PRACTICE NOTE

Imposing Sanctions

This Practice Note has been issued by the Institute for the guidance of Disciplinary and Appeal Panels and to assist those appearing before them.

As has often been said by the High Court (and its predecessor in this jurisdiction, the Privy Council), the primary object of imposing a sanction in regulatory proceedings is not to be punitive but to maintain the standing of the profession and the confidence of the public in the profession, although the need to protect individuals (in terms of ensuring no repetition) is also a purpose (*Bolton v The Law Society* [1994] 1 WLR 512 especially at pages 518–9, *Raschid and Fatnani v GMC* [2007] EWCA Civ 46 at [18] and *Cheatle v GMC* [2009] EWHC 645 (Admin) at [33]).

The impact of the sanction on the practitioner is also relevant, because a Panel can only impose a sanction that is proportionate: but, as the primary objectives concern the wider public interest, the impact of a sanction on a registrant has been said not to be "a primary consideration" (Cheatle at [38] and [40]).

So, in deciding what, if any, sanction to impose, Panels should apply the principle of proportionality, weighing the interests of the public with those of the member and, in addition, consider any mitigation in relation to the seriousness of the behaviour in question.

In deciding what, if any, sanction is necessary and proportionate in any case, the Panel must consider each possible course of action open to it[1] in sequence, starting with the least serious. Only once the Panel has determined that a particular step is not sufficient should it proceed to consider the next, more serious, step.

[1] As set out in Regulation 12.6 of the Chartered Insurance Institute Disciplinary Regulations, as amended.