

Professional Conduct Procedure

Confidentiality

About this document

The Institution's member conduct and disciplinary procedures are governed by its Royal Charter, By-laws and Regulations. As a supplement to these the Institution publishes a series of information documents, of which this is one. The relationship between these different types of document is shown below.

1	Royal Charter	The Royal Charter is an instrument of incorporation granted by the UK monarch. It confers independent legal personality on the Institution and defines its objectives, constitution and powers to govern its own affairs including the power to make By-laws.
2	By-laws	The By-laws are approved by the Privy Council. They set out the rules that govern the actions of the Institution. They set out the general standards of conduct required of Institution members and require the Trustee Board to make Code of Conduct Regulations. They also define improper conduct, require the Trustee Board to make Disciplinary Regulations and set out members' liability to be penalised if found guilty of improper conduct.
3	Regulations	The Regulations set out the directives made by the Institution Trustees in defined subject areas, including the Code of Conduct Regulations and the Disciplinary Regulations.
4	Information	Information documents supplement the Regulations and are intended to help people who engage with the Disciplinary Procedures.

All of the documents listed above are available on the Institution's website.

Confidentiality

Our approach to confidentiality

1. Correspondence about complaints is private and confidential. We will not communicate a complaint or the accompanying papers to anyone who is not directly involved in the case unless we need to seek legal advice about the procedure or are required to by law or any other regulatory requirement. This means, for example, that Institution members and staff are not informed about the complaint unless they are directly involved in the disciplinary process.
2. We store documents about ongoing and past complaints securely and separately from our members' normal membership records. Membership records include a reference to a complaint only when a member is found guilty of improper conduct and a sanction is ordered. We record the sanction on the member's membership record.
3. The Institution's Audit and Risk Committee audits the disciplinary procedures. They do not have access to the personal details of the parties involved, i.e. Complainants, Defendants and Witnesses.

Confidentiality for all involved

4. If you are involved in the Disciplinary Regulations procedures in any way you should:
 - a. Keep the matter confidential (do not discuss it with Institution members, staff or other third parties unless you need to do so as part of the procedures);
 - b. Store relevant documents securely.
5. This does not prevent you from discussing the complaint in confidence with a support person or adviser. Neither does it restrict your right to seek legal advice or make a complaint to another professional body.

Confidentiality cannot be guaranteed

6. It is important to note, however, that we cannot guarantee the confidentiality of the information you provide, or the information that is obtained from other parties during the course of an investigation. We cannot, for example, control what the various parties involved do or do not disclose to others. The parties might, for example, seek advice, information or support from others and, in so doing, disclose the existence and/or nature of the complaint.

Confidentiality for Complainants and members subject to a complaint

7. When the Complainant submits a complaint, they provide their consent to their personal information being disclosed in relation to that complaint (see Complaint Form).
8. If either party wants to submit information or evidence from a third party as part of the complaint process, they must seek and obtain permission from that third party. This could include information used for court proceedings, or statements made for criminal proceedings. In these cases, you may need the permission of the court or relevant authority.