

**Policy Number:**

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## **Disciplinary Procedure for TOPRA members holding professional registration**



### **Introduction**

It is the duty of all TOPRA Members to abide by [TOPRA's Statement of Values](#) and [Rules of Membership](#). All members agree to these when they join TOPRA and are reminded about these when renewing annual membership.

The [TOPRA Articles of Association](#) prescribe the reasons and processes for disqualification of any member or of the Board of Directors. Changes to these provisions can only be achieved with the agreement of the membership at an Extraordinary General Meeting. Changes to the TOPRA constitution will be announced in the TOPRA member newsletter and other member communications.

This policy sets out the **additional** requirements and procedures which have been introduced for those members who apply for and are awarded professional registration (CSci or RSci).

### **Obligations of members holding professional registration**

All applicants for professional registration will be asked to confirm that they understand that these provisions are in effect an agreed code of conduct for members holding professional registrations and that they agree to the obligations and procedures outlined in this policy.

Members holding CSci or RSci and who display serious incompetence, act unethically or otherwise bring TOPRA or the profession into disrepute through their behaviour, acts or omissions will be subject to the Disciplinary Procedures set out here.

A complaint may be upheld against a member where s/he:

- intentionally makes a false or misleading statement to TOPRA, or
- displays serious incompetence, or
- brings into disrepute the profession and/or TOPRA through her/his behaviour, or
- is found guilty of any criminal offence (except minor traffic offences).

### **Individuals involved in a disciplinary procedure**

- Three members of the Board will be appointed by the Board to act as the *Disciplinary Committee*.

- A member of the senior management team of the TOPRA staff will act as the *Independent Investigator*.
- The President or President Elect of TOPRA will act as the Chair of *the Appeal Committee*, and two other members of the Board, who were not on the Disciplinary Committee, will act as the Appeals Committee.

### **Raising an allegation**

- An allegation may be presented by an employer, a colleague, another TOPRA member or a member of the wider regulatory community.
- The allegation must be made in writing and, where possible, supported by appropriate documentary evidence.
- The allegation should be submitted to TOPRA at (TOPRA, 6th Floor, 3 Harbour Exchange, London, E14 9GE, United Kingdom)
- All allegations must be recorded and acknowledged by TOPRA within 10 working days

### **Preliminary Investigation**

- When information is received, the information will be presented to the Independent Investigator to investigate.
- The Independent Investigator is required to determine whether, based on the evidence provided, the allegation is sustainable and justifies a formal investigation. Further information or evidence from the Complainant may be requested.
- The Member will be notified of the nature of the complaint and that this is subject to a preliminary investigation. S/he will be invited to submit a written response within **10** working days.
- The decision of the Independent Investigator as to whether there is a case to answer, or whether a formal investigation should take place, along with a conclusion will be communicated to the Disciplinary Committee.
- The Disciplinary Committee will consider the Independent Investigator's report and decide on the basis whether there is a case to answer and whether a formal investigation of the allegation is required.
- If the Disciplinary Committee decides there is a case to answer, the Member who is subject to allegations will be notified that a formal investigation will begin. This notification will be made to the Member in no more than **10** working days from the receipt of the Member's written response to the first notification.
- If Disciplinary Committee decides there is no case to answer the Complainant will be informed and the case will be closed.

### **Formal Investigation**

- If the Disciplinary Committee decides a formal investigation is required, the procedure adopted shall be determined at the discretion of the Disciplinary Committee. This may include an oral hearing at which the member may be required to attend.
- When the formal investigation has been completed, the Disciplinary Committee shall reach a decision by simple majority voting. In the event that the Disciplinary Committee is unable to reach a decision in this way, the President's vote shall be decisive on all matters.
- The decision of the Disciplinary Committee shall be in writing and contain the reasons for it. The Member and Complainant shall be notified of the decision.

- If the Disciplinary Committee takes the view that any matter arising during the investigation should be reported to any regulatory body, it may do so at any time during the proceedings.

### **Appeals**

The member or the complainant may decide to appeal the decision of the formal investigation.

- An appeal by the Member or Complainant must be submitted in writing to TOPRA within one calendar month of the notified outcome.
- The appeal should state the grounds on which the Member or Complainant believes that the Disciplinary Committee decision should be reversed.
- The appeal shall be by way of rehearing conducted by the Appeals Committee.
- The final decision of the appeal will be in writing and set out the reasons for it. The Member and Complainant will be notified of the decision within 10 working days of the rehearing. No further appeal will be considered.

### **Policy review**

This policy will be reviewed on a regular basis and may be updated from time to time on the basis of experience with the procedures or recommendations of the Science Council. Revised versions of the policy will be made available on the TOPRA website for consultation by proposed or current holders of professional registration.

Substantive changes to the policy will be placed before the TOPRA Board for agreement.