



## **Career Development Institute Discipline Procedure for Members of the CDI against whom a complaint has been made of breach of the CDI Code of Ethics**

### **1. Introduction**

All CDI members should be concerned with the maintenance of good practice within the profession and must commit themselves to the CDI Code of Ethics which sets out the standards of professional conduct to which members must adhere. The following is the procedure which will be applied to deal with any complaints arising.

### **2. Procedure**

Complaints may be made against a member by:

- the Institute
- another member
- a third party

### **3. Deciding if there is a case to answer**

Any complaint made against a member must be made in writing under confidential cover and addressed to the Chief Executive of the Institute at its registered office. Complainants will set out the circumstances forming the basis of the complaint, including the relationship, if any, between the complainant and the member concerned.

The Chief Executive will firstly consider whether the complaint is capable of amounting to a breach of the Code of Ethics. In doing so, the Chief Executive may, at his/her discretion, consult with the complainant and other parties, in particular officers of the Institute.

Where the Chief Executive concludes that the complaint is not capable of amounting to an allegation, the complainant will be informed that no further action will be taken and the matter will be closed.

Where the Chief Executive considers that the complaint is capable of amounting to a breach of the Code of Ethics, s/he will write to the member concerned and provide an opportunity for the member to respond to the complaint before determining whether there is a case to answer.

In determining if there is a case to answer the Chief Executive will consider the evidence in support of the complaint and the member's response in deciding whether there is a real prospect that the Professional Standards Committee will find (1) the alleged facts proved and (2) a breach of the Code of Ethics.

If the Chief Executive concludes that there is no case to answer, s/he will advise the complainant and the member concerned in writing that the case has been closed, and inform the Chair of Professional Standards Committee of the action s/he has taken.

If the Chief Executive concludes that there is a case to answer, s/he will advise the complainant, and the member concerned (and the member's employer, if relevant) that the case has been referred for hearing before a Disciplinary Panel.

#### **4. Challenging the decision that there is no case to answer**

The complainant may challenge the decision of the Chief Executive in writing to the Chair of the Professional Standards Committee. This process will consist of the consideration of the information already submitted to the Chief Executive, any further evidence which has been presented as the result of the above process and any written representations from the complainant and the member concerned.

The decision of the Chair of the Professional Standards Committee (or other nominated member of the Committee, if there is a conflict of interest) will be final and binding and the complainant and the member concerned will be notified of the decision in writing by the Chief Executive.

#### **5. If there is a case to answer**

The Chief Executive will refer the allegation to the Chair of the Professional Standards Committee. The Chair will then instruct the Secretary of the Professional Standards Committee to convene a disciplinary panel.

#### **6. The Disciplinary Panel**

The Disciplinary Panel will be drawn from any Members of the Professional Standards Committee including the Chair provided that there is no conflict of interest with the member concerned or the complainant. The Panel members will appoint a Chair of the Panel and a member to act as its Secretary. The Panel will consist of three members each of whom will have a vote. The Panel may sit with a legal adviser. The Panel may co-opt a specialist adviser/s if the nature of the complaint requires this expertise. The Legal and specialist adviser/s will not have a vote. The Panel will be held in private unless there is good reason for it to be held in public.

#### **7. Disciplinary Panel Hearing**

At the hearing the Professional Development Manager (PDM) or his/her delegate will act as the Presenting Officer in presenting the allegation on behalf of the CDI.

The Chair of the Panel will arrange for the date of the hearing to be notified to the complainant and the member, providing the minimum of seven (7) weeks' notice.

The Presenting Officer will prepare a bundle of documents to be relied upon at the hearing and send a copy of the bundle to the member concerned not less than forty (40) days before the date of hearing.

The member concerned will send to the Presenting Officer any documents that the member wishes to rely upon at the hearing not less than thirty (30) days before the date of the hearing.

The Presenting Officer will prepare a bundle of documents containing documents relied upon by the Presenting Officer and any documents submitted by the member and provide the bundle to the Chair of the Panel not less than twenty-one (21) days before the date of the hearing.

The Chair of the Panel will arrange for a copy of the bundle of documents to be sent from the Institute's registered office to the member and the Disciplinary Panel not less than fourteen (14) days before the date of the hearing.

At the hearing the member may be represented by any other person including legal/union adviser if s/he so wishes.

At the hearing the Presenting Officer and the member may call witnesses and may present documentary evidence and present orally the written evidence from both the complainant and the member, ask the complainant and member to respond and will be allowed to cross examine both parties if necessary.

If the member does not attend and is not represented at the hearing, the hearing may proceed in the absence of the member with agreement of the member or in accordance with fair hearing principles in the absence of such agreement.

The Panel may adjourn the hearing at any stage.

The Panel, after considering all of the evidence and explanations will retire to consider their decision.

The burden of proving the alleged facts shall be on the Presenting Officer. The standard of proof is the civil standard, that is, the balance of probabilities.

The decision of the panel will be by simple majority.

The Panel will then announce their decision to the member and the disciplinary measure to be imposed if it has been concluded that a breach of the Code has occurred.

The Chair of the Panel will notify the Chief Executive of the decision in writing, providing reasons for the decision.

The Chief Executive will then notify both the complainant and member of the decision in writing. Notification to the member's employer, if relevant, will also be given after the time for an appeal has expired or, where an appeal is made, after the conclusion of the appeal hearing.

## **8. Powers of the Disciplinary Panel**

- I. Dismiss the complaint
- II. Exercise one or more of the following disciplinary measures:
  - a) Require a letter of apology to be written by the member to the complainant and that this is approved by the Chief Executive before being sent to the complainant.
  - b) Issue a written warning which includes the consequences if a further breach is committed within a time period to be determined by the Panel but no longer than 10 years.

- c) Require a written undertaking from the member as to future conduct and performance.
- d) Require a written undertaking from the member to undertake specific training.
- e) Suspend the benefits of CDI membership and the UK Register of Career Development Professionals (if applicable) for an upper limit of two years.
- f) Remove the member from the CDI membership. Removal will be for an indefinite period but the Panel may specify a period of time after which the member may apply to be re-admitted to membership in accordance with paragraph 12 below or the Panel may determine that there should be no such right.

N.B. Measures a) to d) can be used in isolation or in combination at the discretion of the Panel.

Failure by the member to carry out any of the measures imposed within ten (10) working days will result in immediate removal from the CDI Membership.

## **9. Recording**

A full recording of the Panel must be produced. A transcript will only be typed if there is an Appeal or other good reason for doing so.

The decision of the Panel will be noted on the member's CDI record by the Chief Executive.

## **10. Appealing the decision and the measure imposed**

The member concerned can appeal the decision of the Panel and the resulting measures.

The appeal must be made in writing to the Chief Executive within twenty-eight (28) days of the decision being made. The letter must set out the full grounds on which issue is taken with the disciplinary decision. The disciplinary measure/s decided by the Panel will be suspended until after the appeal is heard.

The Chief Executive will notify the Chair of the Professional Standards Committee of the appeal and will ask for an Appeals Panel to be convened.

The Chair will fix a date for the case to be heard, giving at least twenty-eight (28) days' notice to the member and to the members of the Appeals Panel.

The Appeals Panel will follow the same process as the Disciplinary Panel.

The Appeals Panel will consist of other members of the Professional Standards Committee who were not involved in the Disciplinary Panel.

The Appeals Panel may overturn the disciplinary panel decision, vary it or uphold it.

The member concerned (and their employer, if relevant) will be informed in writing, within fourteen (14) days, of the decision of the Appeal Panel by the Chief Executive.

## **11. Communication of decisions to the CDI Board**

Where the case has resulted in disciplinary action the Board of the CDI will be informed by the Chief Executive of the complaint, the name of the member and the decision taken. This notification will be

given after the time for an appeal has expired or, where an appeal is made, after the conclusion of the appeal hearing.

## **12. Re-admittance**

Where a member has been removed from the membership but the Disciplinary Panel specified a period after which the member might apply to be re-admitted to membership, any application to be re-admitted, after that period has expired, will be considered by a Panel comprising members of the Professional Standards Committee. The Panel will consider whether the applicant is suitable to be re-admitted. The applicant shall have the burden of proving that he or she is suitable. The civil standard of proof will apply.

END.

*Claire Johnson, Professional Development Manager, 6<sup>th</sup> February 2015.  
Amended and ratified by CDI Board, November 2016*



## Complaint Form

### CDI Member in Breach of the CDI Code of Ethics

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The Career Development Institute takes very seriously any complaints that a member of the CDI has breached the CDI Code of Ethics. Please complete the form below and send it under confidential cover to the CDI Chief Executive at the CDI Registered Address,

#### Section 1: Your details

Title:

Name:

Address:

Post Code:

Telephone:

*Please provide us with a daytime telephone contact number*

E-mail:

#### Section 2: About the CDI Member

Name:

#### Section 3: About your complaint

Date:

Time:

Place:

#### Section 3: About your complaint

Please give a full description of your concerns. Please continue on a separate sheet and attach to this form:

#### Section 4: Reports to third parties

Have you reported your complaint to anyone else?

**YES / NO**

If 'YES' please tell us to whom you have reported your concerns. This will allow us to ensure that we are able to gather all relevant information and it will also allow us to ensure that we do not interfere with any other investigations.

Name of Person:

Job Title:

Address of Person:  
Post Code:

### Section 5: Declaration & Signature

Please read the following statements carefully and, having done so, sign and date the form below to confirm that you have understood the statements and that you agree to the Career Development Institute investigating your complaint.

1. I confirm that the information I have provided on this form is, to the best of my knowledge and belief, true and complete.
2. I understand that the CDI may hold personal data (including sensitive personal data) about me in electronic and paper formats and I consent to the processing of such data for the purposes of the investigation of and adjudication on the matters I have raised as a complaint.
3. I understand that any information provided by me to the CDI may be disclosed:
  - a) To members of the CDI for the purposes of investigating my complaint;
  - b) To the Chair and members of the CDI Professional Standards Committee for the purposes of the investigation of and consideration on my concerns;
  - c) To advisers acting on behalf of the CDI and its committee, and I consent to such disclosures being made.
4. I understand that the CDI is required to disclose to the member any information provided by me in relation to the matters I have raised as a complaint.
5. I wish the CDI to investigate the matters I have raised as a complaint, in accordance with the relevant rules, and I undertake to offer such assistance as is required.
6. I understand that, if matters are referred to the Professional Standards Committee, I may be required to attend a hearing and give evidence.

**Signed:**

**Date:**

#### **For CDI use only**

Date Received:

Logged by:

Passed to:

Acknowledgement sent to Complainant by:

Date Acknowledgement sent:

*Claire Johnson, Professional Development Manager, 6<sup>th</sup> February 2015.  
Amended and ratified by CDI Board, November 2016*