



Disciplinary procedure (individuals)

1 Purpose

The object of the Disciplinary Procedure (Individuals) is to set down rules and procedures with a view to carrying out fair and comprehensive disciplinary proceedings relating to members of the Imperial Society of Teachers of Dancing (the Society) and to ensure that decisions are made in a fair, consistent, impartial, independent and expeditious manner.

2 Scope

- 2.1 This procedure applies to all Members of the Society and all teachers, examiners, technical officers and adult volunteers at the Society's Approved Dance Centres. The procedure will also apply (and the Society will continue to have jurisdiction over any person after their membership of the Society ends), if a breach or any matter to which this procedure applies is alleged to have occurred during any period of membership and remains to be dealt with; or if any proceedings are not completed prior to the membership expiration date.
- 2.2 Throughout this document the term "Member" is used to cover the other categories of person referred to in 2.1 (above).

3 Conduct and Complaints Committee

- 3.1 The Nomination and Remuneration Committee of the Society's Council will establish a Conduct and Complaints Committee, consisting of two Trustees, two Members and two external advisors, which will have delegated power to act in the name of the Society through Disciplinary Boards and Appeal Panels; and it will appoint one member of the Conduct and Complaints Committee to act as Chair.
- 3.2 The Chair of the Conduct and Complaints Committee will appoint Committee members to hear and determine the outcomes of conduct issues arising from the teaching of the Society's curricula, or where an individual or individuals against whom a complaint is made comes within the jurisdiction of the Conduct and Complaints Committee by virtue of this procedure, or otherwise through their membership of the Society.
- 3.3 The chair will appoint members of the Committee to sit as Disciplinary Boards or Appeal Panels on a case-by-case basis and will decide which members of the Conduct and Complaints Committee will hear any case put before it. No member with an interest in the case to be heard will be appointed.
- 3.4 Any member of the Conduct and Complaints Committee will be eligible to sit as part of a Disciplinary Board or, on appeal, as part of an Appeal Panel; but no person sitting in a



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Disciplinary Board will be appointed to a subsequent appeal in relation to the same matter.

- 3.5 Disciplinary Boards and Appeal Panels will ordinarily be comprised of one Trustee, one member representative of the Society and one external adviser, one of whom may be a practising solicitor or barrister, with the Policy and Governance Manager as the note taker; but the quorum will be two persons
- 3.6 The Chair of the Conduct and Complaints Committee will designate one member appointed to the Disciplinary Board or Appeal Panel to be Chair.
- 3.7 All decisions will be by majority unless there is an even number on the Disciplinary Board or Appeal Panel, in which case the Chair will have the casting vote.
- 3.8 Meetings of the Disciplinary Board, Appeal Panel and otherwise any business of the Conduct and Complaints Committee may take place, either in one or more places, by letter, telephone, email, online conference or by other means or combinations of convenient means. Any party against whom a complaint is made or any other party to proceedings may request a personal hearing, and the Chair of the Disciplinary Board (or Appeal Panel as applicable) will consider the request.

4 Misconduct

4.1 Conduct which may be brought before a Disciplinary Board is: -

- a. alleged conduct by any person who is subject to the Society's Centre Agreement and/or Member Agreement/Professional Code of Practice which amounts to a breach of the rules set out within those documents.
- b. any alleged breach of the Articles of Association and Rules and Standing Orders of the Society.
- c. any alleged breach of any rules and/or procedures in effect under the Articles of Association and Rules and Standing Orders of the Society.
- d. any alleged breach of any other policy of the Society and/or any other body or organisation which the Society may be a member of or affiliated to, and with which the person is expected to comply.
- e. any breach of UK-GDPR requirements.
- f. any breach of contract.
- g. any other conduct which may be considered to bring the Society into disrepute or which is detrimental to the best interests of the Society and/or its beneficiaries.

4.2 If a separate investigation is being conducted by any regulatory authority or other professional body, this will not preclude a complaint arising from the same or connected circumstances from being brought to the Society. Proceedings in relation to this



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Disciplinary Procedure will not be automatically postponed if there are criminal proceedings connected to or arising out of the same circumstances as the complaint.

4.3 Where outcomes of criminal proceedings or of investigations conducted by any regulatory body or other professional body, which arise from the same or connected circumstances, are determined prior to the conclusion of the Society's investigation, those outcomes will be brought to the attention of the Conduct and Complaints Committee and may be taken into account in any decision, or may result in a termination of the investigation with a finding consistent with the outcome of the other proceedings.

5 Procedure

(simple flow diagrams are included at **Appendices 1 and 2**)

5.1 Investigation

- 5.1.1 Upon receiving the allegations, the Society will appoint an Investigating Officer. This will normally be the Policy and Governance Manager, but it may be another person as appointed by the Chair of the Conduct and Complaints Committee or by the Society's Chief Executive Officer (CEO). A Director (i.e. a member of the Society's Senior Leadership Team) will be allocated to oversee the investigation process, and the Investigating Officer will report progress concerning the investigation to that person.
- 5.1.2 Either the Director or the Investigating Officer as instructed by the Director will liaise with other parties (e.g., local authorities, police, complainants) as relevant and required. Where police and local authorities are involved, the Investigating Officer will commence the investigation only when this has been agreed by all parties.
- 5.1.3 The Member about whom the allegations were made will be contacted and informed that allegations have been made, what (in broad terms) has been alleged, and that an investigation will take place.
- 5.1.4 Consideration will be given as to whether the Member should be suspended pending the outcome of the investigation. The CEO or Chair of the Conduct and Complaints Committee will be entitled to impose a suspension without any hearing or further enquiry, but the CEO or Chair may, if they choose, take steps to question the Investigating Officer or the person concerned regarding any matter concerning or connected to the complaint and the justification for suspension prior to deciding whether to impose a suspension. The Chair of the Conduct and Complaints Committee will be entitled to review, vary, extend, revoke, or take such further action as they see fit in relation to a suspension, whether at the request of the Member or the Investigating Officer, or of their own volition.



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- 5.1.5 Broadly speaking, the Member should be suspended if any of the following criteria for suspension have been met:
- The Member is alleged to have committed a crime and the police are investigating or considering whether to investigate. In the latter case the suspension will be reviewed when that investigation concludes.
 - The allegation involves harm or injury to another person (e.g. a student, a colleague, or a contractor) and if not suspended there is a risk that the harm could be repeated.
 - There is a risk that if the Member is not suspended, they could interfere with an investigation in such a way as to prejudice its outcome.
- 5.1.6 The Policy and Governance Manager will inform the member of the potential outcomes (in accordance with the Member Sanctions policy) should the allegations be upheld by a Disciplinary Board following the investigation.
- 5.1.7 The investigation should commence as quickly as is practicably possible, with due regard to the time scales set out in the Society's Complaints procedure. Investigation methods will normally include:
- A review of relevant literature and correspondence
 - Interviews with relevant witnesses for the purpose of obtaining statements
 - An interview with the Member about whom the allegations were made for the purpose of obtaining a statement in response to the allegations
- 5.1.8 Interviews can be distressing experiences. Any person who is to be interviewed – whether as a witness or the person about whom the allegations have been made – should be given advance notice of five working days minimum of the interview date (the notice period can be reduced by mutual agreement) and will be entitled to be accompanied by, for example, a friend, a relative, or a fellow Member.
- 5.1.9 Statements from complainants and witnesses will be obtained, and the record will not be admissible until the complainant or witness has reviewed the record and signed to indicate that they agree with the contents of their statement as recorded.
- 5.1.10 On completion of the investigation the investigator will write a report to include the following:
- Details of the member (e.g., name, date membership commenced, ISTD-related activities that they perform).
 - A description of the concern(s)/allegation(s) that were investigated.
 - A narrative description of the investigation with details of reviewed documents (which should be included in the appendices to the report), and interviews conducted (signed records of which should be included in the appendices)
 - Details of the investigation findings.



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- The conclusion of the investigation (e.g., the member has/does not have a disciplinary case to answer), with details as necessary to clarify what has been concluded.
 - The recommendation of the investigation report (e.g., that the member should answer the allegations before a Disciplinary Board; that there were some minor infringements that should be dealt with informally, or that learning and development needs which have been identified should be addressed).
- 5.1.11 The Investigating Officer will submit the investigation report to the Director, who will read and consider the investigation report and its recommendations, which will inform the Director's actions.
- 5.1.12 The decision as to whether a complaint should be put before the Conduct and Complaints Committee will be made by the CEO, or by the Director as delegated by the CEO, following receipt of an investigation report and recommendations from the Investigating Officer as described in 5.1.9 (above). This decision is final and binding and may not be appealed or otherwise challenged. The Society will not be obliged to provide to a complainant reasons for bringing or declining to bring a complaint to the Conduct and Complaints Committee.
- 5.1.13 If the CEO (or the Director in consultation with the CEO) decides to follow a recommendation that the Member has a disciplinary case to answer, s/he will instruct the Investigating Officer to submit the report to the Chair of the Conduct and Complaints Committee
- 5.1.14 The Investigating Officer, in this scenario, will be responsible for presenting the Society's case against the Member. Their case will be detailed in the investigation report which will be sent to each member of the Disciplinary Board. The report will also be sent to the Member in advance of the Disciplinary Board hearing to enable them to prepare their response to the allegations. If, during the intervening period, the Investigating Officer obtains additional evidence it may not be submitted until the Member has received it and had sufficient time (e.g., by an adjournment) to review the new evidence.

5.2 Hearing

- 5.2.1 On receipt of the report from the Investigating Officer the Chair of the Conduct and Complaints Committee will appoint a Disciplinary Board in accordance with 3.2 - 3.5 (above) to consider the complaint, taking account of any possible conflicts of interest. The Chair will notify the parties of the date, time and place of the hearing.
- 5.2.2 Unless otherwise directed by either the Chair of the Conduct and Complaints Committee or the Chair of the Disciplinary Board the person against whom the



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complaint is brought will set out, in writing, no later than 48 hours prior to the commencement of the hearing (i) whether or not they accept the complaint in whole or in part (including but not limited to whether the complaint should be upheld); (ii) whether they have any preliminary matters to raise and (iii) who will attend the hearing and in what capacity. At the same time copies of any documentary or other evidence to be produced and relied on at the hearing must be lodged by the party with the Disciplinary Board.

- 5.2.3 The Disciplinary Board will have the power to regulate its own procedure and to determine any matter arising under or in connection with the Disciplinary Procedure (except in relation to appeals, when the Appeal Panel will be entitled to exercise such powers) and in so doing may waive any requirement of and/or extend any period of time provided for in this Disciplinary Procedure. All decisions and procedural directions taken will have due regard to the requirements of procedural fairness.
- 5.2.4 The function of the Investigating Officer will be to assist in the proceedings by taking such steps as are reasonably necessary in supporting the Disciplinary Board's consideration of the complaint. The Investigating Officer is not acting as a "prosecutor" or "against" the party in respect of whom proceedings have been put before the Conduct and Complaints Committee. Without limiting the ways in which the Investigating Officer may assist the Disciplinary Board they will be able to answer questions, provide information, guide generally and highlight matters of policy and/or principle relevant to the matters under consideration.
- 5.2.5 For the purposes of this Disciplinary Procedure the Investigating Officer will be regarded as a party to proceedings, allowing, for example, an appeal to be pursued in the name of the Investigating Officer for the Society. Without limiting the circumstances in which an appeal may be taken this will allow an appeal to be advanced if, for example, an error has been made by the Disciplinary Board concerning an important principle to the Society, or a sanction issued on disposal is unduly lenient.
- 5.2.6 It will be the responsibility of any party wishing to call a witness to ensure their attendance. Subject at all times to the direction and control of the Chair of the Disciplinary Board, the parties can take evidence from witnesses, and question witnesses (through the Chair) at any hearing. Witnesses must be pre-notified.
- 5.2.7 The Disciplinary Board can require an explanation in writing of the anticipated relevance of the witness evidence. The Disciplinary Board can decline to allow a witness to attend and give evidence if the Disciplinary Board considers the witness to be irrelevant to the issue(s) to be considered.
- 5.2.8 The Disciplinary Board will be entitled to receive and consider any evidence that it considers appropriate, including expert evidence, attaching weight to evidence presented as it sees fit. The Disciplinary Board will have the power to



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call witnesses to any hearing or call for any documents or other evidence to be produced at or in advance of any hearing, and all persons who fall within the jurisdiction of this Disciplinary Procedure will be required to comply and cooperate with this power.

- 5.2.9 At any hearing, the Disciplinary Board will be entitled to ask such questions of any witness as it considers fit and undertake such investigations as it considers appropriate. The Disciplinary Board will also be entitled to require questions of witnesses to be put through the Chair, rather than directly.
- 5.2.10 Ordinarily a decision will be taken as to whether the complaint is upheld, and a separate decision will be taken as to sanction; however, both decisions can be taken at the same hearing.
- 5.2.11 The Disciplinary Board will have the power to postpone or adjourn a hearing on the application of any party to the proceedings or of its own volition.

5.3 Representation before the Disciplinary Board or Appeal Panel

- 5.3.1 Any person about whom a complaint is made may be represented at any hearing. A person who is employed at an Approved Dance Centre and who wishes to be accompanied by an official of the Approved Dance Centre may request this.
- 5.3.2 Any witness under the age of 18 years will be entitled to be accompanied by one of their parents or legal guardians.

5.4 Deliberations

The deliberations of the Disciplinary Board and the Appeal Panel will be in private.

5.5 Notification of decisions

The decision will be notified in writing to all interested parties as soon as reasonably practicable after conclusion of the hearing and where practicable no later than ten working days from the date of the hearing. When it considers it appropriate the Disciplinary or Appeal Panel may deliver an oral decision at the conclusion of a hearing. If an Appeal is lodged, the Disciplinary Board will be entitled to expand upon its reasons either at its own discretion or at the direction of the Appeal Panel.

5.6 Disposal

If the Disciplinary Board determines that a complaint brought before it has been established and is upheld, the Disciplinary Board may impose whatever sanction it considers appropriate, while considering any recommended sanctions published from time to time by appropriate regulating authorities, and subject to the Society's Member Sanction Policy and



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any guidelines or direction published from time to time by the Society and in force at the time. Examples of sanctions include, but are not limited to:

- (a) a warning as to future conduct;
- (b) suspension for a period of time;
- (c) expulsion from the Society (i.e. revocation of membership);
- (d) a combination of (a) and (b).

As an alternative (e.g., for single infringements or infringements which are judged to be of minor impact), or in addition to the above sanctions, the Disciplinary Board may require the Member to undertake training, or they may allocate a coach or mentor with a view to addressing and improving the Member's conduct.

Sanctions will ordinarily take immediate effect; however, they may be delayed in commencing or suspended at the discretion of the Disciplinary Board.

5.7 Appeals

5.7.1 The person who has been the subject of a decision of the Disciplinary Board ("the Appellant") will have the right of appeal against the decision, provided a notice of appeal is lodged in writing with the CEO within 7 calendar days of the issue of the written decision of the Disciplinary Board. The notice of appeal must state the ground(s) of appeal and contain the full reasons and basis on which the ground(s) of appeal are being pursued.

5.7.2 The grounds on which an appeal can be pursued are:

- (a) The decision was wholly unreasonable (the Disciplinary Board upheld the complaint when no Disciplinary Board acting reasonably would have);
- (b) The sanction was wholly unreasonable (the sanction imposed is one which no Disciplinary Board acting reasonably would have imposed);
- (c) There has been a major procedural error which has led to an unsafe decision; or
- (d) The interests of fairness and justice require an appeal be heard.

5.7.3 The CEO will on receipt pass the Appeal to the Chair of the Conduct and Complaints Committee. On receipt the Chair will ordinarily appoint an Appeal Panel to consider the complaint; however the Chair will be entitled to refuse to take forward an appeal and will be entitled to dismiss the appeal without further procedure if in their view the appeal, as set out, has no reasonable prospects of success.



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- 5.7.4 The Appeal Panel will be entitled to regulate its own procedure in accordance with the principles outlined above for Disciplinary Board hearings.
- 5.7.5 Appeals will take the form of a review. The Appeal Panel will have regard to and respect the wide margin of discretion that the Disciplinary Board has in making determinations. A re-hearing of a case will not be permitted unless (a) an application is made in writing by the party pursuing the appeal; (b) the Appeal Panel is satisfied that there was an error in the decision of the Disciplinary Board and that error requires the case to be re-heard; and (c) the circumstances are exceptional and there are compelling reasons to re-hear the case.
- 5.7.6 Admission of any new evidence not considered at the original hearing will only be permitted at the discretion of the Appeal Panel and ordinarily only upon the person lodging the appeal providing a full written explanation as to why the evidence was not produced earlier and placed before the Disciplinary Board at the original hearing, and the relevance of the new evidence to the appeal. At the appeal hearing the Appellant will not put forward any ground of appeal not specified in the original notice of appeal, unless expressly permitted to do so by the Appeal Panel.
- 5.7.7 Where an appeal hearing is to take place in person, the Appellant and any other party to the appeal proceedings will have the right to be present and be accompanied by their representative, if any, at the hearing of the appeal. The Society may attend through the CEO, Investigating Officer, or a nominee of either, and with the aid of a representative should they so choose.
- 5.7.8 In disposing of the appeal, the Appeal Panel may decide to:
- (a) affirm the decision of the Disciplinary Board;
 - (b) uphold the appeal by setting aside the decision appealed against and quashing any penalty imposed by the Disciplinary Board;
 - (c) uphold the appeal in part by setting aside part only of the decision appealed against and/or modify, reduce or increase any penalty imposed;
 - (d) substitute for the decision appealed against a decision to find the relevant party guilty of lesser or more serious misconduct and/or to impose a lesser or greater sanction or sanctions;
 - (e) uphold the appeal and remit the issue to the Disciplinary Board for reconsideration and re-determination by them;



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- (f) defer consideration of the appeal pending receipt of information, evidence or clarification from the Disciplinary Board or from a person not present at the appeal hearing;
- (g) take any steps which in the exercise of its discretion the Appeal Panel considers it appropriate to take in order to deal justly with the appeal.

5.7.9 Where an appeal is taken forward the decision arrived at and/or the sanction imposed by the Disciplinary Board will not be automatically postponed pending resolution of the appeal. A person against whom a decision has been made and by whom an appeal has been brought will be entitled to ask that the decision and/or sanction be postponed pending resolution of the appeal, and the Appeal Panel will consider this as a preliminary matter. When deciding whether to postpone any decision or sanction, the Appeal Panel will have regard to all matters that it considers are relevant, including but not limited to:

- the interests of the Society and its beneficiaries,
- any prejudice that may arise, and
- the impact that any postponement may have on any other party.

5.7.10 The appellant will be informed of the decision of the Appeal Panel as soon as practicable after the conclusion of the hearing. When it considers it appropriate the Appeal Panel may deliver an oral decision at the conclusion of a hearing.

5.8 Standards and Burden of Proof

The standard of proof on all matters will be proof on the balance of probabilities.

6 Multiple Incidents

Where disciplinary proceedings, however arising, are taken against more than one person as the result of a related incident or incidents, these proceedings may be heard together, at the discretion of the Chair of the Conduct and Complaints Committee, provided doing so does not involve prejudice towards or discrimination against any person against whom such disciplinary proceedings are to be taken.

7 Publicity

The Council may publish details of any misconduct or infringement together with the sanction imposed or other decision, and the identity of the person concerned. The Disciplinary Board and/or Appeal Panel will be entitled to recommend that publication takes place.

8 Additional Provisions



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- 8.1 Outcomes of proceedings determined under this procedure, or any decision of a Disciplinary Board or Appeal Panel will not be quashed or held invalid by reason only of any defect, irregularity, omission or technicality, unless the outcome or decision results in a material doubt as to the reliability of the findings or decision of the Disciplinary Board or Appeal Panel, or results in an outcome which is contrary to the general principles of fairness and justice.
- 8.2 Decisions of the Disciplinary Board or Appeal Panel in relation to any matter(s) not provided for in this procedure will be taken according to the general principles of fairness and justice.
- 8.3 The Investigating Officer may appear at any hearing in person or through a nominee and they may be represented.
- 8.4 The Chair of the Conduct and Complaints Committee will be entitled to co-opt any person with suitable experience to the Society's Conduct and Complaints Committee on a term or temporary basis for the purposes of appointment to any Disciplinary Board or Appeal Panel.
- 8.5 Where any member of a Disciplinary Board or Appeal Panel is unable to sit or to continue sitting, the remaining members will be entitled to continue to sit as a Panel and decide upon all matters before them, or the Chair of the Conduct and Complaints Committee will be entitled to appoint a further person to the applicable panel.
- 8.6 In the event of non-attendance by any party to proceedings, the Panel may continue and hear any matter and reach a conclusion in the absence of that party, including but not limited to reaching a determination, imposing a sanction, or disposing of an appeal in that party's absence.
- 8.7 The decisions of Disciplinary Boards that are not appealed and the decisions of any Appeal Panels will be final and binding on all parties.

Policy last reviewed: September 2021

Policy next due for review: September 2022



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Appendix 1: Investigation, Hearing and Disposal

A formal complaint is received which contains allegations of misconduct against an ISTD Member (includes teachers and examiners), technical officer or adult volunteer at an Approved Dance Centre.

An investigator (usually the Policy and Governance Manager) is appointed.

A director (usually the investigator's line manager) is allocated to oversee the investigation process and ensure that interested parties are communicated with as appropriate.

Either the CEO or the Chair of the Conduct and Complaints Committee will consider whether to suspend the person's membership pending the outcome of the investigation.

The person against whom the complaint has been made is contacted and informed of the allegation and whether they are to be suspended. The person is advised of potential outcomes.

The investigation commences and proceeds.

The investigation report is submitted to the Director who, in consultation with the CEO, considers the recommendations of the report, including any recommendation that there is a disciplinary case to answer. The decision whether to refer the case to the Conduct and Complaints Committee rests with the Director/CEO and is final and binding.

If the Director/CEO follows a recommendation that there is a disciplinary case to answer, the report is submitted to the Chair of the Conduct and Complaints Committee and is also sent to the member against whom the complaint was made,

The Chair appoints a Disciplinary Board to hear the complaint and appoints one of the Disciplinary Board members to act as chair.

The Disciplinary Board notifies parties involved of the date, time and place of the hearing. The member against whom the complaint has been made will make submissions to the Disciplinary board no later than 48 hours prior to commencement of the hearing.

Unless the member has indicated that they accept the complaint in full, the hearing takes place. After all the evidence (including testimony from any witnesses called to the hearing) has been considered, the Disciplinary Board makes its deliberations in private.

The decision of the Disciplinary Board is notified to all interested parties no less than ten working days after the conclusion of the hearing. The decision can also be communicated orally at the end of the hearing.



Appendix 2: Appeal

