



**PROCEDURE FOR DEALING WITH REPORTED BREACHES
OF THE CODE OF PROFESSIONAL CONDUCT**





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1) INTRODUCTION

- 1.1 This procedure applies to all and any breaches of the Code of Professional Conduct (“the Code”) of the Institute of Translation & Interpreting (“ITI”), of all other rules within the remit of ITI’s Professional Conduct Committee (“the PCC”) (such as ITI’s Equality and Diversity or Bullying and Harassment policies), whether such breaches are reported to ITI by written communication, by telephone or via a third party, or are suspected by ITI on the basis of information it receives to suggest that a member’s conduct may not be compliant with the Code. The subsequent formal notification must be submitted by the entity making the notification (“the Notifier”) in accordance with clause 2.2 below.
- 1.2 This procedure comes into effect on 1 January 2014, as approved by the ITI Board. The Procedure will remain in force until amended or revoked by the Board. Notification of any breach relating to incidents prior to 1 January 2014 cannot be dealt with retrospectively and will need to be re-submitted, subject to the provisions of clause 2.
- 1.3 Action may only be taken against a member in accordance with this procedure where there are grounds to believe that a breach of the Code has occurred.
- 1.4 Breaches of the Code are overseen by the PCC.
- 1.5 Where the breach is alleged against the chairman of the PCC (“PCC Chair”), the Board will appoint an interim PCC Chair to oversee the breach.
- 1.6 Notifications of breaches committed by non-members are outside of the scope of this procedure.
- 1.7 Commercial disputes are not covered by this procedure. Please see our separate Commercial Disputes Policy.

2) NOTIFICATION OF BREACH

- 2.1 Notification of a breach may be submitted by a member, by a non-member (such as staff of the Institute, a member of the public, or a client of a member), or by the Institute, such notifications being lodged on behalf of the Institute by the Chief Executive/the Company Secretary. Each notification must relate to a specific member and in the event that the breach involves multiple members, separate notifications must be made for each.
- 2.2 Once completed, the notification of a breach should be submitted to the PCC Chair via the appropriate form on the ITI website, by email to pcc@iti.org.uk or by post for the attention of the PCC Chair, Institute of Translation & Interpreting, Suite 165, Milton Keynes Business Centre, Foxhunter Drive, Linford Wood, Milton Keynes MK14 6GD.
- 2.3 The PCC Chair and Chief Executive will together carry out a preliminary review of the notified breach to determine how it is to be handled. The options available to the PCC Chair and Chief are:
 - (a) To dismiss the notified breach on the basis that it is vexatious or trivial or contains factually unreliable information
 - (b) Place the notified breach on hold on the basis that it is subject to pending civil or criminal action in the courts (in which case the notified breach will be reconsidered on conclusion of such action)
 - (c) To refer the notified breach for mediation and investigation



- (d) To refer the notified breach for independent arbitration if the PCC Chair and Chief Executive determine that the ITI PCC process is for whatsoever reason incapable of ensuring a fair investigation and hearing.

2.4 The PCC Chair will inform the Notifier and the member alleged to have breached the Code of the selected option.

2.5 Notification of a breach that relates to events that took place 12 months ago or more will not normally be considered except in exceptional circumstances because it will be difficult for the parties to recall accurately events that occurred before this period.

3) MEDIATION AND INVESTIGATION OF THE NOTIFIED BREACH

3.1 In the event of a decision by the PCC Chair and Chief Executive to refer the notification of the breach for mediation and investigation, they will appoint an independent Mediator. The independent Mediator shall strive in the first instance to reach an outcome that is acceptable to both the Notifier and the member alleged to have breached the Code. The independent Mediator shall report any mediated resolution to the PCC Chair and the Chief Executive.

3.2 In the event of successful mediation, the costs of mediation will be shared equally between ITI, the Notifier and the member alleged to have breached the code.

3.3 If the PCC Chair and Chief Executive believe that the mediated resolution does not serve the interests of ITI, or the independent Mediator is unable for whatsoever reason to achieve an outcome that is acceptable to both the complainant and the member alleged to have breached the Code, the breach shall be submitted for further detailed independent investigation.

3.4 The independent Investigator shall undertake a full assessment of the notified breach. Supporting and substantiated evidence shall be sought in writing, as appropriate, from the Notifier, the member alleged to have breached the Code and any other such individuals or entities who may have information regarding the notified breach.

3.5 All investigations will be undertaken in the strictest confidence and all written communications, whether sent by post or by email, should be marked 'private and confidential – for addressee only'.

3.6 Following completion of an investigation, a report ("the Investigation Report") shall be compiled for the PCC on the basis of the evidence collected and in a format agreed by the PCC Chair, presenting the evidence in a clear, ordered manner for consideration by a disciplinary hearing panel. The report is passed to the PCC once the independent Investigator is satisfied that it meets the PCC's requirements, but shall be submitted no more than 14 days following the independent Investigator's appointment. The report will not make any recommendation to the hearing panel. A copy of the Investigation Report is only provided to the parties concerned and the hearing panel. Anonymised records of the investigation shall be kept by the ITI office.

3.7 Within 10 days of receipt of the Investigation Report by the PCC, the PCC Chair shall be instructed by the PCC to write to the member alleged to have breached the Code to confirm that the notified breach will be the subject of a disciplinary hearing.

3.8 When a notified breach is the subject of a disciplinary hearing, the PCC Chair shall:

- (a) with at least 28 days' notice inform the member alleged to have breached the Code and the Notifier of the date, time and place of the hearing, their rights under this Procedure for Dealing



- with Reported Breaches of the Code of Professional Conduct and the procedure to be followed at the hearing;
- (b) send the member alleged to have breached the Code and the Notifier a copy of the Investigation Report;
 - (c) inform the member alleged to have breached the Code and the Notifier that they may request a postponement of the hearing, to be submitted in writing within the next 14 days, with full reasons for the request.
 - (d) advise the member alleged to have breached the Code and the Notifier that (unless a postponement is requested and granted), the hearing will proceed, whether or not they choose to attend, but that they may submit written representations, no less than 14 days before the hearing, to be considered in their absence if they so wish;
 - (e) require the member alleged to have breached the Code to submit to the PCC Chair and the Notifier, not less than 14 days before the hearing, a list of the documents on which the member intends to rely when presenting the case, together with copies of the documents and copies of any witness statements;
 - (f) require the Notifier to submit to the PCC Chair and the member alleged to have breached the Code, not less than 14 days before the hearing, a list of the documents upon which the Notifier intends to rely when presenting the case, together with copies of the documents and copies of any witness statements;
 - (g) after 14 days, in the case that no response has been received from the member alleged to have breached the Code and/or the Notifier of their intention to appear at the hearing and, if so, whether in person or accompanied by one other individual in each case; request confirmation from each party as appropriate.

4) DETERMINATION OF BREACH

4.1 The disciplinary hearing panel (“the Disciplinary Panel”) will be appointed by the PCC Chair and will comprise two other members of either the PCC or other suitable ITI members, one of whom will act as Chair of the Disciplinary Panel, and a lay expert with experience of hearing disciplinary cases. The PCC Chair will not be eligible to sit on the Disciplinary Panel. In determining the composition of the Disciplinary Panel, the PCC Chair shall take the following factors into account:

- (a) The severity of the breach
 - (b) The skills required to hear the breach
 - (c) The impartiality of the Panel members and any potential conflicts of interest. No person shall be appointed to a panel when there is any conflict of interest, bias or other factor, such that it would be likely to prejudice fair consideration of the breach. Discretion lies with the PCC Chair when appointing a panel to decide if a conflict of interest or other relevant factor exists in respect of the intended panel members. In the case of a dispute the Chair of the Board shall decide the issue, where the Chair of the Board is subject to the investigation, the Chief Executive shall decide. This decision shall be final.
- 4.2 The member alleged to have breached the Code and the Notifier have the right to attend the meeting in person and be accompanied by one other person (“Companion”; please refer to the separate Guide to Role of Companion. [If either the Notifier or the member so chooses, they may attend the hearing by telephone conference or nominate a representative to attend on their behalf.]



- 4.3 Copies of the Investigation Report, together with copies of any documents and copies of any witness statements will be provided to the Disciplinary Panel at least 14 days before the hearing.
- 4.4 At the hearing, the member alleged to have breached the Code and the Notifier will be given the opportunity to make oral submissions and will be required to answer questions put to them by the Disciplinary Panel.
- 4.5 On conclusion of the hearing, the member alleged to have breached the Code and the Notifier will be dismissed from the hearing and the Disciplinary Panel will then deliberate in private. The member alleged to have breached the Code and the Notifier may be asked to wait for a decision to be issued on the same day orally or the Disciplinary Panel may inform the member alleged to have breached the Code and the Notifier that a decision will be issued in writing.
- 4.6 If the decision of the Disciplinary Panel is that no breach of the Code of Professional Conduct has occurred, the PCC Chair will write to the member alleged to have breached the Code and the Notifier to inform them of this decision.
- 4.7 If the decision of the Disciplinary Panel is that there has been a breach of the Code of Professional Conduct, they will then consider the appropriate sanction to be imposed, selected from the possible sanctions set out at section 5 below.

5) SANCTIONS

5.1 Any of the following sanctions may be imposed where the decision of the Disciplinary Panel is that there has been a breach of the Code of Professional Conduct:

- (a) An undertaking from the member as to future conduct
- (b) An undertaking from the member to participate in (and pay the costs of) appropriate training and complete such training to the satisfaction of the Institute
- (c) A written warning
- (d) Suspension for a period of 6 or 12 months
- (e) Expulsion of the member
- (f) An award of costs; costs to be awarded at the discretion of the Disciplinary Panel and shall take into consideration the costs of the failed mediation, the investigation and hearing

5.2 In considering the appropriate sanction the Disciplinary Panel may take into

- account:
- (a) The severity of the breach
 - (b) Any remorse shown by the member and whether they have apologised
 - (c) A deterrent to other members from committing similar breaches
 - (d) Any other breach of the Code of Professional Conduct which has resulted in a sanction being imposed on the member, in the last 12 month rolling period.



5.3 The PCC Chair will then write to the member alleged to have breached the Code and the Notifier to inform them of:

- (a) The decision
- (b) The sanction imposed
- (c) The reason for the decision and the severity of the sanction

5.4 The PCC Chair will also include in the letter to the member alleged to have breached the Code and the Notifier that they have a right to appeal either the decision or the sanction or both, by writing to the Chief Executive within 21 days of the date of the letter.

6) APPEAL

6.1 Upon receipt of an appeal, the Chief Executive will appoint an Appeal Panel comprising 3 members of the Board, one such member to be appointed as Appeal Chair. No member with any prior knowledge of the matter or who formed part of either the Investigation Panel or Disciplinary Panel can form part of the Appeal Panel.

6.2 The appellant will be informed of the establishment of the Appeal Panel, the names of its members and the date of the appeal meeting, giving at least 21 days' notice of the meeting.

6.3 The Appeal Panel may review the documentation provided to the Disciplinary Panel and may make further investigations as appropriate but shall only take into account facts and conditions known to the Disciplinary Panel at the time of its decision.

6.4 The appellant has the right to attend the appeal hearing in person and be accompanied by a Companion. If they are unable to attend the meeting they may:

- (a) request a postponement(this must be submitted in writing with full reasons for the request)
- (b) nominate a representative to attend on their behalf, except for a legally qualified representative
- (c) make written submissions

6.5 At the appeal hearing the member alleged to have breached the Code and who has submitted the appeal will be given the opportunity to make oral submissions.

6.6 On conclusion of the appeal hearing, the appellant will be dismissed from the appeal hearing and the Appeal Panel will deliberate their decision in private. The appellant may be asked to wait for a decision to be issued on the same day orally or the Appeal Panel may inform them that a decision will be issued in writing.

6.7 The Appeal Panel may decide:

- (a) to affirm the original decision
- (b) to affirm the original sanction



- (c) to overturn the original decision that was in favour of the Notifier and dismiss the notified breach
- (d) to overturn the original decision that was in favour of the member alleged to have breached the Code and impose an appropriate sanction
- (e) to overturn the original sanction and impose a lesser or greater sanction

6.8 The Appeal Chair will write to the member alleged to have breached the Code and the Notifier to inform them of their decision, together with reasons for the decision.

6.9 The Appeal Panel's decision is final; there is no further right of appeal.

7) RESIGNATION

- 7.1 If the member alleged to have breached the Code voluntarily resigns from their membership at any time before a sanction is issued, the notified breach will be dismissed without further action.
- 7.2 In such a case, the member alleged to have breached the Code will not be permitted to reapply for membership for a period of 5 years.
- 7.3 The PCC Chair will write to the Notifier to inform them of the fact that the member has resigned, the date of the resignation and that the notified breach has been dismissed.

8) ARBITRATION

- 8.1 We realise that from time to time disputes will occur and we strongly advise that to prevent spiralling costs, which can include financial, time and personal ill-feeling, members use this Arbitration process. In addition, the PCC Chair and Chief Executive may feel, due to the status of either or both the Notifier and/or the member alleged to have breached the code, it is not possible to guarantee a fair investigation and/or hearing using the ITI PCC Procedure. Therefore, at any stage of the procedure, a request can be made by any party to the proceedings for the matter to be dealt with by way of external arbitration, subject to approval by the Board, whose decision is final.
- 8.2 Any cost of arbitration will be met equally by all the parties i.e. the Notifier and the member alleged to have breached the Code.
- 8.3 Any appointed arbitrator must be a qualified member of the Chartered Institute of Arbitrators.
- 8.4 Where Arbitration finds any significant failure on the part of a member to meet the standards laid down in this Code, its finding may be passed to the PCC for disciplinary proceedings as set out above in this Procedure for Dealing with Reported Breaches of the Code of Professional Conduct.