

ANNEX 7

CILEx REGULATION

COSTS POLICY

COSTS POLICY

INTRODUCTION

1. This policy sets out the costs CILEx Regulation will seek to recover the cost of investigations and proceedings where misconduct allegations are proved after referral to the Disciplinary Tribunal. This policy also applies to cases which are unsuccessfully appealed by the Relevant Person before the Appeals Panel.
2. This policy will be implemented for all new investigations commenced on or after 1 August 2018.
3. Under the Enforcement Rules (ER) CILEx Regulation investigates allegations of misconduct made against CILEx members and persons or entities authorised by CILEx. CILEx Regulation also deals with Prior Conduct and Fitness to Own declarations.
4. Cases concerning misconduct allegations are categorised as follows for the purposes of this policy:
 - Investigation stage up to the conclusion of a Professional Conduct Panel meeting (PCP) including any PCP related post decision work.
 - From the date of the PCP decision notice to the date of the Disciplinary Tribunal (DT) decision notice including in-house advocacy and any DT post decision work.
 - Appeal Panel (AP) stage up to the conclusion of an AP hearing including in-house advocacy and any AP post decision work.
 - Cases dealt with by way of a Determination by Consent (DBC)
 - Cases that are not proceeded with (NPW)
5. Cases where a self-declaration or matter has been raised are categorised as follows:
 - Prior Conduct (PC)
 - Fitness to Own (FTO)
6. For the purpose of this policy the PCP, DT and AP are the decision making panels.
7. More details about the investigation procedure itself can be found in the ER and the Enforcement Handbook or from the CILEx Regulation website.

RECOVERY OF COSTS

8. Under Rule 30 (5)(b)(ii) of the Enforcement Rules (ER) CILEx Regulation has the power to claim costs in regard to proceedings. Under Rule 30 (7) the Tribunal has a power to award reasonable costs against CILEx Regulation where an allegation is found not proved.
9. Under Rule 34 (7) the Appeals Panel has the power to make such ancillary orders, including order for costs, as it considers just and appropriate.

10. Therefore the CILEx Regulation Board agreed that Rule 30 (5)(b)(ii) and Rule 34 (7) would also include the cost of in-house investigation, disciplinary and advocacy costs and that they have the power to set the rate of costs that can be recovered for this work.
11. The CILEx Regulation Board agreed that CILEx Regulation has power to set the rate of costs for in-house investigation, disciplinary and advocacy costs in accordance with this policy.

COSTS RATES AND APPLICATION

12. Costs will be recoverable as fixed sums and may attract an hourly rate for additional time where cases go outside of Band 3 of each type of case. Where there is an hourly rate it will be calculated at £30 per hour for work undertaken by Assistants and £75 per hour for work undertaken by Officers. Some cases will have a fixed one off payment, where this is the case it has been specified.
13. Where a PC or FTO matter is referred, for investigation or to the DT the cost of work undertaken by the Assistant will be added to the cost of investigation
14. An application for costs will only be made where the decision making panel finds misconduct proved.
15. A table of costs applicable in cases appears in the following table:

Case Stage	Hours	Total Cost
Prior Conduct where referred to the DT	N/A	£45
Fitness to Own where referred to DT	N/A	£45
Band 1 PCP	up to 12	£900
Band 2 PCP	up to 20	£1500
Band 3 PCP	up to 45	£3500
Band 1 DT	up to 12	£900
Band 2 DT	up to 20	£1500
Band 3 DT	up to 30	£2250
Band 1 AP	Less than 12	£900
Band 2 AP	Up to 20	£1500
Time spent outside of band 3 in each type of case	£75/hour	Time spent × hourly rate + Band 3
NPW	N/A	No costs

16. CILEx Regulation will keep a schedule of work conducted on an actual time spent basis in minutes and hours.
17. CILEx Regulation will provide costs information to CILEx Members, CILEx Practitioners and Entities during the course of the investigation. CILEx Regulation will also provide costs information at the conclusion of each stage of the investigation as set out below.

18. Where conduct is referred to the DT a costs schedule will also be provided to the CILEx Member's, CILEx Practitioner's and Entities', and their representatives, where they have them, no later than one day prior to the final hearing date.
19. Where a CILEx Member, CILEx Practitioner or Entity appeals a decision of the PCP or DT a costs schedule will also be provided to them and their representatives, where they have them, no later than one day prior to the final hearing date.
20. Any costs incurred after submission of a costs schedule will be updated at the conclusion of the hearing.
21. CILEx Regulation will seek evidence of means from CILEx Members, CILEx Practitioners and Entities which must be provided to CILEx Regulation no later than one day prior to the final meeting or hearing of the decision making panels.
22. Documentary evidence of means will be forwarded to the respective decision making panel for consideration when deciding on the amount of costs to award. The amount of costs will be at the discretion of the Panel.

MEANS

23. The following types of evidence will be required as evidence of financial means:

Evidence of Income

- Wage Slips
- Tax Return/accounts for last tax year (if self-employed)
- Company Accounts
- Company Annual Returns
- Bank statement (redacted if appropriate)
- Savings Account statements/books
- Letter from the Department for Work and Pensions confirming receipt of welfare benefits (dated within the last month)

Evidence of outgoings

- Bank statements (suitably redacted)
 - Mortgage statements
 - Council Tax bills
 - Utility bills
 - Child care invoices
 - Other bills or debts
24. The lists above are not exhaustive.
 25. Failure to provide such evidence or equivalent may reduce the weight that can be placed on the information in support of any submission made by CILEx Members, CILEx Practitioners and Entities in respect of their ability to pay or

timing of payment.

26. CILEx Members, CILEx Practitioners and Entities will be responsible for providing this information to CILEx Regulation and will be given ample opportunity to do so in advance of any final meetings or hearings.

PAYMENT

27. Costs must be payable in one instalment unless different arrangements are negotiated.
28. Payment can be made by the following methods:
 - i. Cheque made payable to 'CILEx Regulation Ltd;
 - ii. Direct Debit or Standing Order; or
 - iii. Debit card or credit card payment over the telephone.

CONCLUSION

29. Rule 38 of the ER allow CILEx Regulation to recover costs as a debt. Failure to pay may also lead to further disciplinary action being taken.
30. The date of last review was October 2018.