

Procedures to uphold the
IfL Code of Professional Practice

Version: January 2011

Registered Office: The Institute for Learning (Post Compulsory Education and Training), First Floor, 49-51 East Road, Old Street, London N1 6AH. Company Limited by Guarantee. Registered in England and Wales No. 4346361

The Code of Professional Practice

The Institute for Learning's code of Professional Practice came into force on 1 April 2008. The Code was developed by the profession for the profession and it outlines the behaviours expected of members – for the benefit of learners, employers, the profession and the wider community.

- Integrity
- Respect
- Care
- Practice
- Disclosure
- Responsibility

BEHAVIOUR 1: Professional Integrity

The members shall;

1. meet their professional responsibilities consistent with the Institute's Professional Values;
2. use reasonable professional judgement when discharging differing responsibilities and obligations to learners, colleagues, institution and the wider profession;
3. uphold the reputation of the profession by never unjustly or knowingly damaging the professional reputation of another or furthering their own position unfairly at the expense of another;
4. comply with all reasonable assessment and quality procedures and obligations;
5. uphold the standing and reputation of the Institute and not knowingly undermine or misrepresent its views nor their Institute membership, any qualification or professional status.

BEHAVIOUR 2: Respect

The members shall at all times:

1. respect the rights of learners and colleagues in accordance with relevant legislation and organisation requirements;
2. act in a manner which recognises diversity as an asset and does not discriminate in respect of race, gender, disability and/or learning difficulty, age, sexual orientation or religion and belief.

BEHAVIOUR 3: Reasonable Care

The members shall take reasonable care to ensure the safety and welfare of learners and comply with relevant statutory provisions to support their well-being and development.

BEHAVIOUR 4: Professional Practice

The members shall provide evidence to the Institute that they have complied with the current Institute CPD policy and guidelines.

BEHAVIOUR 5: Criminal Offence Disclosure

Any member shall notify the Institute as soon as practicable after cautioning or conviction for a criminal offence. The Institute reserves the right to act on such information through its disciplinary process.

BEHAVIOUR 6: Responsibility during Institute Investigations

A member shall use their best endeavours to assist in any investigation and shall not seek to dissuade, penalise or discourage a person from bringing a complaint against any member, interfere with or otherwise compromise due process.

BEHAVIOUR 7: Responsibility to the Institute

The members shall at all times act in accordance with the Institute's conditions of membership which will be subject to change from time to time.

For further information visit www.ifl.ac.uk

INSTITUTE FOR LEARNING

DISCIPLINARY PROCEDURE RULES 2011

TABLE OF CONTENTS

<u>Part 1</u>		
Rules 1 – 9	Citation and interpretation	Page 1
<u>Part 2</u>		
Rules 10 – 11	Investigation criteria and procedures	Page 5
<u>Part 3</u>		
Rules 12 – 17	Investigating committee	Page 7
<u>Part 4</u>		
Rules 18 – 41	Professional practice committee	Page 9
<u>Part 5</u>		
Rules 42 – 44	Interim orders by professional practice committee	Page 17
<u>Part 6</u>		
Rules 45 – 57	Application to vary or revoke a condition in a conditional registration order or a suspension order which specifies conditions by professional practice Committee	Page 19
<u>Part 7</u>		
Rules 58 – 63	Determination of fast track hearings by professional practice Committee	Page 25
<u>Part 8</u>		
Rules 64 – 68	Appeals committee	Page 28
<u>Part 9</u>		
Rules 69 – 70	Miscellaneous	Page 30
	Signatures	Page 31
	Index of rules	Page 32

PART 1: Citation and interpretation

Introduction

1.1 These rules may be cited as the Institute for Learning Disciplinary Procedure Rules 2011 and shall come into force on 1 January 2011 having been approved by the Council of the Institute for Learning on 11th March 2008 and 3 April 2009 and by the Non-Executive Board on 23rd November 2010.

1.2 These rules shall apply to all cases that have been referred to the Institute for determination as from the 1st January 2011.

2.1 In these rules, unless the context otherwise requires:

"Agent" means a person or body who makes an arrangement (whether or not under a contract of service or for services or otherwise) with a registrant to carry out work either currently or at the time of the alleged incidents.

"Allegation" means where a registrant may be guilty of a breach of the Code of Professional Practice or convicted of or cautioned for a relevant criminal offence.

"Case" means where the Institute is investigating an allegation that a registrant may be guilty of a breach of the Code of Professional Practice or convicted of or cautioned for a relevant criminal offence.

"Child" means a person less than 18 years.

"Code of Professional Practice" means the Code of Professional Practice laying down standards of behaviour expected of registrants (described in the Code as members) and ratified by the Council of the Institute for Learning at its meeting on 11 March 2008 and as amended from time to time at a Non-Executive Board meeting of the Institute.

"Committee" means:

- (i) In Part 3 of these rules the investigating committee;
- (ii) In Part 4, 5, 6 and 7 of these rules the professional practice committee;
- (iii) In Part 8 of these rules the appeal committee.

"Employer" means a person or body who employs a registrant either currently or at the time of the alleged incidents

"Facts" means the particulars of the allegation of breach of the Code of Professional Practice or conviction of or caution for a relevant criminal offence.

"IfL" means the company limited by guarantee registered at Companies House as The Institute for Learning (Post Compulsory Education and Training).

"IfL registered address" means 49 – 51 East Road, LONDON, N1 6AH.

"Institute member" means those members of IfL whose membership is classified as Fellow, Member and Associate of the Institute.

"Lay member" means a member of the lay member panel.

"Member" means a person who sits on a committee.

"Presenting officer" means the person appointed by the Institute to present a case before a professional practice committee or an appeal committee.

"Professional body (or association)" means an organisation which seeks to monitor, support or regulate a profession, individuals engaged in that profession, and public interest through standards of professional behaviour upheld through a set of disciplinary procedures.

"Register" means the list established and maintained by the Institute for Learning under the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 (SI: 2007/2116).

"Registrant" means all persons registered with IfL as members.

"Registrant's address" means the address of the registrant recorded on the register.

"Registrar" means the head of regulatory function authorised to act on behalf of the Institute.

"Relevant offence" means a conviction or a caution for a criminal offence, other than one having no material relevance to a person's fitness to be a registrant, committed in the United Kingdom or which if committed elsewhere would have constituted a conviction or caution in the United Kingdom.

"Sanction" means a reprimand, a conditional registration order, a suspension order, an expulsion order or interim order.

"Vulnerable adult" means a person 18 years or over, who may be considered by themselves or others by reason of mental or physical disability, illness, intelligence or social functioning unable to protect himself against harm or exploitation.

"Week" means a calendar week.

- 2.2 In these rules, unless the contrary intention appears, the use of the terms, "he", "him" or "himself" shall also mean "she", "her" or "herself".
- 2.3 In these rules, unless the contrary intention appears, words in the singular include the plural and, words in the plural include the singular.
- 2.4 In these rules, unless the contrary intention appears, references to numbered rules are references to the rules in this document.

Committee constitution

- 3.1 Committees shall be constituted by persons who are Institute members and lay members and upon which it is asked to make a decision.
- 3.2 The committee shall consist of a minimum of three and a maximum of five members with a majority of Institute members and at least one lay member.
- 3.3 The Institute shall make available to the committee a legal adviser and/or other professional adviser as may be required by it in the course of a meeting.

3.4 Where a committee member ceases to be an Institute member or lay member during the course of the determination, he shall be regarded as an Institute member or lay member, as appropriate, until the committee has finally determined the case.

3.5 Where a member of a committee:

(a) Dies;

(b) Resigns; or

(c) Is unable to remain a member of the committee

in the course of a hearing, the committee shall hear representations from the parties and either:

(i) Refer the case for a re-hearing; or

(ii) Dismiss the case.

The chair

4.1 The committee shall elect one of its members to act as the chair.

Members of the committee

5.1 The Institute shall not appoint any person to a committee who has been or will be appointed a member of any other committee in relation to any aspect of a case to be considered by that committee.

5.2 Where a member of the committee has any conflict of interest in relation to any allegations to be considered by the committee then they shall make a declaration accordingly and disqualify himself from sitting as a member in those cases that such a conflict of interest arises.

5.3 A committee member's membership of a trade union or professional association shall not constitute a conflict of interest for these purposes.

5.4 Officers of the Institute may be in attendance at all meetings of the committee but shall not participate in decision making.

Legal adviser

6.1 The committee shall be advised by a legal adviser who shall:

(a) Not be a person who has previously addressed the committee in a case where the committee seeks advice in any capacity other than as a legal adviser;

(b) Be present at all hearings;

(c) Advise the committee on

(i) Matters of law, evidence or procedure referred to him by the committee;

(ii) An issue of law where it appears to him that, without his intervention, there is the possibility of a mistake of law being made;

(d) Intervene to advise the committee of any irregularity in the proceedings which comes to his knowledge;

(e) Ensure that a written record is made in relation to the nature of advice sought and received in the record of their deliberations;

(f) If the committee so requires, advise on the drafting of their decisions.

- 6.2 Save in the case of the investigating committee and where the Institute and/or the member is represented:
- (a) Advice given to the committee under rule 6.1 is tendered in the presence of any parties in attendance;
 - (b) If the advice is tendered after the committee have begun to deliberate, every such party is informed as to the advice given, and given an opportunity to make representations as to the advice.

Inspection of evidence

- 7.1 Where the Institute receives documents or other physical evidence and it is not appropriate or practical for it to be copied or sent to the registrant then the Institute shall provide the registrant or his representative with:
- (a) A description of the evidence relied upon;
 - (b) An explanation of the reason why a copy of the evidence cannot be served in accordance with these rules;
 - (c) Details of arrangements that may be made for inspection of that evidence by the registrant or his representative.

Joinder

- 8.1 Except where it appears that it would not be in the interests of justice to do so the committee may hear allegations against two or more registrants and two or more allegations against a registrant at the same time.

Voting procedure

- 9.1 Any decision of the committee shall be made by a vote.
- 9.2 Any question put to the vote shall be in the form of a motion.
- 9.3 No member may abstain from voting.
- 9.4 Where a question is put to a vote the chair shall:
- (a) Call on the members to vote for or against the motion; and
 - (b) Declare that the motion has been carried or not carried.

PART 2: Investigation criteria and procedures

- 10.1 All cases where an allegation has been received or it otherwise appears to the Institute that a registrant may have breached the Code of Professional Practice or been convicted of or cautioned for a relevant criminal offence shall be investigated.
- 10.2 An investigating committee shall not investigate a case:
- (a) Where the Secretary of State for Education notifies the Institute he wishes to consider the case with a view to exercising his powers under the Education Act.
 - (b) Where the committee determines that the case should have been referred to the Secretary of State for Education or to another body it shall be referred accordingly and registrar shall notify all relevant parties.
- 10.3 The registrar may, prior to referring the allegation to the investigating committee, instruct solicitors, or others, to carry out an investigation.
- 10.4 (a) Once an allegation against a registrant is referred to the Institute or the Institute has commenced an investigation against a member then the member shall, subject to 10.4(b) remain a member of the Institute until such time as the allegation is finally disposed of by the investigating committee, the professional practice committee or the appeal committee, whichever is the last in time. Any membership fee payable by the registrant shall continue to be payable.
- (b) In exceptional cases, where there are investigations or proceedings before a committee, then the registrar if satisfied that it is in the public interest for the registrant's membership to lapse, shall take such actions as necessary to allow the member's membership to lapse and write to the member accordingly.
- (c) In the event that the registrar consents to a registrant membership being allowed to lapse, and in the event that the member wishes to rejoin the membership then:
- (i) The rejoining registrant must notify the registrar before entering the membership register; and
 - (ii) The registrar shall be entitled to refer the matters that had previously been investigated to the investigating committee.
- 10.5 The registrar shall determine whether:
- (a) The allegation is made against a person who is not a registrant; or
 - (b) The allegation is made against a person who has not made application to register as a registrant; or
 - (c) In the registrar's opinion the alleged facts, if proved, would not amount to a breach of the Code of Professional Practice or a conviction of or caution for a relevant offence;
- then the registrar shall inform the complainant in writing that the Institute will not investigate the allegation. The registrar shall give written reasons to the complainant for the decision.
- 11.1 Where it appears to the registrar that it is appropriate that a letter of advice shall be written to a registrant then the registrar shall issue a letter of advice in terms to be decided by the registrar. The letter of advice shall be disclosed to the investigating committee in the event that, on a subsequent occasion, they are required to

investigate an alleged breach of the Code of Professional Practice, a conviction, or a caution for a relevant criminal offence in relation to the registrant.

- 11.2 If the registrar determines that the allegation is made against a registrant, or a person who has made application to be a registrant, and is of the opinion that the alleged facts, if proved, would be a breach of the Code of Professional Practice or a conviction of or caution for a relevant offence, then that allegation shall be referred to the investigating committee.
- 11.3 If an allegation of a criminal conviction or caution is made against a registrant and if in the opinion of the registrar the criminal conviction is a relevant offence or that the caution is in relation to a relevant offence, then the registrar may refer the allegation to the professional practice committee.
- 11.4 If the allegation relates to a finding by a professional body, then the registrar may refer the allegation to the professional practice committee.

PART 3: Investigating committee

Preliminary

- 12.1 An investigating committee shall investigate all cases referred by the registrar to the committee where it appears that a registrant may have:
- (a) Breached the Code of Professional Practice; or
 - (b) Been convicted of or cautioned for a relevant criminal offence.

Proceedings of an investigating committee

- 13.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:
- Rule 3 Committee constitution
 - Rule 4 The chair (part 1)
 - Rule 5 Members of the committee (part 1)
 - Rule 6 Legal adviser (part 1)
 - Rule 7 Inspection of evidence (part 1)
 - Rule 8 Joinder (part 1)
 - Rule 9 Voting procedure (part 1)
- 13.2 The meetings of the committee shall be held in private and, subject to these rules shall proceed as determined through the discretion of the chair.
- 14.1 The committee shall, before considering the case, ensure that all relevant available information, including any written representations and available evidence received from the registrant, is available to the committee.
- 14.2 The committee may at any stage:
- (a) Request further enquiries to be conducted by an officer of the Institute, its solicitors or some other person or body;
 - (b) Require further available information from employers and relevant police forces and obtain further available documents.
- 14.3 Any additional information should be made available in writing to the registrant.
- 14.4 The committee shall consider all the available evidence, including any written representations or evidence submitted by the registrant.
- 14.5 The committee may at any stage adjourn consideration of the case.

Notice of investigation

- 15.1 Where the registrar determines that an allegation should be referred to a committee the registrar shall send to the registrant a notice of investigation in accordance with rule 15.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least four weeks' notice.
- 15.2 The notice of investigation shall:
- (a) Specify the allegations and the particulars of the allegation;
 - (b) Specify the date of the meeting;
 - (c) Enclose copies of documentation in the Institute's possession including details of any alleged relevant criminal conviction or caution and witness statements;

(d) Invite the registrant to make written representations regarding the allegations within three weeks of the date of the notice of investigation and to provide any evidence they wish to place before the committee.

15.3 The registrar shall send a copy of the notice of investigation to any agent or employer of the registrant.

Decision of an investigating committee

16.1 The committee shall:

(a) Decide that there is no case for the registrant to answer; or

(b) Decide that there is a case to answer and issue a reprimand to the registrant where:

(i) The registrant does not dispute the allegations set out in the notice of investigation and;

(ii) The registrant has not requested that any matter of sanction be referred to the professional practice committee.

(iii) Rules 39, 40 and 41 shall apply to any reprimand issued by the investigating committee.

(iv) The reprimand shall remain on the register for a period of two years unless the committee define a lesser period; or

(c) Decide that there is a case to answer and refer the matter to a professional practice committee; or

(d) Decide that the case shall be discontinued on other grounds.

16.2 In all cases the committee shall give written reasons for its decision.

Notification of decision

17.1 The registrant shall be informed in writing of the committee's decision within one week of the decision.

17.2 The registrant's previous or any current employer or agent shall be informed in writing of the decision within three weeks of the decision.

17.3 The written decision shall be accompanied by a statement of:

(a) The allegations; and

(b) The reasons of the committee; and, where the committee issues a reprimand;

(c) The registrant's right to appeal.

PART 4: Professional practice committee

Preliminary

- 18.1 A professional practice committee shall consider all cases referred to it by the investigating committee or the registrar where it is alleged that a registrant may have:
- (a) Breached the Code of Professional Practice; or
 - (b) Been convicted of or cautioned for a relevant criminal offence.
- 18.2 At any time prior to the issue of the notice of proceedings, the registrar may refer a case back to the investigating committee for further consideration.

Proceedings of a professional practice committee

- 19.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:
- Rule 3 Committee constitution (part 1)
 - Rule 4 The chair (part 1)
 - Rule 5 Members of the committee (part 1)
 - Rule 6 Legal adviser (part 1)
 - Rule 7 Inspection of evidence (part 1)
 - Rule 8 Joinder (part 1)
 - Rule 9 Voting procedure (part 1)
- 19.2 Subject to rule 27 the meetings of the committee shall be held in public.
- 19.3 The committee shall normally deliberate in private but may deliberate in public.
- 19.4 Subject to the requirements of a fair hearing, representations from the presenting officer and registrant or their representative and in the interest of justice, the committee may amend an allegation or the particulars of an allegation at any time prior to making its finds of fact.
- 19.5 The committee may adjourn or discontinue the proceedings at any stage or, in exceptional circumstances and before its final decision;
- (a) Where it appears that there has been a breach of a rule or a breach of natural justice, refer the case to a differently constituted committee;
 - (b) Refer the case back to an investigating committee.

Notice of proceedings

- 20.1 Where a case has been referred by an investigating committee the registrar shall send to the registrant a notice of proceedings in accordance with rule 20.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least six weeks' notice.
- 20.2 The notice of proceedings shall:
- (a) Specify particulars of the allegations;
 - (b) Specify the place, time and date of the hearing;
 - (c) Specify details of witnesses, if any, the presenting officer proposes to give evidence at the hearing, and enclose any available witness statements;

(d) Invite the registrant to contact presenting officer and agree any evidence to be placed before the committee.

20.3 The registrar shall send a copy of the notice of proceedings to the agent or employer of the registrant and any complainant.

Response to the notice of proceedings

21.1 The registrant shall within three weeks of the date of notice of proceedings provide the Institute with written responses to the following enquiries, namely whether they:

(a) Intend to be present at the hearing and/or to be represented at the hearing and if so the name and address of his representative;

(b) Admit the alleged facts;

(c) Admit the allegation of breach of the Code of Professional Practice or relevant criminal conviction or caution;

(d) Intend to call witnesses and if so provide their names;

(e) Intend to make any application(s) to the committee and if so provide details and the grounds upon which such application(s) is to be made.

Representations to the committee

22.1 The registrant against whom an allegation is made may appear in person or be represented by any person of his choice including a legal representative.

22.2 The Institute shall appoint a presenting officer to present the case before the committee who may be an officer of IfL or a solicitor or barrister at law.

Service and agreement of documents

23.1 The presenting officer and the registrant or his representative shall whenever possible agree a bundle of documents. A copy shall be provided to the Institute by the presenting officer two weeks prior to the hearing and the Institute shall provide a copy to members of the committee one week prior to the hearing.

23.2 (a) Where it has not been possible to agree a bundle of relevant documents then the presenting officer shall prepare and send to the Institute two weeks prior to the hearing a bundle of documents comprising:

(i) The notice of proceedings;

(ii) Any response received from the registrant under rule 20;

(iii) Any documents which the investigating committee considered;

(iv) Any witness statements served by either party.

(b) The Institute shall cause such a bundle to be served on the members of the committee and on the parties at least one week prior to the hearing.

(c) Where the registrant, his representative or the presenting officer wishes to rely upon documents or other physical evidence that are not agreed as between the parties, then copies of such documents must be served on the other party at least two weeks prior to the hearing indicating the intention to make an application at the hearing for those documents to be admitted as evidence. The committee shall consider the documents and use their discretion as to whether they may be admitted.

23.3 If either the registrant or his representative or the presenting officer wishes to inspect the originals of any documents then the party that has possession of those original

documents shall make reasonable and appropriate arrangements for the other party to inspect the documents at least one week prior to the date of the hearing.

Standard and burden of proof

- 24.1 The standard of proof shall be the civil standard, namely the balance of probabilities.
- 24.2 The burden of proof as to proving the facts of the case shall at all times remain with the presenting officer.

Rules of evidence

- 25.1 The committee may admit any evidence it considers fair and relevant to the case before it, whether or not such evidence would be admissible in a court of law.
- 25.2 Evidence not disclosed in accordance with rule 23 shall be admitted only with the permission of the committee at the hearing.
- 25.3 A certificate of conviction issued by a court in the United Kingdom shall be conclusive proof of the conviction(s) set out in the certificate of conviction.
- 25.4 A written record as to the findings of fact by a professional body shall be conclusive evidence as to those matters set out in the written record unless:
- (a) The committee upon the application of either party or its own motion determines that to do so would be contrary to the interests of justice;
 - (b) The committee determine that the written record is not sufficiently clear or in some other way defective.
- 25.5 Where any facts (or conviction or caution) is admitted by the registrant then the committee shall make a finding that such facts (or convictions or cautions) have been found proved unless the committee consider the case to be an exceptional case in which case shall proceed as if the allegations were disputed or facts incomplete.

Witness summons

- 26.1 Where the presenting officer requires the attendance of or the production of documents or evidence by a witness who refuses/fails to attend or produce documents or evidence, they may apply for a summons through a court order.

Public hearing and recording

- 27.1 In the interests of justice or for some other reason the committee may direct that all or part of the hearing shall be conducted in private, in which case;
- (a) An application that all or part of a hearing shall be conducted in private shall be heard in private; the decision shall be announced in public;
 - (b) Any direction shall be confined to that which is absolutely necessary in order to satisfy the reason;
 - (c) All advice, decisions and reasons shall be announced in public.
- 27.2 An audio recording shall be made of all public proceedings and a copy shall be provided to the registrant upon request, subject to a fee set by the Institute.

Opening proceedings

- 28.1 The chair shall introduce the members of the committee present and confirm the identity of the registrant against whom the allegation is made. If the registrant is absent and is not represented, the chair will apply rule 29.
- 28.2 The chair shall ask the registrant or his representative and the presenting officer whether there are any preliminary applications that the registrant or presenting officer wishes to make to the committee. The chair shall then determine the procedure for considering the applications which the committee shall follow.
- 28.3 The committee shall decide and inform the parties whether it intends to deal with the determination of facts, the determination of a breach of the Code of Professional Practice and/or conviction of or caution for a relevant offence and sanction in one or more stages of the hearing.
- 28.4 The chair shall read the allegation and particulars against the registrant. The chair shall enquire of the registrant:
- (a) Whether the facts of the allegation are admitted, and if so;
 - (b) Whether the registrant admits a breach of the Code of Professional Practice or a conviction of or caution for a relevant criminal offence in relation to those facts.

Absence of registrant at the hearing

- 29.1 Where a registrant against whom an allegation is made does not attend the hearing and is not represented at the committee hearing the chair shall:
- (a) Request evidence that the notice of proceedings has been sent to the registrant in accordance with rule 20; and
 - (b) Enquire whether any reasons for the registrant's absence have been communicated to the Institute or to the presenting officer.
- 29.2 If the committee is not satisfied that rule 20 has been complied with the committee shall adjourn the hearing to a new date.
- 29.3 If the committee is satisfied that rule 20 has been complied with, then after receiving any representations by the presenting officer, any submissions made by or on behalf of the registrant and advice from the legal adviser the committee may:
- (a) Proceed with the hearing in the registrant's absence; or
 - (b) Adjourn the hearing. In the event that the committee adjourns the hearing then the committee shall consider whether there is a need to give directions in respect of the adjourned hearing.
 - (c) In either (a) or (b) give written reasons for its decisions.
- 29.4 Where the committee adjourns the hearing to another date then the next committee convened to hear the case may consist of members other than those who determined to adjourn the case.

Admitted allegations and statements of fact

- 30.1 Where the registrant indicates that he admits the facts of the allegation the chair shall ask the parties whether they have agreed a statement of facts for the committee to consider and if so the presenting officer shall be invited to read out the agreed statement of facts.

Disputed allegations and/or incomplete statements of fact

- 31.1 Where the facts are not admitted or where some material facts remain disputed the presenting officer shall be permitted to make an opening statement about the allegation(s) and the registrant shall have the opportunity to reply either in person or through his representative.
- 31.2 The presenting officer and the registrant may call witnesses as to the facts of the allegation(s). The presenting officer, unless the committee determine otherwise, shall call witnesses first and the registrant shall call witnesses when the presenting officer has called all his witnesses. The presenting officer, the registrant or his representative and members of the committee may ask questions of any witness.
- 31.3 The committee will allow the presenting officer and the registrant or his representative an opportunity to sum up as to the facts of the allegation(s). The presenting officer, unless the committee determines otherwise, will sum up first, followed by the registrant or his representative.
- 31.4 The committee shall take advice from the legal adviser and the presenting officer and registrant or his representative may make representations as to the advice tended by the legal adviser.

Witnesses

- 32.1 The committee may require any person to attend and give evidence, or to produce documents or other material evidence at any hearing.
- 32.2 Witnesses should make a truth statement before giving evidence.
- 32.3 A Witness statement which contains a statement of truth and which is signed by the witness may be taken as read unless the committee directs that the witness reads the statement.
- 32.4 Where a statement is not read, the committee may direct that a copy of the statement or such part or parts as they direct, shall be made available in such circumstances as they may direct.
- 32.5 Except as may be determined by the committee, witnesses may not be present at the hearing until they have completed their evidence and been released by the chair.
- 32.6 Witnesses may be recalled at the discretion of the committee.

Children and vulnerable adult witnesses

- 33.1 A child or a vulnerable adult shall only give evidence where, after considering representations by or on behalf of the registrant and the presenting officer, it is determined by the committee, or as provided for in rule 33.2, that their welfare will not be prejudiced.
- 33.2 In advance of the hearing, written representations may be referred for consideration by the chair and if the chair considers that the welfare of a child or vulnerable adult would be prejudiced by giving evidence, the chair, shall refuse permission for the child or vulnerable adult to be approached or called to give evidence.

- 33.3 If the chair determines that the child or vulnerable adult should be permitted to give evidence, then the committee which hears the case shall adopt such measures as it considers necessary to safeguard the interests of the child or vulnerable adult, which may include, but shall not be limited to:
- (a) The use of hearing of evidence by the committee in private and/or via video link;
 - (b) The use of pre-recorded evidence as the evidence in chief of the witness provided always that such witness is available for questioning;
 - (c) The use of interpreters (including signers and translators); and

Breach of code of professional practice or relevant offence

- 34.1 Where the registrant admits the facts or the committee find the facts proven the presenting officer and registrant shall make representations on whether the facts that have been admitted or found to be proved amount to a breach of the Code of Professional Practice or conviction of or caution for a relevant criminal offence.
- 34.2 The legal adviser shall offer advice after which the presenting officer and registrant or his representative may make representations as to the advice tended.
- 34.3 The committee shall determine whether they are satisfied that the facts amount to a breach of the Code of Professional Practice or a conviction of or caution for a relevant criminal offence.

Mitigation

- 35.1 In a case where the committee finds a breach of the Code of Professional Practice of a conviction of or caution for a relevant offence then the presenting officer and the registrant may present evidence relating to the registrant's history, character and any mitigating circumstances.

Sanction

- 36.1 The committee shall receive advice from the legal adviser as to the purpose and availability of sanctions
- 36.2 The presenting officer and registrant or his representative, where present, may make representations as to the advice tended by the legal adviser and as to sanction.
- 36.3 The committee shall then determine whether to impose a sanction.
- 37.1 The committee shall determine whether to make a sanction against the registrant and, if applicable, specify the terms of any sanction which will be one of:
- (a) A reprimand. This shall remain on the register for a period of two years unless the committee defines a lesser period;
 - (b) A conditional registration order. This shall specify all the conditions relevant to his continuing registration which the registrant is required to comply and, in relation to each condition, either the period for which it has effect, or that it has effect without limit of time. Before confirming a conditional registration order, the committee shall inform both parties of the conditions that they are minded to make and invite representations from the parties as to the conditions only. The committee shall then confirm the terms. If the registrant does not attend the hearing then this shall not prevent the imposition of a conditional registration order but the committee in those circumstances must still invite representation from the presenting officer.

(c) A suspension order. This shall specify the period (not exceeding two years) at the end of which the registrant again becomes eligible for registration, and any conditions to be complied with by the registrant before he can become eligible again;

(d) An expulsion order. This shall specify the period (not less than two years from the date on which the order takes effect) before the end of which no application may be made for a determination that the registrant is eligible for registration.

37.2 A sanction shall take effect from the date of the order unless the committee decides otherwise.

Decisions of professional practice committee

38.1 The committee, in making its decision shall:

(a) Determine whether the facts of the case, all or in part, are proved;

(b) If it determines that the facts are proved, determine whether the facts amount to a breach of the Code of Professional Practice or a conviction of or caution for a relevant criminal offence;

(c) If it determines that the facts amount to a breach of the Code of Professional Practice or a conviction of or caution for a relevant criminal offence, the committee shall consider the previous history and character of the registrant and any mitigating circumstances if presented by the registrant or his representative under rule 35 in determining whether to impose a sanction and if so, which sanction.

38.2 The committee shall give written reasons as to their:

(a) Findings of facts;

(b) Findings as to breach of the Code of Professional Practice and/or conviction of or caution for a relevant criminal offence; and

(c) Any sanction imposed.

Notification of decisions

39.1 The decisions of the committee, including reasons, shall be given in public.

39.2 If a sanction is considered appropriate, the registrar shall:

(a) Serve a notice of the sanction on the registrant;

(b) Serve notice of the sanction on any agent, any employer who made the allegation, any current and/or previous employer and any complainant;

39.3 The written decision shall be accompanied by a statement of:

(a) The allegations; and

(b) The reasons of the committee; and

(c) The registrant's right to appeal.

39.4 Where a committee decides not to make a sanction the committee shall notify the registrant and the registrant's agent, current or previous employer of its decision. This notification shall state the committee's reasons for not making a sanction, and whether or not it decided that the case against the registrant was proved or not.

- 39.5 Where it does not find a case proved, a committee shall, at the registrant's request, publish a statement to that effect.

Publication of decision

- 40.1 The Institute may publish, within four weeks, the information set out in rule 40.2 in relation to a sanction:
- (a) On a website which it maintains for a period as directed below;
 - (i) No sanction: twenty eight days from the date of the decision
 - (i) Reprimand: three months after the expiry of the reprimand;
 - (ii) Conditional registration and suspension orders: six months after confirmation that conditions have been met and/or expiry of the order;
 - (iii) Expulsion order: three years after the date the order was made; or
 - (b) In such other manner as it sees fit.
- 40.2 The information to be published is:
- (a) The name of the registrant in relation to whom the sanction is made;
 - (b) The type of sanction;
 - (c) The date on which the sanction was made and takes effect;
 - (d) Whether the registrant was found to have been in breach of the Code of Professional Practice and/or to have been convicted of or cautioned for a relevant criminal offence;
 - (e) Where the registrant was found to have been convicted of or cautioned for a relevant criminal offence, the nature and date of the conviction and caution in question; and
 - (f) Where the registrant was found to have been guilty of a breach of the Code of Professional Practice an indication of the nature of the breach which led to the making of the sanction.

Recording details of sanctions

- 41.1 The Institute shall record against a registrant's name on the register details of any sanctions made and that record shall remain on the register for a period of two years after the sanction ceases to have effect.

PART 5: Interim orders by Professional Practice Committee

Preliminary

- 42.1 Where the committee is satisfied that it is necessary for the protection of the public or otherwise in the interest of the public or registrant for his registration to be suspended or made subject to conditions on an interim basis then the committee may make an interim order.
- 42.2 The interim orders are that:
- (a) The registrant's registration on the register shall be suspended, during such period not exceeding eighteen months as specified in the order (an "interim suspension order"); or
 - (b) His registration shall be conditional on his compliance during such period not exceeding eighteen months specified in the order, with such requirements specified as the committee think fit to impose (an "order for interim conditional registration").
- 42.3 If the committee make an order, they:
- (a) Must review it within six months of the date on which it was made and must also, for so long as the order remains in force, further review it:
 - (i) Every six months; or
 - (ii) Upon receipt of a request by the registrant to review the decision as soon as practicable but not less than three months after the last review; and
 - (b) May review it if new evidence relevant to the order later becomes available.
- 42.4 Where an interim order has been made and if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the interest of the public or the registrant, the committee may:
- (a) Revoke the order or revoke the condition imposed by the order;
 - (b) Vary any condition imposed by the order; or
 - (c) Replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former; or vice versa
- 42.5 If an order is made in relation to any registrant under this section, any professional practice committee hearing the allegation under the rules in part 4 shall (if it remains in effect at the time of hearing the allegation before the committee) revoke that order immediately after it has finally determined the allegation.

Notification of application for an interim order

- 43.1 Where a case has been referred to the committee by the registrar to consider the making of an interim order, the registrar shall send to the registrant a notice of application for an interim order in accordance with rule 43.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least one weeks' notice.
- 43.2 The notice of application shall:
- (a) Specify particulars of the allegations;
 - (b) Specify the place, time and date of the hearing;
 - (c) Specify details of witnesses, if any, the presenting officer proposes to give evidence at the hearing, and enclose any available witness statements;

(d) Enclose copies of any documentary evidence upon which the presenting officer intends to rely;

(e) Confirm that he has the right to;

(i) Attend the hearing; and/or

(ii) Be represented; and/or

(iii) Offer evidence;

(f) Confirm the power of the committee to proceed in his absence.

43.3 The registrar shall send a copy of the notice of application for an interim order to the agent or employer of the registrant and any complainant.

Proceedings at interim order hearings

44.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:

Rule 3 Committee constitution (part 1)

Rule 4 The chair (part 1)

Rule 5 Members of the committee (part 1)

Rule 6 Legal adviser (part 1)

Rule 7 Inspection of evidence (part 1)

Rule 8 Joinder (part 1)

Rule 9 Voting procedure (part 1)

Rule 22 Representation to the committee (part 4)

Rule 24 Standard and burden of proof (part 4)

Rule 25 Rules of evidence (part 4)

Rule 26 Witnesses summons (part 4)

Rule 27 Public hearing and recording (part 4)

Rule 39 Absence of registrant at the hearing (part 4)

Rule 30 Admitted allegations and statements of fact (part 4)

Rule 32 Witnesses (part 4)

Rule 33 Children and vulnerable adult witnesses (part 4)

Rule 36 - 37 Sanction (part 4)

Rule 39 Notification of decisions (part 4)

Rule 40 Publication of decision (part 4)

Rule 41 Recording details of sanction (part 4)

44.2 The meetings of the committee shall be held in private.

PART 6: Application to vary or revoke a condition in a conditional registration order or a suspension order which specifies conditions by Professional Practice Committee

Reviews of sanctions

- 45.1 A committee may of its own motion at any time revoke a sanction made by another committee, where:
- (a) The only or main reason for making the order was that the registrant had been convicted of a relevant criminal offence, and after the date the order was made, the conviction in question was quashed; or
 - (b) After the order was made, the committee obtains evidence not considered by it before it made the order, and it is satisfied that if it had been aware of the evidence before it made the order, it would not have made it.

Preliminary – variation or revocation hearings

- 46.1 A registrant in relation to whom a conditional registration order or a suspension order which specifies conditions has been made may apply to the Institute for variation or revocation of any condition specified in the order.
- 46.2 An application shall be made in writing and shall specify the grounds on which the registrant seeks to have any condition specified in the order varied or revoked, and it must be accompanied by every document relied upon in support of the application. The application must be sent by post or delivered to IfL at its registered address.
- 46.3 Where a registrant makes an application to vary or revoke an order, the Institute shall conduct a hearing.

Proceedings at variation or revocation hearings

- 47.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:
- Rule 3 Committee constitution (part 1)
 - Rule 4 The chair (part 1)
 - Rule 5 Members of the committee (part 1)
 - Rule 6 Legal adviser (part 1)
 - Rule 7 Inspection of evidence (part 1)
 - Rule 8 Joinder (part 1)
 - Rule 9 Voting procedure (part 1)
 - Rule 22 Representation to the committee (part 4)
 - Rule 23 Service and agreement of documents (part 4)
 - Rule 24 Standard and burden of proof (part 4)
 - Rule 25 Rules of evidence (part 4)
 - Rule 26 Witnesses summons (part 4)
 - Rule 27 Public hearing and recording (part 4)
 - Rule 30 Admitted allegations and statements of fact (part 4)
 - Rule 32 Witnesses (part 4)
 - Rule 33 Children and vulnerable adult witnesses (part 4)
 - Rule 36 - 37 Sanction (part 4)
 - Rule 39 Notification of decisions (part 4)
 - Rule 40 Publication of decision (part 4)
 - Rule 41 Recording details of sanction (part 4)
- 47.2 The meetings of the committee shall be held in public.

- 47.3 The committee shall normally deliberate in private but may deliberate in public.
- 48.1 If an application to vary or revoke a condition specified in a sanction is refused, no further application to vary or revoke a condition specified in that order may be made within twelve calendar months of the date on which the original application was determined or within such other time limit as the committee shall determine.

Notice of variation or revocation

- 49.1 Where a registrant makes an application to vary or revoke an order, the registrar shall send to the registrant a notice of variation in accordance with rule 49.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least six weeks' notice.
- 49.2 The notice of variation shall:
- (a) Specify the place, time and date of the hearing;
 - (b) Include a copy of the evidence given and the committee's decision at the hearing when the order was made along with a copy of the registrant's application and supporting papers;
 - (c) Specify details of witnesses, if any, the presenting officer proposes to give evidence at the hearing, and enclose any available witness statements;
 - (d) Invite the registrant to contact presenting officer and agree any evidence to be placed before the committee.
- 49.3 The registrar shall send a copy of the notice of variation to the agent or employer of the registrant and any complainant.

Preliminary - compliance with conditional registration orders and suspension orders which specify conditions

- 50.1 Where a committee has made a conditional order or a suspension order which specifies conditions, they may ask the registrar, at any time, to request from:
- (a) The registrant in respect of whom the order is made;
 - (b) Any person who is, at the time the request is made, an employer or agent of the registrant;
- such relevant evidence as will enable the Institute to determine whether the conditions of the order have been, or continue to be, complied with.
- 50.2 Where:
- (a) The registrar receives the information requested in accordance with rule 50.1 and he is of the opinion that the conditions have not been complied with; or
 - (b) The registrant fails to comply with a reasonable request made in accordance with rule 50.1
- the registrar shall refer the matter to a newly constituted committee which shall consider whether the registrant has complied with the condition(s).

Proceedings at compliance hearings

- 51.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:
- Rule 3 Committee constitution (part 1)
 - Rule 4 The chair (part 1)
 - Rule 5 Members of the committee (part 1)
 - Rule 6 Legal adviser (part 1)
 - Rule 7 Inspection of evidence (part 1)
 - Rule 8 Joinder (part 1)
 - Rule 9 Voting procedure (part 1)
 - Rule 22 Representation to the committee (part 4)
 - Rule 23 Service and agreement of documents (part 4)
 - Rule 24 Standard and burden of proof (part 4)
 - Rule 25 Rules of evidence (part 4)
 - Rule 26 Witnesses summons (part 4)
 - Rule 27 Public hearing and recording (part 4)
 - Rule 29 Absence of registrant at the hearing (part 4)
 - Rule 32 Witnesses (part 4)
 - Rule 33 Children and vulnerable adult witnesses (part 4)
 - Rule 36 - 37 Sanction (part 4)
 - Rule 39 Notification of decisions (part 4)
 - Rule 40 Publication of decision (part 4)
 - Rule 41 Recording details of sanction (part 4)
- 51.2 The meetings of the committee shall be held in public.
- 51.3 The committee shall normally deliberate in private but may deliberate in public.
- 52.1 Where the committee is satisfied that the conditions have been complied with, the conditional registration or suspension order shall be allowed to follow its course.
- 52.2 Where the committee is satisfied that the conditions have not been complied with, they may make a suspension or expulsion order.

Notice of compliance

- 53.1 If requested to do so by a committee the registrar shall send to the registrant a notice of compliance in accordance with rule 53.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least six weeks' notice.
- 53.2 The notice of variation shall:
- (a) Specify the place, time and date of the hearing;
 - (b) Include a copy of the evidence given and the committee's decision at the hearing when the order was made along with a copy of the registrant's application and supporting papers;
 - (c) Specify details of witnesses, if any, the presenting officer proposes to give evidence at the hearing, and enclose any available witness statements;
 - (d) Invite the registrant to contact presenting officer and agree any evidence to be placed before the committee.

- 53.3 The registrar shall send a copy of the notice of variation to the agent or employer of the registrant and any complainant.

Preliminary - eligibility for registration following expulsion

- 54.1 A registrant in relation to whom an Expulsion order has been made may apply to the Institute for a determination that he is eligible for reinstatement.
- 54.2 An application under rule 54.1 shall be made in writing and shall specify the grounds on which the registrant seeks the determination, and shall be accompanied by every document relied upon in support of the application. The application must be sent by post or delivered to IfL at its registered address.
- 54.3 Where a registrant makes an application to the Institute for a determination that he is eligible for re-registration, a committee shall, unless the registrant requests otherwise, conduct a hearing.

Proceedings at registration hearings

- 55.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:
- Rule 3 Committee constitution (part 1)
 - Rule 4 The chair (part 1)
 - Rule 5 Members of the committee (part 1)
 - Rule 6 Legal adviser (part 1)
 - Rule 7 Inspection of evidence (part 1)
 - Rule 8 Joinder (part 1)
 - Rule 9 Voting procedure (part 1)
 - Rule 22 Representation to the committee (part 4)
 - Rule 23 Service and agreement of documents (part 4)
 - Rule 24 Standard and burden of proof (part 4)
 - Rule 25 Rules of evidence (part 4)
 - Rule 26 Witnesses summons (part 4)
 - Rule 27 Public hearing and recording (part 4)
 - Rule 29 Absence of registrant at the hearing (part 4)
 - Rule 32 Witnesses (part 4)
 - Rule 33 Children and vulnerable adult witnesses (part 4)
 - Rule 36 - 37 Sanction (part 4)
 - Rule 39 Notification of decisions (part 4)
 - Rule 40 Publication of decision (part 4)
 - Rule 41 Recording details of sanction (part 4)
- 55.2 The meetings of the committee shall be held in public.
- 55.3 The committee may determine, at any time, to deliberate in public.
- 55.4 The committee, in making its decision, shall:
- (a) Satisfy itself as to the facts or the particulars supporting the application; and
 - (b) Determine whether or not it is satisfied that the registrant:
 - (i) Has been of good character since the Expulsion order was made;
 - (ii) Has demonstrated his willingness, and the ability to maintain in the future, the standards of conduct expected of a registrant;
 - (iii) Has demonstrated that he is a suitable person to be re-admitted to the register.

- 55.5 If the committee so determines that restoration to the register is appropriate, arrangements to enable the registrant to register will be made.
- 56.1 If an application for a determination that the registrant is eligible for registration is refused, no further application for a determination that the registrant is eligible for registration may be made within twelve calendar months of the date on which the original application was determined or within such other time limit as the committee shall determine.

Notice of registration

- 57.1 The registrar shall send to the registrant a notice of registration in accordance with rule 57.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least six weeks' notice.
- 57.2 The notice of registration shall:
- (a) Specify the place, time and date of the hearing;
 - (b) Include a copy of the evidence given and the committee's decision at the hearing when the order was made along with a copy of the registrant's application and supporting papers;
 - (c) Specify details of witnesses, if any, the presenting officer proposes to give evidence at the hearing, and enclose any available witness statements;
 - (d) Invite the registrant to contact presenting officer and agree any evidence to be placed before the committee.
- 57.3 The registrar shall send a copy of the notice of variation to the agent or employer of the registrant and any complainant.

Part 7: Determination of fast track hearings by Professional Practice Committee

Notice of request for a fast track hearing

- 58.1 (a) Where a case has been referred to a professional practice committee by an investigating committee the registrar shall inform the registrant that an application may be made for it to be considered as a fast track hearing.
- (b) The notice shall enclose any documents which have not previously been seen by the registrant.
- 58.2 (a) The registrant shall within 2 weeks of the notice provide the Institute with written responses to the following:
- (i) Whether the registrant admits the facts alleged and if so
 - (ii) Whether the registrant admits a breach of the Code of Professional Practice or having been convicted of or cautioned for a relevant criminal offence.
- (b) If the registrant admits the matters specified in 58.1 (a) and (b) then the member may request the allegation be considered as a fast track hearing.
- (c) If a registrant does not:
- (i) Request that the allegation be considered as a fast track hearing or
 - (ii) Admit the matters specified in (i) or
 - (iii) Respond to the Notice of Request

then the case shall be considered at a hearing under part 4 of these rules.

Response to request for a fast track hearing

- 59.1 Where the registrant requests that the allegation be considered at a fast track hearing in accordance with rule 58, the presenting officer shall contact the registrant or the registrant's representative and shall seek to agree a statement of facts with the member or the member's representative.
- 59.2 The registrant or the registrant's representative shall, within 21 days of a request from the presenting officer under rule 59.1 respond to that request and provide, in addition to the agreed statement of facts referred to in rule 59.1, the following to the presenting officer:
- (a) Any representations they wish to make about the case, including mitigating factors and representations on sanction; and
- (b) The reasons why they consider the case should be disposed of at a fast track hearing.
- 59.3 The presenting officer will remit the case to the registrar for consideration, and shall provide to the registrar:
- (a) The agreed statement of facts or confirmation that a statement of facts has not been agreed;
- (b) Representations made by the member for submission to the registrar (if applicable);
- (c) Representations made by the presenting officer as to the suitability of the case being disposed of as a fast track hearing; and

(d) Any representations the presenting officer wishes to make about the case, including representations on sanction.

Registrar's decision

60.1 The registrar shall decide whether the allegation may be considered as a fast track hearing and will in reaching this decision have regard to:

(a) The interests of justice; and

(b) The public interest.

60.2 Where:

(a) The registrant has requested that the allegation be considered as a fast track hearing; and

(b) The registrant or the registrant's representative and the presenting officer have agreed a statement of facts; and

(c) The registrar concludes that the allegation shall be considered as a fast track hearing; the allegation shall be considered at a meeting of the Professional Practice Committee hearing under part 7 of these rules.

60.3 Where:

(a) The registrant has not made a request that the allegation be considered as a fast track hearing; or

(b) The registrant has requested that the allegation be considered without a hearing but the presenting officer has been unable to agree a statement of facts with the registrant or the registrant's representative; or

(c) The registrar concludes that the allegation shall be considered at a hearing of the Professional Practice Committee; the allegation shall be considered in a hearing and the procedures under part 4 of these rules.

Proceedings of a fast track hearing

61.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:

Rule 3 Committee constitution (part 1)

Rule 4 The chair (part 1)

Rule 5 Members of the committee (part 1)

Rule 6 Legal adviser (part 1)

Rule 7 Inspection of evidence (part 1)

Rule 8 Joinder (part 1)

Rule 9 Voting procedure (part 1)

Rule 25 Rules of evidence (part 4)

Rule 36 - 37 Sanction (part 4)

Rule 38 Decisions of Professional Practice Committee (part 4)

Rule 39 Notification of decisions (part 4)

Rule 40 Publication of decision (part 4)

Rule 41 Recording details of sanction (part 4)

61.2 The meetings of the committee shall be held in private.

- 61.3 If at any stage of the meeting the committee concludes that, in the public interest and/or in the interests of justice the allegation should be considered at a hearing it shall order that the allegation be considered at a hearing.
- 61.4 The decision of the committee, including its reasons shall be announced in public.
- 61.5 The committee may adjourn or discontinue the proceedings at any stage or, in exceptional circumstances and before its final decision;
- (a) Where it appears that there has been a breach of a rule or a breach of natural justice, refer the case to a differently constituted committee;
 - (b) Refer the case back to an investigating committee.

Notice of proceedings for a fast track hearing

- 62.1 Where a case has been referred to a fast track hearing the registrar shall send to the registrant a notice of proceedings for a fast track hearing in accordance with rule 62.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute giving at least six weeks' notice.
- 62.2 The notice of proceedings for a fast track hearing shall:
- (a) Specify the agreed statement of facts and any representations made by the member and presenting officer;
 - (b) Specify the place, time and date of the hearing.
- 62.3 The registrar shall send a copy of the notice of proceedings to the agent of the registrant of the employer of the registrant if that employer made the allegation and in any event to the current employer of the registrant.

Representations to the committee

- 63.1 The Institute shall appoint a presenting officer to present the case before the committee who may be an officer of IfL or a solicitor or barrister at law.

PART 8: Appeals committee

Preliminary

- 64.1 Any registrant aggrieved by a reprimand issued by the investigating committee or a sanction made by the professional practice committee shall have the right to appeal against the order to the appeal committee.

Proceedings of an appeals committee

- 65.1 The proceedings of the committee shall be at the discretion of the committee but subject to fairness and relevance the committee may apply the following rules in addition to those listed in the remainder of this part:

Rule 3	Committee constitution (part 1)
Rule 4	The chair (part 1)
Rule 5	Members of the committee (part 1)
Rule 6	Legal adviser (part 1)
Rule 7	Inspection of evidence (part 1)
Rule 8	Joinder (part 1)
Rule 9	Voting procedure (part 1)
Rule 22	Representation to the committee (part 4)
Rule 23	Service and agreement of documents (part 4)
Rule 25	Rules of evidence (part 4)
Rule 27	Public hearing and recording (part 4)
Rule 29	Absence of registrant at the hearing (part 4)
Rule 36 - 37	Sanction (part 4)
Rule 39	Notification of decisions (part 4)
Rule 40	Publication of decision (part 4)
Rule 41	Recording details of sanction (part 4)

- 65.2 The meetings of the committee shall be held in public.
- 65.3 The committee shall normally deliberate in private but may deliberate in public.
- 65.5 Unless the appeal committee directs otherwise it shall not receive:
- (a) Oral evidence; or
 - (b) Evidence which was not before the professional practice committee.
- 65.6 The test which the committee shall apply when considering an appeal is whether or not the decision of the professional practice committee was a decision which no reasonable committee could properly have reached.

Notice of appeal

- 66.1 A registrant aggrieved by a sanction must send to the Institute at its registered address a written notice of appeal against the decision.
- 66.2 A notice of appeal must be received by the Institute at its registered address within three weeks of the date on the notice of decision.
- 66.3 The notice of appeal shall:
- (a) Specify the grounds of the appeal;
 - (b) Specify any applications that the registrant intends to make.

Response to the notice of appeal

- 67.1 The registrar shall send to the registrant a response in accordance with rule 67.2 by first class post, or recorded delivery, to the registrant's address or such other latest address known to the Institute.
- 67.2 The notice of appeal shall:
- (a) Specify the place, time and date of the hearing, which should be within four weeks of the date of the response;
 - (b) Include a copy of:
 - (i) The notice of appeal;
 - (ii) An audio file of the hearing before the professional practice committee;
 - (iii) All documents that were before the professional practice committee.

Decision of appeals committee

- 68.1 The committee may dismiss the appeal or uphold it in part or in whole.
- 68.2 If the committee allows the professional practice committee decision in part or in whole it shall be entitled to quash the order of the professional practice committee or make such other order as it sees fit.
- 68.3 The committee shall refer the matter back to the professional practice committee or the investigating committee to proceed as directed, reconsider the matter or order that the case shall be reconsidered by the investigating committee or reheard before the professional practice committee.
- 68.4 The committee shall give reasons in writing.
- 68.5 The decision of the committee shall be final on the matters before it and shall take immediate effect.
- 68.6 Where it quashes the sanction, the committee shall, at the registrant's request, publish a statement to that effect.

Part 9: Miscellaneous

Practice notes

- 69.1 The Non-Executive Board may from time to time issue practice notes as guidance for parties as to the matters of procedure pursuant to these rules.

Cost orders

- 70.1 (a) At the conclusion of a committee hearing the committee may invite representations from the parties whether it is appropriate for costs and expenses to be assessed against either party.

(b) After hearing any representations from the parties, the committee may if it thinks fit having regard to all the circumstances of the case, order a party to pay by a specified date all or part of the costs or expenses incurred by the other party.

(c) An order for costs shall not, unless the Committee considers otherwise, make an order for costs in favour of a registrant against the Institute unless the Committee find that the Institute has acted in a matter that is neither reasonably, properly and on proper grounds.

(d) Where the committee does order a party to pay costs or expenses the committee may;

- (i) Summarily assess the costs or expenses to be paid or;
- (ii) Require the parties to either agree the figure for the costs or expenses to be awarded or to submit to assessment in accordance with rule 70.2.

- 70.2 If the costs and expenses are to be assessed;

(a) A date for the assessment of costs and expenses shall be fixed by the registrar before a sitting of the professional practice committee.

(b) Not less than 7 days before the day appointed by the registrar, the party in whose favour the costs order was made shall serve on the paying party and the registrar a schedule of claimed costs and expenses.

(c) The committee shall hear representations from both parties as to the sum claimed by way of costs and expenses. The committee shall determine the fair sum to be paid (and give directions as to payment) by the paying party. The committee shall decide whether the costs of the assessment hearing shall be paid by one of the parties and make subsequent directions.

Signed by:

**(1) Chair of Non-Executive Board
The Institute for Learning (Post Compulsory Education and Learning)**

Name: _____ **Date:** _____

**(2) Other member of Non-Executive Board
The Institute for Learning (Post Compulsory Education and Learning)**

Name: _____ **Date:** _____

Index of rules

PART 1: Citation and interpretation.....	1
Committee constitution.....	2
Inspection of evidence	4
Introduction	1
Joinder	4
Legal adviser.....	3
Members of the committee.....	3
The chair	3
Voting procedure.....	4
PART 2: Investigation criteria and procedures.....	5
PART 3: Investigating committee	7
Decision of an investigating committee.....	8
Notice of investigation	7
Notification of decision	8
Preliminary	7
Proceedings of an investigating committee	7
PART 4: Professional practice committee.....	9
Absence of registrant at the hearing	12
Admitted allegations and statements of fact	12
Breach of code of professional practice or relevant offence.....	14
Children and vulnerable adult witnesses	13
Decisions of professional practice committee.....	15
Disputed allegations and/or incomplete statements of fact	13
Mitigation	14
Notice of proceedings	9
Notification of decisions	15
Opening proceedings	12
Preliminary	9
Proceedings of a professional practice committee	9
Public hearing and recording	11
Publication of decision	16
Recording details of sanctions	16
Representations to the committee	10
Response to the notice of proceedings.....	10
Rules of evidence.....	11
Sanction	14
Service and agreement of documents	10
Standard and burden of proof	11
Witness summons.....	11
Witnesses.....	13
PART 5: Interim orders by Professional Practice Committee	17
Notification of application for an interim order	17
Preliminary	17
Proceedings at interim order hearings	18
PART 6: Application to vary or revoke a condition in a conditional registration order or a suspension order which specifies conditions by Professional Practice Committee.....	19
Notice of compliance.....	21
Notice of registration	23
Notice of variation or revocation	20
Preliminary - compliance with conditional registration orders and suspension orders which specify conditions	20
Preliminary - eligibility for registration following expulsion.....	22

- Preliminary – variation or revocation hearings19
- Proceedings at compliance hearings21
- Proceedings at registration hearings22
- Proceedings at variation or revocation hearings.....19
- Reviews of sanctions19

- Part 7: Determination of fast track cases by Professional Practice Committee24
 - Notice of proceedings for a fast track hearing26
 - Notice of request for a fast track hearing24
 - Proceedings of a fast track hearing25
 - Registrar's decision25
 - Representations to the committee26
 - Response to request for a fast track hearing24

- PART 8: Appeals committee27
 - Decision of appeals committee28
 - Notice of appeal27
 - Preliminary27
 - Proceedings of an appeals committee27
 - Response to the notice of appeal28

- Part 9: Miscellaneous29
 - Cost orders29
 - Practice notes29