

Disciplinary Procedure

The Executive of ASPiH shall have the authority to invoke the disciplinary procedure for any member of ASPiH whose conduct is alleged to be in breach of ASPiH's Code of Professional Conduct.

1. Introduction

1.1 It is a condition of all levels and types of membership that members observe the highest standards of professional and ethical conduct in connection with their work activities.

Members who display serious incompetence, act unethically or otherwise bring ASPiH, or the profession, into disrepute through their behaviour, acts or omissions, may be subject to the Disciplinary Procedures set out here.

1.2 An allegation of a breach of the Code may be upheld against a member where s/he:

- (a) acts unethically, displays serious incompetence or otherwise brings into disrepute the profession and/or ASPiH through her/his behaviour, or
- (b) is found guilty of any criminal offence (except minor traffic offences), or
- (c) is subject to a disciplinary sanction imposed by any regulatory body, or
- (d) is subject to a major disciplinary sanction imposed by an employer, or
- (e) intentionally makes a false or misleading statement to ASPiH

An offence under (b) will either have to have an impact on the member's fitness to act in her/his employment sector or will have to be of a serious nature.

1.3 The President of ASPiH, the Executive, the Chairman of the Disciplinary Committee and the Committee as a whole may at all times delegate their tasks under these rules to other people.

1.4 Any changes to the Disciplinary Procedures may be made by the majority vote of the Disciplinary Committee. These changes will be presented to the Executive for ratification and adoption. Any changes adopted by the Executive to the Disciplinary Procedures will be notified to all members prior to the date of implementation either directly or via ASPiH website and Journal.

2. Raising an allegation

2.1 Information about an alleged breach of the Code of Professional Conduct by a member of ASPiH may be presented by an employer, a colleague, another ASPiH member or a member of the public.

2.2 The allegation must be made in writing and, where possible, supported by appropriate documentary evidence. It must be addressed to the Chairman of ASPiH or anyone designated by the Executive for this purpose.

2.3 Each allegation must be recorded in a Register and acknowledged by ASPiH within ten working days.

3. Disciplinary Committee

3.1 The Disciplinary Committee shall consist of three members including its Chairman.

3.2 Any member of the Executive shall also be eligible to be a member of the Disciplinary Committee but the number of Executive members must not exceed one.

3.3 The Chairman of the Disciplinary Committee will be appointed by the Executive.

3.4 Any member of the Executive who is the subject of a Disciplinary investigation or action may not sit on the Disciplinary Committee when it investigates the same.

3.5 If any member of the Disciplinary Committee has any relationship or conflict of interest with the member under investigation, they cannot take part in the process.

4. Preliminary Investigation

4.1 When information about a potential breach is received, the Chairman of ASPiH shall refer the allegation and any documents submitted or known to the her/him to be relevant to the Chairman of the Disciplinary Committee. The Disciplinary Committee shall then appoint one of its members (or failing that, a member of the Executive) as the Independent Investigator for that allegation. If an independent member of the Disciplinary Committee cannot be

appointed, the Executive may appoint an independent investigator.

4.2 The Independent Investigator is required to determine whether, on the basis of the evidence provided to her/him, the allegation is sustainable and justifies a formal investigation. S/he may request further information or evidence from the originator of the allegation.

4.3 The decision of the Independent Investigator as to whether there is a case to answer, and whether a formal investigation should take place and her/his reasons for those conclusions shall be communicated to the Chairman of ASPiH who shall provide copies to the Chairman of the Disciplinary Committee.

4.4 The Disciplinary Committee shall consider the Independent Investigator's Report and decide on the basis of it whether there is a case to answer and whether to institute a formal investigation of the allegation or any part of it.

4.5 The Disciplinary Committee will consider the complaint, the independent investigator's findings and any other relevant evidence and record its conclusions as a decision. The Decision of the Disciplinary Committee will be communicated to the Chairman.

4.6 If the Committee decides there is a case to answer the member who is the subject of the allegation will be informed that an allegation has been made and that it is being investigated. S/he has the right to object to the person appointed as Investigator. In this event, another Investigator must be appointed and the new Investigator will act as from 4.3

4.7 If the Committee decides there is a case to answer the member subject to the allegation of misconduct shall be provided with copies of the paperwork held by the Disciplinary Committee in advance of any oral or other hearing.

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

4.9 If the Disciplinary Committee decides there is no case to answer the party making the allegation will be informed and the case will be closed.

5. Formal Investigation

5.1 If the Disciplinary Committee decides to institute a formal investigation of the allegation, the procedure adopted shall be determined at the discretion of the committee. This may, but is not required to, include an oral hearing at which the member may be required to attend.

The Disciplinary Panel may also invite the person or persons making the allegation and any relevant witness/es to attend any such hearing. All ASPiH IST-members are expected to co-operate in all reasonable ways with the Disciplinary Committee in its investigation of an allegation against a member.

5.2 When the formal investigation into the allegation has been completed, the Disciplinary Committee shall then decide whether to uphold the allegation in total or in part. The Disciplinary Committee shall reach its decision by simple majority voting. In the event that the Disciplinary Committee is unable to reach a decision in this way on any matter, the Chairman's vote shall be decisive on all matters.

5.3 The Decision of the Disciplinary Committee shall be in writing and contain the reasons for it. Those reasons may be incorporated by reference to any other document. Any member of the Disciplinary Committee and the Independent Investigator wishing to express his dissent for the decision may do so and that dissent and any reasons for it will be attached to the Decision. The agreement of any Disciplinary Committee member to any Decision may be communicated in any reasonable way.

5.4 The Decision of the Disciplinary Committee shall, subject to these rules, be binding on all members. It shall be communicated to the member.

6. Sanctions

6.1 The Disciplinary Committee may dismiss the allegation in full or in part. If it upholds the allegation in any respect, it must impose one of the sanctions set out below. In determining the sanction to be imposed, the Disciplinary Committee may have regard to any additional information about the member or the circumstances of the allegation.

6.2 Censure

The Disciplinary Committee may censure a member. This shall take the form of a written reproach sent by the Chairman of ASPiH to the member. That reproach may consist of a communication to the member that the allegation is upheld and that s/he has been censured. This may be made public or remain private.

6.3 Suspension

The Disciplinary Committee may order suspension from ASPiH and the relevant Register for a specified period of time, not exceeding 3 years. The right to use all or any of designatory letters or descriptions associated with membership of ASPiH and Registered status will also be removed.

6.4 Expulsion

The Disciplinary Committee may order the expulsion of the member from ASPiH and consequent removal from a Register. An expulsion order may be made against a person who, since the initiation of the investigation of the allegation, has resigned from ASPiH.

Anyone who has been expelled from ASPiH may only apply for re-admission upon documentary evidence that s/he has undergone retraining or other form of remediation that is acceptable to the Executive.

6.5 The Disciplinary Committee shall determine the extent of the publicity to be given to the result of its proceedings. It may, in any event, communicate fully its findings and any evidence submitted to it to any appropriate regulatory body.

7. Appeals

7.1 An appeal may only be brought where the Disciplinary Committee has expelled or suspended the member from ASPiH. The appeal shall be by way of re-hearing.

7.2 The communication of any decision against which an appeal may be brought shall include or be accompanied by a notice stating that an appeal against it may be submitted in writing to the Chairman of ASPiH and must be submitted to her/him within 14 days of the date of

posting the decision.

7.3 The appeal should state the grounds on which the member believes that the Disciplinary Committee's decision should be reversed or varied. The Chairman may extend this time limit of 14 days if s/he considers it appropriate.

7.4 Any decision against which an appeal may be brought shall not come into effect until 14 working days of the date of its posting to the member. The submission of an appeal shall suspend its effect until the determination of the appeal unless the Executive otherwise decides.

7.5 ASPiH's Appeals Panel will conduct the appeal process. The Appeal Panel shall appoint an Independent Investigator on the same basis and with the same powers as for the formal investigation by the Disciplinary Committee. If any member of the Appeals Panel has any relationship or conflict of interest with the appellant or person/s who made the original allegation, they cannot take part.

7.6 The Chairman of the Appeals Panel shall determine the procedures to be adopted in conducting the appeal hearing except as stated herein.

7.7 After considering the appeal, the Appeals Panel may confirm the decision of the Disciplinary Committee and the penalty imposed, or vary either the decision or the penalty.

7.8 The decision of the Appeals Panel shall be communicated to the Chairman of ASPiH and by her/him to the member.

8. Membership of Panels

8.1 No member of a Disciplinary Committee may be appointed to an Appeals Panel for the same or a related case.

8.2 Any member of a Disciplinary Committee or Appeals Panel who has a conflict of interest shall declare that interest to the member and shall only continue to be a member of the relevant panel if the Chairman and member both consent.