



# DISCIPLINARY REGULATIONS

Originally adopted by Resolution of the Council on the 8th December 1990. Latest revision May 2020.

## 1. Interpretation

- 1.1 In these regulations, unless the context otherwise requires, 'the Society' means The Chartered Society of Forensic Sciences; 'the Council' means the Council of the Society; 'the Membership/Ethics Committee' (MEC) means the Committee appointed each year at the first Council Meeting following the Annual General Meeting and shall be composed of the Vice President (who will act as Chairman), Honorary Chair of Quality Standards, an Ordinary Member of Council, a Member of the Society (who is not a Council member) and the Honorary Secretary; 'the Disciplinary Committee' (DC) means the Committee appointed by the Council in accordance with clause 1.14.1 of the Bye Laws. The DC shall comprise the President or another designated officer of the Society, two members of Council and two Members who are not Members of Council; 'Member' means a professional level member in any category referred to in the Bye Laws; 'the Clerk' means the office staff appointed by the DC to act as its Clerk; 'the Complainant' means the person or body by whom a complaint has been made concerning a member's professional conduct; 'the Respondent' means a member against whom a complaint has been made.

## 2. Membership/Ethics Committee

- 2.3 Once appointed the Chairman and Committee members shall remain in office until their successors are appointed by the Council. The Council may fill casual vacancies from time to time as they occur.
- 2.4 The MEC shall keep under review current principles of professional conduct, interpret the published guidelines, recommend changes in the guidelines and prepare statements on ethical conduct for publication.
- 2.5 The MEC shall give preliminary consideration of any complaint made against a member and if appropriate shall require Council to appoint a DC.
- 2.6 Whenever the MEC receives a complaint which could relate to a member's Professional conduct then the members of the MEC shall remain in office in respect of that complaint only until the investigation of that complaint has been completed.

## 3. Disciplinary Committee

- 3.1 Once appointed the members of the DC shall remain in office until the complaint for which the DC has been appointed has been heard and the DC has submitted its report to the Council.
- 3.2 No member shall serve as a member of the MEC and as a member of the DC.

## 4. Investigation Rules of the Membership/Ethics Committee

- 4.1 All complaints will be directed to the appropriate committee, MEC, for consideration and, if required, further investigation.
- 4.2 Whenever the MEC receives a complaint which could relate to a member's professional conduct they shall have the power to call upon such expert advice as it may think necessary to assist in its investigations. The quorum of the MEC shall be three members. Decisions of the MEC shall be a simple majority of votes. The Chairman shall only vote in the event of equality of votes.
- 4.3 The MEC shall investigate the substance of the complaint. If the MEC decides it does not relate to a member's professional conduct or it is a trivial, frivolous or malicious nature it may resolve to take no further action, in which case the Respondent will not be informed that any question of his/her conduct has arisen. This does not preclude the MEC from further investigation of the matter.
- 4.4 In all other cases the Respondent will be notified of the complaint; and of the nature, particulars and source thereof; and the fact that the complaint or allegation shall be considered by the MEC; and his/her right to submit a written statement to the MEC; and the MEC's powers of investigation under the Bye Laws and these Regulations and its authority in the absence of any exercise of his/her rights, to proceed without further



## DISCIPLINARY REGULATIONS

reference to the Respondent provided due notice has been given in accordance with this clause. Should any mitigating circumstances be presented the MEC may delay the process, as necessary.

- 4.5 The MEC shall deal only with written submissions. Neither a Complainant nor Respondent nor any representative acting on behalf of either shall have a right of appearance before the MEC.
- 4.6 All documentary evidence in support of the complaint and any written statement submitted by the Respondent will be transmitted to MEC. MEC will be notified if the Respondent has not availed himself/herself of his/her rights.
- 4.7 When the MEC intends to hold a meeting, at least 28 days clear notice shall be given to all parties unless all parties agree to a shorter period.
- 4.8 All parties must be notified that all written representation must be received at least 7 days prior to the date of the meeting. The representations received after that date will only be considered at the discretion of the Chairman of the MEC.
- 4.9 The MEC shall consider the documents and may either reach a conclusion forthwith or suspend the consideration from time to time to enable further enquiries to be made. If further enquiries are made the results of such will be made available to all parties and they will be invited to make observations thereon.
- 4.10 If the MEC considers there is a prima facie case to answer it shall ask the Council to appoint a DC as set up under clause 1.14.1 of the Bye Laws for further investigation and direct the office to inform the Complainant and the Respondent.
- 4.11 The MEC shall keep confidential Minutes of its deliberations and decisions.
- 4.12 If at any time during an investigation it becomes known that the facts giving rise to the complaint are sub judice or subject to investigation by any other competent tribunal or body, the Society's investigation may be suspended forthwith until the matter has been resolved elsewhere.

### 5. Disciplinary Committee and Hearings

- 5.1 For the purposes of hearing a case referred to the DC, the Committee shall appoint a member of the office staff to act as Clerk and may appoint one or two more specialist advisers without the power to vote as it deems appropriate in each instant.
- 5.2 In cases of complaint arising from outside the Society or if the Chairman of the DC considers the matter to be one of public interest, the Chairman of the DC shall also include, with the power to vote, an appropriate person who is not a member of the Society in order to represent the public interest. The opinion of the Chairman of the DC in these matters shall be conclusive and binding.
- 5.3 The quorum for a meeting of the DC shall be three voting members. Decisions of the DC shall be by a simple majority of votes. The Chairman shall only vote in the event of an equality of votes.
- 5.4 Where a case is referred to the DC it shall be the duty of the Clerk as instructed: to inform the Respondent and Complainant of proposed further consideration of the complaint; and to take such legal action as the DC deems necessary; and to ask the MEC to prepare a statement of the case for presentation to the DC.
- 5.5 The Clerk shall, after consultation with the Chairman of the DC, fix a date, time, and place for a hearing of the complaint by the DC.
- 5.6 The Clerk shall send by registered post to the Respondent and the Chairman of the MEC a notice which shall contain the following particulars; the date (which shall not be less than 42 days from the date of despatch of the notice), the time and place of hearing; and the statement of the grounds of complaint; and a requirement to furnish the Clerk not less than 21 days before the date of the hearing a copy of each and all the documents on which the Respondent or the MEC (as the case may be) proposes to rely; and a requirement to inform the Clerk the name of the MEC's representative, whether the Respondent intends to appear before the DC in person or to be represented and if he/she intends to be represented, the names of any person or persons who



## DISCIPLINARY REGULATIONS

will be representing him/her; the names of any witnesses which the MEC or the Respondent wishes to call and an invitation to send an answer in writing to the Clerk not less than 21 days before the day appointed for hearing; and a warning that if the Respondent or the MEC fails to attend, the DC shall satisfy themselves that due notice was given and if so satisfied may proceed with the hearing or adjourn the hearing at the DC's discretion.

- 5.7 A copy of these Regulations shall be enclosed with the aforesaid notice.
- 5.8 If the Respondent or the MEC fails to attend, the members of the DC shall satisfy themselves that due notice was given and if satisfied may proceed with the hearing or adjourn the hearing at the DC's discretion.
- 5.9 At the opening of the hearing the Chairman of the DC shall inform all present of the procedure to be adopted.
- 5.10 A hearing shall be conducted as far as possible, in accordance with the following outline of procedure.
  - 5.10.1 The Chairman of the DC shall preside and give rulings on the admission of evidence and on any questions of procedure or points of order that may arise.
  - 5.10.2 The Chairman of the DC shall have power to adjourn the hearing and, after consultation with those present, to fix a date, time, and venue for its resumption.
  - 5.10.3 The Chairman of the DC shall open the proceedings by asking the Respondent whether he/she has received the notice sent to him pursuant to Regulation 5.6 together with a copy of the Regulations.
  - 5.10.4 No document shall be submitted to the DC which has not been furnished to the Clerk in accordance with Regulation 5.6 save with consent of the Chairman.
  - 5.10.5 The MEC and the Respondent may be represented in proceedings before the DC by a Solicitor and/or Counsel or by any other person. Any reference in the following paragraphs of these regulations to the MEC or to the Respondent shall include their Counsel, Solicitor, or other representative.
- 5.11 The MEC shall put its case in the presence of the Respondent if he or she is in attendance personally or by representative, and may call witnesses, including the Complainant, to give evidence. The MEC may question any witness so called.
- 5.12 The Respondent shall then be given the opportunity to question any witnesses, including the Complainant called on behalf of the MEC.
- 5.13 The Chairman and any Member of the DC shall have the opportunity to ask questions of the witnesses, including the Complainant called on behalf of the MEC.
- 5.14 The MEC shall have the opportunity to re-examine its witnesses on any matter referred to during such questioning.
- 5.15 The Respondent shall put his/her case in the presence of the MEC and he/she may call witnesses to give evidence, and question any witnesses so called.
- 5.16 The MEC shall have the opportunity to question the Respondent if he/she chooses to give evidence, and any other witnesses called on behalf of the Respondent.
- 5.17 The Chairman and any member of the DC shall have the opportunity to ask questions of the Respondent if he/she chooses to give evidence and of any other witnesses called on behalf of the Respondent.
- 5.18 The Respondent shall have the opportunity to re-examine his/her witnesses on any matter referred to during such questioning.
- 5.19 When all the evidence has been heard the MEC shall address the DC and sum up their case.
- 5.20 The Respondent and/or his/her representative shall have the opportunity to address the DC and sum up his/her case.



## DISCIPLINARY REGULATIONS

- 5.21 The Chairman, at his sole discretion, may suspend the hearing any time to consult privately with members of the DC or his advisers.
- 5.22 At the conclusion of the hearing all the members of the DC shall withdraw for a period that the Chairman shall determine, so that the DC may deliberate and, if possible, reach a decision as to the true facts of the matter and whether or not the complaint should be upheld.
- 5.23 The DC shall deliberate in private but may recall the parties to clarify any points of uncertainty on evidence already given.
- 5.24 When the DC has reached a decision the parties shall be recalled, it shall then announce the finding, either forthwith or after further deliberation in private or it may defer its decision until a later date. In the event of deferment, the Clerk shall give to the Respondent and any person accompanying him/her not less than seven days written notice of the date, time, and place at which the finding shall be announced.
- 5.25 The finding shall be announced to all the parties involved and shall be confirmed in writing by the Clerk.
- 5.26 All cases considered by the DC shall be reported to the Council by the Honorary Secretary. Where the Committee shall have dismissed the Complaint, no mention shall be made of the name of the Respondent.
- 5.27 The DC shall keep confidential Minutes of its deliberations and decisions.

### 6. Decision of the Council

- 6.1 The DC shall present a written report setting out the DC's decision as to the true facts of the matter and whether the complaint should be upheld or not. The office staff will be directed by the DC to send a copy of the report to each member of the Council and to the Respondent at least fourteen days before the Council Meeting to which the findings of the DC are to be referred.
- 6.2 The Council shall consider the report of the DC at the first available opportunity, sufficient notice having been given to the Respondent, and decide what action (if any) should be taken against the Respondent on the basis of the DC's report.
- 6.3 No members of the Council, with respect to the action (if any) to be taken, who is a member of the investigating MEC, or the DC shall vote at the meeting of the Council.
- 6.4 The Respondent and his/her representative, if any, shall be entitled to be present at and to address such a meeting of the Council.
- 6.5 The Council will consider the findings of the DC and any comments made by the Respondent and may, if in its opinion the interests of the Society require it, remove, or suspend the Respondent from the Society.
- 6.6 In the case of any complaint upheld against a member of the Society, the full details shall be communicated to the Forensic Science Regulator.