member requests otherwise (such request to be decided by the Chair of the DHG at his /her sole discretion) save that the complainant (where applicable) shall be permitted to attend unless the Chair of the DHG decides otherwise at his/her sole discretion.

50. The Chief Executive of CILIP or his/her nominee and such other persons as are reasonably required by CILIP for secretarial/recording purposes may also be in attendance at the hearing.
Order of proceedings

51. The order of proceedings for the hearing, unless the Chair of the DHG otherwise directs, will be as follows:

(i) Submissions by, or on behalf of, the Investigating Officer;

(ii) Hearing of any witnesses called by the Investigating Officer followed by cross-examination of such witnesses by, or on behalf, of, the Member;

(iii) Submissions by, or on behalf of, the Member;

(iv) Hearing of any witnesses called by the Member followed by cross-examination of such witnesses by, or on behalf, of the Investigating Officer;

(v) Closing submissions by, or on behalf, of the Investigating Officer;

(vi) Closing submissions by, or on behalf, of the Member;

(vii) After retiring as necessary, the DHG shall advise the parties (if present) whether or not it finds any allegation of professional misconduct proven.

52. Members of the DHG may themselves at any stage question witnesses, parties or representatives as they think fit.

Order of proceedings following a finding of professional misconduct

53. The Investigating Officer shall, following a finding of professional misconduct, inform the DHG of any further circumstances known to CILIP, whether favourable or adverse to the Member that might be relevant to any course of action which the DHG might take.

54. The Member shall then be entitled to respond on the matter of disciplinary action.

Decision

55. The DHG may, following a finding of professional misconduct, order any one or more courses of disciplinary action in accordance with paragraph 57 below.

56. Decisions of the DHG at all stages shall be made by a simple majority.

DISCIPLINARY ACTION

57. Any one or more of the following courses of disciplinary action may be ordered by the DHG as is considered appropriate (and on such terms and conditions and for such period as is considered appropriate) having regard to the nature and seriousness of the professional misconduct, the Member’s character and past record, and to any other relevant circumstances:

(1) a written warning and/or written reprimand; and/or

(2) a requirement for the Member to give a written undertaking as to future conduct; and/or
(3) a requirement for the Member to undertake specific training and/or to report regularly
to or to seek guidance from a senior colleague; and/or

(4) suspension or removal of the Member from any office within CILIP, its groups and/or
branches; and/or

(5) alteration of the membership status of the Member; and/or

(6) a recommendation to the Council that the Member be suspended from membership for a
fixed period of time; or

(8) a recommendation to the Council that the Member be expelled from membership of
CILIP.

58. If, notwithstanding its finding that the Member is guilty of professional misconduct, the DHG is
of the opinion that in all the circumstances, no such order is appropriate, it may make no
order.

59. The DHG may also, wherever it considers appropriate and whether or not it decides to order
any disciplinary action, communicate to the Member its advice as to his/her future conduct.

60. Where the DHG determines to recommend to the Council that the Member be suspended or
expelled from membership of CILIP, the Member shall be suspended from membership on an
interim basis pending the Council's resolution in the matter, and during such interim
suspension is entitled to no privileges of membership.

Notification of Decision

61. CILIP shall serve on the Member written notice of the decision of the DHG together with any
disciplinary action ordered as promptly as is practicable after the conclusion of the hearing,
and whether or not the Member attended the hearing. Where there has been a finding of
professional misconduct, the notice shall inform the Member of his/her right of appeal.

62. CILIP shall also inform the complainant of the decision of the DHG.

Reasons

63. The DHG shall also provide the Member with brief written reasons for the decision as soon as
is practicable.

Recording

64. The proceedings before the DHG shall be recorded and a copy of the recording shall be
provided to the Member upon written request by him/her and upon payment by him/her of the
costs involved in making the copy.

STAGE III – APPEAL

Right of Appeal

65. A Member may, on the grounds set out at paragraph 70 below, appeal to the Appeal Hearing
Group against a finding of the DHG that he/she is guilty of professional misconduct and/or
against any disciplinary action ordered by the DHG.

66. There is no right of appeal by a complainant against any aspect of a decision by the DHG.
Notice of Intention to Appeal

67. Notice of intention to appeal shall be lodged with the CILIP Chief Executive in writing within five working days of service of the DHG’s decision.

68. If notice of intention to appeal is lodged within the time permitted, the order of the DHG shall not take effect until the determination of the matter on appeal.

Grounds of Appeal

69. The Member shall be permitted a further ten working days to submit a written statement setting out the grounds upon which the appeal is brought and any facts and matters relied upon by him/her, including, where applicable, a description of any fresh evidence upon which the Member intends to rely.

70. An appeal may be made on the following grounds:
   (i) that the disciplinary hearing did not follow due process and/or
   (ii) there is fresh evidence of a material nature which for good reason was unavailable to the DHG, which might cause the Appeal Hearing Group to reconsider the DHG’s finding of professional misconduct and/or the disciplinary action ordered by the DHG.

71. CILIP shall inform the complainant where a notice of intention to appeal/grounds of appeal are lodged by the Member.

Appointment and Composition of the Appeal Hearing Group (AHG)

72. When an appeal is made on grounds set out at paragraph 70 above, the President shall establish an AHG of three persons to hear the appeal and shall appoint one of those three persons as the Chair of the AHG.

73. The three persons shall be drawn from the members of the Disciplinary Panel who have had no previous involvement with the disciplinary case which is under appeal, and have no interest in the matter.

74. Notwithstanding the requirement for the annual appointment of members to the Disciplinary Panel, an AHG shall continue with its original membership until the appeal of the matter it was appointed to deal with has been concluded.

The parties in proceedings before the AHG

75. The Member shall be the Appellant at this stage and he/she shall be entitled to be represented by any person (who may be legally qualified). Any costs are to be borne by the Member.

76. The Investigating Officer shall act on behalf of CILIP as respondent to the Appeal and for this purpose may instruct a representative (who may be legally qualified). Any costs will be borne by CILIP.
Procedure before the AHG

77. On an appeal, the AHG shall consider the Member’s Grounds of Appeal together with any fresh evidence of a material nature which for good reason was unavailable to the DHG; and such other material as the Chair of the AHG considers appropriate, which will usually include the record of the hearing before the DHG, and the documents, statements and other evidence produced to the DHG.

78. The hearing of an appeal before the AHG shall be conducted as outlined below except where to do so would be unjust, in which case Chair of the AHG may modify the procedure to the extent that he/she deems necessary provided the result is fair to the Member.

PROCEDURE FOR AN APPEAL

Notification of hearing and exchange of information

79. Following the appointment of an AHG, CILIP shall serve on the Member (at this stage the Appellant) at least fifteen working days’ written notice of the date, time and place of the appeal hearing. Normally the appeal hearing should be held if possible within forty working days of receipt of the Member’s Notice of Intention to Appeal.

80. At least ten working days prior to the date of the hearing, the Appellant shall:
   (i) confirm whether or not he/she intends to attend the hearing and, if so, the name of any person who will be accompanying or representing him/her.
   (ii) if he/she wishes to adduce fresh written evidence or to call any fresh witness evidence, submit (with an explanation as to why such evidence was previously unavailable):
         (a) any such fresh written evidence that he/she wishes to rely upon;
         (b) the names and addresses of any witnesses whom he/she wishes to call in person to give any fresh evidence, and an outline of what each witness is expected to say.

81. At least five working days prior to the date of the hearing, the Investigating Officer shall provide the Appellant with any fresh evidence which he/she wishes to rely upon in light of the appeal, together with the names and addresses of any witnesses which he/she wishes to call in person and an outline of what each witness is expected to say.

Adjournment

82. At the request of a party or at his/her own volition, the Chair of the AHG may at any time adjourn the appeal hearing if satisfied that it is in the interests of justice to do so. An application for the adjournment of an appeal hearing that has not begun may be agreed between the parties.

83. In the event that any member of the AHG (sitting at the hearing of a case) is unwilling or unable to hear an entire case and the matter cannot be dealt with by adjournment of the hearing, then the President shall appoint a new AHG and the case shall be re-heard. Members of the AHG who sat previously and were not the member unable or unwilling to continue shall be eligible to be appointed to the new AHG.
The absence of the Appellant

84. If at the appeal hearing, the Appellant is not present in person or represented, the AHG may proceed to consider the matter in the Appellant's absence if it is satisfied that notice was properly served upon him/her in accordance with paragraph 79 above.

Private Hearing

85. The hearing shall be conducted in private unless the Appellant requests otherwise (such request to be decided by the Chair of the AHG at his/her sole discretion) save that the complainant (where applicable) shall be permitted to attend unless the Chair of the AHG decides otherwise at his/her sole discretion.

86. The Chief Executive of CILIP or his/her nominee and such other persons as are reasonably required by CILIP for secretarial/recording purposes may also be in attendance at the hearing.

Order of proceedings

87. The order of proceedings for the Appeal hearing, unless the Chair of the AHG otherwise directs, will be as follows:

(i) The Appellant shall outline the grounds of his/her appeal, citing (with the agreement of the AHG) any fresh evidence;

(ii) Hearing of any witnesses called by the Appellant (limited to fresh evidence with the agreement of the AHG) followed by a cross-examination of such witnesses by, or on behalf of the Investigating Officer;

(iii) Response by, or on behalf of the Investigating Officer;

(iv) Hearing of any witnesses called by the Investigating Officer (with the agreement of the AHG) followed by a cross-examination of such witnesses by, or on behalf of the Appellant;

(v) Closing submissions by, or on behalf of the Appellant.

88. Members of the AHG may themselves at any stage question witnesses, parties or representatives as they think fit.

Decision

89. The AHG may affirm, vary or rescind any finding or order of the DHG and may substitute any other finding or order (on such terms and conditions, if any) as it considers appropriate which the DHG might have made.

90. All decisions of the AHG shall be reached by a simple majority.

Notification of decision by the AHG

91. CILIP shall serve on the Member written notice of the decision of the AHG as promptly as is practicable after the conclusion of the hearing, and whether or not the Member attended the hearing. CILIP will also inform the complainant of the outcome of the appeal.
Final Decision

92. A decision of the AHG is final.

Reasons

93. The AHG shall also provide the Member with brief written reasons for its decision as soon as is practicable.

Recording

94. The proceedings before the AHG shall be recorded and a copy of the recording shall be provided to the Member upon written request by him/her and upon payment by him/her of the costs involved in making the copy.

STAGE IV - ENDORSEMENT BY COUNCIL OF RECOMMENDATION

TO SUSPEND OR EXPEL MEMBER

95. A recommendation that the Member be suspended or expelled from membership of CILIP shall not take effect without being endorsed by the CILIP Council.

96. The Member shall be advised of the date of the meeting of the Council at which the recommendation will be proposed for endorsement. Whenever possible, the matter will be resolved at the next meeting of the Council.

97. The Council shall meet in private to consider the recommended suspension or expulsion of a Member and shall receive from the President a paper summarizing the disciplinary proceedings in the matter, to include the alleged professional misconduct, a summary of the Member's defence and drawing attention to any aspects of the matter which are particularly complex or important, and the reasons for the recommended suspension or expulsion.

98. The Council shall decide either:

(a) to endorse the recommended suspension or expulsion; or

(b) to refer the matter back to the DHG (or AHG as appropriate), with a brief summary of its reasons for the referral and an instruction that the matter be reconsidered.

99. The Council shall reach its decision by a simple majority of those present and entitled to vote. Any Council member who has had a prior involvement in the case (whether as a member of the Disciplinary Panel or otherwise) shall not be entitled to participate in the Council's discussion or vote on the recommendation.

100. The Member shall be notified of the Council's decision as soon as practicable after the meeting.
GENERAL PROVISIONS

Publication of Findings

101. The President shall report to the next meeting of CILIP Council on any completed disciplinary case (save for a case which Council has already considered). Unless otherwise recommended by the DHG (or AHG as appropriate), any such report shall be anonymised.

102. Following the report of each disciplinary case to the Council (or a decision by Council under paragraph 98(a) above, CILIP shall

(i) publish the outcome of the matter in such form and manner and to such extent as the Chief Executive in consultation with the President shall deem necessary (taking into account any recommendations made by the DHG, AHG or Council regarding publication of the matter) save that there will be no publication where no disciplinary action is taken unless the Member so requests (and the Chief Executive in consultation with the President agrees to publish the matter).

(ii) inform the complainant (if applicable, and if not previously informed) in writing of the outcome of the complaint.

103. If a Member subject to a complaint resigns his/her membership, or if for any other reason his/her membership terminates whilst the matter remains unresolved under these Disciplinary Regulations, the Chief Executive may at his/her discretion and in consultation with the President, cause to be published such resignation/termination of membership and inform the complainant in the manner set out above.

Time Limits

104. All time limits set out in these regulations shall be doubled when the correspondence address held by CILIP for the Member concerned is outside the UK.

Service of notices/documents

105. Save as provided for at paragraph 106 below, any notice or other documents required by these regulations to be sent to or served on a Member or a complainant may be delivered either personally or electronically or by first class post.

106. Any notice required to be sent to the member under paragraphs 30(i) (offer of consent order), 39 (notice of disciplinary hearing), 61 (notice of disciplinary decision and right to appeal), 79 (notice of appeal hearing), 91 (notice of appeal decision) and 100 (notice of Council decision) shall be delivered personally (by handing to the member) or by recorded delivery post.

107. Save as provided for at paragraph 106 above, any such notice or document shall:

(a) If delivered personally, be handed to the Member (or complainant as appropriate) or left at the last address of the Member or complainant concerned which is recorded by him/her with CILIP;

(b) If served by post or electronically, be sent to the last address (postal or email as appropriate) of the Member or complainant concerned which is recorded by him/her with CILIP.
108. Service shall be deemed to have taken place:

(a) If delivered personally, when handed to the Member (or complainant as appropriate) or left at the relevant address;

(b) If sent by first class post on the second day following that on which it was posted unless at the place of receipt that latter day is a Sunday or a public holiday in which case service shall be deemed to have occurred on the first day thereafter which is not one of such exceptional days;

(c) If sent by recorded delivery, on the date of delivery as confirmed by the Royal Mail;

(d) If sent electronically, on the same day it was sent.

Archiving

109. The written record of each Disciplinary Case shall be kept on file by the CILIP Governance Unit for five years after the conclusion of that case. In any Case where a Member has been expelled from membership of CILIP, the written record shall be kept indefinitely except that, in the event of re-instatement to membership, such record shall be kept only for five years thereafter.

Retrospection

110. These regulations supersede all previous disciplinary regulations. They cannot be applied retrospectively to any Disciplinary Case heard under previous regulations.

UK Law

UK law shall apply in resolving any disputes regarding the application of this procedure.
# Amendments to CILIP General Regulations

## Regulation | Amendments | Explanatory Note
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6 – 10 (admission and reinstatement) | 6. Admission and reinstatement to membership (including where applicable reinstatement to the Register of Registered Practitioners) will be at the discretion of Council, taking all relevant matters into account. | These amendments are proposed primarily to clarify the position where a member who has been expelled under the disciplinary process applies for reinstatement at a later date.

7. In the event of an application for reinstatement by an individual whose membership was terminated following an order for expulsion under the Institute’s Disciplinary Regulations, consideration shall be given to any recommendation made by the Council at the time of expulsion as to, or relevant to, reinstatement. | Under Bye-Law 8: “The Council shall have the power to reinstate any Member whose membership has been cancelled for any reason, and may cause reinstatement to be subject to previous compliance with such conditions as it may determine, including the payment of subscriptions in arrears”.

These amendments:
- Clarify that admission to membership and reinstatement is at the discretion of the Council
- Specify that all matters deemed to be relevant should be taken into account
- Make clear that specifically, where there is an application for reinstatement by an expelled member, account should be taken of any relevant recommendation made by the Council at the time of expulsion. This could be, for example, as to how long should be required to lapse before reinstatement can be considered, or as to any conditions that it might be appropriate to impose on reinstatement (which is allowed for under Byelaw 8).

8. In the event of an application for reinstatement by an individual who resigned from his/her former membership of the Institute (or whose membership terminated for any other reason) whilst subject to complaint under consideration under the Institute’s Disciplinary Regulations, the Council may require such individual to co-operate in the completion of the outstanding disciplinary process before considering his/her reinstatement as a Member or as a condition of that reinstatement. | Clarify that Council may delegate the decision subject to a right of appeal to Council (see also point 4 below).

9. The Council may delegate decisions on the admission and reinstatement of Members on such terms as it thinks fit provided that the decision not to admit or reinstate an individual or institution shall be subject to a right of appeal to the Council. | Clarify that CILIP's decision is final.

10. A decision made by Council (or under powers delegated by Council and not subject to appeal) as to the admission or reinstatement of a Member and as to the category of membership to which an individual is admitted shall be final and binding. | As it is unlikely to be practical or appropriate for admission or reinstatement applications to be dealt with by full Council, particularly as it may be necessary to make various inquiries before a decision is reached, it is suggested that reinstatement applications would be delegated to a Task and Finish Group.
### Regulations 20 – 21 (Termination of membership under the Disciplinary Regulations)

20. Upon termination of membership following an order for expulsion under the Institute’s Disciplinary Regulations, all rights and privileges of membership shall cease forthwith.

21. An individual whose membership has been terminated following an order for expulsion under the Institute’s Disciplinary Regulations shall not without express agreement by the Council be permitted to be a member of any CILIP group, or contribute to any CILIP email discussion list or other CILIP activities or to attend events organised by CILIP.

- These amendments are to clarify the general and some specific consequences where an individual member is expelled from membership under the disciplinary procedure.
- With regard to regulation 21, a statement to this effect in the General Regulations may serve to reinforce to an expelled member that so far as CILIP is concerned, engagement in these types of activities is not permitted. There may, however, still be practical issues around enforcement.

### Regulations 69 and 71 (Disciplinary Panel)

69. No Councillor may be a member of the Disciplinary Panel, save where and for such period as, his/her appointment is extended under regulation 71 below, after the end of a previous term during which he/she was not a Councillor.

71. Appointments to the Disciplinary Panel shall be for terms of one year (running from 1st January in the year of appointment or the year in which appointment is to take effect) save that an appointment may be extended where, and for the period during which, a member is required under the Disciplinary Regulations to continue in an appointed role until the matter is concluded. Members of the Disciplinary Panel may be re-appointed for further terms.

- These amendments are to provide that a Council member cannot be a member of the Disciplinary Panel.
- Under the Disciplinary Regulations (current), members of the Disciplinary Panel may act in a case as Investigating Officer, or on the Disciplinary Hearing Group (DHG), or on an Appeal Hearing Group (AHG). A DHG or AHG may recommend that a member be suspended or expelled from membership, but this must be endorsed by Council.
- The amendment is therefore to reduce the risk of a suspended or expelled member challenging a Council decision on the basis that some of its members were apparently, if not actually, biased.
- The proposed amendment at regulation 71 is to allow for an individual to remain on the Disciplinary Panel after the end of the one year term even if he/she has at the end of that term become a Council member if he/she is in the process of dealing with a disciplinary matter which has not yet concluded. This is provided for in the Disciplinary Regulations at paragraphs 13, 35 and 74.
- In this event, paragraph 99 of the Disciplinary Regulations proposes that such a Council member should be excluded from the Council’s decision on whether or not to endorse a recommendation to suspend or expel a member.
- An alternative way of dealing with this would be to allow Council members to sit on the Disciplinary Panel, but to be excluded from the Council discussion and vote on a recommended suspension or expulsion if they had also been involved in the case in their capacity as a Disciplinary Panel member. If this approach is preferred, then the amendments at regulations 69 and 71 would not be required (and paragraph 99 of the Disciplinary Regulations would stand good).
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| Regulation (Branches) 89 | 89. No individual or institution may become or remain a member of a Branch unless he/she/it is a Member. Membership of a Branch shall be suspended automatically upon and for the duration of the suspension of an individual or institution from membership of the Institute, and shall cease automatically upon an individual or institution ceasing for any reason to be a Member. | These amendments are to clarify that:  
- Branch membership will automatically cease where an individual or institution ceases to be a member of the Institute, and  
- Branch membership will be automatically be suspended where membership of the Institute is suspended.  
If institutions are not currently permitted to be members of Branches, then all references to “institution” and “it” should be removed from regulation 89. |
| Regulation 98 and 104 (Special Interest Groups) | 98. Save as provided for a regulation 103 below, no individual or institution may become or remain a member of a SIG unless he/she/it is a Member. Membership of a SIG shall be suspended automatically upon and for the duration of the suspension for any reason of any individual or institution from membership of the Institute and shall cease automatically upon an individual or institution ceasing for any reason to be a Member. | These amendments are to clarify that:  
- Ordinary SIG membership will automatically cease where an individual or institution ceases to be a member of the Institute, and that ordinary SIG membership will be automatically suspended where membership of the Institute is suspended.  
- It is a matter for Council’s discretion whether or not to allow subscribing membership of a SIG, and  
- An expelled member of the Institute may not become a subscribing member of a SIG or otherwise engage in SIG activities or events.  
If institutions are not currently permitted to be members of SIGs, then all references to “institution” and “it” should be removed from regulation 98. |