

Disciplinary Regulations

Procedures approved by Council, May 2002

Procedures for the Disciplinary Committee to carry out an audit

The Disciplinary Committee is responsible for ensuring that investigations into the conduct of a member of the RSC are undertaken in accordance with the requirements of the By-laws and the *Disciplinary Regulations*. In order to develop a procedure for fulfilling this role

- The Disciplinary Committee shall carry out an annual audit of documentation concerning allegations brought under the *Disciplinary Regulations*
- Council, in July of each year, shall appoint two members to an audit subcommittee of the Disciplinary Committee
- The audit subcommittee shall be responsible for ascertaining, through inspection of documentation, whether the correct procedures have been undertaken in investigating allegations brought under the *Disciplinary Regulations*
- The audit subcommittee shall report its findings to the Disciplinary Committee.
- The Disciplinary Committee shall include reference to the audit in its annual report to RSC Council

Procedure for recording complaints by members of RSC staff about professional misconduct

Under Regulation 8.2, an allegation made by a member of staff of the RSC is referred to the Chairman or the Vice-Chairman of the EPC. If the Chairman or Vice-Chairman considers that the matter justifies investigation he/she acts as the complainant. If an investigation is deemed not to be justifiable, a record of the allegation is kept.

In order to ensure transparency of the process, the following procedure should be followed:

- The Chairman or Vice-Chairman of the EPC must prepare written justification for not taking forward as a complaint an allegation by a member of staff of the RSC

- The written justification should be stored in the appropriate file pertaining to the case
- The file containing the records of the case must be made accessible by the Secretary to the EPC and is subject to audit by the Disciplinary Committee

Guidance on appointing persons to represent the public interest to serve on Disciplinary Panels

Regulation 9.2 states: *In all cases of complaint arising from outside the RSC, or unless the Chairman of the Disciplinary Committee decides (for reasons that must be reported to the Council and recorded in the Committee's annual report to Council) that the matter does not involve the public interest, the Chairman of the Disciplinary Committee in forming the Disciplinary Panel shall also include, with the power to vote, one or more appropriate persons who are not members of the RSC to represent the public interest.*

The following procedure should be followed:

- The Chairman of the Disciplinary Panel shall, following consultation with the Secretary to the Disciplinary Panel and others as necessary, identify one or more individuals to represent the public interest
- Invited persons shall not be members of the RSC but shall be senior members of a professional body adhering to a code of conduct, preferably past or current members of the Council of that professional body.
- The Secretary to the Disciplinary Panel shall invite the person or persons to serve as a member of the Disciplinary Panel, to receive the documentation and attend meetings of the Panel
- Persons acting as representatives of the public interest may decline to attend the Panel meeting/hearing if they feel that there is no 'public interest' in the case; following such a decision, any additional paperwork shall also be sent to these persons and a reversal of the decision and subsequent attendance in the light

of new information shall be possible; their views shall be recorded in the minutes of the Panel meeting/hearing

- The persons acting as representative of the public interest may request that specific concerns be recorded in the report of the Investigating Panel meeting.

Procedures for involving representation of the public interest in Investigating Panels

Regulation 8.4 states: ... *The Panel shall have the power to call upon such expert advice as it may think necessary to assist in its investigations.* ...

- In all cases of complaint arising from outside the RSC, or unless the Chairman of the Ethical Practices Committee decides (for reasons that must be recorded in the EPC files) that the matter does not involve the public interest, the Chairman or Vice-Chairman of the Ethical Practices Committee in forming the Investigating Panel shall include one or more appropriate persons who are not members of the RSC to represent the public interest
- The Chairman of the Investigating Panel shall, following consultation with the Secretary to the Ethical Practices Committee and others as necessary, identify the nature of the expert advice appropriate to the case and a person or persons having the appropriate knowledge and experience to provide the expert advice and to represent the public interest
- The invited persons representing the public interest should be senior members or employees (and also members) of a professional body or learned society adhering to a code of conduct
- The Secretary to the Ethical Practices Committee shall invite the persons to serve as members of the Investigating Panel, to receive the paperwork and attend meetings of the Panel
- The persons providing expert advice and/or acting as representative of the public interest should receive the papers at the same time as the Investigating Panel members
- Persons appointed for these purposes are non-voting
- The persons acting as representatives of the public interest may decline to serve if they feel that there is no 'public interest' in the case; any additional paperwork subsequent to such a decision shall also be sent to these persons and a reversal of decision in the light of new information shall be possible