

# REGULATIONS

## Interpretation

1. In these Regulations:
  - 1.1 'Regions' shall mean 'Centres' as referred to in Clause 4.3 of the Charter and referred to in Clauses 1.1, 30 and 31 of the Bye-Laws.
  - 1.2 'Regional Committee' means that body of Members who organise and regulate the affairs and facilitate the administration of a Region;
  - 1.3 'Regional Committee Member' means and shall consist of Elected Regional Committee Members, and Non-Elected Regional Committee Members as determined from time to time pursuant to these Regulations;
  - 1.4 'Members' Council' means the body of Regional Representatives.
  - 1.5 'Regional Representatives' means and shall consist of those Regional Members appointed to the Members' Council.
  - 1.6 'Regional Members' means Members whose registered addresses fall within the geographic area allocated to the Region concerned;
  - 1.7 'Regional Regulations' means those Regulations set out in Part II hereof;
  - 1.8 'Disciplinary Regulations' means those Regulations set out in Part IV hereof;
  - 1.9 'General Regulations' means those Regulations set out in Part I hereof;
  - 1.10 'Period' means the time between the date of one Presidential Inauguration and the subsequent Presidential Inauguration.
  - 1.11 'Professional Conduct Regulations' means those Regulations set out in Part III hereof;

## **PART I: GENERAL REGULATIONS**

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### **Ordinary Members**

3. There are as at the date of adoption of these Regulations the following classes of Ordinary Membership:

- 3.1 Student Member;
- 3.2 Affiliate Member;
- 3.3 Associate Member;
- 3.4 Technical Member
- 3.5 Retired Member; and
- 3.6 Honorary Fellow.

### **Election to Ordinary Membership**

#### **Student Member**

4. The General Council may, in its absolute discretion, elect and admit as a Student Member any person who is undertaking a programme of learning and development relevant to resource and waste management recognised or accredited by CIWM, the requirements for such recognition and/or accreditation to be as determined from time to time by the General Council.

#### **Affiliate Member**

5. The General Council may, in its absolute discretion, elect and admit as an Affiliate Member a person who is concerned with resource and waste management but who is not eligible for any other class of membership.

#### **Associate Member**

6. The General Council may, in its absolute discretion, elect and admit as an Associate Member a person who:

- 6.1 holds a degree recognised or accredited by CIWM or relevant degree-level qualification; or
- 6.2 holds, and has held, an acceptable position in connection with resource and waste management for a minimum of two years.
- 6.3 In all such cases, the applicant shall be required to demonstrate they meet the key competencies as may be determined from time to time by the General Council. The applicant

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may also be required to satisfy such professional interview panel as may be determined from time to time by the General Council.

### **Technical Member**

7. The General Council may, in its absolute discretion, elect and admit as a Technical Member a person who:

7.1 holds a degree recognised or accredited by CIWM or relevant degree-level qualification; or

7.2 holds a Level 4 or higher CIWM (WAMITAB) qualification, a CIWM Operational Excellence certification or who has successfully undertaken an in-company training scheme at an equivalent level recognised or accredited by CIWM; or

7.3 holds, and has held, an acceptable position in a technical or operational role or technical apprenticeship in connection with resource and waste management.

7.4 In all such cases, the applicant shall be required to demonstrate that they meet the key competencies as may be determined from time to time by the General Council. The applicant may also be required to satisfy such professional interview panel as may be determined from time to time by the General Council.

### **Retired Member**

8. A Full or Ordinary Member of CIWM who ceases to be actively engaged in resource and waste management may transfer to the class of Retired Member with the approval of the General Council.

### **Honorary Fellow**

9. The General Council may, in its absolute discretion, elect and admit as Honorary Fellows:

9.1 persons who are not Members who, in the opinion of the General Council, have rendered notable service to resource and waste management; or

9.2 persons of distinction with a concern for the environment.

### **Election to Life Membership**

10. A Fellow or Chartered Member of CIWM may be awarded Life Membership with the approval of the General Council. A candidate for election to Life Member shall normally have rendered exceptional service to either the resource and waste management industry or CIWM. A Life Member shall be a Full Member.

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## **Designations**

11. Members in the following classes shall be entitled to place appropriate designatory letters after their names as hereunder:

- 11.1 Fellow FCIWM;
- 11.2 Chartered Member MCIWM;
- 11.3 Honorary Fellow HonFCIWM;
- 11.4 Associate Member AssocMCIWM;
- 11.5 Technical Member TechMCIWM; and

11.6 Retired Members may use the appropriate designation contained in paragraph 11 followed by “(Ret.)”.

11.7 Members who transferred to the class of Retired Member from one of the classes of the previous membership scheme before the date of adoption of these Regulations may retain their existing designation (AssocMCIWM (Ret.), Grad (Ret.), LCIWM (Ret.), TechMCIWM (Ret.) or adopt the appropriate new designation.

11.8 Full Members entitled to place the designatory letters FCIWM and MCIWM after their names shall also be entitled to call themselves “Chartered Resource and Waste Managers” and use the designatory letters “CRWM”.

11.9 Full Members named on the Register at 31 December 2018 and continuously a Full Member since then may continue to use ‘Chartered Waste Manager’ and ‘CWM’ instead.

11.10 Life Members may use the appropriate designation contained in paragraph 10 followed by “(Life)”.

### **Establishment of the General Council**

12. The General Council which shall also be known as the Trustee Board shall consist of Members (other than the Honorary Treasurer who need not be a Member) to be known as General Councillors and/or Trustees as follows:

12.1 the Honorary Officers listed in paragraph 58 of the Bye-Laws

12.2 appointed General Councillors;

### **Honorary Officers and General Councillors**

13. The President shall take office on the date of the Presidential Inauguration as determined each year by the General Council.

13.1 The Presidential Inauguration shall take place in every calendar year not less than 11 months and not more than 18 months after the previous Presidential Inauguration.

13.2 The format of the Presidential Inauguration will be determined by the General Council. This may include an in person event or may take place electronically by appropriate audio/visual facilities.

13.3 On the date of the Presidential Inauguration the current President will become the Immediate Past President, the Senior Vice-President will become the President, the Junior-Vice President will become the Senior Vice-President and the Junior Vice-President Elect will become the Junior Vice-President.

13.4 The Junior Vice-President Elect shall be elected as set out in the Practice Directions.

14. The Honorary Treasurer and the Chair of General Council shall be appointed as set out in the Practice Directions.

15. The General Councillors referred to in paragraph 12.2 hereof shall be appointed as set out in paragraphs 16 hereof.

### **Appointment to the General Council**

16.1 The General Council shall invite applications from suitably qualified and experienced Members of CIWM. All applications shall be made in writing to the CIWM CEO, accompanied by a curriculum vitae.

16.2 The General Council will nominate persons to form the Selection Panel including the Chair of General Council, the Chief Executive Officer, suitably qualified and experienced Members and one non-Member (external).

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16.3 All applications shall be considered by the Selection Panel established by the General Council, which may include a formal interview.

16.4 The Selection Panel will make recommendations for appointments to the next meeting of the General Council for approval by CIWM Trustees.

16.5 The appointment of each person approved by the General Council will take effect on the date of the next Presidential Inauguration and will be for a term of three Periods.

16.6 The General Council may fill a casual vacancy provided always that the person appointed meets the minimum requirements laid out for that vacancy in the Constitution. Anyone filling a casual vacancy shall retain their office only until the next Presidential Inauguration and will then be eligible for appointment as set out at paragraph 16 hereof. The period in office filling a casual vacancy shall not count towards the term limit set out in paragraph 17.3 hereof.

**Rotation and Retirement of General Councillors (including the Chair of General Council and the Honorary Treasurer)**

17. General Councillors (which in this section includes Chair of General Council and the Honorary Treasurer) shall normally serve for three Periods before retiring but subject to the following provisions:

17.1 Any retiring General Councillor shall be eligible for re-appointment under the process described above in these Regulations but may not serve for more than a consecutive period of six Periods after which five Periods must pass before any further re-appointment except as specified in Regulation 18.

18.1 The term limits for General Councillors who serve as Honorary Treasurer are extended by three Periods to nine Periods consecutively.

18.2 The time served by a General Councillor as Junior Vice-President, Senior Vice-President, President and Immediate Past President shall not count towards the time limit of six Periods as set out in Regulation 17.1. The term of any General Councillor who becomes Junior Vice-President during their term of office shall be paused for four years after which they shall be entitled to complete any term remaining from their original General Councillor appointment.

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## **Employees**

21. The employees of CIWM shall be a Chief Executive Officer and such other persons as the General Council may from time to time appoint and they shall be paid such salaries as the General Council may from time to time determine.
22. The General Council shall make provision for pensioning retired employees, whether by agreement at the time of appointment or otherwise.

## **Chief Executive Officer**

23. The Chief Executive Officer shall act under the direction of the General Council. The Chief Executive Officer shall head the CIWM Group and its employees and be responsible to the General Council and its committees and shall undertake such other executive duties as the General Council may from time to time determine. The Chief Executive Officer shall keep formal records of the proceedings of meetings and attendance thereat.
24. Should it be required at any time that the General Council has to appoint a temporary substitute for the Chief Executive Officer the person so appointed shall be deemed during the term of appointment to be the Chief Executive Officer.

## **Secretary**

- 25.1 The secretary shall be appointed by the General Council at the first General Council Meeting following the Presidential Inauguration for such term, at such remuneration and upon such conditions as it may think fit and any secretary so appointed may be removed by it.
- 25.2 The post of secretary shall not be held by the Chief Executive Officer.

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## **PART II: REGION REGULATIONS**

### **Establishment of Regions**

29. In pursuance of its powers under the Bye-Laws, the General Council shall, in its absolute discretion, determine from time to time the formation or dissolution of Regions and their geographic boundaries and the General Council shall be obliged to convene to consider exercising such powers on receipt of a petition signed by no fewer than thirty Chartered Members whose registered addresses fall within the same geographic area.

30. Regions are established to facilitate the Objects at a regional and local level. In particular, the role of the Regions will include the following:

30.1 the organisation and co-ordination of the activities of Regional Members at both regional and local levels;

30.2 the holding of meetings and events for the purpose of promoting scientific, technical and managerial knowledge and expertise in resource and waste management;

30.3 through the Members' Council to act as a conduit between Regional Members and the General Council to facilitate the dissemination of Institution business and policy, to scrutinise policy decisions and to effectively communicate the views of Region's Members on all issues affecting the operation of CIWM;

30.4 the holding of elections to Regional Committees; and

30.5 to fulfil such other functions and duties as the General Council may from time to time lawfully direct.

31. Regional Committees shall at all times act in the best interests of CIWM and comply with the Constitution.

### **Regional Meetings**

32. Each Region may hold a general meeting of Regional Members in every calendar year as its annual general meeting at such time between 1<sup>st</sup> January and 30<sup>th</sup> April and at such place as may be determined by the Regional Committee.

33. All other general meetings of the Regional Members shall be called extraordinary general meetings and may be called by the General Council or the Regional Committee or on the requisition of not less than one tenth of the Region's Chartered Members, the convening of such a requisitioned meeting to follow the requirements of the Companies Act 2006. Full details of such meetings shall be forwarded to the Chief Executive Officer.

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34. Regional Members shall be given no less than twenty-one days' notice in writing of all general meetings, such notice stating the business to be considered at the meeting. No other business shall be considered.

35. A quorum at any general meeting shall be constituted by the attendance of either ten per cent or fifteen of the Region's Chartered Members, whichever is the fewer.

35.1 Attendance at any General Meeting of any Region can be either in person or by appropriate audio/visual attendance facilities.

36. The chair of the Regional Committee, as elected in accordance with the Regulations set out herein or in their absence any other Regional Committee Member, shall take the chair at every general meeting of the Region. Every Chartered Member eligible to attend shall have one vote which may be exercised in person or by their proxy.

37. The provisions relating to proxies contained in paragraphs 49-53 inclusive of the Bye-Laws shall apply in all relevant respects except the reference to 'Chief Executive Officer' may be substituted with 'Regional Coordinator', 'CIWM' may be substituted with the relevant Regional Committee and the form of proxy may be deposited at the address of the Regional Coordinator as opposed to the Chief Executive Officer's office.

38. Ordinary Members shall not be eligible to vote at any Centre Council general meeting.

### **Regional Committees**

39. The affairs of each Region shall be managed by a Regional Committee which shall comprise the following:

39.1 'Elected Regional Committee Members' being no fewer than four and no more than twelve Chartered Members elected to the Regional Committee by the Region's Chartered Members or any Regional Committee Member filling a casual vacancy pursuant to paragraph 46 hereof;

39.2 'Non-Elected Regional Committee Members' being members in one of the three categories set out below.

39.2.1 General Councillors whose registered addresses fall within the Region's geographic area and who are not Elected Regional Committee Members, unless they serve notice in writing to the relevant Regional Committee stating that they do not wish to become a Regional Committee Members, which notice may be subsequently revoked in writing; and

39.2.2 A Regional Coordinator, a Regional Treasurer, and a Members' Representative. They shall be appointed from Members of the Region for a term not exceeding three years, ending on

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30<sup>th</sup> April, after which they may be re-appointed for subsequent terms each not exceeding three years. A Member may hold more than one of these positions but shall nevertheless only be entitled to one vote.

39.2.3 Regional Committee Members who the Regional Committee may from time to time appoint from Members of the Region. Regional Committee Members will cease to be Regional Committee Members on 30<sup>th</sup> April following their appointment after which they may again be appointed to the Regional Committee. Regional Committee Members can be appointed for further terms as required.

39.2.4 A Regional Committee can appoint Observers who will not count towards the total numbers of Regional Committee Members. Observers cannot vote on any committee matter.

40. Notwithstanding the provisions of the foregoing paragraphs the aggregate number of Elected Regional Committee Members shall at all times exceed the number of Non-Elected Regional Committee Members.

41. Any Regional Committee Member who ceases for whatever reason to be a Member shall be deemed to have resigned from the Regional Committee.

42. All Regional Committee Members shall be entitled to vote at a Regional Committee Meeting.

### **Election of Regional Committee Members**

43. Elections of Elected Regional Committee Members shall be held annually by 30<sup>th</sup> April in accordance with any procedure prescribed by the Constitution or by directions issued from time to time by the General Council and otherwise at the discretion of the Regional Committee. Only Chartered Members of the Region may vote in the election of Regional Committee Members.

44. Elected Regional Committee Members shall ordinarily hold office for three years from 1<sup>st</sup> May although they shall thereafter be eligible for re-election. Each year by 30<sup>th</sup> April, one third of the Elected Regional Committee Members shall retire from office with those who have been longest in office since election or re-election retiring first.

45. A Chartered Member of a Region wishing to stand for election as an Elected Regional Committee Member of their Region must, within the time limits so prescribed by the Regional Committee, serve a notice on the Regional Coordinator indicating the Member's willingness to be elected and indicating two other Chartered Members, including Retired Chartered Members, prepared to support the application.

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### **Casual Vacancies**

46. The Regional Committee may from time to time appoint a Chartered Member to the Regional Committee to fill a casual vacancy provided always that any prescribed maximum be not thereby exceeded. Any Member so appointed shall retain their office only until the next 30th April but he shall then be eligible for election.

### **Proceedings of the Regional Committee**

47. Regional Committees shall meet from time to time and regulate their proceedings as they see fit. The quorum for Regional Committee meetings shall be four Elected Regional Committee Members.

48. Regional Committee Members shall appoint an Elected Regional Committee Members as Regional Chair and may, at any time, remove that person from this office. The Regional Chair shall preside at every meeting at which they are present and in their absence the Regional Committee shall appoint another Elected Regional Committee Member to preside. Questions shall be decided by a majority of votes and in the event of an equality of votes the Regional Chair shall have a casting vote.

49. The Regional Committee may delegate any of its powers to committees consisting of such Members as it sees fit and the proceedings of such committees shall be governed by these Regulations so far as applicable and any other directions of the Regional Committee. Resolutions of such committees shall be reported to the Regional Committee as soon as possible.

### **Regional Coordinator**

50. The Regional Coordinator shall act only on the authority of the Regional Committee and their duties shall include:

- 50.1 responsibility for all routine administrative matters;
- 50.2 convening general meetings and meetings of the Regional Committee;
- 50.3 keeping a record of all meetings and attendances there at, and supplying these records to the Chief Executive Officer upon request;
- 50.4 preparation and presentation of a Region Annual Report to the Chief Executive Officer to include the Region's activities throughout the preceding year;
- 50.5 the performance of such other lawful duties as directed by the Regional Committee; and

50.6 at the conclusion of the term of office, the handing over of all books, records, papers and other property of the Region under their control to a person authorised to accept them by the Regional Committee.

### **Regional Treasurer**

51. It shall be the duty of the Regional Treasurer to ensure that the highest possible standards of financial prudence are maintained and they must comply with all directions relating to financial matters which are from time to time issued by the Chief Executive Officer. The Regional Treasurer's duties shall include:

51.1 reporting on the Region's bank accounts;

51.2 maintenance of a true and proper record of the Region's income and expenditure;

51.3 provision of such financial and accounting information as may from time to time be reasonably required by the Chief Executive Officer;

51.4 presentation of financial reports to Regional Committee meetings; and;

51.5 at the conclusion of their term of office, the handing over of all books, records, papers and other property of the Region under their control to a person authorised to accept them by the Regional Committee.

### **Finance**

52. All payments shall be approved by two Regional Committee Members, one of whom must be either the Regional Treasurer or the Regional Coordinator.

### **Dissolution**

53. On the dissolution of the Region for whatever reason, any assets owned, controlled or otherwise allocated to it shall be transferred to CIWM and may be re-allocated at the absolute discretion of the General Council.

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### **PART III: PROFESSIONAL CONDUCT REGULATIONS**

#### **Purpose**

55. The purpose of the Professional Conduct Regulations is to maintain the standard of integrity, self-discipline and professional competence required of Members in the interests of CIWM and the community generally.

#### **Condition of Membership**

56. Acceptance of both the Professional Conduct Regulations and Disciplinary Regulations is a condition of membership of CIWM. A disciplinary tribunal of the General Council, acting according to the Disciplinary Regulations, may impose such penalties as are set out therein.

#### **Duties**

57. A Member shall uphold the reputation and standing of CIWM and the professional practice of resource and waste management. A Member shall not, whether by act or omission, do anything which may bring CIWM, any Member thereof or the professional practice of resource and waste management into disrepute or behave in any way which is inconsistent with, conflicts with, or is detrimental to the Objects.

58. A Member shall, in the application of their professional skills, be dedicated to the protection of the environment and act honestly and diligently to achieve high standards and abide by the CIWM policies on Equality, Diversity and Inclusivity and Modern Slavery.

59. A Member shall not improperly communicate to any third party information of a privileged or confidential nature relating to the work of CIWM or its Members.

60. A Member shall uphold the law relating to their duties in respect of resource and waste management and all related matters and shall not allow themselves to be placed in a position where their integrity or that of CIWM might be questioned or compromised.

61. A Member shall not allow their professional judgment or compliance with these Professional Conduct Regulations to be influenced by any improper pressure howsoever arising.

## **PART IV: DISCIPLINARY REGULATIONS**

### **Purpose**

62. Any investigation into an alleged breach of the Professional Conduct Regulations shall be conducted in accordance with the following Disciplinary Regulations.

### **Investigation Panel, Disciplinary Tribunal and the Appeals' Panel**

63. In discharge of its disciplinary powers the Board of Trustees authorises the Chief Executive Officer together with at least two members of the Corporate Governance and Professional Ethics Committee of CIWM to assemble when required an investigation panel (“the Investigation Panel”), a disciplinary tribunal (“the Tribunal”) and an appeals’ panel (“the Appeals’ Panel”). None of the members of the Appeals’ Panel shall be a Member of CIWM as defined in clause 2.6 of the Charter but the Panel may be assisted by a Member and, where appropriate, a Barrister or Solicitor with experience relative to the nature of the appeal.

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### **Complaints**

65.1 Should the Chief Executive Officer receive a written complaint or become aware by other means of any action, omission or failure which appears to them to indicate that a Member or holder of a certificate, diploma or other qualification (hereafter called in either case ‘the Respondent’) may have been guilty of:

65.1.1 a breach of the Professional Conduct Regulations being in force at any material time;

65.1.2 conduct which might be considered to be prejudicial to the interests of CIWM or:

65.1.3 a breach of any term or condition of a certificate, diploma or other qualification

65.2 then they shall as soon as reasonably practicable:

65.2.1 assemble the readily available facts for presentation to not less than two members of the Corporate Governance and Professional Ethics Committee who shall decide whether an investigation is warranted.

65.3 In the event of the members of the Corporate Governance and Professional Ethics Committee in conjunction with The Chief Executive Officer deciding that an investigation is warranted they shall set up an Investigation Panel consisting of three Trustees with knowledge and experience appropriate to the nature of the investigation.

65.4 No member from the same Centre as a Respondent or who has any linked interest with the Respondent or their business may participate in the Investigation Panel or the Tribunal.

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65.5 The Chief Executive Officer shall use their best endeavours to bring to the attention of the Respondent the nature of the complaint and ensure the Respondent has access to a copy of these Disciplinary Regulations. They shall not be obliged to ensure that the Respondent has a copy of the complaint in writing but may do so if such action is necessary to allow a fair and accurate assessment of the facts.

66. In the event of legal action being taken in relation to the case, whether civil or criminal, no further disciplinary action shall be taken until that has been concluded and if the result is a conviction for a serious criminal offence the matter will be referred to the Board of Trustees for consideration of action under Bye-Law 27. Such consideration to have regard to Guidance on the use of Bye-Law 27 detailed in the Practice Directions.

### **Investigation Panel**

67. The Respondent may, within twenty-one days of receipt of the notice, respond in writing to the Chief Executive Officer giving their answer to and/or comments upon the complaint. The Chief Executive Officer shall pass any such response to the Investigation Panel.

68. The Investigation Panel shall, as soon as reasonably practicable, gather any further information/evidence that may be available, investigate the complaint as it sees fit and consider the written response (if any) from the Respondent. If the Investigation Panel considers it necessary or desirable it may invite the Respondent to appear before it (sitting in private) and allow them to comment upon the complaint.

69. Having considered the complaint and any response received from the Respondent, the Investigation Panel shall as it sees fit:

69.1 dismiss the complaint;

69.2 order that no further action be taken; or

69.3 direct that the complaint, or any part of it, be the subject of a charge or charges brought before the Tribunal.

70. Where the matter of which the complaint is made is admitted by the Respondent and the Panel is of the opinion that the matter should be disposed of in accordance with paragraphs 69.1 or 69.2 above, it may direct the Respondent to attend on the Chair of the Board of Trustees at their convenience so as to be admonished by them and/or given advice as to future conduct.

## **Charges**

71. If the Investigation Panel directs that any charges be brought then the Chief Executive Officer, as soon as is reasonably practicable, shall formulate the charge or charges in writing and serve a copy thereof upon the Respondent together with a notice of the date and place appointed for the Hearing.

## **Disciplinary Tribunal**

72. The Tribunal for the hearing of any particular charge or charges shall consist of three Trustees provided that none of them shall have served on the Investigation Panel investigating the initial complaint.

73. The three Trustees to sit shall be approved by at least two members of the Corporate Governance and Professional Ethics Committee.

74. Members of the Tribunal shall appoint one of their number to act as Chair. The Chair shall preside at any Hearing and shall determine the day upon which the Tribunal will sit.

75. If, after the start of the Hearing, any member of the Tribunal shall not be available to continue sitting then, provided that the Tribunal continues to consist of at least two members, the Tribunal may continue the Hearing in the absence of such member who will then cease to take any part in the Hearing. Should the two remaining members fail to agree upon a decision at the conclusion of the Hearing the complaint shall be re-heard by a newly constituted Tribunal.

## **Hearing**

76. So far as is reasonably practicable but subject always to the provisions of these Disciplinary Regulations and saving always that the Tribunal shall be master of its own procedure, the Hearing shall correspond to established, industry standard disciplinary procedures.

77. The Hearing shall be in private and no person shall be present apart from those provided for by these Disciplinary Regulations unless the chairman so permits. The Respondent may appear by themselves or upon notice in writing being received by the Chief Executive Officer not less than seven days before the date fixed for the Hearing, the Chair shall permit the Respondent to be assisted by one other identified person.

78. The case against the Respondent shall be presented by the Chief Executive Officer or by any other person whom the Chief Executive Officer considers is a fit and proper person to present the case. The Chief Executive Officer or their agent presenting the case shall be



entitled to open the case to the Tribunal and make a closing speech upon the facts as well as any submissions on the constitution.

79. The Tribunal shall keep a record of the Hearing, to include any evidence given. Such record may consist of a note containing a reasonably accurate synopsis of the proceedings, a shorthand note or a mechanical or digital recording.

80. The Tribunal may sit with a clerk for recording purposes and a member of the Corporate Governance and Professional Ethics Committee who shall be able to demonstrate a good working knowledge of the Constitution who may advise the Tribunal and who will have access to appropriate legal advice should that be deemed necessary at any time during the proceedings.

81. The chair may, at any time, adjourn the Hearing and appoint such other date for the resumed Hearing as they see fit.

82. At the commencement of the Hearing the charge or charges shall be read in the presence of the parties provided that if the Respondent does not appear then the Tribunal may, if satisfied that the Respondent has had notice of the Hearing or that the Chief Executive Officer has taken reasonable steps to give such notice, proceed with the Hearing and the charge or charges shall be read in the absence of the Respondent.

83. After the charge or charges have been read:

83.1 if present, the Respondent may admit or deny any charge; or

83.2 in the absence of the Respondent, if the Tribunal is satisfied that it has before it a document which upon the face of it was prepared by or on behalf of the Respondent for submission to the Tribunal and by which the Respondent admits any charge, then the Tribunal shall direct the clerk to record such admission or admissions and that the appropriate charge or charges are proved whereupon the Tribunal may as it sees fit:

83.2.1 consider the consequences of such charge or charges being proved, in accordance with these Disciplinary Regulations; or

83.2.2 adjourn such consideration of consequences either to another date or until the completion of the hearing of any charge or charges which remain outstanding.

84. The Tribunal may hear at the same time as many charges against a Respondent as may to the Tribunal appear just and reasonable. Further, the Tribunal may hear charges against more than one Respondent at the same time provided that such charges concern and/or arise

out of the same or substantially the same facts and these Disciplinary Regulations shall be read accordingly.

85. The Tribunal may receive oral, documentary or other evidence of any fact which appears to it to be relevant to the hearing of the case before it provided that:

85.1 any statement or other document in writing made for the purpose of presentation to the Tribunal:

85.1.1 is dated and the maker's name is clearly stated; or

85.1.2 purports to be signed by the maker and contains a statement to the effect that the maker believes the contents of the statement or document to be true; and

85.2 a copy of that statement or document was posted to the address of the Respondent not less than fourteen clear days previously and either the Respondent has not objected thereto by a notice in writing delivered to the Chief Executive Officer not less than seven days before the Hearing, or, if they have objected, the Tribunal is satisfied that it is reasonable and just to hear the evidence notwithstanding that objection.

86. If the Tribunal is so satisfied and hears that evidence then it shall become evidence in the Hearing for all purposes and the Tribunal may attach such weight to it as seems to it to be just.

87. The Tribunal may receive and proceed upon any oral admission as to any fact or matter which is made to it by the Respondent.

88. The Tribunal may, at any stage of the Hearing, allow such amendment of any charge as may seem to it to be just, provided that in so doing it shall consider whether it is desirable to adjourn the Hearing so as to give the Respondent time to consider the amended charge.

### **Decision**

89. All decisions of the Tribunal shall be by simple majority.

90. After hearing all the evidence and any speeches and/or submissions by the parties the Tribunal shall consider its decision which shall be announced by the chairman and recorded.

### **Consequences**

91. Where any charge is proved the Tribunal shall, before imposing any penalty upon the Respondent:

91.1 if dealing with any charge which was admitted, hear from the Chief Executive Officer or their representative a summary of the facts of that charge;

91.2 hear from the Chief Executive Officer or their representative details of any previous breach of the Professional Conduct Regulations by the Respondent; and

91.3 consider any evidence and/or submission in mitigation which the Respondent shall reasonably wish to lay before it.

92. After hearing any mitigation the Tribunal shall consider what, if any, penalty to impose upon the Respondent in respect of each and any proven charge. The penalties available to the Tribunal in any case are any one or more of the following:

92.1 admonition in the case of any Respondent;

92.2 suspension from such privileges of membership of CIWM as may be appropriate in the case of any Respondent;

92.3 expulsion from membership of CIWM; and

92.4 revocation of the certificate, diploma or other qualification, if appropriate.

93. The Tribunal may impose any combination of penalties in respect of any proven charge as seems to it to be just. Further, the Tribunal may require the Respondent to contribute such sum towards the costs of the investigation and the Hearing as seems to it to be just. The chair shall announce such penalty, if any, as is imposed together with any order for costs and they shall be recorded.

94. If the Tribunal shall dismiss any charge then, upon the application of the Respondent, the Tribunal may award the Respondent such sum, if any, in respect of their costs as seems just and such costs shall be paid by CIWM to the Respondent.

95. At the conclusion of the Hearing the Chief Executive Officer shall forthwith send a written notification of the outcome to the Respondent and in the case of any proven charge, if no notice of appeal is served upon them within the time allowed, a notification to any relevant complainant.

### **Right of Appeal**

96. A Respondent may, within fourteen days of notification of the decision of the Tribunal, by a notice in writing delivered to the Chief Executive Officer, appeal against any finding that any charge was proven and/or any penalty. The grounds upon which the Respondent may appeal are that:

96.1 fresh evidence is available which could have materially affected the finding of the Tribunal but which was not laid before the Tribunal because it was not then available or there is some other substantial reason to justify it being received on appeal;

- 96.2 the Tribunal made a material error;
- 96.3 there was a material irregularity in the course of the Hearing;
- 96.4 or the finding of the Tribunal was not justified upon the evidence before it;
- 96.5 the penalty imposed was too severe.
97. The notice of appeal shall contain the ground or grounds of the appeal and the Respondent shall, at the time of delivering such notice, inform the Chief Executive Officer which, if any, parts of the record of the Hearing before the Tribunal they wish to be made available for use at the appeal.
98. Upon receipt of any notice of appeal the Chief Executive Officer shall pass the same to the Tribunal who shall then, within a reasonable time and with legal advice if necessary, decide whether, in the case of 96.1, 96.2 or 96.3 above, the grounds for appeal warrant a review by the Tribunal of the decisions made.
99. If a review is warranted:
- 99.1 the Tribunal may be re-convened to consider the new evidence or the nature of the error or
- 99.2 the case may be re-heard by a newly constituted Tribunal.
100. Where no review is warranted, the Chief Executive Officer shall arrange for an Appeals' Panel to be convened.
101. The Appeals' Panel may, at its own discretion, consult with or co-opt a legal adviser at any time during the hearing of the appeal. Such adviser shall be a barrister or solicitor who shall advise the Appeals' Panel but shall have no vote.
102. The chair of the Appeals' Panel may adjourn any Hearing as they see fit and upon the hearing of an appeal the Appeals' Panel shall:
- 102.1 make decisions by simple majority;
- 102.2 have the like powers to those enjoyed by the Tribunal; and
- 102.3 have power to make any decision or impose any penalty which was open to the Tribunal and to allow or dismiss appeals, vary penalties and orders for costs, remit any charge for re-Hearing before a differently constituted Tribunal and to do all such things as may be reasonably necessary for the hearing of the appeal.
103. At the hearing of an appeal, the Chief Executive Officer shall produce for the use of the Panel and the parties that part of the record of the Hearing as the Respondent shall have

identified to the Chief Executive Officer in accordance with paragraph 97 of the Disciplinary Regulations and any other parts of the record as appear to them to be necessary or desirable.

104. The Appeals' Panel shall determine the appeal upon such parts of the record of the Tribunal as shall be before it, such other fresh evidence as it shall decide to admit, and on the submissions made by or on behalf of the Respondent and the Chief Executive Officer or their agent. At the conclusion of the hearing of an appeal the chairman of the Appeals' Panel shall announce its decision which shall be recorded.

### **Publication**

105. If the Chief Executive Officer does not receive any notice of appeal within the time limited as aforesaid or, in the alternative, at the conclusion of any appeal then they shall, as soon as is reasonably practicable, notify the Board of Trustees of the outcome of the Hearing and/or appeal.

106. At the conclusion of an appeal the Chief Executive Officer shall forthwith send a written notification of the outcome of that appeal to the Respondent and if any appeal against a proven charge is dismissed, the Chief Executive Officer shall notify any relevant complainant of the outcome of the proceedings.

## **PART V: TRUSTEES (AND OTHERS) CODE OF CONDUCT**

### **SECTION 1**

#### **General Provisions**

##### **Scope**

107. An Applicable Person (as defined in paragraph 109 hereof) must observe CIWM's code of conduct whenever they:

107.1 conduct the business of CIWM;

107.2 conduct the business of the office to which they have been elected or appointed; or

107.3 act as a representative of CIWM.

108. Where an Applicable Person acts as a representative of CIWM on another relevant body, they must, when acting for that other body, comply with that other body's code of conduct except to the extent that it conflicts with CIWM's code of conduct.

109. This code applies to Trustees and Members of CIWM and all others serving from time to time on the councils and committees affiliated to CIWM including the subsidiary companies of CIWM (herein individually known as "an Applicable Person")

##### **General Obligations**

110. An Applicable Person must -

110.1 promote equality by not discriminating unlawfully against any person;

110.2 treat others with respect; and

110.3 when using or authorising the use by others of the resources of CIWM:-

110.3.1 act in accordance with CIWM's requirements; and

110.3.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate the discharge of the functions of CIWM or of the office to which the person has been elected or appointed.

111. An Applicable Person must not -

111.1 disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; nor

111.2 prevent another person from gaining access to information to which that person is entitled by law; nor

111.3 conduct themselves in a manner which could reasonably be regarded as bringing CIWM into disrepute; nor

**1<sup>st</sup> March 2002 (Revised August 2006, June 2010, December 2010, March 2011, June 2012, April 2014, June 2014, April 2017, November 2018, February 2019, March 2019, June 2019, December 2019, March 2020, July 2020, June 2021, October 2021, February 2022, June 2022, January 2023, July 2025)**

111.4 use their position improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

111.5 do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, CIWM.

112. An Applicable Person may, if they becomes aware of any conduct by another such person which they reasonably believe involves a failure to comply with CIWM's code of conduct, make a written allegation to that effect to the Chair of the Corporate Governance and Professional Ethics Committee as soon as it is practicable for them to do so.

## **SECTION 2**

### **Interests**

#### **Personal Interests**

113. An Applicable Person should regard themselves as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given in accordance with the Practice Direction relating to Trustees' Interests or if a decision upon it might reasonably be regarded as affecting to a greater extent than others who may be affected, the well-being or financial position of themselves, a relative or partner (by marriage or otherwise) or a friend or arising under paragraph 119 hereof and being in relation to

113.1 any employment or business carried on by such persons;

113.2 any person who employs or has appointed such persons, or any firm in which they are a partner, or any company of which they are directors;

113.3 any corporate body in which such persons have a beneficial interest in a class of securities.

#### **Disclosure of Personal Interests**

114. An Applicable Person with a personal interest in a matter who attends any meeting of CIWM at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

#### **Prejudicial Interests**

115. An Applicable Person with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a Member of CIWM with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement. A Trustee, and all others subject to this code of conduct, may regard themselves as not having a prejudicial interest in a matter if that matter relates to -

115.1 another relevant professional association of which they are a member;

115.2 another body in which they hold a position of general control or management;

115.3 a body to which they have been appointed or nominated by CIWM as its representative;

#### **Participation in Relation to Disclosed Interests**

116. An Applicable Person with either a personal or prejudicial interest in any matter must :



116.1 withdraw from a meeting (by leaving the room in which such meeting is taking place) whenever it becomes apparent that the matter is being considered at that meeting, unless they have obtained a written dispensation from the Chair of the Corporate Governance and Ethics Committee; and

116.2 not seek to influence a decision about that matter.

117. For the purposes of this Code of Conduct, "meeting" means any duly convened meeting of any of the bodies set out in paragraph 109 above.

118. Any dispensation granted by the Corporate Governance and Ethics Committee under the provisions of paragraph 116.1 hereof shall only be valid to the extent that it has been supplied with the full relevant facts in relation to a request for such dispensation.

## **SECTION 3**

### **The Register of Interests**

#### **Registration of Financial and Other Interests**

119. Within 28 days of their election or appointment to office (whichever shall be the later), an Applicable Person must register their financial interests in CIWM's register of interests by providing written notification to the Chief Executive Officer any interest of the type referred to in Practice Directions of the constitution of CIWM. An Applicable Person must, within 28 days of becoming aware of any change to the interests specified under this Code of Conduct, provide written notification to the Chief Executive Officer that change.

#### **Registration of Gifts and Hospitality**

120. An Applicable Person, when involved in those activities described in paragraph 107 hereof, must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Chief Executive Officer the existence and nature of that gift or hospitality.

#### **Definitions**

121. In this Code references to either gender shall include the other and references to the plural shall include the singular and vice versa.