

# THE CHARTERED INSURANCE INSTITUTE

## Disciplinary Procedure Rules

### Part I – General

#### Authority

1. These rules are made pursuant to The Chartered Insurance Institute Disciplinary Regulations 2010.

#### Definitions

2. In these rules, unless the context otherwise requires:-

*“Appeal Committee”*

Means a Committee appointed by the Board to have responsibility for appeals under the Disciplinary Regulations and Procedure Rules.

*“Appeal Panel”*

Means the tribunal appointed to determine any appeal against a decision of a Disciplinary Panel in accordance with the Disciplinary Regulations and Procedure Rules.

*“Appellant”*

Means a party to a Disciplinary Panel decision (either the Institute or a Respondent) seeking to appeal that decision in accordance with these Rules.

“Board”	Means the Board of the Institute as defined in the Charter and Bye-laws and in the Board Regulations.
“Case Investigator”	Means a person (or persons) appointed by the Board to investigate Complaints and to produce reports for a Preliminary Screener.
“Chairman”	Means the Chairman for the time being of a Disciplinary Panel or an Appeal Panel
“Complainant”	Means a person or organisation (including the Institute itself) who has submitted to the Institute a complaint about a member.
“Complaint”	Means an allegation in any form made to the Institute concerning a member’s or student’s (or former member’s or former student’s) breach of the Laws of the Institute.
“Disciplinary Committee”	Means a Committee appointed by the Board to have responsibility for the implementation of the Disciplinary Regulations and Procedure Rules insofar as they relate to Disciplinary matters up to the point of appeal.
“Disciplinary Panel”	Means the tribunal appointed to

determine the complaint in accordance with the Disciplinary Regulations and Procedure Rules.

*“Institute”*

Means the Chartered Insurance Institute

*“Legally qualified”*

Means a person who is a barrister, solicitor or Scottish advocate and who practises or who has practised as such.

*“Member”*

Means members or former members, or students or former students of the Institute.

*“Preliminary Screener”*

Means a person or persons appointed by the Board to make determinations pursuant to these Rules.

*“Regulations”*

Means the Disciplinary Regulations approved by the Board on [date to be inserted].

*“Respondent”*

Means a member in relation to whom a complaint has been made and referred to a Disciplinary Panel pursuant to paragraph 7 of these Rules.

*“Rules”*

Means these rules.

3. In these Rules, unless the context otherwise requires:
  - (a) Words denoting the masculine gender include the feminine and vice versa;
  - (b) Words in the singular include the plural and vice versa; and
  - (c) References to persons include references to companies, authorities, boards, departments or other bodies.

### Notices

4. Notices or other documents for Respondents may be sent by post or electronically. Notices and other documents sent by prepaid post will be deemed to be received by the addressee on the third business day (being any day except a Saturday or a Sunday or a Bank Holiday in the United Kingdom or a public holiday in the country of the addressee) after the date of posting to an address within the country of posting and on the fifth such business day after the date of posting to an address outside the country of posting. In proving the service of a notice by post it shall be sufficient to show that the notice was properly addressed and posted to the last address notified by the Respondent to the Institute. Notices and documents sent electronically will be deemed to be received 48 hours after sending.

## **Part II – Constitution**

### Case Investigator/Preliminary Screener

5. A Case Investigator shall, pursuant to Regulation 12.4 and on receipt of a Complaint against a Member, investigate the Complaint by such means as he or she considers appropriate and shall prepare a written report summarising the conclusions of that investigation. Save in cases which appear to the Case Investigator to be vexatious, frivolous or otherwise an abuse of the functions

of the Institute or where twelve months have passed since the events complained of took place or since the Complainant became (or should reasonably have been) aware that the events complained of took place (whichever is the later) neither the investigation nor the report will be finalised until the Member who is the subject of the Complaint has been given reasonable opportunity to consider the substance of the Complaint in writing, to respond to it in writing and to provide details of mitigating factors if there are any. When finalised, the report will be sent by the Case Investigator to a Preliminary Screener as soon as reasonably practicable.

On receipt of the report and having considered it and sought such clarification from the Case Investigator or others (including requiring the Case Investigator to make further enquiries of third parties) as he or she sees fit, the Preliminary Screener shall determine whether:

- (a) twelve months have passed since the events complained of took place or since the Complainant became (or should reasonably have been) aware that the events complained of took place, whichever is the later;
  - (b) the Complaint is substantiated by evidence such that the Member has a case to answer;
  - (c) the facts surrounding the Complaint have been or are currently or likely to be before the courts or before any other professional or regulatory body or other tribunal; and
  - (d) the Complaint is vexatious, frivolous or otherwise an abuse of the functions of the Institute.
6. If the Preliminary Screener determines that the Complaint is vexatious, frivolous or otherwise an abuse of the functions of the Institute or that the Complaint is not substantiated by evidence such that the Member has a case to answer or that twelve months have passed since the events complained of took place or since the Complainant became (or should reasonably have been)

aware that the events complained of took place then the Complaint shall be rejected. The Complainant shall be notified of the rejection of the Complaint and the reasons for the rejection in writing within seven days of the rejection.

7. If the Preliminary Screener determines that the Complaint is substantiated by evidence such that the Member has a case to answer but further determines that the facts surrounding the Complaint are currently or likely to be before the courts or before any other professional or regulatory body or other tribunal then the Complaint may be stayed pending the determination of the other proceedings.
8. If the Preliminary Screener determines that the Complaint is substantiated by evidence such that the Member has a case to answer and Rule 7 does not apply the Preliminary Screener will determine whether the Complaint, if referred to a Disciplinary Panel and upheld, would, in the ordinary course, result in the imposition of a sanction no more severe than a reprimand under Regulation 12.6 (a) or a withdrawal of privileges of membership under Regulation 12.6 (b). If the Preliminary Screener so determines then the Preliminary Screener may, subject to the provisions of Rule 9, issue to the Member such reprimand or withdrawal of privileges without referring the Complaint to a Disciplinary Panel having taken into account such mitigation as the Member has disclosed.

If such a determination is made the sanction imposed will not be carried out until the Disciplinary Committee has confirmed the Preliminary Screener's determination under this Rule pursuant to its power so to do under Rule 9 below.

If the Preliminary Screener considers that if referred to a Disciplinary Panel and upheld the Complaint would, in the ordinary course, result in the imposition of a sanction more severe than a reprimand under Regulation 12.6 (a) or a withdrawal of privileges of membership under Regulation 12.6 (b) then the Preliminary Screener will refer the Complaint to a Disciplinary Panel for determination.

9. The Disciplinary Committee shall be notified in writing within 7 days of any determination being made under Rule 8 which results in the Preliminary Screener imposing a sanction pursuant to that Rule. The Disciplinary Committee will within 21 days of the notification to it of the Preliminary Screener's determination either: reverse the Preliminary Screener's determination and reject the Complaint, reverse the Preliminary Screener's determination and refer the Complaint to a Disciplinary Panel or confirm the Preliminary Screener's determination. If the Disciplinary Committee does not reject or confirm the Preliminary Screener's decision within 21 days, it will be presumed that it has accepted the decision. For the decision to be reversed or rejected a majority of the Disciplinary Committee members must state that they wish the decision to be rejected or reversed. Any decision of the Disciplinary Committee under this Rule shall be communicated to the Preliminary Screener immediately it is reached.
  
10. If the Preliminary Screener issues a reprimand or withdrawal of privileges under Rule 8 and the Disciplinary Committee does not reverse that decision and reject the Complaint under Rule 9 the Member and the Complainant shall be notified of the Preliminary Screener's determination within 7 days of the Disciplinary Committee's decision under Rule 9. Save where the Disciplinary Committee refers the Complaint to a Disciplinary Panel under Rule 9 the Member shall have the right of appeal against the Preliminary Screener's determination and shall be notified of that right and its consequences at the same time as he is notified of the determination. The Member must notify the Preliminary Screener of his wish to appeal within 21 days of being notified of the Preliminary Screener's determination. The Member's notification under this Rule must be in writing and shall be in the form of a request for a full hearing before a Disciplinary Panel. The effect of a notification of appeal under this Rule will be that the reprimand or withdrawal of privileges will be reversed and the Complaint will be referred to a Disciplinary Panel as if a decision to do so had been taken by the Preliminary Screener making a determination to do so under Rule 8. In those circumstances the procedure followed will be in accordance with Part III of these Rules. If the Disciplinary Committee decides to reverse the Preliminary Screener's determination and

reject the Complaint under Rule 8 then the Respondent and the Complainant shall be notified that the Complaint has been rejected within 7 days of the Disciplinary Committee's decision under Rule 9.

11. From the time a determination is made to refer the Complaint to a Disciplinary Panel under Rules 8 and 9 the Member who is the subject of the Complaint shall be referred to as 'the Respondent' for the purpose of the disciplinary process and henceforth in these Rules.
12. Subject to Rules 9 and 10, any determination by the Preliminary Screener under Rules 6 and 7 is final and no appeal may be made in relation to it.

#### Disciplinary Panels

- 13 Pursuant to Regulation 12.2, a Disciplinary Panel shall be made up of Members of the Disciplinary Committee. The Disciplinary Panel shall determine Complaints against Respondents referred to it by a Preliminary Screener in accordance with Regulation 12.4 and Rule 8 or by the Disciplinary Committee in accordance with Rule 9.
14. The quorum for a meeting of a Disciplinary Panel shall be three, which must include at least one lay representative (that is, a person who is not and who has never been a member or a student of the Institute). Each Disciplinary Panel shall have a Chairman. Meetings of Disciplinary Panels may be convened at any time by or on the authority of the Chairman. The Chairman may also appoint to the Disciplinary Panel ad hoc as a full additional member of the Disciplinary Panel a person who in the Chairman's opinion has knowledge or expertise relevant to a particular Complaint the investigation of which requires that specialist knowledge or expertise and which is not otherwise available to the Panel. The Chairman will give a short written statement of his reasons for the ad hoc appointment as soon as is practicable after the appointment is made.

#### Appeal Panels

15. Pursuant to Regulation 12.7 an Appeal Panel shall hear any Respondent's Appeal against a Disciplinary Panel decision.
16. The quorum of each Appeal Panel shall be three, which must include at least one lay representative (that is, a person who is not and who has never been a member or a student of the Institute) and one person who is legally qualified (who may or may not be the non-Member). Each Appeal Panel shall have a Chairman. Meetings of Appeal Panels may be convened at any time by or on the authority of the Chairman. The Chairman may also appoint to the Appeal Panel ad hoc as a full additional member of the Appeal Panel a person who in the Chairman's opinion has knowledge or expertise relevant to the Appeal and which is not otherwise available to the Panel. The Chairman will give a short written statement of his reasons for the ad hoc appointment as soon as is practicable after the appointment is made.
17. Any member of the Disciplinary Panel who considered the Complaint will not be eligible to be appointed to the Appeal Panel.

### **Part III – Procedure**

18. Within 14 days of the referral of a Complaint to a Disciplinary Panel, the Respondent shall be provided with the following documents and information:-
  - (a) A copy of the Institute's Charter;
  - (b) A copy of the Institute's Bye-Laws;
  - (c) A copy of the Institute's Disciplinary Regulations;
  - (d) A copy of these Rules;
  - (e) A copy of the Institute's Code of Ethics in force at the time the events complained of took place;

- (f) A summary of the Complaint;
- (g) A form for the Respondent to complete dealing with evidential and other matters relating to the charges and the hearing;
- (h) Copies of any witness or other statements on which the Institute proposes to rely if they are available; and
- (i) The Respondent shall be advised in writing that he may attend the hearing to speak and give evidence (including but not limited to evidence in relation to mitigation of sanction) on his own behalf and may also be represented, that he may call witnesses and cross-examine witnesses called on behalf of the Institute and that if he does not attend the hearing the matter may be determined in his absence. The Respondent will also be informed that he may make written submissions relating both to the substantive Complaint and to mitigation. In circumstances where the Respondent does not attend and is not represented at the hearing but has provided written submissions relating to mitigation then those submissions will be presented by the CII prosecution team to the Disciplinary Panel after the Panel has reached its decision in relation to the Complaints but before it commences its deliberations in relation to sanction. Any written submissions made by the Respondent relating to mitigation will not form part of the hearing bundle to prevent the Panel from seeing anything before reaching its decision in relation to the Complaints which may incriminate the Respondent. In circumstances where the Respondent admits guilt but does not attend the hearing and has provided a statement by way of mitigation then the statement will be presented to the Disciplinary Panel by the CII prosecution team immediately after the evidence has been presented .

19. The Chairman of the Disciplinary Panel shall, within 14 days of the Complaint being referred to a Disciplinary Panel under Rules 9 or 10 set a date for the

hearing of the Complaint. The Respondent shall be notified of the hearing no later than 28 days before the proposed hearing date.

20. All written evidence upon which the Institute proposes to rely at the hearing should be supplied to the Respondent (or his nominated representative if he has one) no later than 28 days before the proposed hearing. The Institute shall provide the Respondent with the names of any witnesses it proposes to call at least 28 days before the proposed hearing together with copies of written statements signed by those witnesses, which statements shall contain the substance of the evidence which the witnesses will give.
21. The Respondent shall confirm to the Institute in writing no later than 14 days before the hearing whether he intends to appear at the hearing in person or otherwise.
- 21A At least 14 days before the proposed hearing, the Respondent shall provide the Institute with:
  - (a) the names of any witnesses he proposes to call together with copies of written statements signed by those witnesses, which statements shall contain the substance of the evidence which the witnesses will give; and
  - (b) any written evidence upon which he proposes to rely at the hearing.
- 21B At any time before the date of the proposed hearing, the parties may, by written application made to the Chairman of the Disciplinary Panel through the Secretary to the Disciplinary Panel, request the Chairman of the Disciplinary Panel to waive or otherwise vary the time limits imposed by Rule 20 (the Institute) and Rule 21A (the Respondent). The Chairman shall seek representations from the other party before determining such an application.

- 21C If either party fails to comply with Rule 20 or 21A and no order has been made on an application under Rule 21B (i.e. in the case of the Institute it seeks to introduce evidence upon which it proposes to rely less than 28 days before the date of the proposed hearing and in the case of the Respondent less than 14 days before the date of the proposed hearing, then that party will not be able to rely on such evidence unless, having heard representations from both parties, the Chairman of the Disciplinary Panel orders otherwise in accordance with Rule 35(a) and/or (1). The Chairman may also order an adjournment in accordance with Rule 35(b)
22. The hearing may proceed in the absence of the Respondent and should not normally be delayed because witnesses cannot attend. Applications for adjournments can be made to the Chairman of the Disciplinary Panel through the Secretary to the Disciplinary Panel up to 7 days before the proposed hearing date.

#### **Part IV – Hearings**

23. All Complaints referred to a Disciplinary Panel shall be the subject of a hearing. Hearings shall be open to the public save where the Chairman decides otherwise. In the event that the Chairman decides the hearing should not be open to the public then he shall notify the Respondent and the Complainant of his decision and shall provide his reasons (briefly) in writing.
24. Save as is prescribed by these Rules, the Chairman shall have discretion in relation to the procedures to be followed at the hearing (including in relation to evidence) and shall not be bound to adopt rules relating to evidence and procedure adopted by the courts in the United Kingdom (or elsewhere) or other professional or regulatory bodies or other Tribunals.
25. At the commencement of the hearing the Chairman shall explain the nature of the Complaint and the procedure to be followed and the fact that the hearing will be recorded save for the deliberations of the Panel at the conclusion of the hearing. He shall then invite the representative of the Institute to present the

case on behalf of the Institute. No material or information shall be admissible at the hearing unless it (or copies) has been disclosed to the Respondent or his representative at least 14 days prior to the hearing or with the permission of the Chairman.

26. The Chairman shall then invite the Respondent or his representative to respond to the Complaint.
27. The Chairman shall then invite, in turn, the Institute's representative and the Respondent (or his representative) to call witnesses. No witness may be called by any party unless a witness statement signed by the witness has been served on all other parties in accordance with Rules 20 and 21 or as ordered by the Chairman. If a party has served a witness statement and wishes to rely at the hearing on the evidence of the witness who has made the statement then that party must call the witness to give oral evidence at the hearing unless the Chairman has ordered otherwise.
28. Where a witness is called to give oral evidence his witness statement shall stand as his evidence in chief unless the Chairman orders otherwise. In addition the witness giving oral evidence at a hearing may amplify his witness statement and give evidence in relation to new matters which have arisen since the witness statement was served upon the other parties.
29. Each party will have the right to cross-examine the other party's witnesses. The Chairman may control cross-examination either by limiting the issues to be explored or by limiting the time to be devoted to cross examination of a particular witness. Each party may re-examine a witness called by that party if, under cross-examination, evidence has been adduced which was not given in chief.
30. The Chairman and other members of the Disciplinary Panel may also put questions to witnesses.

31. Having heard the Respondent and any witnesses, the Chairman shall invite the representative of the Institute to make a final statement and then invite the Respondent (or his representative) to do the same.
32. The Disciplinary Panel will then retire to consider its decision.
33. Save in cases where the Respondent admits all the charges the Disciplinary Panel, having considered the Complaint and the evidence shall adjourn the hearing to determine the Complaint. When it has done so it will reconvene the hearing to announce its determination. . If any part of the Complaint has been upheld then the Disciplinary Panel will move to consider the imposition of a sanction. The sanction will be from within the range in Regulation 12.6. At that stage the Respondent will be invited to provide details of any mitigating factors which they would like the Disciplinary Panel to take into account when determining sanction. If the Respondent has elected to attend the hearing (either in person or by some other means) and has provided a written statement in mitigation then copies of the mitigation statement will be handed to the Disciplinary Panel who will take account of the matters contained in the mitigation statement when determining sanction. The hearing will then be adjourned again so that the Respondent's plea in mitigation (if one is made) can be considered and a determination as to sanction made. Once the Disciplinary Panel has reached a decision as to sanction it will reconvene the hearing and announce the sanction to be imposed. In circumstances where the Respondent neither admits guilt nor submits a statement in mitigation and the Disciplinary Panel has found that one or more of the charges have been proved then the Disciplinary Panel may (at its absolute discretion) choose to adjourn the hearing to invite the Respondent to provide a statement in mitigation.

In cases where the Respondent admits all the charges and has provided evidence in mitigation then the Disciplinary Panel will hear the evidence relating to the charges and then the mitigation without needing to adjourn the hearing other than to decide on sanction.

The Disciplinary Panel should also provide a statement as to whether the Respondent is to be liable for the costs of the proceedings or other monies owed to the Institute. If it wishes to do so, the Disciplinary Panel may reserve its decision in relation to the Complaint and/or the sanction for up to 28 days. In the case of a Complaint which concerns or includes matters relating to the bankruptcy of the Respondent; the Respondent's entering into an Individual Voluntary Arrangement or criminal conduct on the part of the Respondent then the Disciplinary Panel should, when considering sanctions, also consider the Guidelines produced for the Membership Application Sub-Committee when they determine applications for membership of the Institute from people falling within these categories. In the case of a Complaint which concerns the activities of a corporate body with Chartered status and the Respondent in the Complaint is the Responsible Member for that corporate body then the Disciplinary Panel may, in addition to or instead of imposing a sanction on the Respondent, refer the corporate body to the Institute's Corporate Chartered Title Committee for such purpose or purposes as it thinks fit. The Disciplinary Panel will within 7 days of any decision taken under this Rule cause to be produced a written record of the decision and a written record of its reasons for the decision for retention by the Institute in a Record of Decisions. The record of the Disciplinary Panel's reasons for any decision under this Rule shall in every case include the Disciplinary Panel's findings in respect of all matters relevant to it. Copies of both the written record of the decision and the written record of the reasons for the decision shall be sent to the Respondent either by post or electronically within 7 days of their production. Subject to Rule 41 the Disciplinary Panel shall at the same time as making its substantive decisions on liability and sanction determine when the sanction is to take effect. It may take effect immediately or it may be postponed pending the determination of an appeal or for any other reason. The Disciplinary Panel will cause to be published in such publications as it thinks fit such information about the outcome of the hearing as is set out in Regulation 12.9.

34. If a determination has been reached on the day of the hearing and the Complaint has been upheld, the Chairman will remind the Respondent of his

right to Appeal under Regulation 12.7. A similar reminder will be included in any written confirmation of the outcome of the hearing.

## **Part V – Case Management**

### Chairman's General Powers of Management

35. The Chairman of any Disciplinary or Appeal Panel may:-
- (a) Extend or shorten the time for compliance with any Rule;
  - (b) Adjourn or bring forward a hearing;
  - (c) Require a party or a party's representative to attend a preliminary or other hearing (either in person or by such other means as he may determine such as by video conferencing or telephone);
  - (d) Direct that part of any proceedings be dealt with as separate proceedings;
  - (e) Stay the whole or part of any proceedings;
  - (f) Consolidate Complaints or Appeals;
  - (g) Direct that two or more Complaints or Appeals shall be heard on the same occasion;
  - (h) Direct a separate hearing in relation to any issue;
  - (i) Decide the order in which issues are to be determined;
  - (j) Exclude an issue from consideration;

- (k) Dismiss or determine a Complaint or an Appeal after a decision on a preliminary issue;
- (l) Direct that evidence provided to the Panel either by the Respondent or the Institute after the deadlines laid down in Rules 20 and 21 have expired may be considered
- (m) Take any other step or make any other order for the purpose of managing or dealing with the case and furthering the objective of dealing with Complaints and Appeals justly and in ways which are proportionate within the context of securing and justifying the confidence of the public, employers and Members.

## **Part VI – Appeals**

### Procedure

36. A Respondent against whom an adverse finding has been made, or the Institute, may, pursuant to Regulation 12.7, appeal any decision of a Disciplinary Panel to an Appeal Panel provided the following conditions are satisfied:-
- (a) In the case of an appeal by a Respondent, a written Notice of Appeal is served on the Institute within 21 days of the copies of both the written record of the decision of the Disciplinary Panel under Rule 33 and the written record of the reasons for the decision being sent to the Respondent and in the case of an appeal by the Institute, a written Notice of Appeal is served on the Respondent and a copy sent to the Disciplinary Panel within 21 days of the copies of both the written record of the decision of the Disciplinary Panel under Rule 33 and the written record of the reasons for the decision being sent to the Respondent (In either case the Appeal may be against the decision and/or the sanctions imposed by the Disciplinary Panel).

- (b) The Notice of Appeal states the grounds of Appeal and is signed by or on behalf of the Respondent or on behalf of the Institute. (A Notice of Appeal which is not in writing or does not contain the Grounds of Appeal and/or is not signed by or on behalf of the Respondent or on behalf of the Institute or its representative will be dismissed).
37. The only permitted Grounds of Appeal are that the decision of the Disciplinary Panel was:-
- (a) Based on an error of law or fact or was an unreasonable exercise of its discretion;
  - (b) Unjust because of a serious procedural error or irregularity or that new evidence has become available;
  - (c) The sanction imposed was too severe or too lenient.
38. The Institute or the Respondent may file and serve a Notice of Response responding to the Notice of Appeal no later than 14 days before the Appeal hearing.
39. The Appeal Panel will not consider evidence that was not before the Disciplinary Panel unless new evidence of a material nature has arisen since the Disciplinary Panel hearing which could not reasonably have been available at that hearing. The Chairman of the Appeal Panel will have discretion as to whether or not to allow new evidence to be considered by the Appeal Panel.
40. A Respondent who has lodged an Appeal under these Rules or his representative will be given at least 14 days notice of the Appeal hearing date. Such a Respondent may represent himself at the Appeal hearing or may be represented. The hearing may proceed in the absence of either party and should not normally be delayed because a party or other persons cannot attend. Applications for adjournments can be made to the Chairman up to 7 days before the proposed hearing date.

41. The fact that an appeal has been made has no effect on the execution of the decision of the Disciplinary Panel. If either party wishes there to be a stay of execution then that party must apply to the Chairman of the Appeal Panel in writing for such a stay setting out the circumstances which in the opinion of that party justify a stay being granted. Parties should be aware that in the ordinary course of events no stay will be granted. However, the Chairman of the Appeal Panel has power under Rule 35(m) of these Rules to order a stay where exceptional circumstances exist which mean that it would be unjust to enforce the order of the Disciplinary Panel pending determination of the Appeal. The application need not be notified to the other party and no appeal lies from the decision of the Chairman of the Appeal Panel, which will take immediate effect
42. Appeal Hearings shall be open to the public save where the Chairman decides otherwise. In the event that the Chairman decides the hearing should not be open to the public then he shall notify the parties of his decision and shall provide his reasons (briefly) in writing.
43. At the commencement of the Appeal hearing the Chairman shall explain the background to the Appeal and the procedure to be followed and the fact that the hearing will be recorded save for the deliberations of the Panel at the conclusion of the hearing. The Chairman shall then invite the Institute's representative to summarise the original Complaint and the outcome of the hearing before the Disciplinary Panel. The Chairman shall then invite the Appellant (or his representative) to put forward the Grounds of Appeal based on the content of the Appeal Notice. The Appellant shall not be allowed to rely on Grounds of Appeal not stated in the Appeal Notice or which are not permitted Grounds of Appeal under these Rules.
44. After the Appellant has made his submissions the Appeal Panel shall invite submissions from the other party's representative.

45. After hearing from the parties (or their representatives) the Appeal Panel shall review the decision of the Disciplinary Panel in light of:
- (a) the evidence presented to the Disciplinary Panel;
  - (b) any representations made before the Disciplinary Panel;
  - (c) the decision made by the Disciplinary Panel and any sanctions applied;
  - (d) the Notice of Appeal; and
  - (e) any representations made at the Appeal hearing.

46. At the conclusion of the review referred to in Rule 45 above the Appeal Panel will either affirm or vary the decision made by the Disciplinary Panel and may, in addition, vary the sanction or sanctions imposed by the Disciplinary Panel to one or more of greater or lesser severity. In addition the Appeal Panel may at any stage in the Appeal remit the Complaint back to the Disciplinary Panel which heard the Complaint for such purpose or purposes as the Appeal Panel in its absolute discretion considers will best achieve the objective of dealing with Complaints justly and in ways which are proportionate within the context of securing and justifying the confidence of the public, employers and Members.

All decisions of the Appeal Panel are final, shall take immediate effect and are binding on all parties, including the Disciplinary Panel which heard the Complaint. If it wishes to do so, the Appeal Panel may reserve its decision in relation to the Appeal and/or the sanction or sanctions for up to 28 days.

48. An Appeal Panel will cause to be published in such publications as it thinks fit such information about the outcome of the Appeal as is set out in Regulation 12.9 and may cause a note of its findings to be placed on the Member's personal record file. In addition, the Appeal Panel will cause to be produced a written record of its decision and a written record of its reasons for the decision for retention by the Institute in a Record of Decisions. The record of the Appeal Panel's reasons for any decision shall in every case include the Appeal Panel's findings in respect of all matters relevant to the Appeal or the question of costs. Copies of both the written record of the decision and the

written record of the reasons for the decision shall be sent to all parties within 7 days of their production.