

## Disciplinary Procedure

### Purpose of the Procedure

This procedure outlines the process to be followed by the Society in response to any allegations or reports of misconduct involving Fellows. Misconduct is defined as any breach of the Society's Bylaws or Regulations, including the Code of Conduct.

### Scope and Governance

The procedure supports the RSS Regulations, which delegate to the Professional Affairs Committee the responsibility for overseeing adherence to the Code of Conduct. This includes managing any disciplinary investigations and proceedings involving members reported to have breached the Code.

### Approval

This procedure was formally approved by Council on 19 November 2025.

### The Procedure

Formal complaints about suspected breaches of the Code of Conduct should be sent to the Director of Professional Services who will inform the Vice President for Professional Affairs.

#### 1. Stage 1- Initial investigation

- 1.1 The Vice President for Professional Affairs shall consider all allegations of misconduct made against Fellows, regardless of the source—whether from members of the public, elected officers, other Fellows, or employees of the Society. Additionally, if the Society becomes aware of potential misconduct through publicly available information (such as press coverage or social media posts), the Vice President may assess whether the matter warrants further investigation.
- 1.2 If a complaint involves the Vice President for Professional Affairs, or if they identify a conflict of interest or loyalty in relation to the matter, they must notify the President. If the President is also conflicted, another Vice President shall be informed. In such cases, the President or Vice President (as appropriate) will appoint another member of Council to act in their place for the purposes of handling the complaint.
- 1.3 The Vice President for Professional Affairs may request assistance from any employee of the Society when investigating any complaints or report of misconduct by a Fellow and establishing whether or not there are sufficient grounds to initiate disciplinary proceedings.
- 1.4 Reviewing the complaint
  - 1.4.1 If based on the available evidence, the Vice President for Professional Affairs determines that there is **no case to answer**, no further action shall be taken. The complaint will be recorded, along with the conclusion that it was unfounded. A response to the complainant will be issued.
  - 1.4.2 If, based on the available evidence, the Vice President for Professional Affairs concludes that **no substantive act of misconduct** has occurred, they may nonetheless take proportionate action to address any concerns raised. Such actions may include, but are not limited to:
    - (a) Providing written advice and/or offering an opportunity for further training;

- (b) Requesting compensation for Society property that has been damaged, misused, or lost, or for any privilege that has been abused;
- (c) Requesting that the subject of the complaint issue a written or oral apology to any affected Fellow, employee, or other individual;
- (d) Issuing a formal written warning to the subject of the complaint, with a copy placed on the Fellow's record.

Any formal written warning issued must include the following information:

- A summary of the misconduct complaint and the outcome of the investigation, including the reasoning behind the conclusion;
- An explanation of why the Society has decided to issue a formal written warning;
- Clear guidance on the conduct the Fellow is expected to address going forward; and
- Notification that the Fellow has 28 calendar days to inform the Society, in writing, if they wish to contest the warning. In such cases, the matter will proceed to Stage 2 and be heard by a disciplinary panel.

1.4.3 If the Vice President for Professional Affairs determines that there is sufficient evidence to support a **substantive charge of misconduct**, the matter shall be referred to a disciplinary panel for further consideration.

- 1.5 The Vice President for Professional Affairs may consult the Director of Professional Services, Council or RSS employees to assist them in determining whether a complaint of misconduct should be considered substantive.
- 1.6 The Vice President for Professional Affairs will request at least two members of the Professional Affairs Committee to participate in the review and decision making.
- 1.7 The Vice-President for Professional Affairs has sole discretion to inform the complainant, in general terms, of the outcome of the initial investigation and whether the matter has been referred to a disciplinary panel.
- 1.8 Anonymised information on the complaints and the decision will be reported to the Professional Affairs Committee.

## 2. Stage 2 – Hearing by Disciplinary Panel

- 2.1 When a complaint of misconduct is referred to a disciplinary panel, the Vice-President shall convene the Panel to determine whether the alleged misconduct occurred and if so to consider appropriate sanctions.
- 2.2 The Panel shall usually comprise current or former members of the Professional Affairs Committee and/or Trustees.
- 2.3 The President shall not be included on the Panel.
- 2.4 Any member of the Panel who has a conflict of interests or loyalty (including personal friendship, relationship or animosity) with either the complainant or the subject of investigation must declare this to the Director of Professional Services. They shall not participate in the Panel unless authorised to do so.
- 2.5 The Panel shall determine amongst themselves who will serve as chair.

- 2.6 The Director of Professional Services (or a designated deputy) shall attend all Panel meetings to provide procedural advice, arrange for minutes to be taken, and support administrative functions. They shall not be a member of the Panel and shall have no voting rights.
- 2.7 At least 14 calendar days before the Panel, the Director of Professional Services shall provide the subject of the complaint with details of the allegation and offer them the opportunity to submit documentary evidence in response. This material must be received 7 calendar days before the hearing to be considered by the Panel.
- 2.8 The chair of the Panel has the discretion to agree an adjournment.
- 2.9 During the Panel meeting, any procedural decisions made by the Chair shall be binding, provided that the proceedings remain fair to the subject and uphold the principles of natural justice.
- 2.10 The Vice President for Professional Affairs (or their deputy) shall present the facts in the possession of the Society to the Panel.
- 2.11 At the conclusion of the hearing, the Panel shall deliberate and normally reach its decision without adjournment. The outcome shall be determined by a majority vote. The individual votes and views expressed by Panel members shall remain confidential.
- 2.12 For misconduct to be substantiated, the Panel must be satisfied, on the balance of probabilities, that the subject's behaviour constituted misconduct based on the evidence presented.
- 2.13 The Panel may order one or more of the possible outcomes detailed in section 2.16.1. The chair of the Panel shall deliver the Panel's decision, together with the reasons for that decision, to the Director of Professional Services.
- 2.14 Within 7 calendar days of the hearing, the Director of Professional Services shall provide the subject of the complaint with a written copy of the Panel's decision and any orders made. This communication shall include the reasons for the decision and details of any sanctions imposed.
- 2.15 The Director of Professional Services may also send a copy of the decision, any orders made and the reasons for it to the subject's employer and the source of the allegation, where appropriate.
- 2.16 Possible Outcomes for the Panel
  - 2.16.1 If the Panel determines that the complaint of misconduct has been substantiated on the balance of probabilities, it may, after considering any relevant mitigating factors and the Fellow's previous record, order one or more of the following sanctions:
    - (a) No further action required;
    - (b) Notice of advice on future behaviour and conduct;
    - (c) Require the Fellow to make, and where appropriate publish, a formal written or oral apology to any affected Fellow, employee or other individual;
    - (d) Issue a formal written warning or reprimand;
    - (e) Prescribe a course of action, which may include mentoring and/or attendance on specified courses, to address any weakness contributing to misconduct;
    - (f) Impose conditions or limitations on continuing membership of the Society for a specified period, including removal from specific roles;
    - (g) Suspend membership of the Society for a specified period;

- (h) Permanently expel the Fellow from the Society;
- (i) If the Fellow is a candidate for an office within the Society, require them to withdraw from the election / selection process for that office.

2.16.2 Any decision to expel a Fellow must be ratified by the Professional Affairs Committee and reported to Council.

2.16.3 A Fellow who is expelled from the Society shall forfeit all rights of membership, including the entitlement to use any post-nominal letters awarded by the Society. Subscription fees paid by an expelled Fellow shall not be returned or refunded.

### **3. Stage 3 – Appeals**

3.1 A Fellow may appeal against any decision made by the Panel within 28 calendar days of receiving written notification from the Director of Professional Services. No sanction of the Panel may take effect until one of the following conditions is met:

- (a) the 28 day appeal period has expired without an appeal being lodged
- (b) the Fellow provides a signed letter confirming that they do not intend to appeal
- (c) if an appeal is submitted, the appeal process has been completed and a final decision reached.

3.2 An appeal against a decision of the Disciplinary Panel may only be made on one or more of the following grounds:

- (a) Procedural irregularity: There was a serious breach of the Disciplinary Procedure that may have affected the outcome;
- (b) Disproportionality: the sanction imposed by the Panel was disproportionate to the nature or severity of the misconduct.

3.3 A Fellow wishing to appeal against a decision by the Disciplinary Panel must submit a written appeal to the President. The appeal must include a statement outlining the grounds for appeal and be accompanied by any relevant supporting documentation or evidence.

3.4 The President is normally responsible for managing appeals. If the appeal involves the President responsibility will be delegated to a Vice President who has not been involved in the Disciplinary Panel. In such cases, all references to the President in section 3 shall be interpreted as referring to the delegated Vice President.

3.5 There shall be an administrative charge, determined from time to time by the Professional Affairs Committee, payable by the Fellow making the appeal. The appeal will not be valid unless the charge is paid. If the appeal is upheld the administrative charge shall be refunded.

3.6 Upon receipt of an appeal request, the President shall review the submission and decide whether to dismiss the appeal or to allow it to proceed to a hearing. Further information may be requested from the Fellow or the Panel before making a determination.

3.7 The President may permit an appeal to proceed if one or more of the following conditions are met:

- (a) the Fellow presents evidence of significant procedural error by the Society or the Panel before or during the panel meeting;
- (b) the Fellow provides new evidence that could not have reasonably been made available at the time of the original Panel;
- (c) the Fellow demonstrates that referral of the complaint to a Panel or the sanction imposed was disproportionate to the nature of the misconduct.

- 3.8 The President has the discretion to consider any other relevant grounds when deciding whether to allow the appeal to be proceed.
- 3.9 If the President decides that the appeal should be heard, they shall convene and chair an Appeal Panel consisting of three members. The other two members shall be members of Council who were not involved in the original Panel.
- 3.10 If the allegation(s) of misconduct involve a member of Council, the President may determine that the Appeal Panel should be composed of suitably qualified and experienced individuals who are independent of the Society. These individuals will normally be members of the governing bodies of similar professional societies.
- 3.11 Any member of the Appeal Panel who has a conflict of interest or loyalty (such as personal friendship, relationship or animosity with either the complainant or the subject) must declare this to the Chief Executive. They shall not participate in the Appeal Panel unless expressly authorised to do so.
- 3.12 The members of the Appeal Panel shall decide amongst themselves who will serve as chair.
- 3.13 The Chief Executive (or a designated deputy) shall attend the hearing of the Appeal Panel, to advise on procedural issues and arrange for minutes to be taken. They shall not be a member of the Panel or have voting rights.
- 3.14 The Chief Executive shall write to the Fellow to inform them of the outcome of their appeal request. If the appeal is to proceed be heard, the date on which the hearing of the Appeal Panel will be held. The hearing date must be at least 28 calendar days after the date on which the Chief Executive's letter is sent.
- 3.15 No evidence may be introduced or referred to during the Appeal Panel unless copies of that evidence have been provided at least 14 calendar days before the Panel.
- 3.16 The Appeal Panel shall have the authority of Council to:
  - dismiss the appeal;
  - modify or overturn the findings of the original Panel;
  - modify or overturn the original sanction or impose an alternative sanction from the list in item 2.16.2.
- 3.17 The chair of the Appeal Panel shall deliver the decision to the appellant Fellow. The Chief Executive shall send a written copy of the Appeal Panel's decision, including reasons for the decision, to the appellant within 7 calendar days of the date of the panel. The Chief Executive may also send a copy of the decision (with or without the reasons) to the appellants employer and/or the original complainant.
- 3.18 The decision of the Appeal Panel shall be final. There shall be no further right of appeal.

#### **4. Reinstatement of Members suspended or expelled under this procedure**

- 4.1 An expelled Fellow, or one suspended for more than a year, may not apply for reinstatement until at least 12 months have elapsed since the final determination of their expulsion or suspension.
- 4.2 Fellows suspended for less than one year, having exhausted the appeal procedure, shall have no right to seek early reinstatement prior to the date specified in the decision of the Disciplinary Panel or Appeal Panel.

4.3 Applications for reinstatement from expelled or suspended Fellows shall be considered periodically by the Professional Affairs Committee. Applicants must submit a brief written statement outlining the changed circumstances that support reconsideration of their case.

**5. Other matters**

5.1 In accordance with the Equality Act 2010, reasonable adjustments to the procedures outlined in this documents may be made. Fellows requiring adjustments should contact the Director of Professional Services.

**Version control**

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