

PUBLICATION POLICY

Introduction

This policy sets out the arrangements for publishing disciplinary decisions made by the Professional Conduct Panel (PCP) and Disciplinary Tribunal (DT) or in cases of appeal by the Appeals Panel (AP) constituted under the Investigation, Disciplinary and Appeal Rules (IDAR).

Commencement of publication

1. Where the PCP or DT has found a complaint or allegation of misconduct proved against a member and made a disciplinary order against the member it shall decide whether its decision should be published.
2. A decision shall be published after the time for making an appeal has expired or, if there has been an appeal, after the AP has considered the appeal and ordered the decision to be published.

Format of publication

3. In the case of PCP decisions the publication shall include the name of the ILEX member, the allegations found proved against them and the findings and order of the PCP. Appeals against PCP decisions will follow the same format as the publication of the PCP decision.
4. In the case of DT decisions the publication shall include the name of the ILEX member (unless the DT ordered the name not to be published), the charges against them and the decision and findings reached by the DT. A full copy of the record of the DT hearing will be available, if requested. Appeals against DT decisions will follow the same format as the publication of the DT decision where the AP has ordered publication.

Publication of hearings

5. Where the PCP (or AP) has decided that the conduct of a member should be referred to the DT, IPS shall publish the name of the member, their area and location of practice and the date of the DT hearing four weeks before the hearing is scheduled to take place.

Place of publication

6. Findings of the PCP and DT will be reported in the Legal Executive Journal and on the IPS website. A note on the ILEX website will identify those Fellows, against whom a publishable disciplinary order has been made.
7. Decisions may also be published in other publications ordered by the PCP and DT. IPS may also issue press releases of disciplinary decisions.

Duration of publication

8. Disciplinary orders will be published for the following minimum periods which will run from the date of the decision.
 - Reprimand – 1 year.
 - Warning – 1 year.
 - Undertakings – The nature of an Undertaking will determine whether its publication can cease. Where it can end a 3 year period will apply.
 - Conditions upon employment or membership – will remain until the member makes a successful application for the order to be revoked. Once the condition has been revoked it will cease to be published immediately.
 - Fine – 3 years.
 - Suspension – immediately after the suspension is lifted.
 - Exclusion – will remain publishable unless a person makes a successful application to be reinstated as a member of ILEX.
9. Where more than one disciplinary order was made they will become spent after the period for the more serious sanction has expired.
10. The publication periods will also apply to decisions made by the Disciplinary Tribunal, Appeals Committee or Appeals Tribunal prior to the introduction of this policy.

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