



Indicative Guidance on Use of Sanctions

February 2017



Introduction

This Guidance sets out an overview of the use of sanctions in the MRS disciplinary process. It is intended to provide information to individual members and Company Partners and to aid members of the Market Research Standards Board (MRSB) in considering what sanction or combination of sanctions, if any, to impose.

It is a living document and will be updated and revised as the need arises.

Standards that researchers must meet

MRS members must adhere to the MRS Code of Conduct, Regulations and the associated disciplinary procedures. It applies to all members, whether they are engaged in consumer, business to business, social opinion, international or any other type of research project.

The MRS Code of Conduct and Regulations are available here:

- [MRS Code of Conduct](#)
- [MRS Regulations for the use of predictive diallers](#)
- [MRS Regulations for using research techniques for non-research purposes](#)
- [MRS Regulations for administering incentives and free prize draws](#)
- [Code of Conduct for Elections](#)

Guidance and best practice notes on ethical approaches to different types of research are also published by the MRS. These are available [here](#).

Range of available sanctions

In deciding on sanctions the MRSB does not act punitively but to maintain public confidence in the integrity of research and to declare and maintain professional standards.

Under the [Disciplinary Regulations](#), which apply to individual members, the formal sanctions set out in escalating levels of severity are:

- issue of warning
- issue of reprimand
- accepting undertakings
- demotion of membership grade
- suspension from membership
- expulsion from membership

The regulations do not require MRSB to impose a sanction in every case. It is open to them to conclude a case without taking further action. MRSB may also make a recommendations to the member, which the member is obliged to implement in a time frame set down by MRSB.



Under the MRS Quality Commitment and its associated [Company Partner Complaints Procedure](#), the sanctions set out in escalating levels of severity are:

- No action
- Direction on steps to remedy breach and/or other corrective action including apology (minor, trivial or isolated breaches)
- Direction on steps to remedy breach and/or other corrective action including apology (breaches that are not minor, trivial or isolated)
- Referral to Main Board for issue of formal written notice of breach (breaches that are not minor, trivial or isolated)
- Referral to Main Board to consider whether agreement with MRS Company Partner should be terminated (breaches that are not minor, trivial or isolated)

Mitigating and aggravating factors to consider when deciding on a sanction

Complaints of breaches of the MRS Code and/or Regulations may come before the MRSB in a variety of circumstances ranging from minor to significant breaches. In deciding what sanction, if any, to impose in a particular case, the MRSB will:

- act proportionately
- assess the nature and seriousness of the breach of the Code and/or reputation of the MRS
- consider relevant aggravating or mitigating circumstances that might affect the sanction imposed

Sanctioning may take different approach depending on circumstances but some of the points to be taken into consideration are:

Likely aggravating factors

- dishonest, deliberate or reckless conduct
- harm (financial or otherwise) caused to others (including participants and/or clients)
- previous disciplinary history
- lack of insight or understanding of conduct
- lack of remorse or contrition
- failure to take action when complaint is raised
- failure to engage with investigation and the disciplinary proceedings constructively

Likely mitigating factors

- isolated incident
- incident occurred in a part of the business the individual is not directly connected with
- early admission, contrition and remorse
- prompt remedial action taken to address the issue
- personal factors such as ill health or previous good standing
- experience (or inexperience)
- little or no control and/or authority to prevent a breach from occurring
- little or no harm caused to others (including participants and/or clients)



Publication of sanctions

Upheld complaints are published by MRS as a matter of course and publication is not a factor to be considered in terms of sanctions. The primary exception to the publication rule is upheld complaints, where no action is taken. These are not generally published unless Company Partners and/or members so request and the MRSB agrees.

Illustrative examples

The table sets out some of the points that might be considered in assessing the severity and the aggravating and/or mitigating factors under the MRS Code of Conduct.

<i>Conduct allegation</i>	<i>Issues</i>
<i>Failure to pay participants promptly and/or provide promised incentives</i>	<i>How many participants were affected? How long was the delay? What was the value of the individual incentive promised? How quickly was the situation resolved?</i>
<i>Data breach disclosing personal data of research participants</i>	<i>What type of data was disclosed? Was sensitive data included? How many records were disclosed? What harm was caused to participants? What corrective action was taken to minimise impact? Were appropriate policies or procedures in place to reduce the risk of this occurring?</i>
<i>Excessive retention of inaccurate personal data</i>	<i>Steps taken to cleanse data? Compliance with data security standards of the business?</i>
<i>Poor questionnaire design</i>	<i>How experienced was the individual member? If Company Partner what level of training and supervision was provided? What action was taken when complaint was made? Was there an adverse impact on the client as a result?</i>
<i>Using poorly designed data collection processes</i>	<i>Was there dishonest conduct? Is there documented evidence of fraud? How often did this behaviour occur? Was it repeated over time?</i>