



Code of professional conduct  
and disciplinary procedures  
February 2008

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ESSIONAL PROCEDURES

The Chartered Institute of Personnel and Development (CIPD) is the professional association specialising in the management and development of people for the United Kingdom and the Republic of Ireland.

## [1] Mission

The mission of the Chartered Institute of Personnel and Development is:

- [1.1] to lead in the development and promotion of good practice in the field of the management and development of people, for application both by professional members and by their organisational colleagues
- [1.2] to serve the professional interests of members
- [1.3] to uphold the highest ideals in the management and development of people.

## [2] Objects

The objects for which the Institute is established are:

- [2.1] The promotion of the art and science of the management and development of people for the public benefit.

## [3] Purpose of this code

All CIPD members of whatever grade of membership should be concerned with the maintenance of good practice within the profession and must commit themselves to this code of professional conduct which sets out the standards of professional conduct to which members must adhere. Attached to this code is a description of the procedure which will be applied to deal with any complaints arising.

## [4] Standards of professional conduct

CIPD members are expected to exercise relevant competence in accordance with the Institute's professional standards and qualifications.

[4.1] CIPD members provide specialist professional knowledge, advice, support and management competence in the management and development of people. In all circumstances they:

- [4.1.1] must endeavour to enhance the standing and good name of the profession; adherence to this code of professional conduct is an essential aspect of this
- [4.1.2] must seek continually to improve their performance and update and refresh their skills and knowledge
- [4.1.3] must within their own or any client organisation and in whatever capacity they are working, seek to achieve the fullest possible development of people for present and future organisational needs and encourage self-development by individuals
- [4.1.4] must within their own or any client organisation and in whatever capacity they are working, seek to adopt in the most appropriate way, the most appropriate people management processes and structures to enable the organisation to best achieve its present and future objectives
- [4.1.5] must promote and themselves maintain fair and reasonable standards in the treatment of people who are operating within scope of their influence
- \*[4.1.6] must promote and themselves seek to exercise employment practices that remove unfair discrimination including but not limited to discrimination against all groups of individuals referred to in anti-discrimination and equality legislation
- [4.1.7] must respect legitimate needs and requirements for confidentiality
- [4.1.8] must use due diligence and exercise high standards of timeliness, appropriateness and accuracy in the information and advice they provide to employers and employees

[4.1.9] must seek to recognise the limitations of their own knowledge and ability and must not undertake activity for which they are not yet appropriately prepared or, where applicable, qualified.

[4.2] In the public interest and in the pursuit of its objects, the Chartered Institute of Personnel and Development is committed to the highest possible standards of professional conduct and competency.

To this end members:

[4.2.1] are required to exercise integrity, honesty, diligence and appropriate behaviour in all their business, professional and related personal activities

[4.2.2] must act within the law and must not encourage, assist or act in collusion with employers, employees or others who may be engaged in unlawful conduct.

## [5] Complaints

Any person, whether or not a member, may complain to the Institute that a member has been guilty of conduct which is not in accordance with the provisions of this code and/or where that conduct appears likely to bring discredit to the Institute or the profession. Such conduct will be considered under the terms of the disciplinary procedure.

## **CIPD Professional Conduct Disciplinary Procedure**

### [1] Procedures for complaints

[1.1] Complaints may be made against a member by:

- the Institute
- another member
- a third party

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

[1.3] The Secretary shall at his/her discretion consult with the complainant and other parties, in particular, officers and members of the Institute, including the member concerned to determine whether a prima facie case has been made. If the Secretary concludes that there is a prima facie case, he/she shall then formally notify in writing the member concerned.

[1.4] If the Secretary concludes that a prima facie case has not been made, he/she shall so advise the complainant, and at the Secretary's discretion the member concerned, in writing. The complainant may challenge the decision of the Secretary in writing to the member of the Nominations and Professional Conduct Committee designated to consider such appeals (designated member). This 'preliminary appeal' process will consist solely of the consideration of the information already submitted to the Secretary, the Secretary's own advice and written representations from the complainant and the member concerned. The designated member's decision shall be final and binding and there shall be no obligation to give written reasons for the decision.

[1.5] If the Secretary decides in the first instance, or the designated member of the Nomination and Professional Conduct Committee on preliminary appeal considers a prima facie case has been made, the Secretary shall then notify in writing the member concerned of the nature of the complaint and the Secretary shall request the member concerned's written response within 28 days of the date of sending out the notification. Upon receipt of the response or at the end of the period, whichever is earlier, the Secretary shall refer the complaint and the member concerned's response, if any, to the Chair of the Nominations and Professional Conduct Committee. The Chair shall then instruct the Secretary to convene, as soon as reasonably practicable, a disciplinary panel.

## [2] Disciplinary panel

[2.1] The power of making disciplinary decisions is vested in a disciplinary panel.

[2.2] Disciplinary panels shall be drawn from members of the Nominations and Professional Conduct Committee. The Chair of the Nominations and Professional Conduct Committee shall not be a member of a disciplinary panel. The nominated panel members will appoint one of their number to act as their Chair.

[2.3] A disciplinary panel will consist of not more than four and not less than three members including the Chair of the panel, each of whom shall have a primary vote. A panel may co-opt additional specialist advisers should it so decide, who will not have a vote. There will also be a Secretary for each panel who will normally be the Secretary of the Institute. In the event of a tied vote, the Chair does not have a casting vote.

### [3] Disciplinary panel hearings

[3.1] Within 14 days of receiving a response, or after the lapse of 28 days from sending notification to the member concerned whichever is the lesser, the Secretary shall fix a date and place for the complaint to be heard by the disciplinary panel, giving at least 28 days notice to the member and complainant concerned or such other period as may be determined (unless otherwise agreed between all the parties). The place where the complaint will be heard will ordinarily be the headquarters of the CIPD.

[3.2] At least 14 days before the disciplinary hearing, the panel must present in writing to the member concerned and all other parties involved the document supporting the complaint. The member concerned shall also have proper opportunity to bring witnesses and introduce at the hearing any relevant evidence he/she may consider fit. The person making the complaint will normally be required to appear before the hearing and given the opportunity of an explanation. Either or both parties may be accompanied by a chartered member (i.e. Chartered Companion, Chartered Fellow, or Chartered Member) of the CIPD if he/she so wishes. Such a member shall attend as a supporter or adviser but not as a representative.

[3.3] The hearing can, with the agreement of the parties, take place in the absence of one of the parties if, in the opinion of the disciplinary panel, there is no alternative to proceeding in this way. With the agreement of the parties, the hearing could be conducted by correspondence.

[3.4] The disciplinary panel may make such further enquiries by correspondence or call witnesses or otherwise as it may think fit. This may involve an adjournment of the panel hearing for a reasonable period.

- [3.5] The disciplinary panel, after considering all available submissions, will determine their decision. If the panel decides that the case has not been substantiated, the complaint will be dismissed. The Secretary will in writing inform the person making the complaint and the member concerned.
- [3.6] Decisions of the disciplinary panel shall be by simple majority and can be made in the absence of the member concerned, provided they have been previously informed of the date of the hearing and nature of the complaint. In the event of a tied vote, the Chair shall not have a casting vote; in these circumstances the complaint shall be regarded as dismissed.

#### [4] Powers of the disciplinary panel

The disciplinary panel shall have the following powers:

- [4.1] dismiss the complaint
- [4.2] exercise one or more of the following disciplinary decisions, in combination or as alternative:
  - [4.2.1] warn, admonish or reprimand any member
  - [4.2.2] call for a written undertaking from the member as to future conduct and performance, to provide for guidance from a senior colleague and specific training, and/or arrange for regular reporting
  - [4.2.3] direct that a statement recording the complaint should be entered on the CIPD's personal record of the respondent for a defined time
  - [4.2.4] review the member's eligibility for Institute office
  - [4.2.5] re-designate a member in the Institute's membership grades
  - [4.2.6] withdraw the benefits of membership of the Institute and the use of designatory letters and/or chartered title for a defined time
  - [4.2.7] call for the resignation of a member

- [4.2.8] expel a member from the Institute
- [4.2.9] make recommendations to the President of the Institute regarding publication of the decision.

## [5] Appeal system

- [5.1] It is open for a member against whom a complaint has been upheld in full or in part by a disciplinary panel and against whom a disciplinary decision has been made, to lodge an appeal to an appeals panel. Such appeal must be made in writing to the Secretary of the Institute at the registered office of the CIPD within 28 days of the date of notification of the disciplinary decision. The notice must set out the full grounds on which issue is taken with the disciplinary decision. The action decided upon will, at the discretion of the disciplinary panel, normally be suspended until after the appeal is heard.
- [5.2] The Secretary will notify the Chair of the Nominations and Professional Conduct Committee, as Chair of the appeals panel, of the appeal, and he/she will instruct the Secretary to convene an appeals panel.
- [5.3] The Secretary shall fix a date and place for the case to be heard, giving at least 28 days notice to the member concerned or such other period as may be agreed between all the parties.
- [5.4] The appeals panel will follow the same procedure as the disciplinary panel save that the member concerned may be represented by a third party who need not be a member of the Institute. Relevant documents will be circulated to all parties before the appeal hearing. The decision of the appeals panel will be final and by a simple majority; where no such majority is obtained, the appeal fails and the original decision stands.
- [5.5] The appeals panel may overturn the disciplinary decision, vary or uphold it.
- [5.6] The member concerned will be informed in writing within 14 days of the decision of the appeals panel.

## [6] Appeals panel

The appeals panel will consist of the Chair of the Nominations and Professional Conduct Committee, as Chair, and four other members of that committee. In the unavoidable absence or indisposition of the Chair, that person or the panel itself may nominate another member of the panel to act as Chair. No member may serve on the appeals panel who was previously involved in the disciplinary panel, in relation to the same matter.

## [7] Publication of decisions

[7.1] Decisions by the Secretary and upon preliminary appeal by the Chair of the Nominations and Professional Conduct Committee shall be reported to that committee.

[7.2] Decisions of the disciplinary panel (subject to paragraph 5.1) and of the appeals panel will be notified to the member against whom the complaint has been made and as soon as practicable to the council, and will be effective immediately. The extent of publication will be at the discretion of the President of the Institute, based on a recommendation from the disciplinary or appeals panel. Individuals in cases which have been dismissed will not be identified, but details of such cases may nevertheless be published. Members who have been the subject of disciplinary proceedings may request the President, at his/her discretion, to publish decisions on their behalf.

## [8] Readmittance

Before a member is readmitted following expulsion, the matter will be referred to the Nominations and Professional Conduct Committee.



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