

Guidance on Disciplinary Procedure

Introduction

Chartered Institute of Procurement & Supply is a professional body incorporated in the UK by Royal Charter.

This document explains CIPS' disciplinary procedure. It contains information for anyone making a complaint about a member, for any member of CIPS who becomes the subject of a complaint, and for all other members of CIPS or the general public who wish to understand the process.

CIPS Code of Conduct

All CIPS members must agree to sign and be bound by CIPS' Code of Conduct, both at initial registration and then annually on renewal, when they are reminded of the Code and asked to re-state their commitment.

The Code is regularly reviewed and revised to ensure that it embodies and protects the very highest standard of professional conduct.

Members who breach the Code of Conduct will be subject to disciplinary action.

Charter and Bye-laws

CIPS is obliged under the terms of its Charter and Bye-laws to investigate complaints made against members for failure to observe the professional and ethical standards laid down in the Code of Conduct. The Bye-laws give authority for a Disciplinary Committee to investigate complaints against members and, if it is found that they have breached the Code, to take appropriate action.

CIPS is not a regulatory body required by statute to police the professional conduct of its members, but it does have obligations and rights to ensure its members uphold ethical standards and treats complaints against its members with the utmost seriousness.

Governance

The Global Board of Trustees (GBT) is CIPS' governing body and is ultimately responsible for the integrity of the disciplinary process. The GBT delegates the investigation of complaints and the recommendation of appropriate sanctions to its Disciplinary Committee but is responsible for endorsing sanctions and authorising their implementation.

The Disciplinary Committee investigates complaints and forms a view on behalf of GBT, it then makes a recommendation to the Board (referred to in the Charter as a "direction"). GBT would normally not reject the Committee's direction unless it concluded that the investigation process had not been followed.

Disciplinary Committee

The Disciplinary Committee is a sub-committee of the Global Board of Trustees. It is an ad hoc committee convened only when a case is referred. Membership of the Committee is determined by the GBT.

Making a Complaint

Any complaint about the conduct of a member should be made in writing and submitted in the first instance to the Company Secretary at Easton House. The complaint should set out the details of the alleged breach of the Code and include any supporting documentary evidence.

The Disciplinary Committee cannot investigate a complaint if:

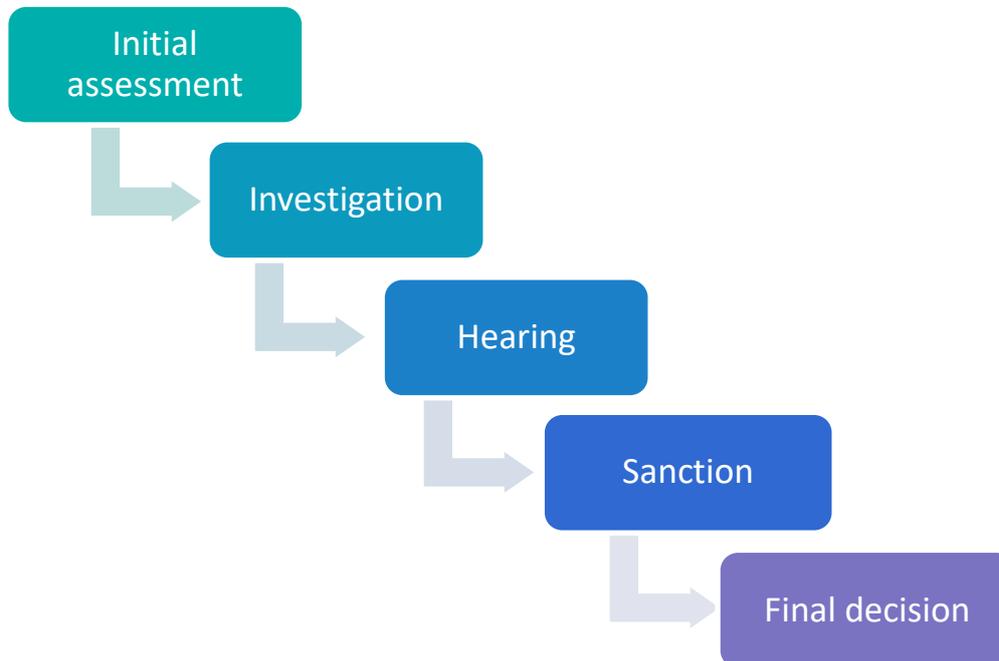
- The person concerned is not, or is no longer, a member of CIPS¹
- The complaint is not in writing (notification by telephone can be accepted but must be followed up by email or postal communication)
- The complaint is anonymous²

We need to know if the matter is the subject of court proceedings. If it is, we would normally await the outcome of the proceedings before referring the case to the Disciplinary Committee.

¹ membership status can be verified through the Member Search facility on the CIPS website. Lapsed or resigned members will not be allowed to reinstate if a complaint has been made against them in the meantime. There is a separate process for handling complaints about individuals who hold the CIPS Ethical Procurement Mark but are not CIPS members.

² anonymous complaints could be malicious and CIPS would have no way of validating the allegations

The Stages of the Disciplinary Process



Stage 1 – Initial Assessment

When a complaint is received, an initial investigation is undertaken by the Company Secretary to establish the facts of the complaint and whether it falls within the scope of the Code of Conduct. The Company Secretary will verify that the complaint is admissible and will check that:

- a) the person named in the complaint is a current member of CIPS
- b) the complaint is in writing
- c) the complainant is identified
- d) the complaint relates to a breach of one or more principles of the Code of Conduct.

Stage 2 - Investigation

Once the above criteria are satisfied, a copy of the complaint and any supporting documentation is sent to the Chair to ascertain whether there is a case to answer, if there is, the Disciplinary Committee will convene and where necessary, take legal advice. The Committee will decide:

- based on the information presented there is no case to be answered and the file can be closed;
- there appears to be a case to answer but additional information or evidence is required before a decision can be made;
- based on the information presented there is a case to answer and a hearing should be held.

If the Disciplinary Committee decides that there is a case to answer, it will set a date for the hearing and instruct the Company Secretary to inform the member. The member must be given at least 21 days' notice. The Company Secretary will also inform the complainant.

The Disciplinary Committee may ask the complainant, the member, or any other interested party for further information or clarification of any of the points of evidence prior to the hearing. Copies of all the documents which the committee is going to consider will be sent to the member prior to the hearing.

If the Committee decides there is a case to answer a hearing will be held (virtually) and the member will be given the opportunity to present their case and answer questions. While CIPS has no statutory powers to compel the member to co-operate, it does expect its members to reply promptly to requests for information. However, if the member does not respond, then the Disciplinary Committee will proceed with the case and reach a judgement based on the evidence to hand.

Stage 3 – Hearing

The member may attend the hearing in person (virtually), submit evidence in writing or be represented by another member of CIPS. If the member chooses neither to attend nor to send a representative, then the Disciplinary Committee will consider the written evidence and reach a decision on that basis.

If the member or his/her representative attends, he or she will be invited to present the member's response to the allegations. The Disciplinary Committee may ask questions and will then consider its decision in private.

The Company Secretary attends the hearing to take a record of the proceedings and advise on procedural matters, but does not take part in the decision-making.

The Chair may adjourn the meeting if the Committee decides that additional information or clarification of a particular point is required, and reconvene it at a later date. Once the decision has been made, the Chair prepares and signs a formal minute of the meeting, recording the decision and the rationale. A copy of the formal minute is sent to the member and to the complainant as soon as possible after the hearing.

Stage 4 - Sanction

The Disciplinary Committee will select what it considers to be the most appropriate sanction, which should be proportionate to the seriousness of the breach of the Code of Conduct. The options are:

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- expulsion from membership (lifetime)
or
 - suspension from membership with conditions imposed for reinstatement
or
 - a written reprimand with conditions imposed for continuation of membership
or
 - other appropriate sanction depending on circumstance
or
 - no sanction imposed

The Committee will normally put its recommended sanction (its 'direction') to the next scheduled meeting of the GBT. The majority of the Trustees are members of CIPS; evaluation of any breach is therefore ultimately reviewed by the member's professional peers.

The member has the right to address the GBT via written submission and the GBT must consider any such representation before formally approving (or rejecting) the Committee's direction. GBT then votes on the recommended sanction; the decision must be approved by a two thirds majority.

GBT's decision must be communicated to both the member and the complainant in writing within 7 days of the meeting.

The Legal Position

A CIPS disciplinary hearing is not a court of law and there is no requirement for the allegations to be proven 'beyond all reasonable doubt'. The Disciplinary Committee's role is to take due account of all the evidence available and to make a judgement on the facts of the case on a 'balance of probabilities', based on that evidence.

CIPS is not a regulatory body with a legal mandate and there are no provisions for legal representatives to be present. However, the GBT must ensure that all procedures are followed correctly and that all relevant legislation, such as the Data Protection Act, is adhered to.

The CIPS disciplinary process is not designed to provide evidence for any formal legal proceedings associated with the case. However, both the member and complainant should be aware that any documents produced as part of the disciplinary process are likely to be "discoverable" if subsequent court proceedings occur. The Disciplinary Committee will not normally consider a complaint until any ongoing legal proceedings have been concluded.

Stage 5 – Final decision

If it is decided that it is in the public interest, the outcome of the hearing may be published. Expulsions from membership will always be reported.

The member will also be removed from the published member register and, if applicable, the ethical mark register (if the member has only been suspended for a short period or reprimanded, they may be allowed to re-join these registers once they have completed remedial learning and re-taken the ethics test).

Enquiries

If you would like more information about the CIPS disciplinary procedure, or you wish to lodge a complaint, please contact the CIPS Company Secretary at Easton House, Easton on the Hill, Stamford, Lincolnshire PE9 3NZ.