

The Landscape Institute's Disciplinary Regulations 2021

1 Preamble

- 1.1 These Regulations were made by the Board on 26th of April 2021 under paragraph 17 of the Landscape Institute Royal Charter and By-Law 27 of the By-Laws of the Landscape Institute as amended on the 18th of August 2020.
- 1.2 They came into force on the 26th of April 2021.
- 1.3 They replace any pre-existing Disciplinary Regulation(s), save and except the Disciplinary regulations as outlined in the LI By-Laws.

2 Interpretation

- 2.1 The following words and phrases shall, except where the contrary intention appears, mean:

"Adjudication Pool"	A group comprising of no fewer than 12 persons appointed by the Institute from time to time as eligible to be selected by the Panel Clerk to form part of an Investigation & Screening Panel, Disciplinary Panel, Fitness to Practise Panel, or Appeal Panel
"Appeal Panel"	a Panel of that name, the function of which is the adjudication of appeals in respect of disciplinary orders made by the Disciplinary Panel and fitness to practice orders made by the Fitness to Practise Panel
"By-Laws"	the By-Laws of the Institute as amended from time to time by the Institute
"Charter"	The Landscape Institute Royal Charter
"complaint"	a complaint that a Member is or may be guilty of unacceptable professional conduct or serious professional incompetence
"Disciplinary Panel"	a Panel of that name, the function of which is the adjudication of disciplinary matters referred to it by the Investigation and Screening Panel
"Disciplinary Report"	means a report to the Investigation & Screening Panel or Disciplinary Panel setting out particulars of allegations that a Member: (a) is guilty of unacceptable professional conduct or serious professional incompetence; or (b) has been convicted of a criminal offence (other than an offence which has no material relevance to practise

	as a Landscape Professional)
“Fitness to Practise Panel”	the Panel of that name, the function of which is to consider issues of fitness to practise
“Fitness to Practise Report”	a report from the Honorary Secretary to the Fitness to Practise Panel in respect of information to the effect that a Member either is or may be unfit to practise, whether on health or other non-disciplinary grounds
“Hearing Notice”	Written notice of the date, time and place of a hearing before the Investigation & Screening Panel, Disciplinary Panel or Fitness to Practise Panel
“Institute”	The Landscape Institute
“Investigation & Screening Panel”	a Panel of that name, the function of which is the investigation and screening of issues arising in relation to the conduct and/or fitness to practise of Members
“Member”	a person whose name is on any part of the Register
“Notice of Appeal”	Written notice setting out the grounds of appeal against a Disciplinary Order or Fitness to Practise Order
“Panel Clerk”	a member of staff of the Institute appointed by the Board to fulfil administrative functions in relation to matters dealt with by the Investigation & Screening Panel, Disciplinary Panel, the Fitness to Practise Panel and the Appeal Panel
“Panel Legal Adviser”	a lawyer appointed by the Panel Clerk in appropriate cases to give legal advice and guidance to a Disciplinary Panel or Fitness to Practise Panel
“Presenting Officer”	a lawyer or non-lawyer of that title appointed by the Panel Clerk or the Institute in respect of a matter referred to the Investigation & Screening Panel, Disciplinary Panel or Fitness to Practise Panel
“Register”	the Register referred to in By-Law 3 of the By-Laws
“serious professional incompetence”	the provision of services as a Landscape Professional which fall short of the standard of competence required of a Member
"unacceptable professional conduct"	conduct which falls short of the standard required of a Member

2.2 The Interpretation Act 1978 applies to these Regulations as if they were an Act of Parliament.

3 Disciplinary Referrals

3.1 Where it appears to the Honorary Secretary that a Member may be guilty of:

3.1.1 unacceptable professional conduct; or

3.1.2 serious professional incompetence;

(whether by reason of a complaint or otherwise) then the Honorary Secretary shall refer the matter for investigation and screening by an Investigations & Screening Panel, having carried out such inquiries and having taken such advice as they see fit.

3.2 Where it appears to the Honorary Secretary that a Member has been convicted of a criminal offence (other than an offence which has no material relevance to practise as a Landscape Professional), the Honorary Secretary shall refer the matter to the Disciplinary Panel by way of a Disciplinary Report, having carried out such investigation and having taken such advice as they see fit.

3.3 Where it appears to the Honorary Secretary that it may be necessary to impose a Fitness to Practise Order on a Member, whether on health or other non-disciplinary grounds, the Honorary Secretary shall refer the matter to the Fitness to Practise Panel by way of a Fitness to Practise Report, having carried out such investigation and having taken such advice as they see fit.

3.4 The relevant Panel shall notify the Member in writing of their decision.

3.5 All complaints made to the Institute shall be made in writing to the designated LI email address or postal address managed by the Head of Professional Regulation. The Head of Professional Regulation will liaise with the CEO and Honorary Secretary following the LI Complaints Procedures under the Code of Conduct, or Code of Practice and the Working Together Policy.

3.6 Where, in a disciplinary matter, a complaint has not been made within 6 months of the conduct complained of, the Honorary Secretary shall dismiss the complaint unless they decide exceptionally that further consideration of the complaint is justified in the public interest. Where the conduct in respect of which a complaint is made is (or was) continuing or consisted of a series of related acts or omissions, the conduct shall for the purposes of this By-Law be treated as having taken place at the time when the continuing conduct ceased or at the date of the last of any such acts or omissions.

4 The Adjudication Pool

4.1 The Board of Trustees shall appoint persons to the Adjudication Pool from time to time so as to maintain a minimum membership of 12.

Investigation and screening

5 Constitution of Investigation & Screening Panel

5.1 Upon the receipt of a complaint and the determination of the appropriate course of action, or the referral of a matter by the Honorary Secretary to an Investigation & Screening Panel, the Panel Clerk will appoint 3 Adjudication Pool Members to form an Investigation & Screening Panel.

- 5.2 For each Investigation & Screening Panel the Panel Clerk shall designate 1 of its number to serve as its Chair.
- 5.3 Each Investigation & Screening Panel will meet in private and not receive oral representations or evidence unless exceptionally it is necessary in the interests of justice to do so.
- 5.4 The decisions of each Investigation & Screening Panel will be by majority.
- 5.5 It will not be required for members of an Investigation & Screening Panel to deliberate in each other's presence unless the Investigation & Screening Panel members consider it appropriate to do so.

6 Action by the Investigation & Screening Panel

- 6.1 The role of the Investigation & Screening Panel is to decide whether matters referred to it by the Honorary Secretary, the CEO or the Head of Professional Regulation:
 - 6.1.1 require further investigation or advice;
 - 6.1.2 shall be dealt with by the Investigation & Screening Panel with consent by way of the Summary Procedure;
 - 6.1.3 shall be referred to the Disciplinary Panel by way of a Disciplinary Report;
 - 6.1.4 shall be referred to a Fitness to Practise Panel by way of a Fitness to Practise Report;
 - 6.1.5 require no further action.
- 6.2 Before finalising its decision, the Investigation & Screening Panel will, as appropriate, invite written representations from the Member in question.
- 6.3 The Investigation & Screening Panel will notify the Member in writing of the reasons for its decision.
- 6.4 In deciding whether or not a case should be referred to the Disciplinary Panel, the Investigation & Screening Panel shall consider whether:
 - 6.4.1 there is a case to answer; and
 - 6.4.2 whether the evidence provides a realistic prospect of a finding of unacceptable professional conduct or serious professional incompetence; and
 - 6.4.3 whether it is in the public interest for the case to proceed.
- 6.5 If the Investigation & Screening Panel decides in accordance with By-Law 10.6.2 that a referral is justified, then it shall refer the matter to the Disciplinary Panel unless:
 - 6.5.1 it is likely that, if a Disciplinary Order is made, that Disciplinary Order would be one other than suspension (By-Law 10.2.3 (h) & (i)) or expulsion (under By-Law 10.2.3 (j)); and
 - 6.5.2 the Investigation & Screening Panel does not consider that the public interest requires the case to be dealt with by the Disciplinary Panel in which case the matter may, with

the Member's consent, be dealt with by the Investigation & Screening Panel under the Summary Procedure set out in Clause 8 below.

- 6.6 In deciding whether or not a case should be referred to the Fitness to Practise Panel, the Investigation & Screening Panel shall consider whether there is a realistic prospect of a Fitness to Practise Order being made in respect of the Member.
- 6.7 If the Investigation & Screening Panel decides that there is a realistic prospect of a Fitness to Practise Order being made in respect of the Member, then it shall refer the matter to the Fitness to Practise Panel unless it is likely that, if a Fitness to Practise Order were to be made, that Fitness to Practise Order would be one other than suspension (under By-Law 10.5.1(d), or termination of membership (under By-Law 5.1 (f)), in which case the matter may, with the Member's consent, be dealt with by the Investigation & Screening Panel under the Summary Procedure set out in Clause 8 below.

7 Powers of the Investigation & Screening Panel

- 7.1 The Investigation & Screening Panel shall have power to call upon any Member to produce such information, documents, books, papers, records and plans as they consider necessary for discharging their functions under these Regulations, and to require the Member to deliver such information, documents, books, papers, records and plans to the offices of the Institute (and/or such electronic or paper copies as the Panel may direct); and every Member must promptly and fully comply with any such requirement. This requirement shall not apply to any information in relation to which the Member is entitled to legal professional privilege or the disclosure of which would constitute an offence.

8 The Summary Procedure

- 8.1 The Summary Procedure is as follows:
- 8.1.1 Unless the Member has already provided written consent, the Panel Clerk shall give notice to the Member to provide written consent to the adoption of the Summary Procedure within 7 days of the date of the notice and if such consent is not received within that period (or such longer period as the Panel Clerk may allow) the matter shall be returned to the Investigation & Screening Panel to consider referral to the Disciplinary or Fitness to Practise Panel.
- 8.1.2 The Investigation and Screening Panel will within 28 days of their receipt of the Member's consent send a Disciplinary Report in the case of a disciplinary matter, or a Fitness to Practise Report in the case of a fitness to practise matter, to the parties. Such report shall be accompanied by:
- (a) a copy of the By-Laws and of these Regulations;
 - (b) a guidance note on the Summary Procedure;
- 8.1.3 The Summary Procedure meeting shall not be scheduled sooner than 6 weeks after receipt of the Member's consent.
- 8.1.4 If the Member intends to dispute any of the matters set out in the Disciplinary Report, then, not less than 3 weeks before the date set for the hearing, the Member shall send to the Investigation & Screening Panel:

- (a) written details of the matters in dispute and the basis upon which they are disputed; and
 - (b) a copy of any written statement or other document on which the Member relies.
- 8.1.5 The Panel Clerk will provide any complainant with a copy of the Disciplinary Report, the Member's response and notice of the Summary Procedure meeting as soon as reasonably practical and shall invite the complainant to make any written representations prior to the Summary Procedure meeting.
- 8.1.6 The relevant Panel or Presenting Office may provide a written response to the Member and any written statement or other document in response no later than 7 days prior to the hearing with any supporting evidence.
- 8.1.7 The Investigation & Screening Panel may postpone the Summary Procedure meeting if they consider that it is necessary to do so and the Panel Clerk shall inform the Member of any postponement.
- 8.1.8 The Investigation & Screening Panel may:
- (a) permit the introduction of any evidence at any time at or prior to its decision where it is fair and appropriate to do so; and/or
 - (b) give any other direction it considers appropriate to the parties for the efficient and fair progress of the Summary Procedure.
- 8.1.9 At the Summary Procedure meeting the Investigation & Screening Panel shall consider the matter on the papers, without oral representations.
- 8.1.10 In the case of a disciplinary matter:
- (a) The Investigation & Screening Panel shall, as soon as practicable after the conclusion of the hearing, announce whether or not it finds the allegations substantiated.
 - (b) If the Investigation & Screening Panel finds the allegations not substantiated, it shall dismiss them.
 - (c) If the allegations are found to be substantiated, the Member shall be entitled to provide written representations in mitigation to the Investigation & Screening Panel and (if necessary) a further meeting shall be arranged to consider them.
 - (d) The Panel Clerk will inform the Member and the complainant of the Investigation & Screening Panel's decision with a brief summary of its reasons as soon as it is practicable to do so.
- 8.1.11 In disciplinary matters the burden of proof shall be on the Investigation & Screening Panel or the Presenting Officer and the standard of proof shall be the civil standard of a balance of probability.

9 Disciplinary Reports

- 9.1 A Disciplinary Report shall set out the relevant facts and incorporate allegations.

10 Fitness to Practise Reports

- 10.1 Fitness to Practise Reports shall set out the facts and reasons why a Fitness to Practise Order should be made in respect of the Member.

11 Reconsideration

- 11.1 Any decision of the Investigation & Screening Panel either following consideration or reconsideration shall be reconsidered by it if the Honorary Secretary requests such reconsideration. Such a request may be made in writing on the basis of advice by the Presenting Officer and/or the availability of new evidence. The Honorary Secretary may require the reconsideration to be by a freshly constituted Panel if that is required in the interests of fairness. Upon reconsideration the Investigation & Screening Panel may make any decision available under paragraph 6 above.

12 Constitution of Disciplinary and Fitness to Practise Panels

- 12.1 Upon receiving a Disciplinary Report or a Fitness to Practise Report, the Panel Clerk shall designate:
- 12.1.1 In the case of a Disciplinary Report, 3 members of the Adjudication Pool as a Disciplinary Panel, and 1 of those members as Chair of that Disciplinary Panel.
- 12.1.2 In the case of a Fitness to Practise Report, 3 members of the Adjudication Pool as a Fitness to Practise Panel, and 1 of those members as Chair of that Fitness to Practise Panel.
- 12.2 No member of the Adjudication Pool who was a member of the Investigation & Screening Panel when it considered the matter shall be designated either as a member of a Disciplinary Panel or as a member of Fitness to Practise Panel in respect of the same matter.
- 12.3 Where appropriate, a Panel Legal Adviser may be appointed by the Panel Clerk and may attend a Disciplinary Panel (or Fitness to Practice Panel, as the case may be). The Panel Legal Adviser shall provide the Disciplinary Panel or Fitness to Practice Panel with such advice concerning matters of law, practice and procedure as it may request. Any such advice given shall be in public in the presence of the parties or if given not in the presence of all of the parties shall be communicated to all of the parties as soon as practicable thereafter.
- 12.4 If for any reason it is impracticable for a hearing to be completed by the members designated, the Panel Clerk may designate further members to hear the matter afresh. Any of the members originally designated may be designated again.
- 12.5 If a single member is unable to continue during the course of a hearing the Panel may (with the consent of the member and the Presenting Officer) continue the hearing and the Chair shall have a casting vote.

13 Notice of the hearing

- 13.1 The Panel Clerk shall give written notice of the date, time and place of the hearing before the Disciplinary Panel or Fitness to Practise Panel (or under the Summary Procedure, Investigations & Screening Panel) to the Member not less than 6 weeks before that hearing ("the Hearing Notice").

- 13.2 Such notice shall be accompanied by:
- 13.2.1 a copy of the Disciplinary Report or Fitness to Practise report;
 - 13.2.2 a copy of the By-Laws and of these Regulations; and
 - 13.2.3 a copy of any written statement or other document which the relevant Panel or Presenting Officer intends to rely on at the hearing.
- 13.3 In the case of a matter arising out of a complaint a copy of the notice with its accompanying documents shall be sent to the person who made the complaint. The complainant shall only participate in the hearing as a witness or to the extent permitted by the Panel.

14 Member's response

- 14.1 Within 14 days of the Hearing Notice the Member shall give to the relevant Panel a written notice of whether they intend to appear at the hearing before the Panel and, if they are to be legally represented, the name and address of their legal representative.
- 14.2 If the Member denies any of the allegations (in the case of a matter before the Disciplinary Panel) or disputes the matters set out in the Fitness to Practise Report (in the case of a matter before the Fitness to Practise Panel), then within 21 days (or such other period as the Panel may allow) of the Hearing Notice the Member shall serve upon the Panel Clerk:
- 14.2.1 particulars of their defence (in the case of a matter before the Disciplinary Panel); or reasons why they accept or do not accept the matters set out in the Fitness to Practise Report (in the case of a matter before the Fitness to Practise Panel); and
 - 14.2.2 a copy of any written statement or other document upon which the Member intends to rely at the hearing.

15 Adjournment

- 15.1 The Panel may adjourn any hearing of the Investigations & Screening Panel or Disciplinary Panel or Fitness to Practise Panel at any time if they consider that it is appropriate to do so. Written notice of the date, time and place of the adjourned hearing shall be served by the Panel Clerk to all the Parties.
- 15.2 If a copy of the notice of the original hearing was sent to a person who made a complaint, then a copy of the notice of the adjourned hearing shall be sent to that person also.

16 Pre-hearing directions

- 16.1 The Investigations & Screening Panel or Disciplinary Panel or Fitness to Practise Panel may give such directions as they consider appropriate for the fair and efficient progress of the case.

17 Non-appearance of the Member

- 17.1 If the Member fails to appear in person or by their legal representative at a hearing before the Investigations & Screening Panel or Disciplinary Panel or Fitness to Practise Panel, the matter may be determined in the absence of the Member provided that the Member has been given adequate notice of the hearing and provided that there is no sufficient reason for non-attendance.

- 17.2 Any notices may be served by post or email to the Member's regular business address, or to the address of their legal representative.
- 17.3 At any time within 14 days of the sending of a notice of the decision of the Investigations & Screening Panel or Disciplinary Panel or Fitness to Practise Panel, a Member who has neither attended nor been represented at the hearing of their case may apply for a rehearing by a sworn statement or affirmation setting out the facts and exhibiting any medical or other evidence upon which they wish to rely. If the Investigations & Screening Panel or Disciplinary Panel or Fitness to Practise Panel is satisfied that the Member has not in the circumstances had an adequate opportunity to make representations and/or submit evidence and that it is just and appropriate to do so, it may direct a rehearing upon such terms as it thinks appropriate. The Panel Clerk shall designate 3 members to hear the matter, none of whom had conducted the previous hearing. Any Disciplinary or Fitness to Practise Order shall stand until a new hearing is convened unless it is varied on an interim basis by the Investigations & Screening or Disciplinary or Fitness to Practise Panel.

18 Evidence and proof

- 18.1 The Investigations & Screening Panel or Disciplinary Panel and Fitness to Practise Panel shall not be bound by the rules of evidence and may receive such oral, documentary and/or other evidence as appears to it to be relevant to the case.
- 18.2 Subject to the provisions of any enactment or rule of law, the evidence of a witness in person shall be given on oath.
- 18.3 Before the Disciplinary Panel, the burden of proving the allegations shall lie upon the Presenting Officer and the standard of proof applied shall be the civil standard of a balance of probability.
- 18.4 Before the Fitness to Practise Panel the burden of proving fitness to practise shall lie upon the Member.

19 Technical faults: amendment of allegations

- 19.1 The Investigations & Screening Panel, the Disciplinary Panel or the Fitness to Practise Panel (as the case may be) may waive any technical or procedural fault unless to do so would render the proceedings unfair.
- 19.2 The Investigations & Screening Panel and the Disciplinary Panel may permit the amendment of any allegation subject to any direction, including adjournment, required in the interests of fairness.

20 Order of proceedings: hearings before the Disciplinary Panel

- 20.1 The hearing shall begin by the Presenting Officer (or the Chair of the Panel where a Presenting Officer is not appointed), reading out the allegations and the Member confirming whether and if so, which allegations are admitted and which denied.
- 20.2 If the Member does not admit all of the allegations, then the Presenting Officer or the Chair of the Panel where a Presenting Officer is not appointed) shall outline the case against the Member and shall then call any witness. After the evidence against the Member has been called, the Member may make any application that the allegations (or some of them) should

be dismissed because insufficient evidence has been shown upon which the allegations could be found to be proved and that accordingly there is no case to answer. The Presenting Officer shall be entitled to respond to such a submission. If such a submission is upheld the Disciplinary Panel shall dismiss the relevant allegations. The Member shall then be entitled to call any witness, give evidence on their own behalf and present any other evidence in relation to any remaining allegations.

- 20.3 The Presenting Officer and Member shall then give closing submissions to the Disciplinary Panel.
- 20.4 Any witness called in person by a party may be questioned by way of cross-examination by the other party and, if cross-examined, re-examined by the party calling them.
- 20.5 The Disciplinary Panel shall, as soon as practicable after the conclusion of the hearing, announce whether it finds the allegations proved and provide reasons for its decision.
- 20.6 If the Disciplinary Panel finds all of the allegations not proved it shall dismiss the case.
- 20.7 If any allegations are admitted or found to be proved, the Member shall be entitled to address the Disciplinary Panel in mitigation and for this purpose may present written character or other relevant written evidence.
- 20.8 The Disciplinary Panel shall consider whether and, if so, how to exercise its powers and shall announce any Disciplinary Order or other order as soon as practicable thereafter.
- 20.9 Where, in relation to allegations which are admitted, the Member's version of the facts in mitigation is in the opinion of the Disciplinary Panel significantly different from that presented by the Presenting Officer the Chair may invite the parties to call evidence to resolve the issue.

21 Order of proceedings: hearings before the Fitness to Practise Panel

- 21.1 The hearing shall begin by the Presenting Officer setting out the grounds for concern that the Member is not fit to practise, and calling any evidence.
- 21.2 The Member shall be given the opportunity to respond and to present evidence in response.
- 21.3 The Presenting Officer will be given the opportunity to present any evidence in rebuttal.
- 21.4 The Presenting Officer and the Member shall then give closing statements which may include submissions as to what fitness to practise order would be appropriate.
- 21.5 The Fitness to Practise Panel shall, as soon as practicable after the conclusion of the hearing, announce whether it imposes a Fitness to Practise Order and provide reasons.

22 Recording

- 22.1 If the Panel so directs a recording shall be made of the proceedings of the Disciplinary Panel or Fitness to Practise Panel and a transcript of such recording shall be provided to the Member and the Presenting Officer. The Disciplinary Panel or Fitness to Practise Panel may require the Member and/or the Institute to meet the costs of recording and transcription as a condition of such a direction upon their written request and on receipt of the costs thereof.

23 Reasons

- 23.1 The Disciplinary Panel and the Fitness to Practise Panel shall provide the Member and the Presenting Officer with written reasons for its decisions as soon as practicable after the hearing.

24 Costs

- 24.1 The Member shall bear their own costs before the Disciplinary Panel and the Fitness to Practise Panel. There shall be no order as to costs.

25 Disciplinary Orders

- 25.1 The Disciplinary Orders available to the Disciplinary Panel are:

25.1.1 advice on future conduct;

25.1.2 a warning;

25.1.3 a requirement to carry out specified continuing professional development;

25.1.4 appointment of a Mentor for a specified period;

25.1.5 a penalty of up to £5,000;

25.1.6 the imposition of conditions on continued membership of the Institute, such conditions may include but are not limited to a condition not to offer a particular service in relation to landscape practice for up to one year and/or until stipulated continuing professional development steps have been completed and such conditions may include provisions for the review and/or variation of any condition imposed;

25.1.7 disqualification for a specified time limit from:

(a) membership of a branch committee;

(b) membership of a Standing Committee, the Advisory Council, the Board of Trustees and/or any other committee, working group, or panel;

(c) acting as, or standing for election to be, an Officer of the Institute;

25.1.8 suspension from membership of the Institute until such conditions as the Disciplinary Panel may specify are fulfilled. These conditions may include (but are not limited to) a requirement to carry out such training or professional development as the Disciplinary Panel considers appropriate;

25.1.9 expulsion from the Institute.

26 Fitness to Practise Orders

26.1 A Fitness to Practise Panel may make a fitness to practise order in relation to a Member if it is satisfied that by reason of an impairment to the Member's fitness to practise for any reason such an order is appropriate. A Fitness to Practise Order may:

- (a) contain advice;
- (b) require the Member to appoint a Mentor for a specified period or until review;
- (c) require the Member to undergo training or professional development;
- (d) suspend membership of the Institute for up to 2 years, or for a shorter period until such conditions as the Fitness to Practise Panel may specify are fulfilled; or
- (e) impose conditions of continued membership of the Institute, such conditions may include but are not limited to a condition not to offer a particular service in relation to landscape practice for up to 1 year and/or until the Member has delivered a medical report to the Institute covering such matters as the Panel may direct;
- (f) terminate membership of the Institute.

26.2 The Fitness to Practise Panel may vary any order or substitute a different order at any time.

27 Alternative Orders and Compliance

27.1 If the facts before the Disciplinary Panel disclose matters which ought properly to be disposed of by way of a Fitness to Practise Order, then the Disciplinary Panel may impose a Fitness to Practise Order. If the facts before the Fitness to Practise Panel disclose matters which ought properly to be disposed of by way of a Disciplinary Order, then (subject to being satisfied that it would be fair and appropriate in all of the circumstances to do so) the Fitness to Practise Panel may impose a Disciplinary Order.

27.2 Non-compliance with a Disciplinary Order or a Fitness to Practise Order is conduct which may be referred directly by the Honorary Secretary to a Disciplinary Panel or a Fitness to Practise Panel and the Disciplinary Panel or Fitness to Practise Panel may then impose a further Disciplinary Order or further Fitness to Practise Order as the circumstances may require, having invited written representations from the Member and Presenting Officer.

28 Reinstatement

28.1 A Member who has been expelled or suspended may apply for re-instatement in accordance with the Institute's By-Laws.

Appeal

29 Right of appeal

29.1 The Member may appeal within 14 days of the notification against a Disciplinary Order or Fitness to Practise Order by written notice to the Panel Clerk setting out the grounds of appeal ("the Notice of Appeal").

30 Constitution of Appeal Panel

- 30.1 Upon receiving the Notice of Appeal, the Panel Clerk shall designate 3 members of the Adjudication Pool as an Appeal Panel to consider the appeal.
- 30.2 No member of the Adjudication Pool who was a member of the Investigation & Screening Panel, Disciplinary Panel or Fitness to Practise Panel which considered the case shall be designated as a member of the Appeal Panel.

31 The Appeal

- 31.1 The appeal is not by way of rehearing. A Member may only appeal on grounds that a Disciplinary Order or Fitness to Practise Order involved a material error of law, a material procedural irregularity or that the order is one which no reasonable Panel could have properly made.
- 31.2 The appeal shall be considered by the Appeal Panel on the papers without an oral hearing unless exceptionally it would be contrary to the interests of justice to do so.
- 31.3 If the Appeal Panel upholds the appeal, then the Appeal Panel may either dismiss 1 or more of the allegations, remit the matter to the Disciplinary Panel or Fitness to Practise Panel to be reheard or it may itself impose a Disciplinary Order or a Fitness to Practise Order.
- 31.4 If the Appeal is allowed and the matter is remitted to the Disciplinary Panel or Fitness to Practise Panel, it may not be reheard by any of the members originally designated.
- 31.5 No appeal may be made against directions made during the course of a case except as a ground for appeal under 31.1 above.

32 Publication

- 32.1 After the expiry of 21 days following any decision of the Disciplinary Panel or Fitness to Practise Panel, or, if there is an appeal, the decision of the Appeal Panel, where the final order imposed was exclusion or the imposition of any period of suspension, the Honorary Secretary shall publish a notice of the decision in such manner as the Board may direct.

33 Equality Statement

- 33.1 The Institute is an inclusive organisation. It actively promotes equality of opportunity for everybody who has dealings with it. Reasonable adjustments to this Regulation may be made by the relevant Panel to enable any participant to the proceedings who otherwise will be unable to comply with it due to their race, sex, disability, religion, belief system, gender reassignment, sexual orientation or age, participate in so far as it is in the interests of justice to do so.