

1. Introduction

1.1. The British Pharmacological Society (“Society”) is a charity with a mission to promote and advance the whole spectrum of pharmacology. We are a friendly and collaborative global community.

1.2. As such, the purpose of this Procedure is to enable the Society to protect its reputation should any Members fail to maintain sufficient standards of professional or relevant personal conduct including any breach of the Society’s codes of conduct.

1.3. The Society’s Council has the duty to oversee all disciplinary decisions to ensure that the principles of fairness and natural justice are followed. The Council has ultimate responsibility for disciplinary matters as part of its responsibility for the Society’s governance. This responsibility shall be delegated to a Disciplinary Panel (in accordance with the requirements of Rule 3.6.2 of the Society’s Rules).

1.4. The President shall retain oversight of any disciplinary process undertaken in accordance with this Procedure. In the event that the President is conflicted on the matter in question the President-Elect shall perform this role. Therefore, any reference to the President in this Procedure should also be read as including the President-Elect.

1.5. The President may order any process under this Procedure to be suspended at any stage should the courts, any appropriate regulator, or a Member’s employer commence proceedings against a Member on the same or related grounds.

1.6. Note that the Society seeks to protect complainants from victimisation or harassment as a result of bringing a complaint. The Society will, where possible, investigate all complaints received by it in confidence and protect the identity of the complainant if a complainant wishes to remain anonymous.

2. Misconduct

2.1. For the purposes of this Disciplinary Procedure, misconduct covers any behaviour by a Member which the Council shall in its reasonable discretion consider to be seriously injurious to the reputation or interests of the Society. Such behaviour may include (but is not limited to):

2.1.1. undertaking any clinical practice or scientific research in a manner that is deemed unacceptable, including as determined by reference to any guidelines published by any regulatory body in the UK from time to time;

2.1.2. involvement in commercial fraud or malpractice;

2.1.3. academic offences such as research fraud or plagiarism;

2.1.4. acting in a personal or professional capacity in such manner as is likely to bring the Society into disrepute or to endanger a Member's own professional standing or that of his or her colleagues;

2.1.5. making any form of statement in the public domain which is purported to be either on behalf of Society or endorsed by the Society, or otherwise appearing to act on behalf of Society without prior written authorisation from us;

2.1.6. damaging or misusing any Society property or resources;

2.1.7. abusing any privilege enjoyed by virtue of holding any Society office, whether elected or unelected;

2.1.8. being charged with an indictable offence or convicted of a criminal offence for which a custodial sentence is given (including a suspended sentence); and

2.1.9. behaving towards any Society employee or volunteer, another Member or any visitor to the Society, in a violent, indecent, threatening, disorderly or offensive manner, or subjecting them to racial, sexual or religious harassment, or any other form of bullying, harassment, abuse or discrimination;

and is referred to in this Procedure as "Misconduct".

3. Stage one – Initial investigation

3.1 The Chief Executive shall be notified of:

3.1.1. any allegations of Misconduct made against Members received by the Society, whether from the general public, elected officers of the Society, other Members or employees or volunteers of the Society; or

3.1.2. any matter of which the Society becomes aware from publicly available sources which may require investigation under this Procedure.

3.2. The Chief Executive shall inform the President that an investigation into alleged Misconduct is required. The President shall review the allegations and determine whether further information is required, and may engage with the complainant to obtain this information. The President shall decide, in consultation with the complainant, if the matter can be resolved informally. If the matter cannot be dealt with informally or attempts to deal with the matter informally fail, the President shall appoint an appropriate member of the Council to oversee the formal investigation into the allegation or report of Misconduct (the "Investigating Officer"). The Investigating Officer may seek assistance to carry out the investigation from the Chief Executive, any administrative staff of the Society and/or the Society's legal advisers, as appropriate.

3.3. If, following initial investigation, the Investigating Officer finds that there is no prima facie case to answer, or that the allegation of Misconduct is frivolous or vexatious and therefore not in the interests of the Society to pursue, the Investigating Officer shall record their preliminary findings and inform the complainant of the outcome of the initial

investigation. The Investigating Officer shall consider any further information provided by the complainant in response to the preliminary findings in determining whether further investigation is required. If no such information is presented or is not sufficient to warrant further investigation, the Investigating Officer shall consult with the President and, if the President agrees, take no further action beyond noting in the Society records that the allegation or report was unfounded, frivolous or vexatious. The President shall provide a summary report to Council, on an anonymised basis if considered appropriate, outlining the process conducted to date and reiterating any finding of an unfounded, frivolous or vexatious allegation.

3.4. If the Investigating Officer finds that there is sufficient evidence of possible Misconduct to warrant further investigation, the Investigating Officer shall recommend to Council that the allegation should be referred to:

3.4.1. a Disciplinary Panel; and/or

3.4.2. an appropriate external party such as a regulator; and/or

3.4.3. the employer of the Member about whom the allegation has been made where the employer, either explicitly or by implication, is involved in the allegation.

3.5. The Investigating Officer shall inform the source of the allegation, in general terms, whether the matter has been referred to a Disciplinary Panel or externally

4 Stage two – Hearing by the Disciplinary Panel

4.1. Subject to clause 4.2, the "Disciplinary Panel" shall comprise such Members within the Society as the Council shall determine in its absolute discretion as most appropriate to review any specific allegation of Misconduct but must include [three] members of the Council [who are not also Honorary Officers], selected by the Council from time to time.

4.2. The Disciplinary Panel must not include any Vice-Presidents and Vice-Presidents shall not participate in the initial stages of this Procedure. The Vice-Presidents may be called on to form an Appeal Panel (described further in clause 4.12 below), and must therefore ensure the impartiality and independence of the appeal process.

4.3. If any member of the Disciplinary Panel has any conflict of interest or loyalty (including any personal friendship, relationship or animosity) with either the source of the allegation or the Member who is being investigated, they shall declare their interest to the President and shall not sit on the Disciplinary Panel in relation to that allegation of Misconduct. In such a situation the Council shall elect a substitute member of Council (who is not an Honorary Officer) to sit on the Disciplinary Panel.

4.4. If the courts, any other appropriate regulator, or the Member's employer has already investigated the allegations of Misconduct brought against the Member and has passed judgment, the Disciplinary Panel shall rely on the findings of that body and not re-consider the substantive issues in the allegation or hold a hearing attended by the Member unless, in their absolute discretion, the Disciplinary Panel considers it is necessary or appropriate in the circumstances.

4.5. Prior to any hearing by the Disciplinary Panel, the Investigating Officer shall inform the Member who is being investigated of the allegation of Misconduct made against them and of the timetable for the investigation and proposed hearing (if any) by the Disciplinary Panel, including (where appropriate):

4.5.1. the date, time and place of the hearing (if any);

4.5.2. a detailed summary of the allegation or report, including the details of the case against the Member;

4.5.3. copies of evidence that will be presented and/or the names of any witnesses who will be called to give evidence at the hearing (if any); and

4.5.4. the dates by which the Member must file documentary material and/or witnesses in his or her defence or mitigation.

4.6. No evidence may be relied on or referred to at a hearing or witnesses called by the Member or by the Society if copies of that evidence and/or names of those witnesses have not been provided to the Member or the Investigating Officer (as the case may be) within the timetable set by the Disciplinary Panel.

4.7. A decision by the chair of the Disciplinary Panel on any point of procedure at any hearing of the Disciplinary Panel shall be binding. Provided that the proceedings are fair to the Member and the principles of natural justice have not been compromised, no objection relating to a technical defect in the procedure of the investigation of the allegation or report or of the convening and process of the hearing shall be upheld.

4.8. Subject to clause 4.6, the Member being investigated has the right to be present during the hearing and may be accompanied by a friend [or a representative of their union or medical protection body]. Any such individual accompanying the Member shall act as an observer and shall not be entitled to actively participate in the hearing and may not advocate on behalf of the Member.

4.9. The hearing may be held in the absence of the Member if they fail to attend having been given reasonable notice in accordance with clause 4.4.

4.10. The Disciplinary Panel shall make decisions by a majority vote but the votes of the individual Member on the Disciplinary Panel shall be confidential. In order to find that a Member's behaviour is considered to be Misconduct, the Disciplinary Panel must conclude that the evidence against the Member is true on the balance of probabilities.

4.11. The Disciplinary Panel shall send a report of its decision, together with the reasons for that decision, to the Chief Executive for circulation to the Council. If the Disciplinary Panel concludes that there is sufficient evidence of Misconduct, the Conduct Committee's report shall include a recommendation as to which of the sanctions in clause 5.1 it considers most appropriate.

4.12. If the Disciplinary Panel has concluded that there is sufficient evidence of Misconduct, the Council shall, prior to any consideration and discussion of a report received from the Disciplinary Panel, nominate a minimum of [three] Vice-Presidents plus any additional Members (who may not also be the President or the Investigating Officer or any Member

otherwise involved with the proceedings of the Disciplinary Panel to date) to hear any appeal which may be brought by that Member (the "Appeal Panel"). For the avoidance of doubt, the Appeal Panel shall not be present during the Council's deliberations and decision as to whether to impose one or more of the sanctions set out in clause 5.1.

5. Sanctions

5.1. The Disciplinary Panel may recommend to the Council that it imposes any one or more of the following sanctions:

5.1.1. order the Member who was the subject of the allegation or report to pay compensation in respect of Society property that has been damaged, misused or lost or in respect of any privilege that has been abused;

5.1.2. require the Member who was the subject of the allegation or report to make a written or oral apology to any other Member, person or employee of the Society as a condition of that Member's continuing membership of the Society;

5.1.3. issue a formal written warning to the Member who was the subject of the allegation or report and place a copy of it on that Member's record;

5.1.4. suspend the Member from the Society pending the outcome of an on-going investigation by another regulatory body, the Member's employer, or the police/criminal proceedings; and/or

5.1.5. expel the Member from the Society in accordance with Article 9.5.3 and rule 2.4.1 of the Society's Articles of Association.

5.1.6. withdraw any awards previously bestowed upon the Member by the Society.

5.2. Any formal written warning issued under clause 5.1.3 above must include the following information:

5.2.1. the nature of the allegation or report against the Member;

5.2.2. the Disciplinary Panel's conclusion from its investigation; and

5.2.3. what conduct the Member needs to address for the future.

5.3. Subject to clause 4.11, the Council shall consider the report and recommendations of the Disciplinary Panel and shall:

5.3.1. impose any one or more of the sanctions set out in clause 5.1; or

5.3.2. decide that no sanction shall be imposed.

5.4. The Council shall make decisions by a majority vote but the votes of individual members of the Council shall be confidential.

5.5 An expelled Member shall lose all rights of Membership. The Membership fee of a Member who has been expelled from the Society shall not be returned or refunded to the expelled Member.

5.6. The Council shall have discretion to reduce the Membership fee payable by a suspended Member during the period of their suspension. A suspended Member shall lose all rights of Membership [other than having access to Society publications] for the duration of their suspension.

5.7. The Council shall have the discretion to refuse any expelled or suspended Member access to any Society premises and/or to any Society event which is open to non-Members.

5.8. The Investigating Officer shall send a copy of the decision made by the Council, together with:

5.8.1. the reasons for the decision;

5.8.2. any sanction imposed; and

5.8.3. how the Member can appeal the decision;

to the Member within fourteen days of the Council's decision. The Investigating Officer may, where appropriate, also send a copy of the decision, any sanction imposed and the reasons for it to the Member's employer (where the employer, either explicitly or by implication, is involved in the complaint) and the source of the allegation.

6. Stage three – appeals

6.1. A Member wishing to appeal against a sanction imposed by the Council must submit a written appeal request to the President supported by a statement and any relevant documentation or evidence setting out the reasons for the appeal, within 30 days of a communication being sent from the Investigating Officer informing the Member of the decision of the Council.

6.2. Upon receipt of an appeal request the President must decide either to dismiss the appeal or to allow the appeal to be heard. The President shall allow an appeal to be brought if either:

6.2.1. the Member has fresh evidence that could not have been, or for good reason was not, made available at the time of the hearing;

6.2.2. the Member provides evidence of significant procedural error on the part of the Investigating Officer or the Disciplinary Panel before or during the hearing;

6.2.3. the Member provides evidence of significant procedural error on the part of the Council following the hearing; or

6.2.4. any other relevant grounds the President may choose to take into account when deciding whether or not to allow the appeal to be heard.

6.3. If the President decides to allow the appeal to be heard, the Appeal Panel shall be convened. The Appeal Panel shall make decisions by a majority vote but the votes of individual members of the Appeal Panel shall be confidential.

6.4. The Investigating Officer shall write to the Member and inform them of the outcome of their request for an appeal and, if the appeal is to be heard, the date on which the hearing of the Appeal Panel will be held.

6.5. No evidence may be relied on or referred to at the hearing of the Appeal Panel, or witnesses called by either the Society or the appellant Member, if copies of that evidence and names of those witnesses have not been provided to the other party at least seven days before the hearing. The procedures and process set out in clause 4 shall also apply to any hearing by the Appeal Panel.

6.6. The Appeal Panel shall have the delegated authority of the Council to:

6.6.1. dismiss the appeal; or

6.6.2. allow the appeal and remove any one or more of the sanctions imposed; or

6.6.3. remove any one or more of the sanctions imposed and/or impose a different sanction or sanctions from among those listed in clause 5.1.

6.7. The Appeal Panel shall send its decision, together with the reasons for that decision, to the Chief Executive for circulation to the Council. The Investigating Officer shall send a copy of the Appeal Panel's decision, together with reasons, to the appellant Member within fourteen days of the date of the hearing UNLESS the Appeal Panel has imposed a sanction of suspension or expulsion in place of a lesser sanction, in which case the Appeal Panel's decision must be ratified by the Council prior to its communication to the Member by the Investigating Officer.

6.8. The Investigating Officer may, where appropriate, send a copy of the Appeal Panel's decision (with or without the reasons given for that decision) to the appellant Member's employer and/or the source(s) of the allegation or report.

6.9. The decision of the Appeal Panel shall be final (subject to any ratification required by the Council in accordance with clause 6.7) and there shall be no further right of appeal.

7. Miscellaneous

7.1. The Society may seek legal advice to advise and support the Investigating Officer, President, Disciplinary Panel and/or the Appeal Panel in relation to any alleged Misconduct being investigated in accordance with this Procedure, PROVIDED that prior authorisation is obtained from the Chief Executive for the estimated level of legal fees to be incurred.

7.2. Members shall have the right to view all information held by the Society in respect to any allegation or report in which they are named in accordance with Data Protection law.

7.3. This Procedure may be amended from time to time by resolution of the Council PROVIDED that any disciplinary matter arising under them shall be adjudicated by reference to the Procedure in force at the date of the conduct giving rise to the allegation or report.