

Applicants for membership of the Disciplinary Tribunal and Panels:

Application Pack

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1 About CILEx Regulation

CILEx Regulation is the independent regulator of Chartered Legal Executives (Fellows of the Chartered Institute of Legal Executives), CILEx Practitioners and other members of CILEx.

We investigate complaints about the conduct of members of our regulated community in accordance with [Investigation, Disciplinary and Appeals Rules](#) (IDAR). We may investigate allegations of misconduct upon receipt of a complaint or other information. Conduct is assessed against the outcomes focused [CILEx Code of Conduct](#).

Our Rules establish the Panels and Tribunal as follows:

[Professional Conduct Panel](#): considers prior conduct and fitness to own declarations made by members of our regulated community and by applicants seeking membership of CILEx or regulation by CILEx Regulation. The Professional Conduct Panel also considers complaints or allegations of misconduct.

[Disciplinary Tribunal](#): considers cases referred to it by the Professional Conduct Panel or the Appeals Panel.

[Appeals Panel](#): considers appeals made against decisions of all CILEx Regulation's committees and panels.

CILEx Regulation appoints and maintains lists of lay and professional members to act as panellists on the Professional Conduct Panel, Disciplinary Tribunal and Appeals Panel. No person may at any one time be included in more than one of these lists.

2 Role Description

Members of the Panels and Tribunal are required to consider argument, distil facts and ask questions as necessary to reach a conclusion on cases brought before them. They use common sense and personal experience to make informed and reasoned decisions in conjunction with colleagues and apply guidance appropriately to agree sanctions.

Each Panel and the Tribunal has its own Clerk who supports the conduct of meetings. Clerks are appointed by, but independent of, CILEx Regulation.

Members are selected on rotation to sit at meetings and hearings having regard to availability.

Professional Conduct Panels sit as a Panel of three, with a majority of lay members. One member will be a Chartered Legal Executive (Fellow of the Chartered Institute).

- The Panel selects one of its numbers to chair the meeting.
- Meetings of the Professional Conduct Panel are not open to the public.
- The Panel may request the attendance of an applicant, who may be represented.
- In cases of declared prior conduct the Panel may accept or refuse applications for membership of CILEx, impose conditions on future conduct or employment, require undertakings, reprimand and/or warn as to future conduct or both, or refer the matter to the Disciplinary Tribunal.
- In cases of alleged misconduct the Panel will consider and determine whether there is a case to answer and may, if they so determine refer the allegation to the Disciplinary Tribunal or with consent they may dispose of it by requiring undertakings to be given as to future conduct, by imposing conditions on future conduct or employment, or by reprimanding or warning.
- The Panel may make orders for interim suspension.

Meetings vary in length between half a day and one day. Hearings take place in the daytime usually starting at 9.30 or 10am. Members are expected to make themselves available for meetings on at least six days each year and for (usually) two training days.

Disciplinary Tribunals sit as a panel of three, with a majority of lay members. One member will be a Chartered Legal Executive (Fellow of the Chartered Institute).

- The Tribunal selects one of its numbers to chair the hearing.
- Hearings are held in public unless this is contrary to the interests of justice.
- Parties may be represented at hearings.
- The standard of proof is the balance of probabilities.
- Where allegations are found proved the Tribunal may reprimand or warn, impose conditions on conduct or employment, exclude from membership or authorisation, issue fines and make orders for costs.

Hearings vary in length between half a day and several days. Hearings lasting more than a day are infrequent. Hearings take place in the daytime usually starting at 9.30 or 10am. Members are expected to make themselves available for hearings on at least six days each year and for (usually) two training days.

Appeals Panels sit as a panel of three, with a majority of lay members. One member will be a Chartered Legal Executive (Fellow of the Chartered Institute).

3 Duties

Members of the Disciplinary Tribunal, Appeals Panel and Professional Conduct Panels have the following duties:

- consider papers relating to cases for which the member is appointed as provided by CILEx Regulation;

- consider and take into account evidence, information, representations and advice in connection with cases;
- make impartial and objective assessments of such evidence, information, representations and advice;
- determine cases and apply powers given under the Rules impartially and objectively;
- carry out tasks promptly and within timescales prescribed by the Rules;
- inform CILEx Regulation promptly if it appears any conflict of interest arises from the circumstances of the case which may adversely affect the ability of the member to consider the case impartially and objectively;
- treat as confidential any information, facts or circumstances which become known to the member in connection with any application, hearing or appeal which they are selected to consider;
- inform CILEx Regulation as soon as possible if they become unable to attend a hearing for which they have been selected.

4 Appointment criteria

- able to analyse cases;
- able to assimilate complex information and make sound judgements based on evidence;
- able to assess fitness to practice and fitness to own;
- understanding of professional disciplinary and misconduct issues;
- some understanding of the legal profession;
- good interpersonal and communication skills;
- able to work as part of a team;
- able to take responsibility for decisions;
- able to work digitally if required: and
- able to chair meetings.

5 Eligibility

No member of the Disciplinary Tribunal, Appeals Panel or Professional Conduct Panel may be a member of CILEx Council or the Board of Directors of CILEx Regulation.

A lay member means a person who is not and who has never been an authorised person within the meaning of Section 18 of the Legal Services Act 2007, or registered as a member of CILEx in any grade.

6 Nolan Principles

In performing their duties members of the Disciplinary Tribunal, Appeals Panel and Professional Conduct Panel must uphold the seven principles identified by the Nolan Committee in its first report on standards in public life in May 1995 and subject to subsequent revision by the Committee on Standards in Public Life:

1. **Selflessness:** to take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2. **Integrity:** not to place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3. **Objectivity:** in making appointments, awarding contracts, or recommending individuals for awards or benefits, choices must be made on merit.
4. **Accountability:** to be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness:** to be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty:** to have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership:** to promote and support these principles by leadership and example.

7 Terms of Appointment

Under the Rules members are appointed for a fixed term (currently five years), renewable once subject to satisfactory performance and continued eligibility (which may include compliance with any requirement to undertake training or refresher training).

Members of the Disciplinary Tribunal, Appeals Panel and Professional Conduct Panel are required to:

1. uphold the principles of public life;
2. make themselves available for service on the Tribunal, Committee or Panel;
3. ensure that they have a clear understanding of their responsibilities and that they meet the requirements for eligibility to serve;
4. notify CILEx Regulation if, following appointment:
 - they are cautioned for, or charged with any criminal offence (excluding minor motoring offences),
 - they have been offered a caution,
 - disciplinary proceedings appear likely to be or have actually been initiated by a regulatory body;
5. be committed to continuing demonstration of the competences required for effective performance at hearings and meetings;
6. participate in the appraisal process that CILEx Regulation has in operation and actively commit to achieving any personal development objectives identified during this process;
7. notify CILEx Regulation immediately of any change to their circumstances that may affect the ability to discharge their role.