

THE CHARTERED INSURANCE INSTITUTE
Disciplinary Regulations

*(Approved by Council 21 July 2004
in accordance with Bye-Law 62
and amended by the Board in 2010
in accordance with Bye-Law 60)*

Preliminary

12.1 These Regulations are made in accordance with the Charter and Bye-laws (“the Laws”) of the Chartered Insurance Institute (“the Institute”) with which they should be read and are part of the Institute’s Board Regulations. Derived from these Regulations are the Institute’s Disciplinary Procedure Rules (“DPR”) and both documents should also be read together. In the event of any inconsistency or conflict between the provisions of the Charter and Bye-laws and these Regulations and/or the DPR, the provisions of the Charter and Bye-laws shall prevail. In the event of any inconsistency or conflict between these Regulations and the DPR, these Regulations shall prevail.

In these Regulations, 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.

Appointment of Case Investigator, Preliminary Screener and Committees

12.2 The Board of the Institute shall designate a person or persons, who shall not be a member of the Board nor of any Committee which is the subject of these Regulations, to undertake the preliminary investigation of complaints (“the Case Investigator”). The Board shall also designate a person to consider, in accordance with the regime set out in the DPR, the results of the Case Investigator’s investigations and, in appropriate cases, decide on whether complaints should be dealt with summarily under the DPR or whether they should be referred to a Disciplinary Panel for hearing (“The Preliminary Screener”). The Board shall also appoint a Disciplinary Committee and an Appeal Committee. The Committees shall include persons who are not Members of the Institute. The Appeal Committee shall include at least one person having a legal qualification satisfactory to the Board. Any member of the Disciplinary or Appeal Committees shall be eligible for re-appointment, subject to a maximum of nine years’ consecutive service. Casual vacancies may be filled at the Board’s discretion for any period of less than one year ending at the next meeting at which appointments or re-appointments fall to be made. The Board shall make such other arrangements as are necessary to empower members of the Committees to form hearing Panels as necessary. A person appointed to a Panel may not sit as a member of that Panel in any case where he has participated previously in the consideration (unless sitting as a member of the Disciplinary Panel reconvened following a direction from an Appeal Panel under the DPR) or where he has a personal connection with the Respondent or Complainant or Witnesses.

Quorum and chairmanship

12.3 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 never has been a member or a student of the Institute). The quorum for a meeting of an Appeal Panel shall be three, which must include at least one lay representative (that is, a person who is not and who never has been a member or a student of the Institute) and one (who can be the same person) who is legally qualified. The Board may appoint, or provide for the appointment of, a Chairman of each Committee who shall (unless absent) chair hearings of the respective Panels.

Procedure

12.4 A complaint in relation to an alleged breach of the Laws of the Institute (including any professional standards to be observed by members of the Institute and whether raised by the Institute or by a third party) against a person who is or was a Member or Student of the CII at the time the alleged breach of the Laws took place shall be referred to a Case Investigator who shall consider it pursuant to the DPR and who will submit a report summarising the conclusions of the investigation to a Preliminary Screener. The Preliminary Screener, having sought such clarification as he shall see fit, shall make determinations in accordance with Rules 5 – 8 of the DPR.

12.5 A complaint referred to a Disciplinary Panel shall be heard as soon as practicable and in accordance with the DPR. The Complainant and Respondent and any witnesses shall be advised of the date and place of the proposed hearing and the Respondent shall in addition be advised of the complaint that has been made against him and that he is entitled to attend the hearing, to speak and give evidence on his own behalf or to be represented, and to call and cross examine witnesses; and that if he does not attend the hearing the matter may be determined in his absence. Subject to the Laws of the Institute, and in particular the DPR, the Disciplinary Panel may decide its own procedure and the Chairman may decide in any particular case whether the proceedings shall be open, in whole or in part, to the public, who may be excluded at any time at his discretion .

12.6 The Disciplinary Panel shall decide, having heard the case, whether the complaint is upheld. If so, and after taking into account any mitigation provided by the Respondent, the Panel shall direct that any one or more of the following sanctions be imposed:

- (a) the Respondent be reprimanded;
- (b) all or any of the Respondent's privileges of membership be withdrawn for a specified period

- (c) the Respondent at his own expense be required as a condition of membership to attend such additional training or to undertake such further tests of competence as the Disciplinary or Appeal Panel may determine;
- (d) the Respondent's employer **and**/or such appropriate regulatory body as the Disciplinary or Appeal Panel may determine be notified of such details of the decision as the Panel may determine as set out in Regulation 12.8;
- (e) a record of such details as the Disciplinary or Appeal Panel may determine be added to such electronic or other database as may from time to time be maintained or caused to be maintained by the Institute;
- (f) the Respondent be fined an amount not exceeding a maximum determined from time to time by the Board;
- (g) the Respondent be suspended from membership for a specified period of up to 3 years;
- (h) the Respondent be expelled from membership of the Institute (the Respondent may seek to have his status reviewed by a Panel after the expiry of 5 years commencing with the date the decision to expel is made);
- (i) the Respondent's membership be made subject to conditions;
- (j) the Respondent's examination candidature be rescinded, or script or paper or submission be disallowed;
- (k) the Respondent be excluded, for a specified period of up to 3 years, from examinations held by the Institute;
- (l) the Respondent be declared ineligible to apply for membership of the Institute for a specified period of up to 3 years;

- (m) such other sanction or order as the Panel considers reasonable and appropriate having regard to 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, including, where the Respondent is the Responsible Member for a corporate body which has Chartered status, referring that corporate body to the Institute's Corporate Chartered Title Committee.

and the Respondent may be required to pay all or part of the costs of the proceedings against him and any subscription arrears or other monies due to the Institute.

- 12.7 Subject to the DPR a Respondent or the Institute may appeal in writing, within 21 days of receipt of notification of the Disciplinary Panel's findings, to an Appeal Panel against the decision of a Disciplinary Panel or against the sanction imposed. Subject to the DPR, the Appeal Panel shall not hear evidence, but shall consider whether the complaint has been properly heard under the Laws, these Regulations and the DPR, whether the rules of natural justice and any relevant principles of human rights have been satisfactorily observed, and whether the Disciplinary Panel has reached a reasonable decision in the circumstances. If the Appeal Panel concludes that the handling of the complaint has been unsatisfactory in terms of these Regulations and/or the DPR, it may overturn the finding of the Disciplinary Panel or remove the sanction imposed on the Respondent or substitute a different sanction from amongst those available to the Disciplinary Panel. The Appeal Panel may remit back to the Disciplinary Panel whose decision is the subject of the Appeal any question relevant to the determination of the Appeal. An Appeal Panel will not consider evidence that was not before the Disciplinary Panel unless it is new evidence of a material nature which could not reasonably have been available at the Disciplinary Panel hearing. If new evidence is permitted to be adduced then the Chairman of the Appeal Panel may (but shall not be required to) direct that the Disciplinary Panel reconvene to hear the new evidence and reconsider their decision. The rights of appeal of the Respondent or the Institute under this Regulation shall apply equally to the outcome of a reconvened hearing of the Disciplinary Panel. Subject to the Laws of the Institute and in particular the DPR, the Appeal Panel may decide its own procedure and the Chairman may

decide in any particular case whether the proceedings shall be open, in full or in part, to the public, who may be excluded at any time at his discretion.

- 12.8 Decisions of the Disciplinary Panel and Appeal Panel shall be notified to the Respondent and such other parties as the DPR may prescribe in writing and in accordance with the DPR. The Disciplinary Panel and the Appeal Panel shall keep records of their proceedings and their decisions shall be published in accordance with Regulation 12.9 below.
- 12.9 Such details of disciplinary cases dealt with by the Institute shall be published in the Journal of the Institute and in such other of the Institute's publications whether printed or electronic as the Disciplinary and/or Appeal Panel (and/or, where the Rules permit a Preliminary Screener to determine a complaint and impose a sanction, the Preliminary Screener) may determine, provided that a Disciplinary and/or Appeal Panel (and/or in appropriate cases a Preliminary Screener) may in exceptional circumstances decide that publication is inappropriate. The details to be published will not usually extend beyond the name of the Respondent, the offence alleged, the outcome and sanction (if any), the name of the Respondent's employer or trading name at the time of the hearing and the Respondent's professional address or such other details of the Respondent's location as the Panel in question consider appropriate. Details of the Respondent's home address should not be published (or otherwise made public) even where it is also the Respondent's business address. For Respondents who work from home, such other information as is sufficient to identify the Respondent's professional location will be ordered by the Panel or Preliminary Screener to be published. Published (and other) details may also be provided to other regulatory authorities, consistent with the obligations of the Institute, but subject to such data protection legislation as may from time to time apply to records held by the Institute.
- 12.10 Any matter of disciplinary procedure may be further prescribed by the DPR.