



# Membership Disciplinary Policy



**2017**

# Document Control

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\*All documents in development are indicated by minor versions (e.g. 0.1, .02, etc.). The first version of a document to be approved for release is given major version 1.0. The system continues in numerical order each time a document is reviewed and approved.

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# 1. Scope of Policy

This policy applies equally to:

- Members of all grades (Affiliate, Associate, Student, Member, Fellow)
- Company Members
- Council Members
- Honorary Officers

This policy will come into force following approval from full AAPT Council.

## 2. Introduction

In keeping with accepted practice amongst professional bodies, the AAPT has 'rules' that all members must adhere to as part of their membership. These rules include a code of conduct and a number of related policies, such as the '*Policy for Use of Social Media and Engagement with Other Media*'.

As a result, there is a need for policy that details what will happen if these rules are breached, allowing the situation to be dealt with in a fair, consistent and transparent way – this policy is the result.

## 3. Raising a Concern

Anyone may raise concerns about a member's professional conduct; whether they're a member or non-member of the AAPT, or whether they're acting in a personal capacity or as a representative of an organisation

The complaint must be in writing, either by post to the AAPT office, or by e-mail to [council@aaptuk.org](mailto:council@aaptuk.org), and include the name and address of the complainant, the essential details of the complaint, the alleged professional misconduct on which the complaint is founded and, if practicable, be accompanied by such documentary evidence as may assist a preliminary inquiry. If the complainant is acting as the representative of an organisation, the name and address of that organisation and their status therein should be stated.

The AAPT itself can initiate a complaint where a Council Member / Honorary Officer becomes aware of any fact or matter concerning the conduct of a member, which in their opinion is appropriate to be dealt with under this Policy.

Where a professional register, such as the Science Council or Academy for Healthcare Science, is considering an allegation that an AAPT member's fitness to practise is impaired, the AAPT will usually await the outcome of this procedure before deciding how to apply this policy.

Upon conclusion of the fitness to practise process, the AAPT will decide what action to take, if any, under this policy. The AAPT will not carry out a separate investigation of the matter, but will treat a finding by the Science Council or Academy for Healthcare Science in respect of a member's fitness to practise as conclusive evidence that the member was guilty, or not guilty, of the conduct

to which the finding is related. If the member is found to be guilty, the disciplinary process will commence from the 'initiating formal action' stage.

On receipt of a complaint in the required form, it shall be the duty of the AAPT Secretary to:

- Form an investigation panel which comprises of the Chair of the AAPT, Vice-Chair of the AAPT and one other Council member, to be picked at random. The Secretary shall undertake all necessary administration such as minutes and liaison with the panel, the complainant and the respondent
- Send a written acknowledgement to the complainant, enclosing a copy of this policy and confirming that the complaint will be examined by the investigation panel as soon as possible
- Seek an assurance from the complainant that they will co-operate fully and attend a disciplinary hearing, if one is held
- Notify the respondent, by recorded delivery post and within seven days, that a complaint against them has been received and inform them of:
  - The nature and essential details of the complaint against them
  - The fact the complaint will go before the investigation panel for preliminary inquiry and the date of the meeting at which it will be discussed
  - Their right to submit to the investigation panel a written statement in response to the complaint, which should be delivered at least seven days before the meeting
  - The fact that it is not customary for a complainant or respondent to be present at a preliminary inquiry
  - The powers of the investigation panel, after carrying out a preliminary inquiry, which are:
    - To decide that there is no case to answer
    - To refer the complaint, without prejudice, for formal action

## 4. Investigating Alleged Misconduct

The investigation panel will carry out a preliminary inquiry on the basis of the complainant's statement and that of the respondent (if submitted). On this initial evidence the investigation panel will, by a simple majority of those present and voting, either:

- Conclude that enough evidence exists to suggest that there may have been a breach of the AAPT Code of Professional Conduct and establish a disciplinary panel
- Conclude that not enough evidence exists to suggest that there may have been a breach of the AAPT Code of Professional Conduct and dismiss the case

In either case, the complainant and respondent shall be notified of this decision, in writing, within seven days of the investigation panel meeting, including an outline of the basis and rationale for this decision.

Any member suspected of breaching the AAPT Code of Conduct retains AAPT membership and the benefits that it offers until the Disciplinary Panel has made its decision.

# 5. Initiating Formal Action

In the event that a decision to proceed to formal action is made by the investigation panel, it shall be the duty of the AAPT Secretary to:

- Form a disciplinary panel, which shall comprise of:
  - The investigation panel (one of whom shall chair the disciplinary panel)
  - Not less than two current members of the AAPT Council
  - An external person, such as a representative of the IBMS
- Undertake all necessary administration such as minutes and liaison with the panel, the complainant and the respondent
- Provide the following information to the disciplinary panel:
  - The names of the complainant and the respondent
  - The nature of the issue
  - All of the evidence the complainant has submitted to support the claim
  - All of the evidence the respondent has submitted to refute the claim
  - The complainant's relationship, if any, to the respondent
  - Invite the respondent to attend the hearing to present their case and/or to offer an explanation as they see fit. The invitation shall be accompanied by a copy of:
    - The AAPT Code of Conduct
    - This policy
    - The paper (about the respondent) that will be presented to the disciplinary panel

The respondent must travel at their own expense to attend the hearing.

The Council members asked to form the disciplinary panel should declare at this stage if the respondent is known to them and in what capacity. Significant conflicts of interest will be considered by the Secretary and Vice-Chair of the AAPT and new panel members sought if it is considered that the declared interest may prevent impartiality. Where there is a dispute over conflicts of interest the matter shall be referred to the Chair of the AAPT for a final decision.

The respondent may be accompanied by an appropriate representative (e.g. a colleague or fellow professional, not a family member), who may 'petition' on their behalf, but it is the responsibility of the respondent to answer any questions from the disciplinary panel – the representative cannot answer questions on their behalf.

If the respondent cannot attend the disciplinary hearing, they will be offered an alternative date. If they cannot attend on the alternative date, papers will be presented without the respondent present.

If the respondent is unable to attend because the matter is being investigated by their employer,

and they are forbidden to discuss externally until their internal investigation is concluded, the disciplinary panel will endeavour to find a date that is acceptable to all parties, even if this means significantly delaying the hearing. In the case of a significant delay, it may be appropriate to suspend the respondent's membership until the hearing can be held.

## 6. Disciplinary Hearings

The disciplinary hearing may not be audio or visually recorded.

The disciplinary hearing will consist of the following individuals:

- The disciplinary panel, the composition of which is described above
- A note taker (usually the AAPT Secretary)
- The respondent and their representative (if they choose to attend)

Except where the panel decides otherwise, the hearing will proceed as follows:

- The Chair of the disciplinary panel will outline the allegation or information received by AAPT
- The respondent may present their case in relation to allegation and may present relevant evidence
- The disciplinary panel may put questions to the respondent (should they choose to attend)
- The meeting will be adjourned
- When the meeting is adjourned, everyone will leave the room, with the exception of the disciplinary panel, who will assess the findings from the hearing, and decide what sanction, if any, they will give to the respondent
- The Chair of the disciplinary panel will call everyone back into the hearing to communicate their decision.

Sanctions available to the disciplinary panel are:

- Formal warning
- Suspension of membership
- Revocation of membership

In the event of revocation of membership during the current membership year membership fees will not be refunded.

If the respondent is booked to attend conference, their booking will be cancelled, and a full refund will be given.

## 7. Appeals and Re-admittance

If the respondent or the complainant is unsatisfied with the result of the process, they may appeal the decision, in writing, either by post to the AAPT office, or by e-mail to [council@aaptuk.org](mailto:council@aaptuk.org), outlining the reasons why they feel they have grounds for an appeal. The appeal must be submitted within thirty days of the date of the outcome notification.

In the event of an appeal, the case will be presented at the next available Council meeting, in the absence of the original disciplinary panel members. The decision of Council will be final and will be conveyed, in writing, within 7 days of the decision.

Any person who has ceased to be member of the AAPT on the grounds of improper conduct may be re-admitted, at the discretion of Council, following a period of not less than two years, upon reapplication for membership and payment of due fees.

## 8. Allegations Involving a Council Member / Honorary Officer

In the event of the respondent being a Council Member or Honorary Officer, the external person normally on the disciplinary panel shall instead chair the panel, and the Council Members on the disciplinary panel shall be chosen from committees of which the respondent is not a member.

## 9. Governance of Policy

This policy forms part of the code of conduct that members agree to adhere to upon taking membership of AAPT.

In serious cases, Council reserves the right to report the matter to the relevant regulatory body.

Any matter subject to this AAPT Membership Disciplinary Policy, and any information relating to, or obtained during, its use, must not be disclosed or discussed, save insofar as is reasonably necessary for the purposes of the administration, investigation, and adjudication of matters that fall under this policy.