



**DISCIPLINARY  
& SANCTIONS  
PROCEDURE**

## **1. INTRODUCTION**

If a complaint has been identified as unsuitable to be addressed informally or if at the informal stage a resolution had not been successful, the disciplinary procedure will be initiated and follow the procedure as specified in this document.

## **2. DISCIPLINARY & COMPLAINTS COMMITTEE**

2.1 The Disciplinary and Complaints Committee shall comprise of a minimum of three (3) members with a maximum of five (5) members in total appointed by the Board of Directors.

2.2 The Disciplinary and Complaints Committee members shall comprise individuals who have the necessary experience and/or knowledge and will be selected dependent on the nature of the case. For example, Case Examiners may be recruited from other IFA committees or the IFA may choose to recruit additional independent persons as appropriate. This will be judged on a case by case basis.

2.3 The quorum of the Disciplinary and Complaints Committee is three (3).

2.4 The Board of Directors shall appoint a Chair of the Disciplinary and Complaints Committee.

2.5 The Board of Directors shall ensure that the Disciplinary and Complaints Committee contains at least one lay member (a non-IFA registrant).

2.6 No member of the Disciplinary and Complaints Committee shall be involved in investigating a complaint or applying a sanction if that individual has or had a previous relationship with the registrant or complainant. Committee members must declare any conflicts of interests before such appointment.

2.7 Equally, should a registrant choose to appeal the decision, no member of the Disciplinary and Complaints Committee involved in the original decision will be part of the appeal panel.

2.7 Decisions will be made by a simple majority.

2.8 In the event of a tied vote the Chair of the Disciplinary and Complaints Committee will have the casting vote.

## **3. WHAT HAPPENS NEXT?**

2.1 The Disciplinary and Complaints Committee will write to the registrant and inform them of the alleged breach with clear reference to its rules and request that the registrant provides a 'statement of truth'.

2.2 Notification will be sent by email and a copy sent via recorded delivery to the registrant's address or last known address recorded on file. Where any notice is sent in the UK it shall be treated as having been served the day after it was posted. Where such notice is sent outside of the UK it shall be treated as having been served three days after it was posted.

2.3 The registrant will then have 31 days to respond with a 'statement of truth' (limited to 4 sides of A4). The statement should include:

- a) A timeline of events
- b) Any third-party involvement i.e. police, social services
- c) Witness statements attached as appendices
- d) Any mitigating factors
- e) How they have tried to resolve the problem
- f) Statements which rely on documentary evidence should be attached as appendices to the statement and referred to in their statement where appropriate, for example "I wrote to the complainant with the attached letter see appendix 1"

NB. Although this may seem a duplication of the complaints procedure, it provides a valuable opportunity to include any additional information to be considered by the Disciplinary and Complaints Committee.

Please note: Although we understand it may be a stressful experience, please keep statements factual rather than emotional, and allocate the necessary time to respond in full, including all the points you wish to make. Additional information is not generally accepted after a complaint has been referred to this stage and you will need to demonstrate why it was not available at the time of submission.

2.4 Registrants statements of truth will be promptly circulated to the Disciplinary and Complaints Committee for review.

#### **4. TIMESCALES**

4.1 The Disciplinary and Complaints Committee may at any time extend any time limit in these procedures or proceedings either by consent of all parties involved or if they believe it fair or necessary to do so. The Disciplinary Committee will consider any representations made by the parties involved before extending the time limit.

4.2 If the registrant is on holiday when they receive the disciplinary notice and is unable to respond within the 31 days, they must contact the IFA immediately in order to obtain a revised timescale. If the IFA does not feel that the reasons for delay in response are adequate then the registrant will automatically be suspended until they are able to address the complaint and will not be able to renew their membership within this period if it is due for renewal.

4.3 For registrants whose first language is not English we ask that they either have the 'statement of truth' translated into English for expediency or the IFA can make arrangements to have this translated, but please be aware this will add additional time to resolving the complaint.

#### **5. INTERIM MEASURES**

5.1 The Disciplinary and Complaints Committee may consider suspending the registrant when:

- a) It is a serious or complex case of suspected non-compliance; or
- b) When it appears, there could be an immediate risk to the public; or
- c) If it is in the public interest to do so; or

d) It is in the registrant's interests to do so

5.2 If the Disciplinary and Complaints Committee does decide to suspend the registrant from the IFA register, this suspension may last for up to forty-two (42) days. This is known as an interim measure. This is to enable the Disciplinary and Complaints Committee to discuss, evaluate, and consider if a further interim measure is required to cover the additional time needed to deal with the complaint.

5.3 If a further interim measure is imposed it will not exceed a period of six (6) months.

5.4 The Disciplinary and Complaints Committee may decide to issue an interim order with the notice of disciplinary proceedings or during the course of the investigation.

## **6. WARNING**

6.1 In some cases, the Disciplinary and Complaints Committee may determine that there is not a realistic prospect of the complaint being upheld as misconduct or unfit to practice and may therefore consider whether issuing a warning to the registrant would be more appropriate.

6.2 In deciding whether to issue a warning, consideration will be given to:

a) whether the matter complained of, is repeated or if there is a pattern of behaviour and if so considering the likelihood of it recurring.

b) the facts and any inconsistencies in evidence e.g. times, places etc.

6.3 When determining if a warning is appropriate, a detailed enquiry need not be undertaken, as the Committee only need to be satisfied that on the balance of probabilities the complaint would not succeed.

6.4 If a warning is issued the complainant will be informed.

6.4 Warnings will be held on file and used to identify patterns of behaviour.

6.5 Warnings will not be published as the evidence provided, oral or otherwise will not have been cross examined.

## **7. CONSENSUAL DISPOSAL**

7.1 A registrant may simply choose to admit a breach and suggest a suitable sanction.

7.2 If the IFA agrees, the sanction will be applied and no further steps need be taken.

7.3 If the IFA does not agree, then the proceedings shall continue until conclusion.

7.4 The Disciplinary and Complaints Committee cannot simply agree to resolve a case by this method without considering its wider obligations.

## **8. INVESTIGATION**

Investigations will be conducted in a fair and reasonable manner ensuring that all documentation and evidence submitted is considered without bias or prejudice. In broad terms the IFA will:

- a) Establish the facts and identify irregularities
- b) Confirm the facts of the case (and any mitigating factors if relevant)
- c) Identify the risk to individuals and the profession
- d) Ask for supporting evidence where appropriate
- e) Ask for any additional information they may require
- f) Establish if/how the registrant has tried to resolve the problem and all relevant documentation
- g) Assess if remedial action (suspension) is required
- h) If applicable, request that the registrant undergo an examination by a medical practitioner who will report on whether the registrant is medically fit to practice, at the registrant's expense.
- i) Obtain clear evidence to support any sanctions to be applied to the registrant.

## **9. DATA PROTECTION**

During the investigation process the IFA may require the complainant and or registrant to provide confidential information or we may request it. All information will be treated in accordance with the IFA's [Data Protection Policy](#). All information will be treated as confidential and will only be used for the sole purpose for which it was obtained.

## **10. DISCIPLINARY HEARING**

- 10.1 If, due to the nature of the case and evidence which support it, it would be appropriate to invite both parties to a Disciplinary Hearing the IFA will inform both parties at the investigation stage.
- 10.2 A Disciplinary Hearing would only be initiated in exceptional circumstances if a case is particularly complex due to the evidence which supports it. For example, the evidence relates to one person's word against another and it would benefit the panel to cross examine both parties. Typically, a Disciplinary Hearing would not be necessary and the Disciplinary and Complaints Committee would make its determination based on the evidence provided in writing, documentation, recordings, audio etc relevant to the case.
- 10.3 The Disciplinary Hearing panel will consist of three (3) panel members and a clerk (minute taker).
- 10.4 The Disciplinary and Complaints Committee members will decide who will Chair the Disciplinary Hearing amongst its members.
- 10.5 The Disciplinary and Complaints Committee shall inform the clerk of the Committee that a hearing is required and the clerk shall fix a date and time for the hearing and will write to all parties separately. Such notice shall contain:
  - i. Their right to attend the hearing
  - ii. Their right to request witnesses (the IFA will also send the notice to any named witnesses in the 'statement of truth')
  - iii. Time and Venue

- iv. Notification that a Disciplinary Hearing shall not take place sooner than 21 days of receiving the notice to allow participants to make the necessary arrangements except with the agreement of both parties.
- v. Their right to bring another person for support. Please note however this person may not be a witness in the case; may not speak on behalf of the registrant or complainant or address any member of the Disciplinary and Complaints Committee and is only there in the capacity of emotional support.
- vi. Information regarding the IFA's right to exclude any person from the hearing in whole or part whose conduct, in the opinion of the panel is likely to disrupt the hearing.
- vii. Request confirmation they will be attending the hearing.

10.6 The clerk shall not participate in the decision making of the Panel.

10.7 Disciplinary hearings will take place in private typically at the IFA Head Office in London or may be held at another location as specified within London.

10.8 Where it is not practically possible due to location constraints to hold a Disciplinary Hearing in London this would be facilitated through Skype or Facetime.

10.9 For registrants whose first language is not English, they will be expected to provide their own translator. The IFA will appoint a translator to ask questions on the panel's behalf.

10.10 During the hearing the panel will listen to all responses and take notes.

10.11 Subject to the requirements of a fair hearing, the panel may decide its own procedures and directions for the hearing, typically these would be:

- i. Introduction: Introducing the members of the Disciplinary Panel and Parties.
- ii. The Disciplinary Hearing Chair will outline the facts of the case and evidence which support it.
- iii. The Disciplinary Hearing Chair will ask the registrant if they admit any of the allegations and whether there is an agreement with the outline of facts.
- iv. The Disciplinary Hearing Chair will ask the registrant questions.
- v. Members of the Disciplinary Hearing panel may question the registrant
- vi. The Disciplinary Hearing Chair may ask the complainant questions
- vii. Members of the Disciplinary Hearing panel may question the complainant
- viii. A short interval will take place
  - ix. Witnesses on behalf of both parties will be asked questions by members of the Disciplinary Hearing panel
  - x. Members of the Disciplinary Hearing may request to question either the registrant or complainant again.
  - xi. The hearing will conclude and the Disciplinary Panel Hearing will deliberate in the absence of all parties to discuss their findings.

10.12 Evidence provided by each party and any witnesses at the hearing will be given in private.

10.13 The Disciplinary Hearing Panel Chair may adjourn the hearing at any time and give directions on when the hearing will be resumed. For expediency this will be agreed with both parties on the day of the initial hearing.

10.14 Upon request, the clerk of the panel shall send the Registrant and Complainant, a verbatim transcript of the notes taken at the hearing, of any part of the proceedings at which the Registrant or the Complainant gave evidence.

## **11. SUPPORT AVAILABLE**

The IFA supports complainants and witnesses with restrictive conditions for example those with auditory impairment may have communicators in sign language, oral rephrasing or lip reading; those with concentration difficulties a prompter during Disciplinary Hearings. The same principles that apply to learners during training will apply during a Disciplinary Hearing or when providing evidence as per the IFA's [Reasonable Adjustment and Special Consideration Policy](#).

## **12. CONDUCT AND COMPETENCE**

The Disciplinary and Complaints Committee will then decide:

- a) If the facts have been proven or disproven on the balance of probabilities
- b) If the facts have been proven that the registrant:
  - i. has committed misconduct;
  - ii. is unfit to practice;
  - iii. has been negligent due to lack of competence;
  - iv. has made a false declaration;
  - v. if it is due to personal behaviour or if there is a pattern of behaviour and consider the likelihood of it recurring;
  - vi. is physically or mentally unwell and their fitness to practice is impaired by their mental health;
- c) What sanction to impose or if the registrant has proved their case to take no further action or what additional conditions to impose on the registrant whilst they are suspended.

## **13. SANCTIONS**

The IFA will assess which of its sanctions it will apply depending on the seriousness of the breach, and assess the risk the breach poses. There are three possible sanctions that can be applied:

- a) If the registrant has proved their case then the registrant will be reinstated/no further action.
- b) Remain suspended (up to one year) until the registrant has undergone further training/assessment.
- c) Registration terminated (this may be indefinitely or a time frame may be specified before the registrant can reapply for membership i.e. 5 years)

The purpose of any sanction is not to punish the registrant but to protect the public.

## **14. OUTCOME**

14.1 The registrant and complainant will receive written confirmation of the outcome of the investigation.

- 14.2 The IFA will explain its reasons for coming to that decision with clear reference to its rules.
- 14.3 Inform the registrant that any sanction imposed is effective from the date it was made.
- 14.4 The IFA will inform the registrant of their right of appeal and provide a copy of its [Appeals Policy](#).
- 14.4 All decisions will be based on the:
- a) Seriousness of the registrant's conduct
  - b) Proportionality
  - c) Protection of the public
  - d) Public confidence in aromatherapy
- 14.5 If a sanction is imposed, the Panel's findings will be published under 'Sanctions' imposed on the IFA's website and provided to any other statutory or regulatory bodies or interested third parties.

## **15. HOW LONG WILL IT TAKE?**

We intend to resolve complaints as soon as possible and ask that all parties involved be cooperative. We anticipate the procedure in determining and delivering its decision should take no longer than 60 days from the date the disciplinary notice was issued. However, if a disciplinary hearing is required, we anticipate it may take up to 90 days.