



the british
psychological society
promoting excellence in psychology

Member Conduct Rules

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Member Conduct Rules

THE RULES

Members of The British Psychological Society constitute a learned society and professional body which seeks to set high standards of professional conduct. For the protection of all of our members, and for the protection of the reputation of psychology, these Member Conduct Rules (rules) set out our shared expectations of members' behaviour.

Where people have concerns about a member's conduct they are encouraged to engage with the member directly in the first instance, if at all possible. Some concerns can be quickly resolved through an informal approach and may be satisfactorily addressed through discussion to reach a shared understanding. Where this is not appropriate, or where this does not feel comfortable, then the procedure associated with these rules should be followed.

A. INTRODUCTION

1. The British Psychological Society (Society) is a learned society and a charity, registered in England and Wales with number 229642 and in Scotland with number SC039452.
2. The Society is incorporated by Royal Charter. Its governing document is the Royal Charter and Statutes, as amended from time to time.
3. The Society's objects (charitable purposes) are set out in the Royal Charter as follows. 'The objects of the Society shall be: to promote the advancement and diffusion of a knowledge of psychology pure and applied and especially to promote the efficiency and usefulness of members of the Society by setting up a high standard of professional education and knowledge.' (Royal Charter Article 3).
4. The Board of Trustees is the governing body of the Society.
5. Under the Royal Charter and Statutes:
 - a. 'No person shall be admitted to membership until he or she shall have signed an undertaking as determined by the Board of Trustees, to abide by the Member Conduct Rules and the guidance provided by the Code of Ethics and Conduct' (Statute 7(1)).
 - b. The Trustees have the right to refuse to admit a candidate to student, graduate or chartered membership who, in their opinion has breached the Member Conduct Rules. (Statute 3(3), 4(4), and 5(4)).
 - c. 'Any member who shall have acted in breach of the Member Conduct Rules shall be liable to have his or her membership terminated, or suspended in accordance with the procedures laid down in the statutes' (Charter Article 6(1)).

B. SCOPE OF THE MEMBER CONDUCT RULES

1. The Member Conduct Rules set out the expectations of the behaviour of all members of the Society.
2. 'Members shall mean members of the Society, namely student members, graduate members, chartered members and honorary members' (Charter Article 2).

1. The Member Conduct Rules do not repeat obligations placed on members by the general law, for example in the areas of discrimination and employment.
2. The Society is not a statutory regulator. Where a member is regulated by a statutory regulator such as the Health and Care Professions Council, the Society will accept any findings by the regulator relating to the member's fitness to practise.
3. The Society does not investigate members' fitness to practise, except for those members who work in roles for which the BPS acts as a registering body and who are registrants on the Wider Psychological Workforce Register.

C. RULES

1. Members must not act in a way that is contrary to the objects of the Society as set out in section A3 above.
2. Members must act in accordance with the Society's Code of Ethics and Conduct.
3. Members must not act in a way that damages, or has potential to damage, the standing of psychology or the psychological professions.
4. Members who undertake activities on behalf of the Society must act in accordance with the Code of Conduct for Members Undertaking Activities on Behalf of the Society.
5. Members who undertake activities on behalf of the Society must not act in a way that is in conflict with the interests of the Society and must disclose all actual and potential conflicts of interest.
6. Members must uphold their fitness for membership by not incurring the following:
 - a. conviction, or caution, for a criminal offence of relevance to psychology or the Society;
 - b. imposition of a sanction by the HCPC;
 - c. imposition of a sanction by a relevant competent authority, professional body, tribunal, or employer (through formal procedures) of relevance to psychology or the Society.
7. Members must notify the Society in writing within one month of any of the circumstances referred to in Rule 6 occurring to them.
8. Members must not claim to hold a grade of membership to which they have not been admitted, and must not use misleading titles or descriptions in relation to their status within the Society.
9. Members must not have provided false or misleading information in an application to become a member of the Society, and must not provide false or misleading information in an application for any position, recognition or award within the Society.
10. Members must pay their subscriptions within the payment period.

D. SANCTIONS THAT MAY BE IMPOSED FOR BREACH OF THE MEMBER CONDUCT RULES

1. A Member who breaches rule 10 will be removed from membership.
2. In the case of any other breach of the Member Conduct Rules, the Society may take any of the following actions:
 - a. Restrict, suspend or terminate the member's eligibility to undertake activities on behalf of the Society. This sanction may be applied in addition to, or in place of, any other sanction, as appropriate.
 - b. Reprimand the member. Reprimands may be accompanied by recommendations for reparative or developmental actions.
 - c. Suspend the member. A period of suspension will not normally exceed five years. Suspensions may be accompanied by conditions for readmission to the society at the end of a period of suspension.
 - d. Expel the member. A member who has been expelled may only rejoin the Society in exceptional circumstances.

Member Conduct Rules – Procedure

This document sets out the Society's procedure for responding to allegations of a breach of the Member Conduct Rules (Rules). We aim to respond swiftly and professionally, to take fair and proportionate action, and to support all parties through the procedures. We commit to learning from concerns raised and their resolutions. The Member Board will review annually to ensure that this procedure is correctly and fairly followed, and that any necessary lessons are learned and applied.

A. INFORMAL RESOLUTION

1. Where possible we encourage informal resolution of concerns. We ask that if someone has concerns about the conduct of a member that they tell the member first if at all possible. If they think this option is not appropriate, or if they do not feel comfortable taking that route, or if they cannot reach a satisfactory resolution informally, then they should raise the concern with the Society.

B RAISING A CONCERN

1. If someone is concerned that a person is in immediate danger, they should call the police.
2. If someone thinks a member is acting unprofessionally in their practice as a psychological professional (i.e. they may not be fit to practise), then they should first raise this with their employer, if they have one.
3. If the member is registered with the Health and Care Professions Council (HCPC) as a registered (or practitioner) psychologist (i.e. a clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sports & exercise psychologist), then the concern should be raised directly with the [HCPC](#) because they are the body that regulates those professions. The [HCPC Register](#) can be checked online.
4. If the member is on the Wider Psychological Workforce Register (i.e. as a psychological wellbeing practitioner, children's wellbeing practitioner, education mental health wellbeing practitioner, clinical associate in applied psychology or clinical associate in psychology), then the concern should be raised with the Society using the [Register Referral Form](#).
5. If someone is not sure, but thinks people might be at risk, it is better to contact us to discuss the situation rather than do nothing.
6. If none of the above situations in 1 to 4 apply, and someone thinks a member is in breach of the Member Conduct Rules, they are asked to complete the Concerns Form and email it to the Quality Assurance and Standards Team at conduct@bps.org.uk, or to complete it by hand and post it in to the BPS office. They can also call and speak to a member of the Quality Assurance and Standards Team if they need any help with completing the form (0116 254 9568). The form outlines the information we require to be able to investigate a concern, and ensures that the concern has been made in writing. We will ask people raising a concern to submit any evidence in support of the concern along with the form.
7. The person raising the concern must include their name when reporting a concern. We do not consider concerns that are raised anonymously because we cannot investigate them effectively and fairly.

8. People may report a concern as a group of people who are all affected by the same issue. If this is the case, we ask that they choose someone from the group to act as a representative for the group, so that we have one consistent person to communicate with during the process, and we ask that they tell us that they are acting on behalf of a group.

C. CONFIDENTIALITY

1. We will only use the information provided for the purpose of investigating the concern, and only after we have decided that the concern is eligible for consideration within the rules.
2. We will give people who raise a concern the opportunity to tell us if they think that revealing their name to the member could compromise their safety, wellbeing or cause other adverse impacts, and we will discuss the possibility of proceeding confidentially if that is the case. This is to ensure a full and fair investigation.
3. Where matters raised are in the public domain, we may not need to share the details of the person who raised the concern.

D. RECEIVING AND RECORDING CONCERNS

1. A member of the Quality Assurance and Standards team will receive the concern, record and acknowledge it within five working days and will assign the concern to a nominated case manager to manage through the process. See Appendix A for details of the roles, highlighted in bold, which are involved in the Member Conduct Rules Procedure.

E. ASSESSING THE ELIGIBILITY OF A CONCERN

1. The Case Manager will screen the concern for eligibility to be considered under the Member Conduct Rules and will decide which, if any, rules may potentially have been breached. In reaching the decision, the case manager may ask the person who raised the concern for further information, including whether attempts at informal resolution have been made.
2. The following considerations are made in deciding whether a concern is eligible for consideration:
 - a. The concern must be about a member of the Society. We do not consider concerns about organisations or about people who are not members of the Society.
 - b. The concern must be about conduct which could be considered in breach of one or more rules.
 - c. The concern must be raised within one year of the most recent event that gives rise to the concern, unless there are exceptional circumstances as to why this could not have been brought forward earlier.
 - d. We expect evidence that informal resolution has been attempted, where this is appropriate. Where concerns are raised that might be resolved informally we will not consider the matter until this has been attempted. The Society will, where possible, advise participants in such efforts.
 - e. Criminal matters should be referred to the police. We will only consider criminal matters when a caution or conviction has been issued and when the matter is deemed relevant to psychology or the Society.

- f. The receipt of any sanction from the HCPC will be eligible for consideration as a breach of the rules.
 - g. Matters of fitness to practise should be referred to the HCPC where the member is registered with the HCPC. We will only consider matters of fitness to practise after a sanction has been imposed by HCPC.
 - h. For concerns that do not relate to fitness to practise, but where the member is registered with the HCPC and the matter falls within their remit for investigation, these concerns should be referred to the HCPC. We will only consider these concerns after the HCPC has reached a conclusion through its formal procedures.
 - i. Matters that arise within an employment context should be raised with the employer. We will only consider concerns that would normally be addressed under employment arrangements after a finding has been made through an employer's formal procedure, and where the matter is deemed relevant to psychology or the Society.
3. If it is decided that the concern is not eligible for consideration under the rules, the concern will not be pursued and we will inform the person who raised the concern. We will offer guidance if there is a more appropriate body with whom to raise the concern. We will record this outcome in line with our data retention policy. The concern will not be recorded against the member's record.
 4. If it is decided that the concern is eligible, the procedure that we follow depends on the rule(s) that may have been breached.

F. PROCEDURES FOR CONSIDERING ELIGIBLE CONCERNS

F1: Procedure A: Rules 1,2,3 4 and 5 (Codes and conflicts)

1. The Triage Panel will decide whether the information provided with the concern is sufficient to suggest that there may have been a breach of the rules. Appendix B sets out the types of evidence used in deciding whether a breach of the rules has, or may have, occurred.
2. If it is decided that the evidence is not sufficient we will inform the person who raised the concern and check if there is further evidence not yet supplied. If nothing further is supplied and it is decided that the evidence is not sufficient to suggest that there may have been a breach of the rules, the concern will not be pursued and we will inform the person who raised the concern. We will record this outcome in line with our data retention policy.
3. In the interests of natural justice, members will normally be informed when an eligible concern has been raised against them, but is not being pursued after triage stage. However, the Triage Panel may decide not to do this under the following circumstances:
 - a. where there is a power differential such that the person raising the concern may be considered vulnerable if their raising of the concern is known;
 - b. where it may cause undue distress to the member;
 - c. where it is deemed that the person raising the concern may be doing so to cause distress to the member.
4. If it is decided that the evidence does suggest that a rule may have been breached, the case manager will lead the information gathering to obtain the relevant information about the nature and extent of the concern. This may include coming back to the person who raised

the concern for more information. The case manager will prepare a case summary setting out the rules that may have been breached, the evidence that is relevant to each rule, and the decisions that must be made in order to determine whether there is or has been a breach of the rules. The member about whom the concern has been raised will be offered an opportunity to review the case summary and to make representations in response.

5. The Triage Panel will decide whether, despite any representations made by the member, the evidence is sufficient to suggest that there may have been a breach of the rules.
6. If it is decided that the evidence does suggest that a rule may have been breached, the case manager will convene an MCR Panel (Member Conduct Rules Panel) to consider the case, to decide whether any rules have been breached, and if so, what sanction should be applied.

MCR Panel decision

7. The MCR Panel will review the case and will decide, on the balance of probabilities:
 - a. whether there is or was a breach of the rules, and if so;
 - b. the degree of severity of the breach; and
 - c. whether any aggravating or mitigating factors are present.
8. In reaching its decision, the MCR Panel may, at its discretion:
 - a. request interviews with the member and/or other individuals involved in the matter (members may bring a non-legal companion with them for support if they wish);
 - b. consult with relevant members or special advisors with expertise of particular relevance to the matter;
 - c. ask the case manager to seek further information to inform their decision-making;
 - d. take into account further evidence, such as evidence of further training undertaken by the member, at the point at which it considers the matter.
9. If the MCR Panel decide that a rule has been breached, the case manager will provide information on any previous sanctions applied for breach of the Rules, and their existence will be taken into account in deciding an appropriate sanction.

F2: Procedure B: Rules 6 and 7 (outcomes from other sources)

1. The case manager will check for evidence as set out in the Decision-making criteria.
2. The case manager will offer the member an opportunity to make a representation of any mitigating circumstances that the Panel should consider. The Case Manager will prepare a case summary setting out the Rules that may have been breached, the evidence that is relevant to each Rule, and the decisions that must be made to determine whether there is or has been a breach of the Rules.
 - a. The MCR Panel will review the case and will decide, on the balance of probabilities:
 - b. whether the evidence shows that the matter is one of relevance to psychology or the Society;
 - c. whether there is or was a breach of the rules, and if so;

- d. the degree of severity of the breach; and
 - e. whether any aggravating or mitigating factors are present.
 3. To be clear, the MCR Panel is not re-evaluating the case or the validity of the outcome reached by the source (i.e. HCPC, the police, an employer).
 4. If the MCR Panel decide that a rule has been breached, the case manager will provide information on any previous sanctions applied for breach of the rules, and their existence will be taken into account in deciding an appropriate sanction.

F3: Procedure C: Rules 8 and 9 (documentation)

1. The case manager will review the evidence provided with the concern, and check the veracity of the claims made. This may include:
 - a. asking the member directly to provide evidence of qualifications, professional body memberships etc. to support the claims made that are in question;
 - b. approaching awarding bodies and other relevant bodies directly to establish the veracity of claims made.
2. The case manager will offer the member an opportunity to make a representation of any mitigating circumstances that the panel should consider. The case manager will prepare a case summary setting out the rules that may have been breached, the evidence that is relevant to each rule, and the decisions that must be made to determine whether there is or has been a breach of the rules.
3. The MCR Panel will review the case and will decide, on the balance of probabilities:
 - a. whether there is or was a breach of the rules, and if so;
 - b. the degree of severity of the breach; and
 - c. whether any aggravating or mitigating factors are present.
4. If the MCR Panel decide that a rule has been breached, the case manager will provide information on any previous sanctions applied for breach of the rules, and their existence will be taken into account in deciding an appropriate sanction.
5. Where Society decisions, including but not limited to membership status, recognition, awards, register status or society positions have been made on the basis of information found to be in breach of the rules, those decisions will be reviewed and may be revoked.

Procedure D: Rule 10 (non-payment)

The case manager will check for evidence of receipt of payment. If payment has not been made in full, the Member will be removed from membership of the Society and informed of this action.

G. RECORDING AND COMMUNICATING OUTCOMES

G1: Recording decisions

1. On reaching its conclusions, the MCR Panel will:
 - a. Record the scope and content of the discussions;
 - b. Record the decision reached and the reasons for that decision;
 - c. Record the sanction and associated timescales (e.g. length of suspension) and the reasons for that sanction, including a consideration of any mitigating or aggravating factors;
 - d. Record any actions that are recommended for the member (e.g. CPD);
 - e. Decide the information to be communicated to the member in the decision letter.

G2: Informing the member

1. For all rules, the member will be told:
 - a. The decision reached on whether the rules have been breached and the rationale for that decision;
 - b. Any sanction applied and the reason for that sanction;
 - c. Any recommended actions or conditions for the member.
2. For rules 8 and 9, the member will also be told:
 - a. Any actions that must be taken to correct any live information.
 - b. The outcome of any decisions arising from a review of any recognition, awards, register status or society positions made on the basis of false information.

G3: Informing the person who raised the concern

1. For Rules 1, 2, 3, 4, 5, 8 and 9 the person who raised the concern will be told that the process has been completed within the procedures, and any additional information that the MCR Panel deems it appropriate to share. They will not normally be told the decision made, or any sanction applied.

G4: Public information

1. The Society will issue anonymised summaries of cases where a sanction has been imposed under the Member Conduct Rules. The Society reserves the right to identify a member who has been sanctioned under the Member Conduct Rules in any case where:
 - a. at the time when the sanction was imposed and/or at the time of the conduct which gave rise to the sanction, the member held, or had been elected or appointed to, an office within the Society;
 - b. the Society holds a register for the profession in which the member works or worked;
 - c. the Society believes that it is appropriate to identify the member in the interest of protecting the public; or
 - d. the Society believes that it is appropriate to identify the member in the interest of upholding the standing of psychology or the Society.

2. In deciding whether to identify a member who has been sanctioned under the Member Conduct Rules the Society will consider transparency, accountability and fairness to all parties involved.

H. REVIEW PROCEDURE

1. Where a member receives a sanction, they may request a review of this decision if either of the following criteria apply:
 - a. the procedure was not followed correctly and this has affected the outcome;
 - b. there is new evidence available that was not reasonably available to the investigation, and which is likely to make a difference to the outcome (Rules 1,2,3, 4, 5 & 7 only).
2. Requests for a review must be received within 20 working days of our informing the Member of the MCR Panel decision and sanction applied, and must state the grounds for seeking a review.
3. A member of the Quality Assurance and Standards team will receive the request, record and acknowledge it within five working days.
4. The Triage Panel will decide whether the request meets one of the criteria for carrying out a review.
5. If the request does not meet either of the criteria, the member will be informed that no review will take place.
6. If the request does meet either of the criteria, a case manager will be assigned to the case; this will not be the same case manager who handled the original case. The case manager will lead the information gathering to obtain the relevant information about the grounds for the review. This may include coming back to the member for more information. The case manager will prepare a case summary setting out the grounds for review, the evidence that is relevant, and the decisions that must be made to determine whether the original decision should be reconsidered.
7. The case manager will convene a Review Panel to decide whether the original decision should be reconsidered, and if so, what new outcome is appropriate and, what sanction, if any, should be applied.
8. In reaching its decision, the Review Panel may, at its discretion:
 - a. request interviews with the member and/or other individuals involved in the matter (members may bring a non-legal companion with them for support if they wish);
 - b. consult with relevant members or special advisors with expertise of particular relevance to the matter in hand;
 - c. ask the case manager to seek further information to inform their decision-making.
9. The outcome will be recorded and communicated as set out in Section G.

I. CONTINUING A CASE AFTER A MEMBER HAS RESIGNED FROM THE SOCIETY

1. A case should be continued if a conclusion can be reached with fairness to the member concerned. This can be considered a reasonable action where:
 - a. the information available is sufficient to make a judgement on the matter; or
 - b. the member has had an opportunity to make representations.

J. DATA RETENTION

1. The MCR Panel's considerations and resulting decisions will be retained by the Society in line with its data retention schedule.
2. Decisions where a member has been found to be in breach of the rules, and any associated sanctions, will be retained for a period to enable consideration in the event of future breaches of the rules (reprimand and suspension), or to enable consideration on application to rejoin the Society (expulsion). Retention for reconsideration will be as follows:
 - a. Reprimand: three years;
 - b. Suspension: until five years from readmission;
 - c. Expulsion: in perpetuity.

K. TIMESCALE

1. Each investigation is unique and can vary in complexity, however it is expected that normally an outcome will be reached within 40 working days of receipt of the concern. The member will be informed if the process is likely to take longer, and will be given an estimated completion date where possible.

L. MATTERS ARISING DURING THE PROCESS

1. Members involved in the MCR procedures may contact the Quality Assurance and Standards Team at any point during the process for information on the progress of the case. We will not be able to give any details of the evidence collected or discussions underway, outside of the communications outlined here, but we will be able to give an indication of which stage in the process we have reached.
2. If the member resigns after the case has been allocated to a case manager, the Triage Panel will decide whether the case should still be pursued to its conclusion. If a sanction is imposed, a record of the sanction will be kept, and it will be considered in line with the Society's admissions policy if the member later applies to rejoin the Society.

M. CASE APPRAISALS

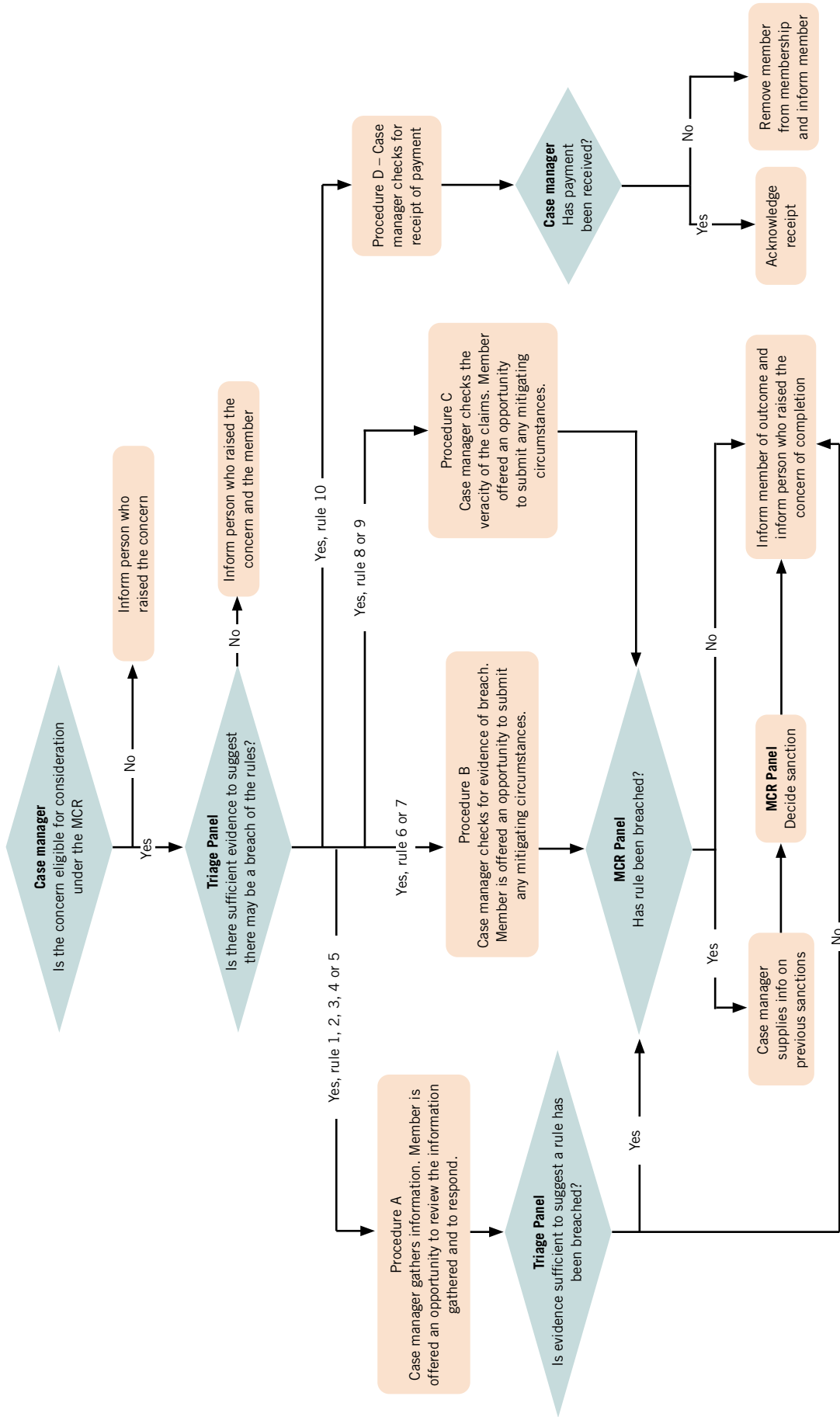
1. The MCR Panel or Review Panel will hold a brief discussion after each case is concluded to make sure issues of process are recorded for inclusion in the Society's review of relevant policies and procedures.
2. The case manager will record any issues arising regarding the rules and their interpretation, and the application of the procedure, for each case.
3. The Quality Assurance and Standards team will review case appraisals regularly as part of a continuous improvement process.

N. CONTACT DETAILS

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LE7 2DR

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Email: conduct@bps.org.uk



Appendix A

ROLES IN THE PROCESS

The roles in the process are:

A. CASE MANAGER

1. The case manager will normally be a member of the Quality Assurance and Standards team.

B. TRIAGE PANEL

2. The Triage Panel comprises two members of the Quality Assurance and Standards team with a member of the Legal and Governance team.

C. MCR PANEL AND REVIEW PANEL

C1: Standing Panel

1. A Standing Panel of members exists as a group from which each MCR Panel and Review Panel can be formed. The Standing Panel will include members of the Society who have a depth of expertise in their area of activity alongside external independent panellists with specialist knowledge and skills. Members might include, for example, those with significant experience in an academic, industry or healthcare setting, members with experience of the education and training for psychological roles, and members who have experience of investigatory processes. External independent panellists would be non-members who have the expertise necessary to engage with matters of conduct. This may include psychologists who are not members of the Society, legal professionals, HR professionals or members of governing bodies (or senior members) of other relevant bodies.
2. The Standing Panel will be large enough to ensure fairness in selection of each MCR or Review Panel, addressing diversity of background and work context, and enabling broad engagement with the MCR process. The Standing Panel will be large enough to ensure that the caseload request of members of the panel is reasonable.
3. The Standing Panel will have Terms of Reference, approved by Member Board, including a role description, length of service, Standing Panel size, and the range of expertise required to ensure lack of discrimination and acknowledgement of the range of perspectives on psychological matters.
4. Calls for expressions of interest in serving on the Standing Panel will be issued periodically, accompanied by a role description and expectation of commitment. Expressions will be assessed by Member Board.
5. The Standing Panel will be briefed on the rules and their application before taking up a position on an MCR or Review Panel. The Standing Panel will engage in standardisation exercises, and a review of lessons learned from case history, at least annually and as required. The Ethics Committee will be involved in standardisation events and in reviewing lessons learned to inform the development of the Code of Ethics and Conduct.
6. The Member Board will periodically review the performance of the Standing Panel and its members for compliance with the Terms of Reference. The Board will review lessons learned and may recommend changes to the Member Conduct Rules for the Trustees to consider.

7. The operation and oversight of the Standing Panel will be reviewed by the Board of Trustees after 12 months.

C2: Panel for cases under Rules 1, 2, 3, 4, and 5

1. The MCR Panel will comprise at least three appropriate members from the Standing Panel, and normally will include at least one member who has previous experience of serving on an MCR Panel. The panel may choose to consult with members or special advisers who have experience relevant to the case. One member of the panel will be appointed as Chair.
2. Where the case against a member involves allegations of their misconduct towards a member of BPS staff, the panel will include an external HR advisor to ensure that the Trustees meet their duty of care to employees of the Society.
3. The Panel will be supported by a member of the Quality Assurance and Standards team and a member of the Legal and Governance team. Their role is to advise on any question relating to the rules and associated procedure, to ensure that the panel is supported with access to information as required, and to record the panel's deliberations and decisions.
4. Each panel will be provided with a case summary, the rules and this procedure.

C3: Panel for cases under Rules 6,7, 8 and 9

1. The MCR Panel will comprise one member from the Standing Panel of members, the Head of Quality Assurance and Standards, the Standards and Inclusivity Officer, and a member of the Legal and Governance team. The panel may choose to consult with members or special advisers who have experience relevant to the case. One member of the panel, normally the member from the Standing Panel will be appointed as Chair.

C4: Panel for cases under Rule 10

1. The MCR Panel will comprise the Head of Quality Assurance and Standards (Chair), the Standards and Inclusivity Officer, and a member of the Legal and Governance team. One member of the panel, normally the Head of Quality Assurance and Standards, will be appointed as Chair.

C5: Review Panel

1. The Review Panel will comprise three appropriate members from the Standing Panel, at least one of whom will be an external panellist and none of whom will have been previously involved in the case. At least one member of the panel will have previous experience of serving on an MCR Panel. The panel may choose to consult with members or special advisers who have experience relevant to the case. One member of the panel will be appointed as Chair.

C6: Conflict of Interest

1. Each time an MCR Panel or Review Panel is required, the Standing Panel will be approached by the case manager and asked to indicate their availability to serve on the MCR Panel or Review Panel. The members who the Triage Panel expect to be the most relevant members of the Standing Panel, according to their expertise and experience, will be highlighted. All members of the panel, however, will be able to express their interest in serving.
2. Potential MCR Panel or Review Panel members will be asked to declare any interests that they have, in relation to the subject matter of the case, the member involved and any third parties. The Triage Panel will select the members most appropriate for the case, and with no conflict of interest.

C7: Exceptions

1. For all rules, if the member about whom the concern is raised is a Trustee or senior member of the Society, then the MCR Panel or Review Panel will comprise one member of the Society and two external panellists, one of whom will chair the panel.

Appendix B

EVIDENCE USED IN DECIDING WHETHER A BREACH OF THE RULES HAS, OR MAY HAVE, OCCURRED

Rule	Evidence accepted includes	Guidance
1. Objects	Copies of written communication in any form or forum.	The objects define the purpose of the Society; proceed if the evidence suggests that behaviour may obstruct these objectives.
2. Ethics	Recordings of meeting/events/etc.	The <u>Code of Ethics and Conduct</u> sets out guidance for members in considering ethical practice; proceed if the evidence suggests that behaviour is not aligned with the code.
3. Standing	Signed witness statements describing the actions of concern	Proceed if the evidence suggests that behaviour that may reflect poorly on people's perception of psychology and professionals who use psychology.
4. CCMUA	Findings from other investigations (e.g. employer processes, other bodies' outcomes) Report from a formal BPS process (e.g. dignity at work, grievance, qualifications complaint).	The Code of Conduct for Members Undertaking Activities on Behalf of the Society sets out expectations for professional behaviour in the context of society activities. These more specific expectations reflect an application of the <u>Code of Ethics and Conduct</u> to within-society work. Proceed if the evidence suggests that behaviour is not aligned with the code. It is unlikely that a single instance of inappropriate, unpleasant or unprofessional communication would constitute enough evidence to warrant an investigation.
5. Interests		Proceed if the evidence suggests that the behaviour may be to the potential benefit of the Member or may be counter to the interests of the Society and that this may be reasonably known by the member.
6a. Fitness	Caution or conviction notice (required)	Proceed if the nature of the conviction or caution shows that the member may have damaged their fitness for membership, or their membership may constitute a threat to the standing of psychology or the Society.
6b. Fitness	HCPC outcome (required)	Proceed if present
6c. Fitness	Professional body/employer findings (required)	Proceed if the nature of the sanction shows that the member may have damaged their fitness for membership, or their membership may constitute a threat to the standing of psychology or the Society.
7. Reporting	Evidence of receiving notification	Proceed if absent

Rule	Evidence accepted includes	Guidance
8. Description	Personal or professional description, e.g. in email signatures, websites, letterheads, business cards, social media descriptions or personal profile in any form.	Proceed if title or position used does not exist, is presented as more authoritative than appropriate, or is not (yet) held.
9. Misleading information	Personal or professional claims in e.g. application forms, CV, website, letterheads, personal profile in any form. Evidence from sources such as, but not limited to, awarding institutions, employers and professional bodies.	Proceed if information is incorrect.
10. Non-payment	Evidence of receipt of full payment	Proceed if absent

A. DECIDING WHETHER A BREACH OF THE RULES HAS OCCURRED

1. The Society has discretion as to the evidence it may accept in relation to allegations of breach of Rule 1, 2, 3, 4 or 5. The MCR Panel will use its professional judgement to decide whether a breach of the rules has occurred and will make their decision on the balance of probabilities. In doing so, the panels will be mindful of the complexity of current challenges for members and the importance of rigorous intellectual debate that remains respectful and constructive.
2. A copy of one of the following documents will be accepted as proof that a member may have breached Rule 6:
 - a. certificate of conviction or caution;
 - b. an order of a court or tribunal;
 - c. a decision of a statutory regulatory body;
 - d. a decision of an employer's or university's internal disciplinary body.
3. The Triage or MCR Panel will use its professional judgement to decide whether the matter should be deemed relevant to psychology or the Society.
4. Evidence from sources such as, but not limited to, application forms, websites, letterheads and awarding institutions will be accepted as proof that a member has breached Rules 8 or 9.
5. Evidence from the Society's membership records will be accepted as proof that a member has breached Rule 10.

Appendix C

GUIDANCE ON SANCTIONS

When a Member is found to be in breach of the Rules, the criteria set out here are used as a guide by the Panels in deciding an appropriate sanction.

A. SANCTIONS THAT MAY BE IMPOSED FOR BREACH OF THE MEMBER CONDUCT RULES

A Member who breaches Rule 10 will be removed from membership.

1. Restrict the member's eligibility to undertake activities on behalf of the Society. This sanction may be applied in addition to, or in place of, any other sanction, as appropriate.
2. Reprimand a member. Reprimands may be accompanied by recommendations for reparative or developmental actions.
3. Suspend a member. A period of suspension will not normally exceed five years. Suspensions may be accompanied by conditions for readmission to the Society at the end of a period of suspension.
4. Expel a member. A member who has been expelled may only rejoin the Society in exceptional circumstances.

Rule	Reprimand	Suspension: Serious but recoverable misconduct	Expulsion: Very serious misconduct, or repeated occurrences
1. Objects 2. Ethics 3. Standing 4. CCMUA	<p>The action caused some actual harm or distress or may reasonably be expected to have caused some harm or distress.</p> <p>First occurrence, or limited reach, scale or visibility of breach.</p> <p>The action caused some impact, or may reasonably be expected to have caused some impact, on the standing of psychology or the Society.</p>	<p>The action caused significant harm or distress or may reasonably be expected to have caused significant harm or distress.</p> <p>Not first occurrence, or medium reach, scale or visibility of breach.</p> <p>The action caused significant impact, or may reasonably be expected to have caused significant impact, on the standing of psychology or the Society.</p>	<p>The action caused substantial harm or distress, or may reasonably be expected to have caused substantial harm or distress, or targeted a vulnerable person.</p> <p>Not first occurrence, or large reach, scale or visibility of breach.</p> <p>The action caused substantial impact, or may reasonably be expected to have caused significant impact, on the standing of psychology or the Society.</p>
5. Interests	<p>No gain materialised and/or the potential gain was small and/or the potential damage to the Society was small and/or the conflict may reasonably not have been easily identified by the member.</p>	<p>The gain materialised and/or the damage to the Society materialised and/or the conflict may have been considered to be identified by the member.</p>	<p>The gain did materialise and/or the potential gain was substantial and/or the damage to the Society was substantial and/or the conflict may have been considered to be easily identified by the member.</p>

Rule	Reprimand	Suspension: Serious but recoverable misconduct	Expulsion: Very serious misconduct, or repeated occurrences
6a. Fitness (criminal)	The offence caused some loss, harm or distress.	The offence caused significant loss, harm or distress. Other serious offences that may affect the standing of psychology. Other serious offences that may affect the standing of the Society, should the member retain their membership.	The offence caused substantial loss, harm or distress, involved multiple victims, or targeted a vulnerable individual or individuals. Other very serious offences that may affect the standing of psychology. Other very serious offences that may affect the standing of the Society, should the member retain their membership.
6b. Fitness (HCPC)	Original body applied a mild sanction and the breach of the rules is not more or less significant for the Society than for the original body.	Original body applied a serious sanction short of termination and the breach of the rules is not more or less significant for the Society than for the original body.	Original body terminated association (for example, accreditation or employment) and the breach of the Rules is not less significant for the Society than for the original body.
6c. Fitness (other body)	Original body applied a mild sanction and the breach of the rules is not more or less significant for the Society than for the original body.	Original body applied a serious sanction short of termination and the breach of the rules is not more or less significant for the Society than for the original body.	Original body terminated association (for example, accreditation or employment) and the breach of the rules is not less significant for the Society than for the original body.
7. Reporting	Report received within six months of the original decision and the sanction received was mild.	Report not received within six months of the original decision or Report received within six months and the sanction was serious: additional suspension of up to 12 months will be applied.	No circumstance where failure to report alone would result in expulsion.
8. Description	Some impact on professional standing or reputation was or could have been realised.	Significant impact on professional standing or reputation was or could have been realised.	Substantial impact on professional standing was or could have been realised.
9. Misleading information	Some impact on professional standing or reputation was or could have been realised.	Significant impact on professional standing or reputation was or could have been realised.	Substantial impact on professional standing was or could have been realised.

B. MITIGATING AND AGGRAVATING FACTORS

1. In all cases, the presence of mitigating or aggravating factors may lead the Investigatory Panel to decide that a sanction should be reduced or increased from the norm, or that no sanction should be applied.
2. The examples below indicate what might constitute mitigating or aggravating factors, but is not an exhaustive list.

Rule	Mitigating factors	Aggravating factors
1, 2, 3, 4, and 5	<p>Behaviour was a genuine mistake.</p> <p>The action was made spontaneously and without thought or reflection.</p> <p>The person was responding to inappropriate, offensive or threatening behaviour.</p> <p>Steps have been taken to make amends indicating reduced risk of repetition.</p> <p>The member has shown remorse or insight into the breach, indicating reduced risk of repetition.</p>	<p>Behaviour was knowing or reckless.</p> <p>No attempt to make amends indicating likelihood of repetition.</p> <p>The action used abusive or threatening language or images, or was likely and/or intended to shock, harass or victimise others.</p>
6	<p>The member has shown remorse or insight and made an attempt at remediation, indicating a lower risk of repeat occurrence.</p>	<p>The member receives a custodial or suspended sentence.</p> <p>The member has not shown remorse or insight and made little or no attempt at remediation, indicating a higher risk of repeat occurrence.</p>
9	<p>Inability to report due to incapacity.</p>	<p>Opportunity to report was avoided.</p>
8 and 9	<p>Information out of date rather than never been true.</p> <p>Genuine misunderstanding of titles and immediate rectification.</p>	<p>Intention to deceive for personal/professional gain.</p> <p>Potentially harmful impact arising from incorrect information.</p> <p>Actual harm arising from incorrect information.</p>
All Rules	<p>Genuine remorse shown with efforts to make reparations where appropriate.</p>	<p>Failure to co-operate with the MCR procedures.</p> <p>Failure to maintain competence.</p> <p>Conscious pursuit of self-interest.</p> <p>Action was planned or undertaken with forethought.</p> <p>Negative impact on the standing of psychology.</p> <p>Negative impact on the standing of the Society.</p> <p>Position of seniority of the member within the Society or relevant community.</p>

C. CONSIDERATION OF SANCTIONS PREVIOUSLY APPLIED FOR BREACH OF THE RULES

1. Previous sanctions will be considered as follows:
 - a. Expulsion, if ever incurred
 - b. Suspension, if within five years of readmission
 - c. Reprimand, if applied within the last three years

REFERENCES

British Psychological Society (2021). *Code of Ethics and Conduct*. Leicester: Author.
www.bps.org.uk/news-and-policy/bps-code-ethics-and-conduct



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