



## **MEMBERS' DISCIPLINARY PROCESS**

Article 28.2.7 of the Articles provides that a Member shall cease to be a Member if, he, she or it is removed by the BPA Board who shall comply with any Regulations relating to the removal of membership. This Appendix 2 sets out the requirements of the Regulations that the BPA must adhere to when investigating non-compliance with the Articles and these Regulations (including the Members' Code of Professional Conduct and the Director's Code of Conduct).

For the avoidance of doubt, this Appendix 2 covers any other rules or codes that the BPA shall issue in order to regulate the conduct of members from time to time.

A breach of the Articles, the accumulation of 12 Sanction Points in the course of any twelve months (where the Member is also an AOS member), these Regulations and any other rules or codes that the BPA shall issue in order to regulate the conduct of Members from time to time shall collectively be referred to as a "breach of BPA standards".

### **Section 1: The Investigation**

- 1.1 Where the BPA receives or becomes aware of information that appears to demonstrate that a breach of BPA standards has occurred, it shall refer such information to a panel, known as the Professional Conduct Panel (PCP). The Panel is made up of up to 7 people who are appointed by the BPA Board (if appropriate pursuant to their powers under Article 11), and will normally be members of the BPA Council of Representatives. The PCP shall nominate its members (who must declare in writing to Chair of the PCP that they are not related to the case or identified as having a conflict of interest) to form an Investigation Panel. The Investigation Panel must have a minimum of two and maximum of five validly appointed members.
- 1.2 Any member of the PCP shall prior to his appointment to the Investigation Panel declare in writing to the Chair of the BPA that they are not related to the case or have any other conflict of interest (actual or perceptible) in relation to the information and/or any member that a breach of BPA standards is being alleged or inferred against. The Chair shall, as soon as practicable in relation to the investigation and so as to not prejudice such investigation, make available such declarations to the member concerned. That member shall have the right to object to the Chair to the inclusion of any person making a declaration being part of the Investigation Panel solely on the basis that that person is related to the case and/or has a conflict of interest (actual or perceptible) in relation to the alleged information. Upon receipt of such objection, the Chair shall decide whether any person making a declaration should be allowed to continue being a member of the Investigation Panel. Nothing in this regulation shall affect the requirement in regulation 1.1 that the Investigation Panel must have a minimum of two and a maximum of five validly appointed members.
- 1.3 Upon receipt of the information, the Investigation Panel:



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- 1.3.1 Shall seek further information from any party (if appropriate);
- 1.3.2 Pending further investigation, may propose to the Board a period of suspension of some of the Member's membership rights or benefits where it is necessary to safeguard the public interest where matters of an alleged gross violation of the code has occurred (except that a Member's right to receive notice of, attend, speak and vote at a general meeting of the Association cannot be suspended) ;
- 1.3.3 Where a period of suspension is proposed, the Member shall have a Right to Reply as outlined in Section 2 below.
- 1.3.4 Shall consider the information in its entirety and decide either:
  - 1.3.4.1 to take no further action and close the case, or
  - 1.3.4.2 propose a period of monitoring and review, or
  - 1.3.4.3 propose to the BPA Board that the member be suspended whilst Section 3 is conducted,
  - 1.3.4.4 on the basis of that information, to propose to the BPA Board the termination of the Member's membership at Section 3.
- 1.4 Where the Investigation Panel decides, at any point, to proceed with the case in accordance with paragraph 1.3.4.2 or 1.3.4.3 or 1.3.4.4 above, it shall first carry out the process set out in Section 2.

### **Section 2: The Right to Reply**

- 2.1 The Investigation Panel shall
  - 2.1.1 give notice to the Member in relation to whom the information suggests that a breach of the BPA standards has occurred that it has proposed disciplinary action and detail that action. Such action may include a period of suspension of some of the Member's membership rights or benefits (e.g. access to DVLA).
  - 2.1.2 provide a copy of the information that it intends to base its proposal on to the Member, discarding any information that it does not intend to, or cannot, provide to the Member; and,
  - 2.1.3 give the Member at least **21** days to provide a response that explains why the information does not demonstrate a breach of BPA standards, or, accepts that BPA standards have been breached but that mitigating circumstances exist so that removal [or suspension] of the Member would be inappropriate in all the circumstances or
  - 2.1.4 where matters of an alleged gross violation of the code has occurred and suspension of membership rights or benefits are proposed (see 1.3.2), the timescale for a response from the member will be reduced to **7** days in order to safeguard the public interest.





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- 2.2 Once the Member's response, in accordance with paragraph 2.1.3 or 2.1.4 has been received and considered by the Investigating Panel, it shall proceed with the case in accordance with paragraph 1.3.4 above.

### **Section 3: The Appeals Stage**

- 3.1 Where the process at Section 2 has been completed and the Investigation Panel decides to proceed with the case in accordance with Section 1.3.4.3 above, before making the proposal to the Board regarding the removal of the Member, the Member shall be offered, by way of a Notice, the opportunity to be heard by a panel of three members of the PCP (the "Hearing Panel"). No more than one member of the defendant's Electoral College shall form part of the Hearing Panel and regulation 1.2 shall apply with the words "Investigation Panel" replaced by the words "Hearing Panel".
- 3.2 The procedure for the hearing shall be set out in the Notice and shall be as follows:
- 3.2.1 The Member shall be given a hearing date. Such date shall be at least 21 days from the date of the Notice until the date of the hearing and the Member shall have the right to reject proposed dates twice. After the rejection of two dates, the right to a hearing is extinguished unless there are exceptional circumstances that justify the revival of the right.
- 3.2.2 The Member shall be permitted to provide further grounds against the proposed termination of the Member's membership. There shall be a date by which such further grounds must be provided and such date shall be at least 14 days from the date of the Notice.
- 3.3 The hearing shall be convened at the BPA's office or another place suggested by the Hearing Panel and agreed to by the Member. The hearing shall be at a time, within office hours, of the Hearing Panel's choosing and on the appointed day.
- 3.4 The Hearing Panel shall be chaired by the Chair of the PCP.
- 3.5 The Chair will begin the hearing by summarising the key points of the information and why it suggests that breaches of the BPA standards may have occurred.
- 3.6 The Chair shall then invite the Member to make any representations in response. The Member may be represented or advised by a friend. Such a representative or friend may be a legal representative. The Member may invite additional persons to attend the hearing and address the Hearing Panel if (i) that person can provide information of material importance in support of any of the information or grounds submitted by the Member and such information cannot be put before the Hearing Panel effectively in any other way, and, (ii) the Member stated that he would like such persons to attend and the reasons for such attendance (in light of regulation 3.6(i)) at the time of the submission of any information or grounds. The Chair shall retain the right to hear any other party, on the application of the Member, or to refuse to hear any person other than the Member and his representative.
- 3.7 The Hearing Panel may ask any questions of the Member or his representative as they see fit in order to determine the likelihood of breaches of the BPA standards having occurred.



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- 3.8 The Chair shall allow a reasonable time for the hearing in light of the amount of information that has been presented and reasonably requires examination.
- 3.9 The Chair shall close the hearing and the Hearing Panel shall retire (at that time or another time soon after of their choosing) to consider the information in light of the hearing.
- 3.10 After considering the information again, the Hearing Panel shall have the same powers as the Investigation Panel at paragraphs 1.3.4.
- 3.11 Where 1.3.4.2 or 1.3.4.3 applies, membership may be suspended pending the period of monitoring and review or decision to terminate by the BPA Board.
- 3.12 The decision of the Hearing Panel will be communicated to the Member within 5 working days of the date of the Hearing.

### **Section 4: The Decision Stage (Recommendation to the BPA Board)**

- 4.1 Where the BPA Board receives a recommendation in accordance with paragraph 1.3.4.3, it shall consider the recommendation and, if it considers it appropriate and in the interests of BPA to do so, it shall vote to terminate the Member's membership. Any such vote shall require a simple majority of a quorate meeting.
- 4.2 The decision of the BPA Board pursuant to paragraph 4.1 shall be final.
- 4.3 Re-admission to membership will be considered by the BPA Board following a period of not less than one year. Evidence of cultural change where appropriate will be required and all outstanding payments settled along with evidence of compliance with the BPA's rules and regulations. An audit visit to the member may be undertaken and membership fees to be paid in advance.

### **Section 5: Publication**

Where, as a result of the process set out above, the membership of any Member is terminated, this fact will be published on the BPA's website and in its journal. The Association reserves the right to publish this information elsewhere in the interests of public protection.

### **Section 6: Confidentiality**

Except to the limited extent that the BPA in its sole discretion determines to publicise the results of the disciplinary process or the basis of the decision, this procedure is confidential. All parties in receipt of information in connection with this Hearing must ensure that all papers are kept and destroyed securely as and when appropriate.

### **Section 7: Costs**

The BPA accepts no liability for any costs incurred by a Member or any other party in connection with any stage of this procedure whatsoever and in any circumstances.

### **Section 8: Defined words**





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- AOS Member – A Member who has paid his, her, or, its fees to the BPA in order to be a member of the BPA's Approved Operator Scheme.
- Sanctions Points – Points issued by the BPA pursuant to the BPA AOS Code of Practice.

### **Section 9: Other breaches**

Where the BPA receives or becomes aware of information that appears to demonstrate that a breach of the Director's Code of Conduct or other breach of BPA standards (as defined in Appendix 2) has occurred, the process set out in relation to a breach of BPA standards, set out in the Member's Disciplinary Process in the said Appendix 2 shall be applied to such breach with the appropriate changes so that references to the breach of BPA standards by a Member shall instead refer to a breach of the Director's Code of Conduct by a Director



### **Members Code of Professional Conduct**

All leading professional bodies, such as the British Parking Association have a code of conduct to guide the member and raise the level of trust and confidence of the public and all stakeholders in the profession. All members must demonstrate their commitment to the code when they join the BPA and to subsequent changes to the code which may be agreed from time to time. The rules and procedures for dealing with any allegation of infringement against the code are described separately in the Members Disciplinary Process. (see Appendix 2) This code and rules are available to the public.

1 BPA Mission Statement:

“Promoting and Sustaining Excellence in Parking for All”

2 Purpose of the code

2.1. The code of professional conduct sets out the elements of professional standards and considerations which the BPA requires from members and shall be binding on all members of the association.

2.2. Professionalism relates to proper, acceptable conduct and is demonstrable awareness and application of competences and qualities, including knowledge, and appropriate skills.

2.3. In recognition of their obligations to clients, employers, the public at large and to the profession, all members declare that they will comply with the association’s code of professional conduct and other requirements and conditions of continuing membership of BPA.

3 Application of the code

3.1. This code is made in accordance with, and applied under, the regulations of the BPA.

4 Standards of professional conduct

4.1 Members shall abide by the memorandum and Articles of the Association and Rules and observe the various requirements of this code and with the association’s professional standards and codes of practice at all times.

4.1.1. Conduct their business lawfully and comply with all relevant legislation

4.1.2. Manage their affairs professionally so that their operations are conducted efficiently and effectively and in accordance with good business practice including –

- Trading fairly and responsibly and only employing contractors that are competent to the task in hand.
- Undertaking their activities honestly and with integrity and not knowingly misrepresenting themselves or misleading others.
- Ensuring that they operate to the highest possible standards thereby protecting the interests of their shareholders and customers.



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- Ensuring that they have knowledge and understanding of relevant legislation, regulations and standards and comply with such requirements.
- Employing staff who are competent and qualified and adopting an approach to staff development that encourages further training.
- Operating from established premises and ensuring that they are adequately insured for all relevant risks.
- Have due regard to public safety and the environment
- Striving to resolve any complaints and disputes quickly and equitably.
- Respond quickly to complaints raised through membership of the BPA.

4.1.3 Support the aims and objectives of the BPA and uphold its reputation.

4.1.4. Only use the BPA's logo in accordance with the rules defined by the BPA Board from time to time.

**Note:** *In the case of Local Authorities, the parking operation shall ensure that it complies with any Code of Conduct adopted by the Authority, provided the requirements are no less stringent than this Code.*

5 Responsibility to the profession and to the BPA

5.1. Members have a responsibility to promote the profession in the best possible manner at all times.

Members shall:

- 5.1.1. conduct themselves in such a way as to uphold and enhance the standing and reputation of the profession;
- 5.1.2. uphold the values and mission of the BPA and behave in a way which enhances the reputation and credibility of themselves, their employer and the association;
- 5.1.3. co-operate fully with the association, and submit promptly any information the BPA may reasonably require;
- 5.1.4. Uphold the BPA Conflicts of Interest Policy when contributing to the work of a Board or group.
- 5.1.5. refrain from ascribing views to, or speaking on behalf of, the BPA unless authorised so to do;
- 5.1.6. encourage and assist the professional development of staff and colleagues; and
- 5.1.7. report breaches of this code to the Company Secretary of the BPA.