



MRS Disciplinary Regulations: A Summary

This guidance note outlines the MRS Disciplinary Procedure. Full details are available from the MRS Standards department.

STAGE 1

On receipt of a complaint the MRS Standards department makes an initial investigation and reports to the Chair of the Market Research Standards Board (MRSB) who appoints a sub-committee made up of 3 members of the MRSB (the "Investigations Committee") to consider the matter.

The Investigations Committee reviews the information provided from the initial enquiries of Standards department and decides upon one of the following:

1. The Investigations Committee decides (by majority) that this is a minor matter and follows informal procedure which is not part of the MRS formal disciplinary procedure.
2. The Investigations Committee decides to use the formal procedure.

If the Investigations Committee decides to follow the formal procedure it will establish the facts and circumstances of the matter (including, if appropriate, raising questions directly with the member concerned indicating that it may result in disciplinary action). Upon completion of investigations there are two possible outcomes,

1. The Investigations Committee decides there is no case to be pursued – see stage 2(a)
2. The Investigations Committee decides there may be a case to be pursued – see stage 2(b).

(Note: A complaint following the informal procedure may be moved back to into the formal procedure, at any stage if it is considered appropriate.)

STAGE 2(a)

The Investigations Committee reports its decision to the MRSB, recommending no case to be pursued.

The MRSB shall consider the findings and recommendations of the Investigations Committee. If agreed, the Standards department will,

1. Inform the member under investigation of the outcome
2. Inform the complainant of the outcome

The complainant may have the decision reviewed, by the Reviewer of Complaints, up to one month after the decision has been made. After this period a review can only take place if in the opinion of the Reviewer of Complaints fresh evidence has emerged to justify such consideration.

If the Reviewer of Complaints finds one of the following, the case is referred back to the Investigations Committee (only in instances where lack of independence has been found would a new Investigations Committee have to be formed).

- Fresh evidence
- Failure of the Investigations Committee to follow procedure
- Lack of independence by a member of the Investigations Committee
- The decision by the Investigations Committee was not reasonably arrived at upon consideration of the evidence

If the Investigation Committee still finds no case to be pursued, and the MRSB supports this decision, the case is then closed. If evidence suggests that there may be a case to be pursued the procedure moves onto stage 2(b).

STAGE 2(b)

If a case is to be pursued, the Investigations Committee will decide on appropriate disciplinary action and present the case to the MRSB. The MRSB shall consider the findings and recommendations of the Investigations Committee. Upon a decision by the MRSB that there is a case to be pursued the procedure moves onto stage 3.

STAGE 3

The Standards department writes to the member under investigation setting out the details of the case, together with any relevant documents, informing the member of the MRSB's decision and disciplinary action (if any) inviting the member to consent to the findings.

1. In the case of proposed demotion, suspension, or expulsion from membership the member has 35 days to respond either providing consent or refusing consent.
2. In the case of seeking undertakings, warnings and reprimands the member has 28 days to respond either providing consent or refusing consent.

If the member provides consent, or does not respond within the period permitted, the decision of the MRSB will stand and the complainant will be informed accordingly. The decision will be published if the MRSB considers it appropriate. If the member refuses consent the procedure moves onto stage 4.

STAGE 4

MRSB refers the case to the Chair of the Disciplinary Authority (DA) who appoints a Tribunal to hear the case consisting of one Fellow of the Society, and two independent members (one of which could be the Chair of the DA). The complainant will be informed of the reference.

The Chair of the Disciplinary Tribunal will request that the Standards department serves at least one month's written notice on the member of the date, time and place of the hearing plus particulars of the complaint, the facts and matter relied upon by the prosecution and copies of any documentation to be used in evidence. Details of any witnesses and an outline of their evidence must also be included. The member will be given an option to have the matter dealt with on paper only or at a hearing.

Within 28 days the member must provide similar information for the tribunal, together with their decision as to whether the matter is to be dealt with on paper only (see stage 5(a)) or to have a hearing (see stage 5(b)).

STAGE 5(a)

The Disciplinary Tribunal will proceed to determine the matter on paper as soon as is practicable.

Once a decision has been reached the Disciplinary Tribunal will inform MRSB and the member of its decision and its reasons and of any disciplinary action to be ordered. The decision will be published as soon as is practicable in such form and manner as the Disciplinary Tribunal requires. The complainant will be informed in writing of the decision of the Disciplinary Tribunal.

STAGE 5(b)

The hearing takes place before the Disciplinary Tribunal, on conclusion of which the Disciplinary Tribunal may order any one or more courses of disciplinary action. The decision will be published as soon as is practicable in such form and manner as the Disciplinary Tribunal requires. The complainant will be informed in writing of the decision of the Disciplinary Tribunal.

This will be the end of the procedure – no further applications will be heard.

(Note: All time limits set out are doubled for cases concerning members resident outside of the UK.)