

## REGULATIONS

These Regulations are made under the general powers of the Council of the Institute of Physics (IOP) as set out in the Royal Charter and Bylaws.

### 1. Changing the Regulations

These Regulations can be changed in whole or in part by a resolution of Council supported by two thirds of those present and voting.

### 2. Publishing the Regulations

These Regulations will be published on the IOP's website.

### 3. Delegation of Powers

3.1 The delegation of Council's powers to its Boards, Committees, Nations, Branches and Groups will be as set out in the Bylaws and terms of reference of each body as appropriate.

3.2 The Chief Executive Officer has delegated authority to act for Council in the implementation of Council's policies and strategies.

### 4. Requirements for Membership

#### 4.1 Honorary Fellow

4.1.1 Candidates for Honorary Fellow must be distinguished persons who have given exceptionally important service to physics or a related science, or whom the IOP may desire to honour for service to the IOP.

4.1.2 Authority to elect candidates to the class of Honorary Fellow under the provisions of Bylaw 4 is delegated to the Nominations Committee (or its equivalent from time to time) on advice from the Honorary Fellows Committee.

#### 4.2 Fellow

4.2.1 Subject to Bylaw 6, candidates for Fellow must be educated to honours degree level in physics or a cognate subject or have an equivalent level of professional competence acquired through a combination of education, training and experience; and be able to demonstrate a significant contribution to their profession over a sustained period.

4.2.2 Candidates for Fellow should be supported by two supporters, one of which must be an existing Fellow of the IOP or of an equivalent standing.

4.2.3 The Professional Standards Committee has delegated authority to elect candidates to the class of Fellow.

4.2.4 Authority to elect candidates to the class of Fellow is also delegated to a panel of appropriate background and experience as may from time to time be convened by the Head of Membership or their nominee for this purpose. Where such panel is unable to decide, or when a candidate is deemed not to meet the criteria contrary to the evidence presented in the application, the Head of Membership or their nominee can refer the application to the Vice-President for Membership for reconsideration and determination.

#### 4.3 Member

- 4.3.1 Subject to Bylaw 6, candidates for Member must have either an honours degree in physics or a cognate subject, or an equivalent level of professional competence acquired through a combination of education, training and experience.
- 4.3.2 Candidates for Member may be asked to provide a supporter to verify their experience.
- 4.3.3 The Head of Membership or their nominee has delegated authority to elect candidates to the class of Member.

#### 4.4 Associate Member

- 4.4.1 Subject to Bylaw 6, candidates for Associate Member must be:
  - (a) an undergraduate student engaged in studying physics or a cognate subject;
  - (b) an apprentice or trainee in a relevant area; or
  - (c) a professional with an interest or experience in physics but without sufficient knowledge or experience to qualify for Member.
- 4.4.2 The Head of Membership or their nominee has delegated authority to elect candidates to the class of Associate Member.

### **5 Chartered and Registered Status**

- 5.1 The Professional Standards Committee (or its equivalent from time to time) has delegated authority to register members across all of the IOP's professional registers, including Chartered Physicist.
- 5.2 All holders of a professional registration are required to demonstrate a commitment to continuing professional development (CPD) and CPD recording is mandatory. Holders of a professional registration, who are professionally active, will, when requested to do so, be required to submit a reflective CPD return in order to maintain their registration.
- 5.3 Candidates for registration as a Chartered Engineer, Incorporated Engineer or Engineering Technician must satisfy the requirements of the Engineering Council.
- 5.4 Candidates for registration as a Chartered Scientist, Registered Scientist or Registered Science Technician must satisfy the requirements of the Science Council.

### **6 Conduct of General Meetings**

- 6.1 All General Meetings shall be convened according to the Bylaws.
- 6.2 General Meetings shall only determine business contained in the Notice of Meeting.
- 6.3 Matters not contained in the Notice of Meeting can be raised at a General Meeting to be referred to Council.
- 6.4 Procedural Standing Orders
  - 6.4.1 Resolutions not proposed by Council must be proposed and seconded by members.
  - 6.4.2 Speeches by proposers and seconders should last no longer than five minutes.

- 6.4.3 Once a resolution has been proposed and seconded, the Chair will ask if any member present wishes to speak to the resolution. The number of speakers will be at the absolute discretion of the Chair and each speaker will be limited to a maximum of five minutes.
- 6.4.4 The proposer of the resolution will have the right of reply to the debate, which will be limited to a maximum of five minutes.
- 6.4.5 During a debate any member may raise the following resolutions as Points of Order:
  - (a) That the question be now put.
  - (b) That the speaker be no longer heard.
  - (c) That the speaker be allowed a specified extension of time.
- 6.4.6 Points of Order must be taken by the Chair immediately and put to a vote at the meeting.
- 6.4.7 A resolution raised under a Point of Order will be carried or defeated by a simple majority of members present in person and voting.

## **7 Appointments**

- 7.1 The Chief Executive Officer shall be appointed by Council, which may delegate the appointment to a committee of Council. Such committee may make use of external advisors where appropriate and may also agree the responsibilities and terms and conditions of the post.
- 7.2 Executive Officers and all other staff shall be appointed by the Chief Executive Officer. The role descriptions for such Executive Officers shall be agreed by the Honorary Secretary prior to the appointment process. Appointment panels for Executive Officers shall include a representative of the Trustees, normally the Honorary Secretary. For those Executive Officers in the publishing business, role descriptions and the make-up of the appointment panel will be decided in consultation with the Chair of the IOP Publishing Board or the Honorary Secretary of the IOP if the IOP Publishing Board Chair is not a serving member of Council. The Chief Executive Officer and the designated representative of Council are delegated to act on behalf of the IOP in all matters relating to these appointments.

## **8 Financial Regulations**

- 8.1 The Chief Financial Officer shall maintain a schedule of Financial Policies and Procedures and ensure that it is periodically updated to reflect changes to legislation or best practice in financial control.
- 8.2 The scope and contents of the Financial Policies and Procedures will be determined by the Finance and Investment Committee (or its equivalent from time to time), which shall also approve periodic updates and amendments.
- 8.3 The authorisation limits for payments and contract approvals shall be an appendix to the overall Financial Policies and Procedures.
- 8.4 The Chief Financial Officer is responsible for ensuring that the Financial Policies and Procedures are disseminated to all staff and subsidiary entities and that adequate processes and controls exist to ensure that such policies are adhered to.

## **9 Powers of Signature**

- 9.1 The Chief Financial Officer shall maintain a schedule of authorised signatories for all bank accounts of the IOP.
- 9.2 Changes to signatories shall be approved by the Chief Financial Officer or Chief Executive Officer and executed by any two authorised signatories to the relevant account and from the approved signature A and B lists.

## **10 Code of Conduct**

Members of the IOP, at all grades of membership, should uphold personal values of excellence, integrity and respect for others in all aspects of their professional work in accordance with the Code of Conduct, which is available on the IOP's website.

## **11 Disciplinary Procedures**

### **11.1 Principles**

- 11.1.1 At all stages of the disciplinary procedures, regard shall be had to the principles of natural justice and procedural fairness and applicable articles of the European Convention on Human Rights.
- 11.1.2 The IOP requires all members to adhere to the Code of Conduct as a condition of their membership, thereby providing evidence of their commitment to both professionalism and probity. These procedures set out disciplinary provisions for members and are made in accordance with the Bylaws. The names of members who are disciplined in accordance with these procedures may be published. Published details may not extend beyond the name of the respondent, the offence committed and any sanction in each case.
- 11.1.3 Once a complaint has been made against a member, and they have been notified accordingly, the member shall not be entitled to resign from membership until the disciplinary procedures have fully concluded. Any attempted resignation shall be of no effect.
- 11.1.4 Complaints may be made against a member by the IOP, another member, or a third party. The Head of Membership as secretary to the Disciplinary Committee will accept specific, written complaints concerning the issue of professional misconduct of an IOP member. Notification need not come from members of the IOP, but complainants shall be required to supply their full name and contact information (address, telephone number and email address) when making a report of alleged misconduct.
- 11.1.5 In most cases it is expected that evidence will be gathered independently and that there should not be a need to identify the initial complainant. However, if the complainant is the main source of evidence of the alleged misconduct, their details may be identified to the respondent and the complainant will be made aware of this where relevant, with reasonable notice prior to any disclosure.
- 11.1.6 The IOP will also consider the outcomes of investigations, on the same or a related matter, by other organisations, which have found a member of the IOP liable for misconduct, and which are subsequently brought to the attention of the IOP. The IOP will only consider such matters when they have been completed and any judgment becomes final or on termination of the proceedings (if the proceedings are terminated before judgment is given). It is the responsibility of every member to notify the IOP if any judgement has

been made against them that may bring in to question their ability to remain as a member.

- 11.1.7 Anonymous communications will not be accepted.
- 11.1.8 The details of disciplinary actions and all information gathered or used in connection with the action will be kept confidential to the Disciplinary Committee and appropriate staff members and, at the relevant time, Council and any appeal panel, until the outcome of such action, including any period for appeal.
- 11.1.9 Examples of misconduct which may be subject to disciplinary proceedings include:
  - (a) being convicted of any criminal offence;
  - (b) deliberately publishing false data;
  - (c) working so as to purposely harm the environment;
  - (d) incorrectly putting themselves as an author of any written document where authorship is not valid;
  - (e) communicating on behalf of the IOP without permission of the IOP;
  - (f) misuse of any IOP resource;
  - (g) harassment of IOP staff, Council, or board/committee members (including without limitation Disciplinary Committee members) whilst engaged in IOP activities;
  - (h) falsifying any professional qualification;
  - (i) bullying or harassment whether occurring at an event or conference, on any social media platform or elsewhere;
  - (j) discrimination on the grounds of any protected characteristic, for example, race, gender, age, sexual orientation, disability or religious belief; and
  - (k) any breach of the Code of Conduct not otherwise identified above.
- 11.1.10 The following are examples of issues which fall outside of the remit of the Disciplinary Committee and, therefore, may not be subject to disciplinary proceedings:
  - (a) Any action resulting directly from the breakdown of an intimate relationship.
  - (b) Workplace bullying or workplace grievances or disputes, which should be dealt with under the relevant workplace's procedures. However, if the member's workplace actions also constitute a breach of the Code of Conduct, this may be considered by the Disciplinary Committee. It would normally be appropriate for the relevant workplace's procedures to conclude before any complaint is made to the Disciplinary Committee.
  - (c) Any issue concerning the recovery of debt, unless conduct in relation to such issue also constitutes a breach of the Code of Conduct.
  - (d) Criminal or illegal activity – the complainant would be advised to notify the police or relevant authorities for investigation. A complaint may be made about a member who has been found guilty of, or pleaded guilty

to, criminal or illegal activity, where such activity also constitutes a breach of the Code of Conduct.

- 11.1.11 In this Regulation 11, a '**Governance Committee**' shall be a board, committee or ad hoc group established by Council pursuant to Bylaw 74.1 to undertake governance functions for Council and which is designated as a 'Governance Committee' by Council.

## 11.2 Disciplinary Committee

- 11.2.1 The Disciplinary Committee will only meet as and when complaints are received and shall be convened in accordance with these Regulations.
- 11.2.2 Complaints about members of IOP staff who are also IOP members will ordinarily be dealt with under the IOP's employment contracts and policies.
- 11.2.3 Meetings of the Disciplinary Committee will be reported to Council, which will decide upon the outcomes of any disciplinary process against a member.
- 11.2.4 All communications between the Disciplinary Committee and complainants and the subjects of any complaint will be in writing (which may include email but not any other form of electronic communication including, without limitation, social media or text).
- 11.2.5 Decisions of the Disciplinary Committee shall be made by a simple majority of votes. In the case of a tied vote, the Chair or appointed deputy shall have a second or casting vote. All associated records shall be retained for five years from the date the disciplinary proceedings fully conclude after which they will be destroyed. However, the outcome of the disciplinary process will be held against the member's database record for a period determined by the Disciplinary Committee, such period to be consistent with the IOP's then prevailing data retention periods and applicable data protection laws.
- 11.2.6 For the purposes of this Regulation 11:
- (a) Written warnings will be dispatched from the Disciplinary Committee itself following approval by Council. Each warning will remain active on the member's database record for a period of two years (or such other period as may be reasonably determined by Council, such period to be consistent with the IOP's then prevailing data retention periods and applicable data protection laws). Members with an active warning on their record will not be permitted to serve on Council or to serve on the Disciplinary Committee or boards/committees reporting (directly or indirectly) to Council. Such members will also not be permitted to serve on Nation, Branch or Group Committees. Members who receive a further written warning, whilst the first is still active on file, will automatically be suspended from membership for a period of two years from the date of the second warning.
  - (b) Suspension of membership will occur for a minimum of one and a maximum of two years (or such other period as may be reasonably determined by Council). During suspension, members will lose their right to use designatory letters and must, where applicable, re-apply for Chartered or Registered Status when they are eligible to re-enter membership, and this shall be considered under Regulation 12.1. Members who were in the class of Fellow at the time of their suspension will re-enter membership at the class of Member and will have to re-apply to attain Fellow status. Details of the suspension shall remain active on the member's database record for the period determined by

Council, such period to be consistent with the IOP's then prevailing data retention periods and applicable data protection laws.

- (c) Expulsion from membership is a permanent action. A permanent record of the expulsion shall be held against the member's database record, to ensure that they are not readmitted.
  - (d) All retention periods for disciplinary records shall be subject to data protection law then prevailing.
- 11.2.7 The Disciplinary Committee shall be chaired by the Vice-President for Membership or their nominee (who shall be a member of a Governance Committee but not a trustee). The Disciplinary Committee shall comprise no more than seven members who shall, having due regard to diversity and the skills and experience required, be selected by the Vice-President for Membership as and when required from the Governance Committees. Other than the Vice-President for Membership, no trustee shall be a member of the Disciplinary Committee. A quorum for all meetings of the Disciplinary Committee shall be three.
- 11.2.8 Where the complaint relates to a member who holds a professional registration awarded by the IOP, then at least one member of the Disciplinary Committee shall hold a registration of equivalent or higher status.
- 11.2.9 The secretary to the Disciplinary Committee (**'the Secretary'**) shall be the Head of Membership or their nominee. On receipt of a copy of the complaint, members of the Disciplinary Committee shall be required to disclose any potential conflict of interest or any connection to the complainant and/or the respondent.
- 11.2.10 The Disciplinary Committee shall examine those cases where a member of the IOP or other person or organisation has laid a complaint against a member or has alleged that such member has acted in contravention of the Code of Conduct. Subject to these Regulations, the Disciplinary Committee shall prepare and maintain such procedures as are necessary for the investigation of any complaint against a member.
- 11.2.11 The Disciplinary Committee can recommend to Council any of the following actions as an outcome of the relevant stage of the disciplinary process and Council may then determine such action as it deems appropriate:
- (a) To expel or suspend any member from membership.
  - (b) To remove any member from the IOP's professional registers.
  - (c) To reprimand any member or to call for a written undertaking from any member as to their future conduct.
  - (d) To issue a written warning.
  - (e) To advise the Engineering Council and/or the Science Council of its decisions and to retain the right to advise other professional bodies of which that member is also a member (in each case, this would not be done until the final outcome of the IOP's proceedings, including any appeal, is known). The IOP may suspend its own disciplinary case to await the outcome of related cases being considered by other professional bodies and societies and will notify the respondent and complainant of such suspension.

- (f) To dismiss a complaint, and in such cases refund any reasonable direct costs incurred by the member in defending themselves.
- (g) To direct that a statement recording the exercise of any of the above shall be entered on the membership record of the member and to direct how long such statement shall be active on the record (this would not be done until the final outcome of the proceedings, including any appeal, is known). This is necessary to ensure that the determination of Council is carried into effect.

11.2.12 Subject to Regulation 11.3.3, an investigation to gather any evidence in support of the complaint under this Regulation 11, will be made followed by a hearing where appropriate (and subject to Regulation 11.4.4), prior to making any decision in accordance with these Regulations.

11.2.13 A member at any stage of the disciplinary procedure must not contact the members of the Disciplinary Committee, Council, any appeal panel, or the complainant, except at agreed times and through agreed methods, until the process has concluded. Such member must not disclose to any other person details of the complaint or disciplinary process except those persons advising them on their case or who would otherwise be accompanying them as their representative to a hearing. Should this Regulation not be observed, the Chair of the Disciplinary Committee may issue a written warning. Should the respondent then persist in their disruption of the disciplinary procedure, they may be expelled from membership, subject to approval from Council, without further investigation.

### 11.3 Investigations of Complaints

11.3.1 Where the source of a potential complaint arises from circumstances discovered by staff of the IOP, the Secretary shall refer the matter to the Chair of the Disciplinary Committee (**'the Chair'**) for consideration. If the Chair considers that the matter justifies consideration, the Secretary shall act as the complainant and shall prepare a written statement of no more than 1,000 words.

11.3.2 When the Secretary receives a complaint against a member from a person in circumstances not mentioned in Regulation 11.3.1, they shall call for a written statement from the complainant of no more than 1,000 words, and shall pass this to the Chair.

11.3.3 The Chair will establish a Disciplinary Committee and the Secretary will circulate the written statement referred to in Regulations 11.3.1 and 11.3.2 to the members of the Disciplinary Committee. If the Chair, in consultation with the members of the Disciplinary Committee, decides that the complaint is of a frivolous or trivial nature, the complainant shall be notified of that outcome by the Secretary and Regulation 11.2.11(f) can be applied.

11.3.4 Unless it is decided that the complaint is of a frivolous or trivial nature, the issue will be investigated, and evidence gathered for the purposes, where appropriate, of a disciplinary hearing. As part of this process, evidence may be requested from the respondent as appropriate. The respondent shall be required to provide all such evidence and any further evidence as may be reasonably requested.



#### 11.4 Disciplinary Proceedings

- 11.4.1 Unless the complaint is deemed to be of a frivolous or trivial nature, the Secretary shall:
- (a) Notify the respondent and complainant in writing in accordance with Regulation 11.4.7 as appropriate.
  - (b) Prepare a statement of the case and a full dossier of evidence.
  - (c) Check whether the facts giving rise to the case are sub judice or subject to investigation by any other competent tribunal or body.
- 11.4.2 If the Disciplinary Committee agrees that the matter is in the public interest, one additional member representative of the public interest and not a member of the IOP may be co-opted to sit on the Disciplinary Committee. This additional member shall have the power to vote, and their duties will end with the conclusion of the disciplinary procedure.
- 11.4.3 The Disciplinary Committee shall decide whether it is reasonable in the circumstances for the identity of the complainant, and/or their written statement, to be revealed to the respondent. If the Committee decides to identify the complainant, then the complainant will be given reasonable notice prior to any disclosure.
- 11.4.4 The Disciplinary Committee will determine, based on the nature of the complaint and the evidence gathered, whether a hearing (physical or virtual) is required. If it determines that no hearing is required, the following Regulations 11.4.5 to 11.4.18 inclusive shall be disapplied and the complainant and respondent shall be notified accordingly.
- 11.4.5 The date and time of the hearing will be determined by the Secretary following consultation with the concerned parties. Hearings may take place physically or virtually as determined by the Secretary and if held physically shall take place at the IOP's London office or at such other venue reasonably determined by the Secretary.
- 11.4.6 If the respondent confirms in writing that they do not wish to contest the proceedings, or if they choose not to appear at the disciplinary hearing, the Disciplinary Committee is authorised to proceed in their absence.
- 11.4.7 The Secretary will notify the concerned parties in writing of the following:
- (a) The date and time of the hearing (which may be no earlier than 30 working days following the issue of the notification).
  - (b) A full statement of the grounds of the complaint and copies of any evidence that will be considered.
  - (c) A requirement to furnish the Secretary not less than 15 working days before the hearing with copies of all documents the parties will rely on (which will then be circulated to the other concerned parties).
  - (d) In the case of the respondent, that they have the right to be accompanied and represented at the hearing by one person chosen by them and that they must notify the Secretary not less than 15 working days before the hearing of whether they intend to appear in person or be represented (to be represented the respondent must also be present), and whether they will be represented by any person (and the name and details of such a person). Subject to Regulation 11.4.10, any

representative will not ordinarily be able to speak for the respondent if the respondent is absent.

- (e) That the hearing may continue in the absence of the respondent should they fail to attend the hearing without prior notification to the IOP.
  - (f) That, unless the Chair decides otherwise, the respondent must refrain from taking part in any public facing role or activity on behalf of the IOP pending the outcome of the disciplinary procedure.
- 11.4.8 The Secretary will enclose a copy of the Regulations with any notification.
- 11.4.9 If the respondent fails to attend without due reason then the Disciplinary Committee should satisfy itself that due notice was given and, if it was, may proceed with the hearing.
- 11.4.10 If the respondent is unable to attend due to ill health, as certified by a qualified doctor, and is unable to send a representative in their place, the date of the hearing shall be rearranged by the Secretary. In the event of a representative attending in circumstances where the respondent is ill or incapacitated, then they shall be able to speak on the respondent's behalf.
- 11.4.11 Ill health as certified by a qualified doctor can prevent the hearing from taking place on two occasions. Should the respondent fall ill for a third hearing, and no representative is chosen by them to attend in their place, then the hearing will continue in their absence, and they will be awarded a reasonable opportunity to respond to the hearing's findings in writing before the hearing is formally concluded.
- 11.4.12 A hearing shall be conducted with due regard to the principles of natural justice, and conclusions on the merits of a complaint shall be reached on the balance of probabilities. It shall be held in private unless the Disciplinary Committee decides that it is in the public interest or in the interests of justice that it should be held in public.
- 11.4.13 The Chair or their appointed deputy shall preside and shall have power to postpone or adjourn the hearing and, following consultation, set a date for its reconvention.
- 11.4.14 No document or witness shall be submitted to the hearing that has not been submitted in accordance with these Regulations, without the consent of the Chair.
- 11.4.15 Any member of the Disciplinary Committee shall have the right to question the respondent (and their representative if they are speaking for the respondent under Regulation 11.4.10) and any witnesses as appropriate.
- 11.4.16 The Disciplinary Committee has the power to call upon expert advice as it feels necessary. The Disciplinary Committee shall not unreasonably refuse permission for the respondent to call such witnesses (at their own expense) as they deem appropriate.
- 11.4.17 The Chair shall have the right to suspend the hearing at any time to consult with the Disciplinary Committee or advisors, or at the reasonable request of the respondent.
- 11.4.18 At the conclusion of the hearing, all except the Disciplinary Committee and the Secretary shall withdraw and allow private deliberation to occur.

- 11.4.19 The Disciplinary Committee will submit its findings and recommendation to Council together with the minutes of the hearing (if applicable), all evidence seen, and the Chair's comments thereon, for decision by Council. Where the recommendation is to dismiss the complaint, the respondent's name will not appear in the report.
- 11.4.20 The outcome of Council's decision will be communicated to the respondent in writing within 10 working days of being made. The respondent will be notified in that correspondence of their right to appeal any decision and the timeframe for doing so.
- 11.4.21 Subject to Regulation 11.5.3, should the respondent not begin appeal proceedings within 30 days of the result being notified to them, the decision will be final, and the Secretary will enter a report of the proceedings on the respondent's membership record.
- 11.4.22 If the outcome is deemed by Council to be of public interest, the Chair may direct the Secretary to alert relevant external parties. The respondent will not be identified where an appeal is pending. This shall be consistent with the obligations of the IOP and shall be subject to such data protection legislation as may from time-to-time apply to records held by the IOP.

## 11.5 Right to Appeal

- 11.5.1 The complainant shall have no right to appeal the decision unless new information or evidence is submitted to the Secretary in a written statement of no more than 1,000 words within 15 days of being notified of the decision. The complainant may only raise a new complaint within 12 months from the date of the previous decision if it includes information not previously considered as part of the original complaint.
- 11.5.2 In addition to the appeal procedure listed here, where an expelled member has lost their Engineering Council registration because of the disciplinary process, there may be an additional right of appeal to the Engineering Council. An appeal to the Engineering Council shall be conducted in accordance with its disciplinary procedure guidance. Any such appeal is strictly restricted to grounds of procedural irregularity and shall not adjudicate on the substance of the case. There is no right of appeal to the Science Council.
- 11.5.3 The respondent has the right to appeal all or part of the decision. If the respondent wishes to appeal the decision, they must indicate this to the Secretary in writing within 30 days of the decision being notified to them. Such period of 30 days may be extended by the Chief Executive Officer of the IOP at their discretion. Within this time period, the respondent must submit to the Secretary a document outlining the reasons for their appeal against the decision.
- 11.5.4 The Secretary shall notify the complainant, the Chair of the Disciplinary Committee and the President of the IOP of the appeal.
- 11.5.5 Requests for an appeal will only be considered if there is prima facie evidence that (i) the disciplinary proceedings were not conducted in accordance with the then prevailing Regulations in some material respect; or (ii) material new evidence has become available. Disagreement with any decision of the Disciplinary Committee or Council alone cannot constitute grounds for an appeal. Additionally, if the President is of the view that the appeal is of a

frivolous or trivial nature, the appeal can be dismissed without the need for an appeal panel to be convened.

- 11.5.6 The President will request the establishment of an appeal panel (**‘the Panel’**) consisting of at least three members selected from the Governance Committees. No person shall be a member of the Panel if (a) they were a member of the Disciplinary Committee for the relevant matter; (b) they were a member of Council and were involved in the decision on the matter pursuant to Regulation 11.4.19; (c) they were involved in any other way in the disciplinary procedure; or (d) they have otherwise declared or have a conflict of interest or connection to either the complainant or respondent. Any appeal will be heard as soon as is reasonably practicable, normally within 15 working days. The role of the Panel is to consider each case, to assess whether disciplinary proceedings were carried out adequately and fairly, and to assess any material new evidence.
- 11.5.7 The Secretary will submit to the Panel the minutes of the Disciplinary Committee hearing (if applicable), all evidence seen by the Disciplinary Committee, any additional material submitted to Council, plus the appeal document.
- 11.5.8 The Panel will then discuss the appeal, either in person or virtually.
- 11.5.9 The Panel can choose to interview the respondent or complainant to clarify existing points. The respondent shall be notified of when the Panel is meeting to discuss their appeal, their right to be represented and, where the appeal is based on material new evidence, shall be informed of their right to present that evidence to the Panel as the Panel deems appropriate. All associated records of the appeal shall be kept for five years from the date the appeal fully concludes, after which they shall be destroyed. However, the outcome of the appeal will be held against the member’s database record for a period determined by the Panel, such period to be consistent with the IOP’s then prevailing data retention periods and applicable data protection law.
- 11.5.10 Once the Panel is satisfied that it has all the required information, it can make one of the following decisions:
- (a) The original decision is upheld and the same penalty applied.
  - (b) The original decision is upheld and a different penalty applied.
  - (c) The original decision is not upheld, on the grounds that:
    - (i) the case was not dealt with properly in some material respects;
    - (ii) there was some material new evidence that was not considered previously; or
    - (iii) there was some material irregularity, and the penalty is withdrawn or reconsidered.
- 11.5.11 The Secretary will promptly communicate in writing the Panel’s decision to the complainant and respondent.
- 11.5.12 The President will report the outcome of the appeal at the next meeting of Council.
- 11.5.13 Once these proceedings have been concluded, no further appeal is possible.

## **12 Applications for Reinstatement of Chartered or Registered Status**

- 12.1 If a person for whom permission to use a Chartered or Registered designation has been withdrawn as a result of disciplinary action shall subsequently apply for its reinstatement, such application shall be considered by the Professional Standards Committee who will also be notified of any active disciplinary issues.
- 12.2 If a person for whom permission to use a Chartered or Registered designation has been withdrawn as a result of persistent failure to submit a reflective CPD return shall subsequently apply for its reinstatement, such application shall be considered by the Professional Standards Committee.
- 12.3 If a person for whom permission to use a Chartered or Registered designation has been withdrawn as a result of failure to pay any required membership subscriptions or registration fees shall subsequently apply for its reinstatement, such application shall be considered by the Professional Standards Committee.

## **13 Right of Members to Inspect Records**

Members shall, upon reasonable written notice to the IOP, have the right to review the signed and audited annual accounts of the IOP and such material as the Chief Financial Officer may consider appropriate to release by way of background to such audited accounts. The decision of the Chief Financial Officer of the level of background material to release shall be absolute and final.

**1 June 2022**