

PRACTICE NOTE

Observers

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

From time to time, employees of the Chartered Insurance Institute will attend hearings for training and other purposes. They have no role in the proceedings; hence, they do not form part of the Institute's Prosecution Team. They are, however, more than members of the public. By their contract of employment they are bound by the statutory and common law duty of confidentiality and are in attendance in the furtherance of their official function.

Hence, such observers will generally be allowed to remain throughout the proceedings, including any part of the proceedings heard in private, unless the parties object there to and the Chairman determines, exceptionally, that it is not in the interests of justice that the observer should remain or that he or she should be excluded in order to protect the private life of the Respondent/Appellant¹.

In cases where such an observer is present, before opening the hearing the Chairman should address the parties in these, or similar, terms:

'Also in attendance throughout these proceedings, including any part of the proceedings that may be heard in private, is [*identify the observer by name and appointment*] who is here to/for [*identify the official purpose, which may include familiarisation with the Institute's proceedings*]. I would stress, however, that the observer has no role in the hearing or the decision making process and is under a legal duty to treat any evidence that may be heard in private in strict confidence. Is everyone content for the observer to remain.

In the event that there is an objection to the observer remaining throughout the proceedings, in determining the issue the Chairman should have regard to the principles outlined in Chartered Insurance Institute Practice Note '*Conducting Hearings in Private*' and any relevant submissions made by the parties in relation to those principles. That determination, together with the reasons for it, must form part of the Panel's final written decision.

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In determining those matters,