



**Pensions
Management
Institute**

Moving pensions forward

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Disciplinary Regulations

Definitions

1. In these Regulations, words defined in the Articles or other Regulations have the meanings ascribed to them there. In addition:

“Chair” means the chair of a Disciplinary Panel or Appeal Panel (as appropriate) appointed in accordance with these Regulations.

“Complaint” means a complaint made by a Complainant under these Regulations. It should be noted that disciplinary action relating to conduct associated with the Institute’s examinations programme are covered by a separate Sanctions Policy and so are out of scope of these Regulations.

“Complainant” means a person or body lodging a complaint of alleged misconduct against a Member, and may include the Institute;

“Executive Support” means the person providing administrative and operational support in relation to a complaint

“Laws of the Institute” means the Articles, the Regulations, the Code of Professional Conduct and all other regulatory instruments of the Institute for the time being in force;

“Misconduct” means failure to comply with the Laws of the Institute or a conviction, finding or sanction of any competent court, tribunal or authority, which is considered by the Institute to be relevant to membership; and

“Panel” means a Disciplinary Panel or an Appeal Panel (as appropriate) convened under these Regulations.

“Respondent” means a Member against whom a complaint has been made.

“Supporter” means an individual nominated by the Respondent who will attend any hearing to provide legal and /or other forms of support to the Respondent.

“in writing” and **“written”** include communication by email.

Making a Complaint

2. A Complaint under these Regulations shall be sent to the Institute in writing (including by email). The Complainant should set out in their Complaint the Misconduct which is alleged against the Respondent.
3. On receipt of a Complaint, the Executive Support will:
 - a. send the Complaint to the chair of the Regulation Committee (if the chair has not already received the Complaint); and
 - b. acknowledge receipt of the Complaint in writing to the Complainant.

Executive Support

4. The member of the PMI executive who supports the Regulation Committee, or such other member of the PMI executive as determined by the Chief Executive of the PMI (or in the event that a complaint is against the Chief Executive, as determined by the chair of the PMI Board), shall provide administrative and operational support to any Panel convened under these Regulations in relation to a Complaint.
5. Unless the Chair decides otherwise, all correspondence between a Panel and a Complainant or Respondent shall be sent by the Executive Support.

Appointment of Disciplinary Panel

6. On receipt of a Complaint, the Chief Executive shall appoint a person to be Chair of a Disciplinary Panel to consider that Complaint. In the event that the Complaint is against the Chief Executive, the Chair of the Disciplinary Panel shall instead be appointed by the Chair of the PMI Board.
7. Subject to paragraphs 8 and 9, the Chair appointed under paragraph 6 shall create and appoint a Disciplinary Panel. The Panel shall comprise up to five members and shall include at least one person who is not a Member of the Institute.
8. A person may not be appointed to a Disciplinary Panel in any Complaint where they have participated previously in its consideration (unless sitting as a member of the Disciplinary Panel reconvened following a direction from an Appeal Panel to hear new evidence), or where they have a personal connection with the Respondent, the Complainant or any company, firm or pension scheme connected with the Respondent or Complainant.
9. If the Chair considers that either of the following circumstances apply to the Complaint, rather than convening a Disciplinary Panel the Chair may inform the Complainant that the Complaint is to be rejected and will not be considered under these Regulations:
 - a. that the complaint has not been made in good faith (i.e. it is vexatious, frivolous, spurious, untruthful etc.); or
 - b. that there is no prima facie case to answer.

10. Where a Complaint is rejected under paragraph 9, the Complainant may refer the Complaint within 14 calendar days of that rejection to the chair of the Regulation Committee who shall carry out a review of the decision to reject the Complaint. If the chair of the Regulation Committee decides that the Complaint should not be rejected under paragraph 9, they shall appoint a new Chair to convene a Disciplinary Panel to hear the Complaint in accordance with these Regulations.
11. If the Complaint is, or appears to the Chair to be, the subject of, or substantially related to, current or probable proceedings before the courts or before any other professional, regulatory or other tribunal then the Chair may direct that the complaint shall be 'stayed' until such proceedings have been concluded.

Procedure for Disciplinary Panel

12. The quorum for a hearing by a Disciplinary Panel shall be three including at least one member who is not a Member of the Institute.
13. A Complaint referred to the Disciplinary Panel shall be heard as soon as practicable. Any hearing may be held in person or by video or audio meeting, as determined by the Chair. The hearing shall be open to the Respondent and the Complainant and, if the Chair so decides, to the public but only up until the point at which the Panel begins to consider its decision and, if appropriate, any sanction that is to be imposed (from which point the Chair will require the Respondent, Complainant and any members of the public to leave the hearing).
14. The Complainant and Respondent shall be given at least 28 calendar days' notice of the date, time and place (if applicable) of any proposed hearing and shall be informed that they are entitled to attend the open part of the hearing.
15. The Respondent shall be provided with full details of the Complaint that has been made against them and invited to provide a written response to the Complaint no less than 3 working days before the date of the hearing.
16. The Respondent (and any Supporter) and, unless the Chair decides otherwise, the Complainant will be entitled to attend the open part of the hearing, to speak and give evidence on their own behalf or to be represented, and to call and cross examine such witnesses as may be agreed with the Chair. If the Respondent does not attend the hearing the matter will be determined in their absence unless the Panel agrees to postpone the hearing.
17. Subject to the Laws of the Institute, including these Regulations, the Panel may decide its own procedure for any hearing.
18. The Disciplinary Panel shall decide, having heard the case, whether the Complaint is upheld in whole or in part. If so upheld, the Panel shall direct that any one or more of the following sanctions be imposed:
 - a. the Respondent be admonished;
 - b. all or any of the Respondent's privileges of membership be withdrawn for a

specified period of time;

- c. the Respondent be fined an amount not exceeding £2,000 or such amount as the Regulation Committee determined at the preceeding Autumn meeting;
- d. the Respondent be suspended from membership for a specified period;
- e. the Respondent be expelled from membership of the Institute;
- f. the Respondent's membership (or readmission to membership at the end of any period of suspension) be made subject to conditions; or
- g. the Respondent be ordered to pay costs under paragraph 35.

19. The Chair of a Disciplinary Panel shall (through the Executive Support) provide written notice of the decision of the Panel

Right of Appeal

20. A Respondent may appeal against a decision of a Disciplinary Panel by giving notice to the Institute in writing, within 28 calendar days of receipt of notification of the Disciplinary Panel's findings. Any such appeal shall be heard by an Appeal Panel convened in accordance with the following procedure.

21. The Chair of the Appeal Panel shall be the chair of the Regulation Committee or such other person as appointed by the chair of the Regulation Committee.

22. The Chair of the Appeal Panel shall create and appoint the members of the Appeal Panel which shall comprise up to five members of the Regulation Committee or such other persons as the Chair considers appropriate and must include at least one person having a legal qualification.

23. A person may not be appointed to an Appeal Panel if they have previously been involved in the Complaint as part of the Disciplinary Panel or where they have a personal connection with the Respondent, or Complainant or any company, firm or pension scheme connected with the Respondent or Complainant.

24. When giving notice of their appeal, the Respondent must state in writing whether they wish to appeal against the upholding of a Complaint and/or against a sanction (including an order for costs) and provide details as to the basis on which they believe an appeal should be allowed.

25. The quorum for a hearing by an Appeal Panel shall be three, including at least one member who is legally qualified.

26. The hearing of an appeal shall be held in private unless the Chair decides otherwise.

27. The Appeal panel shall not hear evidence, but shall consider whether the complaint has been properly heard under the Laws of the Institute, whether the rules of natural justice and any relevant principles of human rights have been satisfactorily

observed, and whether the Disciplinary Panel has reached a reasonable decision in the circumstances. The Appeal Panel is entitled to be provided with all evidence and information submitted to the Disciplinary Panel and to see all correspondence and meeting notes relating to the Disciplinary Panel.

28. If the Appeal Panel concludes that the handling of the complaint has been unsatisfactory, it may overturn the finding of the Disciplinary Panel or remove the sanction imposed on the Respondent or substitute a different sanction from amongst those available to the Disciplinary Panel.

29. If new evidence is put before the Appeal Panel and that Panel is satisfied that the evidence could not reasonably have been made available to the Disciplinary Panel at the relevant hearing, then the Appeal Panel may direct that the Disciplinary Panel reconvene to hear the new evidence. The rights of appeal of the Respondent under Regulation 19 shall apply equally to the outcome of a reconvened hearing of the Disciplinary Panel.

Appeals against sanctions imposed under the Continuing Professional Development Regulations

30. The appeal process set out in paragraphs 20 to 29 above may also be invoked by any Member who has had sanctions imposed on them as a result of their failure to adhere to the CPD Regulations. Any such appeal must be made by notice in writing to the Institute within 28 calendar days of the Member being informed of the decision to impose the sanctions.

Notification and Publication of Decisions

31. Decisions of the Disciplinary Panel and Appeal Panel shall be notified to the Respondent and Complainant in writing. If the Respondent is a member of any other professional body, the decisions of the Disciplinary Panel and Appeal Panel may, at the discretion of the Chair of the Regulation Committee, be advised to such bodies. The Disciplinary Panel and the Appeal Panel shall keep records of their proceedings which shall be retained by the Institute.

32. Where a complaint is upheld wholly or in part, the relevant Disciplinary Panel will prepare a summary of the case to be published in such of the Institute's publications whether printed or electronic as the Institute may determine, provided that a Disciplinary Panel may in exceptional circumstances recommend that publication is inappropriate.

33. The details to be published must be anonymised unless the Disciplinary Panel decides otherwise, and shall not extend beyond a summary of the misconduct alleged, the outcome and sanction (if any).

34. The Disciplinary Panel may provide details relating to any Complaint to other regulatory authorities where the Panel considers it appropriate to do so and to be consistent with the obligations of the Institute, but subject to such data protection legislation as may from time to time apply to records held by the Institute and to the terms of section 165 of the Financial Services and Markets Act 2000.

Costs

35. If a Disciplinary Panel finds misconduct or an Appeals Panel dismisses an appeal, the Panel concerned may order the Respondent to pay to the Institute such costs as it may in its absolute discretion determine. Costs so ordered must be paid within 28 calendar days of the date of the Disciplinary or Appeals Panel's order (or such longer period as the Panel determines in any particular case). An Appeals Panel may cancel or modify an order for costs imposed by a Disciplinary Panel.

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