

# APM Code of Professional Conduct Procedural Rules



## In Force

These rules are effective from 10 March 2020.

## Interpretation

1. In these rules:

- 'APM' or 'Association' means the Association for Project Management.
- 'Appellant' means a party making an application for an appeal to the appeals committee.
- 'Assessor' means a person, who may be a Member but may not be a member of APM's board or its professional conduct or appeals committee, who is appointed by the APM board to exercise the functions of an Assessor under these rules.
- 'Chief Executive' means the Chief Executive Officer of APM or any person nominated by him/her to carry out any function under these rules.
- 'ChPP' means a Chartered Project Professional entered onto the Register of Chartered Project Professionals who may or may not be a member of APM.
- 'Code' means APM's Code of Professional Conduct.
- 'Complaint' means an allegation that a Member or ChPP has committed professional misconduct or has been convicted, disqualified, dismissed or removed as specified in paragraph 3 of the Code.
- 'Complainant' means a person, other than the Member or ChPP who is the subject of the complaint, who makes an allegation amounting to a complaint within the meaning of these rules. APM may identify itself as the complainant for the purposes of these rules.
- 'Consensual Disposal' shall have the meaning given in rule 27.
- 'Lay member' means a person, who is not a Member or an employee of APM, or a ChPP.
- 'Legal advisor' means a solicitor or barrister with a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 retained to advise the professional conduct committee on matters of law and procedure under these rules and at hearings.
- 'Legally-qualified chair' means a solicitor or barrister with a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 retained to chair the Appeals Committee under these rules.
- 'Member' means any individual holding any grade of membership provided for in APM's Regulations.
- 'Parties' means APM and any Member or ChPP in respect of whom a Complaint is being dealt with under these rules.
- 'Respondent' means:
  - a. In the case of an appeal by a Member or a ChPP, APM; and
  - b. In the case of an appeal by APM, any Member or ChPP who was a party to the decision which is the subject of the appeal.
- 'Summary powers' means those powers set out in rule 21 of these rules.
- 'Voting Member' means an individual in the Full or Fellow grades of membership of APM save that Honorary Fellows are only Voting Members if they held Full or Fellow status at the time of their appointment or subsequently obtain it.

2. In these rules, words denoting the masculine gender include the feminine gender. Words in the singular include the plural and vice versa.

3. APM may make such administrative arrangements as it considers necessary to facilitate any function under these rules, including the instructing of solicitors to provide the Assessor with administrative support.

4. Where it is in the interests of justice to do so, the Professional Conduct Committee and the Appeals Committee may determine their own procedure and vary any time limits in these rules.

### **Preliminary investigation**

5. On receipt of a complaint the Chief Executive shall undertake a preliminary assessment, which may include:
  - a. requesting the Complainant or any other person to provide additional information or evidence to APM;
  - b. informing the Member or ChPP of the details of the Complaint and seeking his or her written observations on any relevant matter;
  - c. obtaining the opinion of an expert in a relevant field; or
  - d. instructing solicitors or other persons to carry out investigations or make further inquiries.
6. Where the Chief Executive is satisfied that:
  - a. the Complaint does not amount to professional misconduct; or
  - b. there is insufficient evidence for there to be a realistic prospect of proving the facts of the Complaint; or
  - c. it is not in the public interest to pursue the matter,he or she shall dismiss the Complaint.
7. Subject to rule 8, where the Chief Executive is not satisfied that it is appropriate to dismiss the Complaint, he or she shall refer the Complaint to the Assessor for consideration.
8. The Chief Executive may in a case of the conviction, disqualification, dismissal or removal of a Member or ChPP, as specified in paragraph 3 of the Code, direct that the Complaint be referred directly to the Professional Conduct Committee.

### **Interim Suspension**

9. The Chief Executive may suspend the Member or ChPP from membership and/or entry on the Register of Chartered Project Professionals on an interim basis for a period of not more than six months if to do so is necessary to protect the reputation of the profession.
10. The Member or ChPP who is the subject of a decision under rule 9 shall be notified of the suspension as soon as is practicable. The notice shall include:
  - a. the date the suspension will come into effect, which shall not be earlier than the date the notice is deemed served in accordance with these rules;
  - b. the length of the Interim Suspension;
  - c. the right to request a review of the Interim Suspension.
11. APM may, at any time before the expiry of any Interim Suspension, apply to the Appeals Committee for an extension of an interim suspension. The Appeals Committee may extend the suspension for a period of a maximum of 6 months starting with the end of the subsisting period of suspension.
12. The Appeals Committee may consider an application for an extension on paper or, if in the opinion of the Appeals Committee it is desirable in the interests of justice, at a hearing.
13. Prior to making its decision, the Member or ChPP shall be given a reasonable opportunity to submit representations to the Appeals Committee.

### **Review of Interim Suspension**

14. Any Member or ChPP who is the subject of an Interim Suspension may at any time apply to the

Appeals Committee requesting a review of the Interim Suspension, save that no request for a review shall be entertained if it is made less than 2 months after a previous review or extension decision.

15. The Appeals Committee may review an Interim Suspension on paper or, if in the opinion of the Appeals Committee it is desirable in the interests of justice, at a hearing.
16. Prior to making its decision, both parties shall be given a reasonable opportunity to submit representations to the Appeals Committee.

### **Consideration by the Assessor**

17. Upon referral by the Chief Executive the Assessor shall consider the Complaint and, before making his or her decision as to its disposal, shall:
  - a. provide the Member or ChPP with particulars of the Complaint and copies of any relevant evidence in the possession of APM, and provide a reasonable opportunity to submit representations; and
  - b. provide the Complainant with a reasonable opportunity to submit any representations arising from any representations made by the Member or ChPP.
18. The Assessor may adjourn his or her consideration of the Complaint at any time and direct that the Chief Executive make such enquires or obtain such material as he or she may direct.
19. Upon consideration of the Complaint, if he or she is satisfied that there is a realistic prospect of the facts of the Complaint being proved and a realistic prospect of professional misconduct by the Member or ChPP being established, the Assessor may:
  - a. refer the Complaint to the Professional Conduct Committee; or
  - b. if there is no material dispute of fact and in the opinion of the Assessor the Complaint does not warrant referral to the Professional Conduct Committee, exercise one of his or her Summary Powers.
20. In any other case, the Assessor shall dismiss the Complaint.
21. The Assessor's Summary Powers are to:
  - a. send a letter of advice to the Member or ChPP with regards to their future conduct;
  - b. issue a warning to the Member or ChPP with regards to their future conduct; and
  - c. issue a reprimand to the Member or ChPP.
22. In exercising his or her Summary Powers, the Assessor may consider two or more Complaints at the same time.
23. The Assessor shall cause the Parties to be informed of his or her decision in writing, with reasons, within 28 days.
24. If the Assessor has disposed of the Complaint by exercising a Summary Power, the Member or ChPP may request within 28 days that the Complaint is heard by the Professional Conduct Committee. If such a request is made then the Complaint shall be treated as though it was referred by the Assessor to the Professional Conduct Committee under Rule 19 a. above.

### **Review by the Assessor**

25. Where the Chief Executive has dismissed the Complaint the Complainant may, within 28 days, ask for a review of that decision by the Assessor. Where such a request is made, the Member or ChPP shall be informed and provided with a reasonable opportunity to submit representations.
26. Upon a review, the Assessor may:

- a. confirm the decision of the Chief Executive; or
- b. exercise any of the powers in Rule 19 a. and b. above.

### **Consensual Disposal Procedure**

27. Where the following criteria are satisfied, the Parties may agree to dispose of the Complaint by a finding of professional misconduct and one or more of the sanctions in rule 55:
  - a. the facts of the Complaint are admitted by the Member or ChPP;
  - b. the Complainant has been afforded a reasonable opportunity to make representations on the proposed disposal and the Chief Executive has taken those representations into account;
  - c. it is in the public interest to do so; and
  - d. The Assessor has had an opportunity to review the evidence and the agreed disposal and considers that it adequately protects the reputation of the profession.
28. The Consensual disposal shall come into effect if and when the Assessor notifies the Chief Executive and the Member or ChPP of his approval of the agreed disposal in writing.
29. The Member or ChPP may not appeal a Consensual Disposal.

### **Joinder**

30. Unless it would undermine the fairness of the proceedings to do so, the Professional Conduct Committee may consider charges against two or more Members or ChPPs at the same hearing where:
  - a. the charges or Complaint against each Member or ChPP arises from the same circumstances; or
  - b. the Professional Conduct Committee considers it just to do so.
31. Where:
  - a. a Complaint against a Member or ChPP has been referred to the Professional Conduct Committee; and
  - b. the charges arising from that Complaint have not yet been heard,

the Professional Conduct Committee may consider a new Complaint at the same time as the original Complaint.

### **The Professional Conduct Committee pool**

32. A Professional Conduct Committee for a hearing shall consist of three persons, consisting of at least one Voting Member, and at least one Lay member. A hearing shall proceed with a quorum of one Voting Member and one Lay member.
33. For every hearing the Voting Members shall be drawn from a pool of board-approved Members, none of whom shall be members of the APM board. Lay members shall also be approved by the board. Prior to the commencement of a hearing all members of the committee shall declare any relevant interests.

### **Notice of hearing before the Professional Conduct Committee**

34. At least 28 days before the date of the hearing, APM shall notify the Member or ChPP in writing at his or her address as recorded on the membership database or the Register of Chartered Project Professionals (as the case may be):

- a. of the date and time any hearing will take place;
  - b. of his or her right to attend the hearing, with a friend or representative;
  - c. of the specific charges to be considered, and disclose the evidence upon which APM seeks to rely before the committee;
  - d. of the powers of the committee;
  - e. that, if he or she does not attend, the committee may proceed with a hearing in the absence of the Member or ChPP; and
  - f. send the Member or ChPP a copy of these rules.
35. The Member or ChPP shall serve on APM or its representatives at least 14 days before the dates of the hearing:
- a. any evidence on which he or she seeks to rely on;
  - b. details of any witnesses he or she intends to call to give evidence; and
  - c. any other such matter as the Professional Conduct Committee has directed be served.
36. Any such evidence received in time shall be circulated to the professional conduct committee at least seven days before the date of the hearing. The company secretary and the Member or ChPP shall seek to agree a hearing bundle to be placed before the committee.

### **The hearing**

37. The hearing may be recorded and a transcript may be made available to the Parties on request, and may be subject to the payment of a reasonable fee.
38. The hearing shall take place in public, unless the committee directs that there are circumstances in which require the hearing or part of the hearing to be held in private.
39. The committee shall have the assistance of a legal advisor to advise on matters of law and procedure. The legal advisor shall be present at the hearing and shall deliver any legal advice in the presence of the parties. The legal advisor shall take no part in any decision-making process, although the committee may request the assistance of the legal advisor in drafting its decision.
40. Where a Member or ChPP against whom an allegation is made does not attend and is not represented at the hearing then the committee shall:
- a. request evidence that the Member or ChPP has received notice of the hearing in accordance with the procedural rules; and
  - b. enquire whether any reasons for his or her absence have been communicated to APM.
41. If the committee is satisfied that the Member or ChPP has been properly notified of the hearing in accordance with these rules, the committee may proceed in his absence.
42. The committee may admit any evidence, where it is fair to do so, which is relevant to the case.
43. Where a Member or ChPP has been convicted of a criminal offence, a certificate of conviction certified by a competent officer of a court in it the United Kingdom or, in other jurisdictions, an equivalent document, shall be conclusive proof of the conviction and the findings of fact upon which the conviction is based shall be admissible as proof of those facts.
44. Where the Member or ChPP has been the subject of proceedings by a court or tribunal other than a criminal court, any facts found proved by that court or tribunal shall be proof of those facts, unless the Member or ChPP proves them to be inaccurate.

45. The burden of proof in relation to the factual allegations rests with APM and the standard of proof is that applicable to civil proceedings, namely the balance of probabilities.
46. The chair of the professional conduct committee shall read out the charges against the Member or ChPP and ask in respect of each whether they are admitted or denied.
47. Where the Member or ChPP has admitted a charge, the committee shall declare that the facts of the charge have been proved.
48. A representative for APM, which may include a legal representative, will set out a summary of the evidence supporting the charges. The APM representative may call witnesses as to facts.
49. At the conclusion of APM's case, where the committee is satisfied that it is right in all the circumstances to do so, it may determine that the charges are not well founded, and determine that there is no case to answer.
50. The Member or ChPP or his representative shall present the Member's or ChPP's defence and the committee shall consider any written defence representations received. The Member or ChPP may call witnesses as to facts.
51. Each Party, if present, has the right to make final submissions to the committee on the evidence concerning the charges.
52. During the hearing the committee may ask questions or make enquiries of the Parties, or witnesses.
53. The committee will then consider whether it finds the charges proved, retiring to deliberate in private as necessary.
54. Where the committee has determined that some or all of the facts have been proved, or where the Member or ChPP has admitted some or all of the facts, the chair shall:
  - a. ask APM to disclose any previous conduct record against the Member or ChPP;
  - b. ask whether the Member or ChPP has provided, or wishes to provide, any additional mitigation including the calling of any witness evidence as to mitigation; and
  - c. invite both Parties to make final submissions as to whether or not the facts found proved amount to professional misconduct and sanction.
55. Upon a finding of professional misconduct, the committee may impose one or more of the following sanctions:
  - a. permitting membership and/or registration to continue subject to specified conditions;
  - b. issuing a formal warning as to future conduct;
  - c. issuing a reprimand;
  - d. suspension from membership and/or registration for a specified period; and
  - e. removal from membership and/or registration.
56. The committee may retire to deliberate in private on the exercise of its powers as necessary.

### **Adjournments**

57. The Professional Conduct Committee or its chair, or the Appeals Committee, may adjourn a hearing at any stage.

## **Directions**

58. In order to ensure the smooth running and fairness of professional conduct proceedings and the hearing, the Professional Conduct Committee may give such directions as it thinks fit, after taking advice from the legal advisor where it thinks it appropriate. The committee may delegate this power to its chair.
59. The Appeals Committee may also give such directions as it thinks fit.

## **Costs**

60. All Parties to an investigation and hearing shall bear their own costs.

## **Hearing outcome and appeal**

61. APM shall inform the Member or ChPP and the Complainant of the Professional Conduct Committee's decision in writing and with written reasons within 14 days of the end of the hearing, and notify the Parties of their right to appeal to the appeals committee.
62. If no request for an appeal is made, APM shall action the decision of the committee, including publication as directed.

## **Appeals**

63. Where the Professional Conduct Committee finds the charge proved:
- a. the Member or ChPP may appeal to the Appeals Committee against the finding or the outcome and sanction, or both, within 28 days of the date of notification under rule 61; and
  - b. the Chief Executive may, if it appears to him or her that a sanction imposed by the Professional Conduct Committee in respect of the Member or ChPP has been unduly lenient, appeal the decision of the Professional Conduct Committee within 28 days of the date of notification under rule 61.

## **Notification of appeal**

64. An appeal shall only be accepted by APM if it:
- a. is in writing to the company secretary; and
  - b. particularises the grounds and/or evidence relied on in support of the appeal.
65. An Appellant may withdraw his or her notice of appeal at any stage.
66. No appeal shall be allowed to proceed to an Appeals Committee hearing without the permission of the chair of the Appeals Committee and permission may be given where he or she determines that one or more of the particularised grounds of appeal has a realistic prospect of success.

## **The Appeals Committee**

67. The committee for a hearing shall consist of a legally-qualified chair sitting alone, who shall not be a member of the Professional Conduct Committee that heard the original case or a member of the APM board. Prior to the hearing the chair shall declare any interests.
68. The grounds of appeal shall be:
- a. The decision of the Professional Conduct Committee was wrong; and
  - b. There was a serious procedural irregularity in the proceedings.



69. The appeals committee shall review the decision of the Professional Conduct Committee in the light of:
  - a. the evidence presented to that committee;
  - b. any representations made before that committee;
  - c. the Appellant's grounds of appeal; and
  - d. the Respondent's response to the appeal.
70. Where a case has been referred to an appeals committee it may quash, affirm or vary any decision of the Professional Conduct Committee and may, in addition:
  - a. vary any sanction imposed by the Professional Conduct Committee;
  - b. determine that the case be reheard by the Professional Conduct Committee and give directions for any such hearing.

### **The appeal hearing**

71. The parties to the appeal shall provide the Appeals Committee with an appeal bundle, which they shall seek to agree the contents of, and any skeleton arguments or other written submissions at least 14 days in advance of the appeal hearing. Where it is not possible to agree the contents of the appeal bundle, both Parties may provide appeal bundles.
72. The Appeals Committee shall not hear oral evidence or receive documentation not seen by the Professional Conduct Committee, unless in exceptional cases the Appeals Committee determines otherwise.
73. The Appeals Committee shall sit in public, unless the Appeals Committee determines otherwise.
74. The chair of the Appeals Committee or the Appellant, if present, shall outline the decision which is the subject of the appeal and direct the Appeals Committee to any relevant evidence including transcripts of any hearing.
75. If present, the Appellant may address the Appeals Committee on his or her grounds for appeal and the Respondent may also address the Committee if present.
76. The Appeals Committee may allow either Party, if present, an opportunity to make a closing address.
77. The Appeals Committee may then retire to make its decision in relation to the appeal.
78. The chair shall announce the Appeals Committee's decision and reasons.

### **Notification of the Appeals Committee's decision**

79. The Appeals Committee shall notify the Parties of its decision and reasons in writing within 28 days of the date on which its decision was made.

### **Majority decision**

80. In reaching a decision the Professional Conduct Committee may decide a matter by a simple majority. In the event that the Professional Conduct Committee is constituted of only two members, the chair shall have the casting vote.

### **Guidance**

81. From time to time the APM board may issue explanatory leaflets or guidance (including Indicative Sanctions Guidance), supplementary to these rules, on its investigation and professional conduct processes which shall be taken into account.

### **Publication and Applicability**

82. The Assessor, the Professional Conduct Committee or the Appeals Committee, as applicable, may direct that the admitted or proved facts, finding of misconduct and the imposed sanction shall be published, having made an informed judgement based on the facts as to whether publicity is appropriate and if the member/ChPP's name should be anonymised. Similarly, the Assessor, the Professional Conduct Committee or the Appeals Committee may make a decision on the period for which a sanction may be taken into account in the event of any future relevant matters.
83. In the event that there is no finding of misconduct, APM may only publish details of the relevant decision with the agreement of the Member or ChPP.
84. Any publication will only take place after the conclusion of proceedings. Proceedings are deemed to have concluded when:
- a. in the case of a Complaint concluded by way of Consensual Disposal, the Assessor has notified the Parties that he approves the agreed form of disposal;
  - b. in the case of a Complaint which is the subject of an appeal and where, at the conclusion of the appeal, there is a finding of professional misconduct in respect of the Member or ChPP; and
  - c. in any other case, where the time limit for any Party to file an appeal has expired.

### **Membership/Registration**

85. A Member or ChPP who is subject to a Complaint, an Interim Suspension or any sanction under rule 55 may not resign or cease to be a ChPP until the conclusion of the Complaint or the expiry of any Interim Suspension under rule 9, whichever is the later. If he or she attempts to do so, or fails to renew an expiring membership or ChPP registration, he or she will be deemed to remain a Member or ChPP until the Complaint has been determined and any sanction imposed concluded.

### **Informing the Board**

86. The company secretary will inform the APM board of all complaints and outcomes.

### **Service of Documents**

87. Any document or notice to be served under these rules shall be deemed served:
- a. If served by post, on the second business day after the date of posting;
  - b. If served in person, on the day of service;
  - c. If served by email, on the first business day after the date of the email being sent.
88. Any notice required to be served under these rules must be served either in by person or by a recorded form of post.
89. Rule 87 is deemed not to apply if the party receiving the notice has given written consent to being served by email. Where such consent is given it will be deemed to apply to all subsequent correspondence, unless withdrawn in writing.

### **Transitional Arrangements**

90. The following transitional arrangements shall apply:
- a. In respect of any Complaint or allegation made to APM by a complainant or informant prior to the coming into force of these rules in respect of which the Member has been notified of the date of any hearing before the Professional Conduct Committee, the previous edition of these rules shall apply, save that if either the Member or the Chief Executive seek to appeal any decision of the Professional Conduct Committee, any such

appeal shall proceed under these rules.

- b. In respect of any finding of a Professional Conduct Committee which is the subject of an appeal and in respect of which the Member has been notified of the date of any hearing before the Appeals Committee, the previous edition of the rules shall apply to the conduct of any appeal hearing and the orders which the Appeals Committee may make. In the event that the Appeals Committee determines that the case should be reheard by the Professional Conduct Committee, the hearing before the Professional Conduct Committee and any subsequent hearings shall proceed under these rules.
- c. In respect of any Member who is subject to an Interim Suspension imposed prior to the coming into force of these Rules, that Interim Suspension shall continue to apply as though it had been imposed under these Rules.
- d. In all other circumstances subsequent to the date of these Rules coming into force, these Rules shall apply.

### **Record Keeping**

91. All sanctions will remain permanently on the private record of the Member and/or ChPP maintained by APM.

### **Complaints**

To register a Code of Professional Conduct complaint, please visit **[apm.org.uk/aboutus/howapmisrun](http://apm.org.uk/aboutus/howapmisrun)** where you will be able to download the complaint form and the complaint response form.

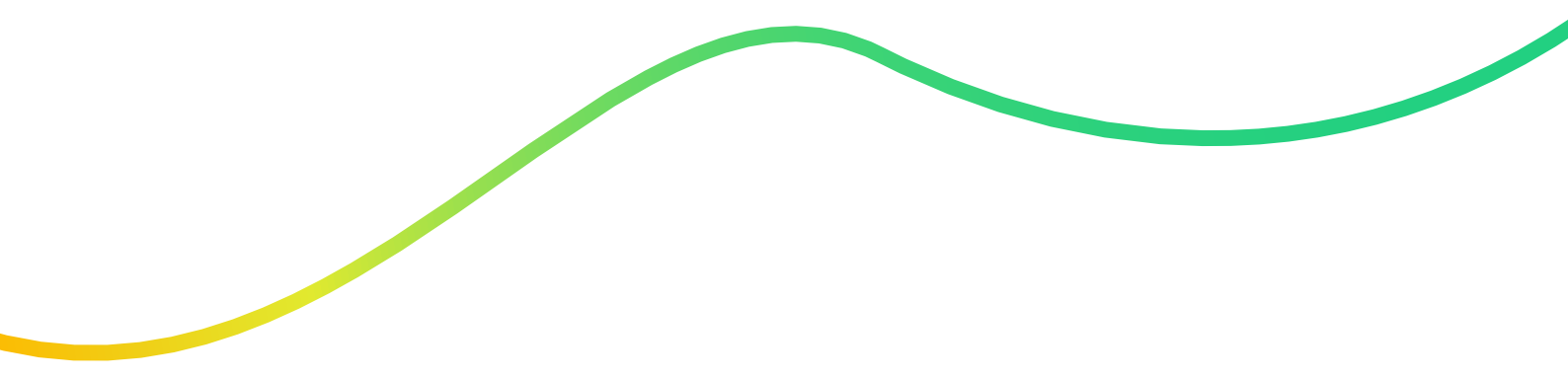
#### **Association for Project Management**

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Association for Project Management is incorporated by Royal Charter RC000890 and a registered charity No. 1171112.  
Principal office as shown.



**We are the only chartered membership  
organisation for the project profession**



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