**Disciplinary procedure for registrants (CRST9)**

**Disciplinary Procedure in respect of Registered Scientist (RSci), Registered Science Technician (RSciTech) and Chartered Science Teachers (CSciTeach)**

## Preamble

1. Professional conduct is governed by a Code of Professional Conduct (the Code) published by the Registrations Board (the Board). Alleged breaches of the Code may prove to be founded in fact and deserving of sanction so each must be investigated by the Registration Board. The principles of the investigation, and any subsequent disciplinary enquiry are that:

* no one is guilty until so found,
* any enquiry will be open and fair,
* proved breaches of the Code shall attract sanctions commensurate with the seriousness of the breach, and
* individuals can seek leave to appeal.

**Standing Groups**

1. The Disciplinary Procedure involves two stages - a preliminary investigation followed, if appropriate, by a disciplinary hearing - which will be undertaken by two separate standing groups on behalf of the Board as described below. The procedure for any subsequent appeal is set out in document CRST10 RSci, RSciTech and CSciTeach Appeals Procedure: disciplinary.
2. For each standing group a Chair and Vice Chair will be elected by the Board. A pool of 18 additional members representative of a range of membership professional interests will be elected from which the appropriate number of individuals will be identified to undertake each stage of the procedure. No member will serve on the standing group for both the Preliminary Investigation and the Disciplinary Hearing in a single case. The Chairs, Vice Chairs and members will be appointed for a period of five years.
3. The Chair of each standing group will chair all investigations / hearings during that occur during their term of office. In the event of the Chair not being available the standing group will be chaired by the relevant Vice Chair.

**Preliminary Investigation**

1. The first stage, on receipt of an allegation (the complaint) is a preliminary investigation to determine whether or not there is a case to answer.
2. Such investigation will be conducted, on behalf of the Board, by the designated Chair and two others from the pool of members elected by the Board. This Group shall be serviced by the Registrar
3. The Registrar, on receipt of a complaint, shall inform the Chair of the Board and the person complained about (the defendant), and shall seek what elaboration, evidence, and answers he considers necessary.
4. When enough information is available, the Registrar shall convene a meeting of the Group to consider the complaint and the supporting information. Normally, the complainant and the defendant would not attend although the Chair may exercise discretion to the contrary.
5. A finding of ‘no case to answer’ would dismiss the complaint and, to save unnecessary publicity, would not be reported to the Board. Similarly, a withdrawal of a complaint need not be reported. However, a record will be maintained (consistent with the Data Protection Act 2018) for audit purposes.
6. A finding of ‘case to answer’ would require a recommendation to the Board that the disciplinary procedure be activated.

**Disciplinary Hearing**

1. The Board will authorise the holding of a disciplinary hearing by theDisciplinary Committee comprising the designated Chair, one lay representative who shall not be a registrant, and three others from the pool of members elected by the Board. None of those eligible to sit on the Disciplinary Committee shall have been involved in the preliminary investigation. This Committee shall be serviced by the Registrar.
2. The Disciplinary Committee shall have delegated authority from the Board to examine the complaint, and to decide its justification, but only to recommend appropriate sanctions if it finds the complaint justified.
3. The Board may appoint / invite a non-participating lawyer to attend to advise on process but not to vote on the decision.
4. Defendants shall be entitled to bring to the hearing a next friend who may be a lawyer whom they will pay to represent them.
5. Hearings comprise a statement (by the complainant or a representative appointed for the purpose – such as the organisation’s Secretary or solicitor) of the complaint and evidence to support it (with any cross-examination of witnesses) followed by a rebuttal (by the defendant or his representative) with evidence (which is also open to cross-examination). Additionally, some evidence may be by means of written statements at the Disciplinary Committee’s discretion.
6. At the conclusion of the hearing, the Disciplinary Committee decides, and announces, its decision on the justification or not of the complaint, and its recommendation to the Board, if the complaint is accepted, of its suggested penalty having heard any mitigation.
7. If the complaint is admitted, the only steps are to hear mitigation and to decide the recommended penalty.
8. Penalties may be exclusion from membership and withdrawal of the practising certificate, suspension of membership, reprimand and/or fine, retraining or other. Penalties should be in the form of recommendations to the Board which will recommend to the Association because only the Council of the Association has the authority to implement them but any such recommendations would normally be accepted by Council without challenge.
9. The Registrar will inform the parties accordingly and notify both parties of a right to appeal. The procedure for appeals is set out in the accompanying document CRST10 RSci, RSciTech and CSciTeach Appeals Procedure: disciplinary.