

APM Indicative Sanctions Guidance

Guidance for the Assessor and Professional Conduct Committee

1. Introduction

1.1 This guidance has been developed to assist the Assessor in the exercise of his or her summary powers, the Professional Conduct Committee (the Committee) in considering what sanction, if any, to impose on a Chartered Project Professional (ChPP) or an APM member following a finding of professional misconduct, and the Assessor in exercising his/her function under the Consensual Disposal procedure.

1.2 The Assessor and Committee members are expected to exercise their own judgement in making decisions and each case will turn on its own facts. Nevertheless, this guidance will be relied on for purposes of consistency.

2. Purpose of the sanctions

The primary purpose of sanctions is not to be punitive, but to protect members of the public, to maintain the integrity of the profession, to raise the level of trust and confidence of the public in the profession and to uphold proper standards of conduct and competence. These purposes should be considered equally.

3. Sanctions

3.1 Where the Assessor has determined that there is no material dispute of fact and the matter does not warrant referral to the Committee (s)he may exercise one or more of his/her summary powers, which include:

- sending a letter of advice;
- issuing a warning as to future conduct;
- issuing a reprimand

3.2 The Assessor may instead refer the matter to the Committee for hearing.

3.3 The Committee's sanctions include:

- permitting membership and/or registration to continue, subject to special stated conditions (e.g. completing further training or periods of mentoring etc.);
- issuing a formal warning as to future conduct;
- issuing a reprimand;
- suspension from membership and/or registration for a specified period;
- removal from membership and/or registration; and

3.3 The Committee may exercise one or more of its powers.

3.4 The Committee may choose to impose no sanction, notwithstanding that it has made a finding of professional misconduct.

3.5 All findings and sanctions will remain permanently on the ChPP's and/or member's record and if so ordered will be published on APM's website for such period as the Assessor or Committee may decide.

3.6 It is necessary for the Assessor and Committee, when considering appropriate sanctions, to consider the least serious sanction and to consider whether that is sufficient, and, if not, to go to the

next most serious sanction or combination of sanctions and so on, until the appropriate and proportionate sanction is reached.

4. Considerations whether a sanction is sufficient

4.1 No disciplinary order – Where there is a finding of professional misconduct, only in rare cases would it be appropriate to impose no sanction. This might be so clear, for instance, if the ChPP and/or Member was significantly incapacitated at the time of the breach, or there was no impact on third parties or the reputation of Chartered Project Professionals or APM. In such cases the Assessor or Committee must give cogent reasons for imposing no sanction.

4.2 Letter of Advice – This is the least severe sanction that can be applied and is open only to the Assessor. It may be considered where:

- The conduct or matter had minimal effect on any other party and/or the public and/or the reputation of the individual and/or Chartered Project Professionals and/or APM
- The ChPP and/or Member has fully co-operated with any enquiry by APM and/or the Assessor
- The ChPP and/or Member has demonstrated that (s)he has insight into his/her failings in the matter
- The ChPP and/or Member has expressed genuine regret
- The ChPP and/or Member has taken any possible corrective steps before any enquiry or intervention by APM or any of its representatives
- The ChPP and/or member has a previous good disciplinary history with APM (and with any other relevant body so far as is known)

4.3 A reprimand and/or formal warning – A reprimand is the next most severe sanction. A reprimand is a 'backwards-looking' sanction and represents censure of previous behaviour. It may be used in situations at the lower end of seriousness where it would be appropriate just to mark the conduct as unacceptable. It might be appropriate where the Assessor or Committee is satisfied that there is no significant risk or damage to the public or the professional reputation of the individual Member or the reputation of Chartered Project Professionals or APM. A warning will focus on future conduct of the ChPP and/or Member and seeks to modify behaviour in a way that promotes the public interest. It may be appropriate for a reprimand and a formal warning to be issued together. The Assessor or Committee should consider carefully whether a reprimand and/or formal warning is sufficient to prevent risk or damage to the public or the professional reputation of Chartered Project Professionals or APM.

4.4 Permitting registration and/or membership to continue, subject to special stated conditions – This may be appropriate in cases too serious to warrant just a reprimand and/or formal warning or where the Committee considers there is ongoing risk to the public, or a lesser sanction would be insufficient to protect the reputation of Chartered Project Professionals or APM. Factors that may be considered in imposing this sanction might include:

- The individual has demonstrated insight into their conduct and a willingness to respond positively to conditions
- The individual or a connected person has not benefitted from the breach
- The behaviour is not necessarily incompatible with continuing to be a project professional
- There is no evidence of entrenched integrity issues
- The Committee is satisfied that the behaviour is unlikely to be repeated
- The conduct is capable of being rectified and it is possible to formulate relevant and workable conditions which are capable of being monitored by APM

4.5 Suspension from membership and/or registration for a specified period – A suspension order is appropriate for conduct that is serious, but not so grave that complete removal from the register and/or membership is appropriate. A suspension order may be considered when any of the following factors are present (but this list is not exhaustive):

- The conduct or offence is so serious that a reprimand or imposition of conditions is deemed insufficient either to protect the public or to protect the reputation of the profession
- The behaviour is not necessarily incompatible with continuing to be a project professional
- There is no evidence of entrenched integrity issues
- The Committee is satisfied that the behaviour is unlikely to be repeated
- The conduct is capable of being rectified
- A lesser sanction would not be capable of protecting the public or protecting the reputation of the profession

A Chartered Project Professional who is subject to a suspension of registration order may not use the title 'Chartered Project Professional' or 'ChPP' in business or in connection with acting as a project professional (nor refer to him/herself as a Chartered Project Professional) for the duration of the suspension. A Member of APM who is subject to a suspension of membership may not hold him/herself out as a Member of APM or use 'MAPM' or 'FAPM' (nor make any reference to his/her membership or fellowship of APM) for the duration of the suspension.

4.6 Removal from membership and/or registration – The Committee may remove a person from the Register of Chartered Project Professionals and/or remove a person from membership of APM for conduct and/or an offence that is so serious that only removal from the register and/or membership will protect the public and/or the reputation of the profession. Removal from membership and/or registration may be considered where any of the following factors are present (but this list is not exhaustive):

- Dishonesty or a severe lack of integrity
- The Committee lacking confidence that repetition of the conduct will not occur
- A persistent lack of insight into the seriousness of actions or consequences
- Repeated failure to engage with the disciplinary process constructively
- A conviction, caution or finding of guilt for a serious criminal offence
- Behaviour that is fundamentally incompatible with being a project professional

A person who is removed from the Register of Chartered Project Professionals may not use the title 'Chartered Project Professional' or 'ChPP' in business or in connection with acting as a project professional (nor refer to him/herself as a Chartered Project Professional). A person who is removed from membership of APM may not hold him/herself out as a member of APM or use 'MAPM' or 'FAPM' (nor any reference to his/her previous membership or fellowship of APM).

5. Mitigation

The Assessor and/or Committee shall have due regard to any evidence presented in mitigation. Testimonials and references should be weighed appropriately against the nature of the conduct, and the primary purposes of the sanction to protect members of the public, to maintain the integrity of the profession, to raise the level of trust and confidence of the public in the profession and to uphold proper standards of conduct and competence.

The Assessor and/or Committee should give due consideration to whether the testimonial or reference is from a professional colleague and whether the Assessor and/or Committee is satisfied that the person giving the testimonial or reference is fully aware of the facts and nature of the matters being considered.

