

Chartered Banker

DISCIPLINARY REGULATIONS & PROCESS

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1. Introduction

This document sets out the processes for the Chartered Banker Institute's ('the Institute') Disciplinary Process ('the process'). The process may be used for both Academic Misconduct cases and Member Misconduct complaints and cases.

For alleged Member Misconduct cases, it is important to note that the Institute is not a regulator and its powers to investigate and apply sanctions are limited. The Institute is only able to consider complaints that relate to individuals who are members of the Institute, rather than complaints against banks themselves or individuals who are not members of the Institute.

Please see related documents, such as the [Academic Misconduct Policy](#), the [Member Conduct process](#) and the [Rules and Regulations for Membership and Qualifications](#) for additional support.

Both Academic Misconduct cases and Member Misconduct cases are recognised as being potential breaches of the [Chartered Banker Code of Professional Conduct](#) ('the Code of Professional Conduct').

Where complaints are received through the Member Conduct Complaints process or cases are identified that are alleged to be breaches of the Code of Professional Conduct, an Investigating Officer (IO) for the case is nominated by the Institute's Chief Executive (CEO). Who is appointed as IO will differ depending as to the nature of the potential breach.

For alleged Academic Misconduct Breaches, the IO would usually be appointed from within Quality Assurance and Standards.

The IO's role is to investigate and assess (and if appropriate, to determine sanctions and whether any publicity or external communications are appropriate). For a list of potential sanctions available to the Institute please refer to [Appendix B](#). For details of publicity or external communications please refer to [Appendix C](#).

It is for the IO to determine whether there is a valid case where a member of the Institute is alleged to have committed a breach of the Code of Professional Conduct. The IO must assess whether the case is within the competence (and jurisdiction¹) of the Institute to investigate. The IO must also determine whether the complaint is of a vexatious or frivolous nature (seeking further evidence or external evidence, if necessary, to determine this) and/or unworthy of further investigation by the Institute.

There may also be instances advised to the Institute, where an investigation is currently being (or has previously been) conducted into an Institute member's conduct by an external body. If the investigation by an external body is ongoing, the Institute would usually await the outcome of that investigation before proceeding. Potentially, the findings of these external cases may mean that the Institute's member has also breached the Institute's Code of Professional Conduct. In these instances, where sanctions have been imposed on an Institute member or the findings of the external investigation may lead to a potential reputational risk for the Institute, these would be managed as an **Alleged Breach** (see [Section 1.1](#)).

¹ There may be cases where the Institute would not initially investigate if an alternative body would be better placed to do so e.g. potential criminal matters, those requiring to be reported to a regulatory body e.g. Financial Conduct Authority, those better considered by another professional body or those better considered by the member's Employer (in line with their own Code of Professional Conduct).

The IO may communicate with the member initially, to establish the facts of the case. Throughout the process, the member has the opportunity to admit or to deny the alleged breach.

Should the IO determine, in their professional opinion and on the balance of probabilities, that a breach of the Code of Professional Conduct has been committed, they can determine and propose appropriate sanctions. The IO would communicate these sanctions to the member.

Should the member not accept the sanctions, or continue to deny the Alleged Breach, the next steps of the process are invoked (see **Section 1.1** below).

1.1 Alleged Breaches (and categorisation)

For **Alleged Breaches**, the Institute categorises these as being either **Minor** or **Major**.

Examples of **Minor Breaches** are: poor referencing (including undeclared referencing that Artificial Intelligence (AI) tools have been used for research/reference), plagiarism, minor collusion (e.g. sharing your work with others), minor breaches of examination conditions, falsification, non-completion of required Continuous Professional Development (CPD) etc. *Please note this list is not exhaustive.*

Examples of **Major Breaches** are: fraud, criminal convictions (where related to Financial Services, or these may bring a reputational risk to the Institute), deceit (e.g. cheating in an examination), major breaches of examination conditions, major collusion (e.g. copying material from colleagues), personation, use of 'Essay Mills' or AI tools to write your assignment etc. *Please note this list is not exhaustive.*

Since each investigation is conducted on a case-by-case basis, professional judgement is required to determine whether the alleged breach is defined as Minor or Major. This determination is made at the Institute's discretion, with reference to the guidance in related policies.

For a list of potential sanctions available to the Institute please refer to **Appendix B**.

1.1.1 Managing Alleged Minor Breaches

For alleged **Minor Breaches**, where the member has either not accepted the sanctions proposed by the IO, or they continue to deny the alleged breach, the case is passed to the Senior Manager Panel to review the case.

The **Senior Manager Panel** consists of two Senior Managers (as determined by the CEO) from the Institute with appropriate skills. Notes are taken at the panel hearing and retained in line with the General Data Protection (GDPR) requirements.

The member would be provided with details of the evidence considered by the IO and would be able to submit relevant additional evidence for consideration by the **Senior Manager Panel**.

The **Senior Manager Panel** would review all evidence in the case. The **Senior Manager Panel** would determine, on the balance of probabilities, an outcome of 'No Breach' or 'Breach Upheld'.

'No Breach' determination for Alleged Minor Breach case

If the outcome was 'No Breach' this would be communicated to the member and no further action would be taken.

'Breach Upheld' determination for Alleged Minor Breach case

If the outcome was 'Breach Upheld' this would also be communicated to the member along with details of any sanctions to be applied.

In exceptional circumstances, for example if the member had evidence that the process had not been correctly followed, then this could be referred to the Institute, requesting that an Executive Panel meeting be convened (refer to **Section 1.2**).

The member should submit a Disciplinary Panel request within 28 days of receiving the 'Breach Upheld' determination from the Senior Manager Panel. Any requests made outside of this timescale would be rejected. The Disciplinary Panel Request Form to be used is in **Appendix D**.

1.1.2 Managing Alleged Major Breaches

Where the IO has investigated, and may have had correspondence with the member, the IO may have determined that the case is an Alleged Major Breach of the Institute's Code of Professional Conduct. In this instance, the case will be heard by the Institute's Executive Team, where an Executive Panel meeting would be convened (refer to **Section 1.2** below).

1.2 The Executive Panel

The **Executive Panel** hears two types of case:

- For Minor Breach cases where the member had submitted a successful request for an Executive Panel hearing (following the **Senior Manager Panel** and in exceptional circumstances (e.g. if the member had evidence that the process had not been correctly followed)) (refer to **Section 1.2.1**).
- For alleged Major breaches (refer to **Section 1.2.2**).

The **Executive Panel** consists of three participants. It must be chaired by an Executive Director of the Institute; other Executive Panel members can either be Executive Directors, or members of the Institute's Senior Leadership Team (as determined by the CEO). A representative from the Institute would act as Secretariat. A member of the Institute's staff, potentially the IO, with knowledge of the case could attend, but they would purely be there for reference purposes only and would not form part of the panel.

Each panel participant would be asked to confirm at the start of the **Executive Panel** hearing that they have not had a previous connection with, or any personal interest in the case.

The member may wish to attend the **Executive Panel** hearing, which would be held online. The member may also invite a representative to attend, however this would need to be agreed in advance of the hearing.

Notes are made of discussions at the **Executive Panel** hearing and held by the Institute in line with GDPR requirements.

Following the **Executive Panel** hearing, the outcome of the meeting would be communicated to the member in writing.

1.2.1 Executive Panel Hearing Minor Breach cases following receipt of Disciplinary Panel Request Form

A request for an **Executive Panel** hearing must be made within 28 days of receipt of the **Senior Manager Panel** outcome decision communication. Any **Executive Panel** requests made outside of this timescale would be rejected.

The member must set out as clearly and concisely as possible the grounds for their request for an **Executive Panel** meeting, using the form in **Appendix D** and must include evidence to support this.

When an application for an **Executive Panel** is received, the context and grounds for the request and the supporting evidence are checked for their validity. The Institute may decide that the case in support of an **Executive Panel** request is not sufficiently strong. In this situation, the request shall be rejected and there is no further right of recourse.

If the case in support of an **Executive Panel** request is accepted, the **Executive Panel** hearing would be convened.

The Executive Panel would review all evidence in the case. The **Executive Panel** would determine, on the balance of probabilities, an outcome of 'No Breach' or 'Breach Upheld'.

'No Breach' determination for Minor Breach case

If the outcome was 'No Breach' this would be communicated to the member and no further action would be taken.

'Breach Upheld' determination for Minor Breach case

If the outcome was 'Breach Upheld' this would also be communicated to the member along with details of any sanctions to be applied. Please be aware that any sanctions awarded by the Executive Panel may differ from those previously awarded by the Senior Manager Panel.

For a Minor Breach case, the decision of the Executive Panel is final and no further submissions may be made by the member or other third party acting on behalf of the member.

1.2.2 Executive Panel Hearing Alleged Major Breach cases

For an alleged Major Breach, the **Executive Panel** would review all evidence in the case. The **Executive Panel** would determine, on the balance of probabilities, an outcome of 'No Breach' or 'Breach Upheld'.

'No Breach' determination for Alleged Major Breach case

If the outcome was 'No Breach' this would be communicated to the member and no further action would be taken.

'Breach Upheld' determination for Alleged Major Breach case

If the outcome was 'Breach Upheld' this would also be communicated to the member along with details of any sanctions to be applied.

In exceptional circumstances, for example if the member had evidence that the process had not been correctly followed, then an **Independent Disciplinary Panel** (IDP) Hearing could be requested (refer to **Section 1.3**). The member should submit a **Disciplinary Panel** request within 28 days of

receiving the 'Breach Upheld' determination from the **Executive Panel**. Any requests made outside of this timescale would be rejected. Please see **Appendix D** for the form to be used.

1.3 The Independent Disciplinary Panel

For Major Breach cases **only**², should the member wish to appeal against the decision of the **Executive Panel**, in exceptional circumstances (e.g. if the member had evidence that the process had not been correctly followed), they can submit a request for an **Independent Disciplinary Panel (IDP)** hearing.

An IDP hearing is designed to ensure that the member has a formal opportunity to present their case to an impartial body. The IDP consists of three participants; Two Independent panel members, drawn from a larger pool of individuals who are not directly employed by the Institute plus an Executive of the Institute who had not been part of any related **Executive Panel** Hearing. A representative from the Institute would act as Secretariat. A member of the Institute's staff (either the IO or an Executive who attended the **Executive Panel** hearing) with knowledge of the case could attend, but they would purely be there for reference purposes only and would not form part of the panel.

A request for an IDP hearing must be made within 28 days of receipt of the **Executive Panel** outcome decision communication, using the **Disciplinary Panel Request** form in **Appendix D**. Any IDP requests made outside of this timescale would be rejected.

The member must set out as clearly and concisely as possible the grounds for their IDP request and must include evidence to support this. When an application for an IDP Hearing is received, the context and grounds for the request and the supporting evidence are checked for their validity.

The Institute may decide that the case in support of an IDP hearing request is not sufficiently strong. In this situation, the request shall be rejected and there is no further right of recourse.

No charge would be made to the member for initially requesting the IDP Hearing.

If the case in support of an IDP Hearing request is accepted, the IDP hearing would be convened. Please note that a fee of £200 would be charged to the member for scheduling and running an IDP hearing, however this would be refunded if the IDP determined an 'Appeal Upheld' outcome.

Each Panel participant would be asked to confirm at the start of the hearing that they have not had a previous connection with, or any personal interest in the case.

The member may wish to attend the IDP hearing, which would be held online. The member may also invite a representative to attend, however this would need to be agreed in advance of the hearing.

² Please note that for Minor Breach cases, an appeal for an IDP hearing is not permitted, since these cases would have already passed through a formal review by Senior Managers Panel following the IO's investigation, with the possibility of an 'appeal' only in exceptional circumstances to the Executive Panel.

Notes are made of discussions at the IDP hearing and held by the Institute in line with GDPR requirements.

The IDP would review all evidence in the case. The outcome of the IDP hearing, determined on the balance of probabilities, would be 'Appeal Upheld' or 'Appeal Rejected'.

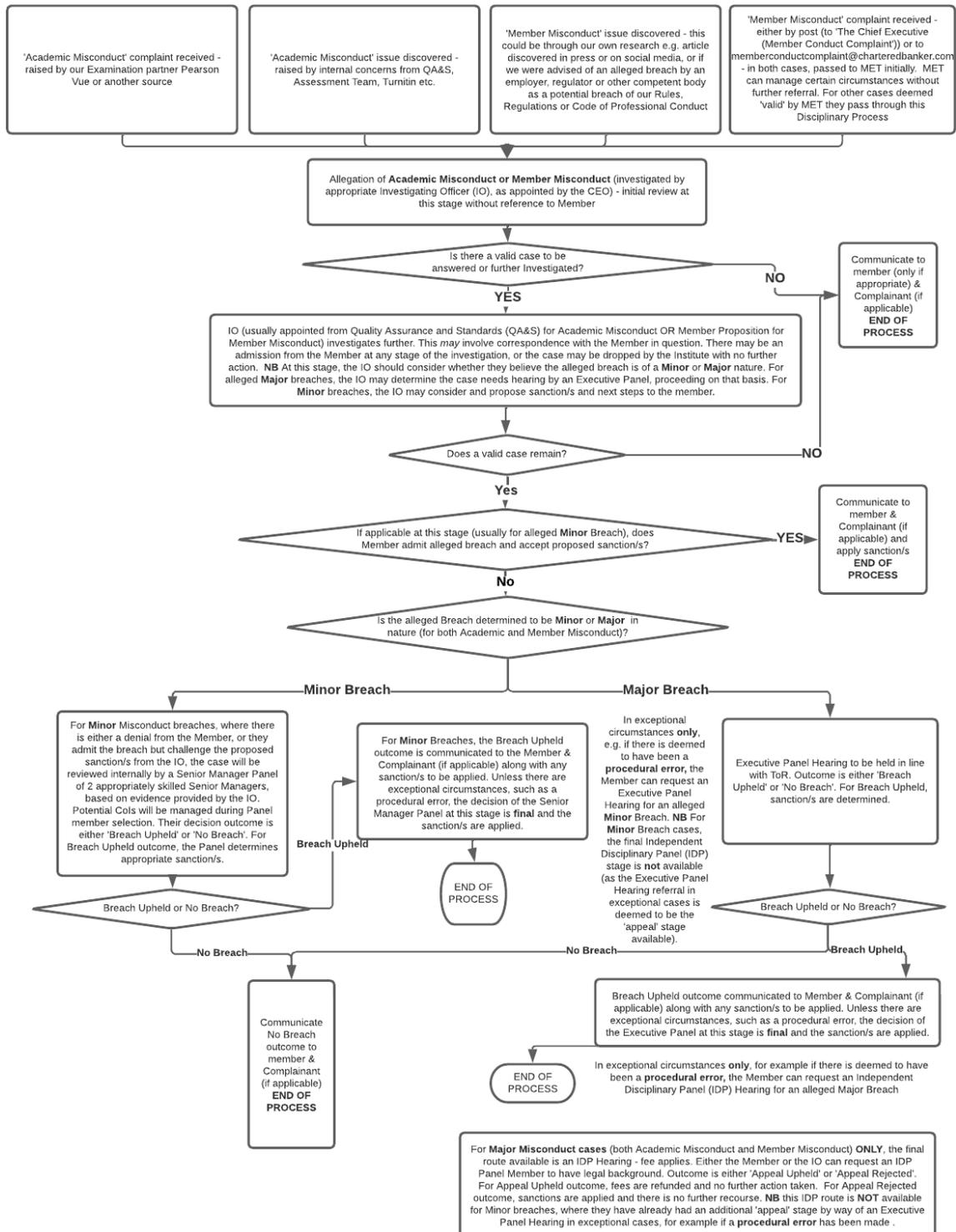
If the outcome of the IDP hearing was 'Appeal Upheld' this would be communicated to the member and the £200 IDP fee would be refunded. No further action would be taken.

If the outcome of the IDP hearing was 'Appeal Rejected', this would be communicated to the member along with details of any sanctions to be applied. Please be aware that any sanctions awarded by the IDP may differ from those previously awarded by the Executive Panel.

The decision of the IDP is final and no further submissions may be made by the member or other third party acting on behalf of the member.

Appendix A – Disciplinary Process Flowchart

Disciplinary Process Flowchart



Appendix B – List of Potential Sanctions

Where a breach of the Chartered Banker Institute’s Code of Professional Conduct (Code of Professional Conduct) has been admitted by a member, or determined against a member following investigation (for either an Academic Misconduct case or a Member Misconduct case), the following sanctions are available to the Institute:

- the member may be admonished (for example issued with a Warning Letter);
- the reduction of any mark awarded by the Institute to the member;
- the requirement that the member resubmits or resits any assessment;
- the requirement that the member undertakes a new assessment;
- a record of the member's breach of the Code of Professional Conduct may be noted for a specified period on the member's record of membership of the Institute;
- all or any of the member’s benefits and privileges of membership of the Institute may be withdrawn for a specified period;
- the member may be required at the member's own expense to attend such additional training or to complete such additional tests, examinations or assessments as directed;
- any passes by the member of examinations or assessments of the Institute may be cancelled;
- the member may be required to resit one or more examinations or assessments of the Institute at the member's own expense;
- the member may be suspended from membership of the Institute for a specified period during which the benefits of membership of the Institute, including the use of professional titles and designatory letters, shall be withdrawn from the member;
- the member may be expelled from membership of the Institute (it will be advised to the member whether they may be permitted to re-apply for membership of the Institute at some future date and, if so, what (if any) conditions should apply to the member's application for re-admission as a member of the Institute); and/or
- such other sanction that is considered reasonable, proportionate and appropriate may be imposed on the member. ³

Appendix C – Publicity and External Communications

Where a breach of the Chartered Banker Institute’s Code of Professional Conduct (Code of Professional Conduct) has been admitted by a member, or determined against a member following investigation (for either an Academic Misconduct case or a Member Misconduct case), whether or not any publicity or external communications should be issued should be determined:

- whether any details should be shared by the Institute with regulators and other professional bodies consistent with the obligations of the Institute should be considered. If it is determined that this should be shared, information should include:
 - the name of the member;
 - the nature of the relevant complaint made against the member;
 - the disciplinary decision made in respect of the member;
 - the sanctions (if any) imposed; and
 - such other information and details as deemed necessary and appropriate.
- whether any details should be shared by the Institute with the member’s employer should be considered.

NB Sanctions will not be applied, nor any publicity &/or External communications carried out, until the period during which a potential appeal may be submitted by the member has elapsed.

³ The Institute also reserves the right to make a financial charge to the member (for proven cases), for any expenses &/or fees incurred by them as a result of the Disciplinary case.

Appendix D – Disciplinary Panel Request Form

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Disciplinary Panel Request Form

Please read the guidance document to assist with completion of this form. All **Disciplinary Panel Requests** must be made within **28 days** of receiving the outcome determination from the Institute.

This form is to be used when, as a result of a Disciplinary investigation / case, the member believes there are exceptional circumstances where a request for a relevant Panel hearing (either the **Executive Panel** or **Independent Disciplinary Panel (IDP)**) is appropriate.

Name:	
Chartered Banker Institute membership number:	
Address:	
Contact Telephone Number:	
Email Address:	
Grounds for Disciplinary Panel Request : <i>(It is in the interest of all parties that all grounds for a Disciplinary Panel request are clearly stated in this form. Please state these, continuing overleaf as necessary, and attach all supporting documentation).</i>	

Continuation page:

Please send the completed form to: info@charteredbanker.com

Your application should be acknowledged within 5 working days.

Chartered Banker Institute
Email: info@charteredbanker.com **Website:** www.charteredbanker.com
Charitable Body No SC013927.

Appendix E – Glossary of Key Terms

Definitions

In this Disciplinary Regulations and Process Document the following terms and meanings apply:

Term	Meaning
Academic Misconduct	Academic Misconduct is defined by the Institute as the use of unfair means in any Institute assessment. Examples of misconduct include (but are not limited to) plagiarism (including use of Generative Artificial Intelligence [AI] tools), collusion, falsification, cheating, deceit, and personation. Academic Misconduct is considered as a breach of the Code of Professional Conduct.
Alleged Breach	Alleged Breach. This is an allegation, or information, that a member of the Institute has breached the Code of Professional Conduct and includes both a complaint and Disciplinary Action.
Appeal Rejected	Appeal Rejected (IDP). In the context of an IDP hearing, this means that the decision of the Executive Panel is allowed to stand and the appeal has been denied.
Appeal Upheld	Appeal Upheld (IDP). In the context of an IDP hearing, this means that the appeal has been successful and the decision of the Executive Panel is set aside.
Board	Board means the Board of Trustees of the Institute.
Breach Upheld	Breach Upheld is a determination by either the Senior Manager Panel or Executive Panel, where a member has been determined to have committed a breach of the Code of Professional Conduct.
Chief Executive	Chief Executive means the Chief Executive of the Chartered Banker Institute.
Complainant	Complainant. A person who makes a formal complaint to the Institute about a member of the Institute, where they have a belief, information or evidence that the member has breached the Code of Professional Conduct.

Complaint	Complaint means a complaint or allegation that there is or has been a Disciplinary Breach (or that there are or have been Disciplinary Breaches) of the Code of Professional Conduct by or in respect of a member of the Institute.
Code of Professional Conduct	Code of Professional Conduct means the Chartered Banker Institute's Code of Professional Conduct, which is approved by the Board and published on the website of the Institute.
Declined Complaint	Declined Complaint. In certain circumstances, the Investigating Officer (IO) may determine there are not sufficient grounds for a complaint to be taken forward or accepted by the Institute.
Disciplinary Breach	Disciplinary Breach. This is a breach of the Institute's Code of Professional Conduct by a member. A Disciplinary Breach will usually result in sanction/s being applied to the member. The list of potential sanctions is shown in <i>Appendix B</i> .
Disciplinary Panel Request	Disciplinary Panel Request. In exceptional circumstances, for example if the member had evidence that the process had not been correctly followed, then this could be referred to the Institute, requesting that the relevant Panel meeting be convened. There are rules about submission circumstances and timings. A form for this purpose is shown in <i>Appendix D</i> .
Executive Panel	Executive Panel. The Executive Panel consists of two participants who are Executive Directors of the Institute. A representative from the Institute would act as Secretariat.
Independent Disciplinary Panel	Independent Disciplinary Panel. For Major Breach cases only, should the member wish to appeal against the decision of the Executive Panel, in exceptional circumstances (e.g. if the member had evidence that the process had not been correctly followed), they can submit a request for an Independent Disciplinary Panel (IDP) hearing. An IDP hearing is designed to ensure that the member has a formal opportunity to present their case to an impartial body. Please note that a fee of £200 would be charged to the member for scheduling and running an IDP hearing, however this would be

	refunded if the IDP determined an ‘Appeal Upheld’ outcome.
Institute	Institute means Chartered Banker Institute.
Investigating Officer (IO)	Investigating Officer means (i) the Chief Executive or (ii) any other person (whether or not being an employee of the Institute) nominated by the Chief Executive to investigate and assess (and if appropriate to determine sanctions) for an Alleged Breach.
Legal Professional	Legal Professional means someone who is or has been a solicitor, advocate or barrister.
Major Breach	Major Breach refers to the severity of the breach or alleged breach. The two types of breach or alleged breach that the Institute refers to are Major and Minor. The determination as to whether a breach or alleged breach is Major or Minor is made at the Institute’s discretion. Examples of Major Breaches are: fraud, criminal convictions (where related to Financial Services, or these may bring a reputational risk to the Institute), deceit (e.g. cheating in an examination), major breaches of examination conditions, major collusion (e.g. copying material from colleagues), personation, use of ‘Essay Mills’ or AI tools to write your assignment etc. <i>Please note this list is not exhaustive.</i>
Member	Member means (unless otherwise stated) a member of the Institute.
Member Conduct Complaints Process	Member Conduct Complaints Process. Where an individual has a belief, information or evidence that a member of the Institute may have breached the Code of Professional Conduct they can raise this as a formal Member Conduct Complaint via the following webpage CBI Member Conduct .
Member Misconduct	Member Misconduct. All members are bound by the Code of Professional Conduct. Where members fail to live up to the high standards expected of them, the Institute may investigate. Member Misconduct is considered as a breach of the Code of Professional Conduct. For alleged Member Misconduct cases, it is important to note that the Institute is not a regulator and its powers to investigate and apply sanctions are limited. The Institute is only able to consider

	complaints that relate to individuals who are members of the Institute, rather than complaints against banks themselves or individuals who are not members of the Institute.
Minor Breach	Minor Breach refers to the severity of the breach or alleged breach. The two types of breach or alleged breach that the Institute refers to are Major and Minor. The determination as to whether a breach or alleged breach is Major or Minor is made at the Institute's discretion. Examples of Minor Breaches are: poor referencing (including undeclared referencing that Artificial Intelligence (AI) tools have been used for research/reference), plagiarism, minor collusion (e.g. sharing your work with others), minor breaches of examination conditions, falsification, non-completion of required Continuous Professional Development (CPD) etc. <i>Please note this list is not exhaustive.</i>
No Breach	No Breach is a determination by either the Senior Manager Panel or Executive Panel, where a determination has been made that the member did not commit a breach of the Code of Professional Conduct.
Sanctions	Sanctions. Where a breach of the Code of Professional Conduct has been admitted by a member, or determined against a member following investigation (for either an Academic Misconduct case or a Member Misconduct case), sanctions may be applied. The list of potential sanctions is shown in <i>Appendix B</i> .
Senior Manager Panel	Senior Manager Panel. The Senior Manager Panel consists of two Senior Managers from the Institute with appropriate skills.
Valid Case	Valid Case. In certain circumstances, the Investigating Officer (IO) may determine there are not sufficient grounds for a complaint to be taken forward or accepted by the Institute.