The Society for Education and Training (SET) Membership Procedures: Actions Against Members

Last reviewed: April 2018
This document sets out the procedures that SET will follow when it receives information that may call into question a member's suitability.

- There is a separate document setting out the similar procedures that SET will follow when considering an application for SET membership or renewal of SET membership.
- It also contains details of the information that SET will publish about action taken under its procedures for taking action against members.
- SET is committed to ensuring that its membership procedures and decisions about membership are fair, transparent and timely, and that the procedures are administered in a sensitive manner that reflects the serious nature of the related issues.

Summary of procedures

1. SET has procedures for considering information received that may give rise to a concern about a member’s suitability, SET has procedures for considering applications for membership, which are explained in this document.

In summary, those procedures contain the following stages:

1.1. Receipt and review: SET receives the information and reviews it with reference to the Code of Practice and guidance on suitability for membership. If SET is satisfied that the information received does not impact on suitability, it will take no further action.

1.2. Information gathering: Where necessary to make a decision about suitability in light of the information received, SET will seek further information. This may be from a third party or the member. If the member fails to provide the information sought by SET, their membership may be suspended. If further information is received, and satisfies SET that the member is suitable, SET will take no further action.

1.3. Notification of provisional decision: If, having considered all of the information received, SET is not satisfied that the applicant is suitable for membership, it will issue a notification of provisional decision. This will inform the member that SET has made a provisional decision to remove them from membership, and give them the opportunity to respond. If the member does not respond within the time allowed, it is likely that they will be removed from membership. If the member does respond, and SET is satisfied having considered
the response that they are suitable, SET will take no further action.

1.4. **Removal and panel consideration**: Where the response does not satisfy SET that the member is suitable, SET may remove them from membership or refer the matter to a panel with a recommendation that the member should be removed. Panels will usually consider the matter on the papers, but may hold an oral hearing to consider evidence in certain circumstances. The member will have the opportunity to submit further information or evidence to the panel. The panel will decide whether the application should be accepted or rejected.

1.5. **Review of removal**: A member may seek a review of a decision to them from membership on limited grounds. A review is carried out by a panel that has had no previous involvement in the case. It may result in the decision to remove being upheld, overturned, or referred back to the original decision-maker for reconsideration.

2. A flowchart setting out these stages can be found on the [SET website](https://www.set.org.uk).

3. In accordance with its data code, SET will answer enquiries about membership on a yes or no basis. Accordingly it will not publish decisions made under its membership procedures in any way that identifies the individual involved, and oral hearings will take place in private. To ensure transparency and maintain confidence in its membership procedures, SET will publish statistics about matters dealt with under those procedures, and may also publish anonymised case studies.

**Full procedures**

**Information about suitability**

4. SET may receive information about a member’s suitability for membership from different sources, for instance:

4.1. SET members. Under the Code of Practice and terms and conditions of membership, SET members are required to notify SET of information that may call into question their suitability to remain a member.

4.2. Employers or ex-employers of SET members.

4.3. Third party organisations, such as the police or the Disclosure and Barring Service (DBS).

4.4. Members of the public, including students and colleagues.

5. SET will acknowledge receipt of the information. Where the information is received from someone other than the member, SET will ask that person (who is described in these procedures as "the referrer") if they wish to be kept informed about what SET does next. If they reply saying that they do wish to be kept informed, SET will provide them with information as described throughout this procedure.

**Action on receipt of information about suitability**

6. SET will identify whether the information relates to a SET member. If it does not, or if it is not possible to identify the person to whom the information relates, SET will take
no further action and will inform the referrer (if they have asked to be kept informed).

7. If the information relates to a person who is a SET member, SET will consider whether the information may call into question the member's suitability. SET will assess the information with reference to the Code of Practice and in accordance with the guidance on suitability for membership.

8. Where SET is satisfied that the information does not call into question the member's suitability, it will take no further action and will inform the referrer (if they have asked to be kept informed).

9. Where SET is of the view that the information provided may call into question the member's suitability, and where that information was provided by a referrer, it will contact the referrer and invite them to provide written permission for SET to disclose their identity, and the information that they have provided, to the SET member.

10. If the referrer does not provide their written consent, SET will take no further action against the member unless:

   10.1. The information provided raises serious concerns about a SET member's suitability; and
   10.2. The information provided is capable of being verified by an alternative source. In these circumstances, SET may seek further information.

Seeking further information

11. Where the information provided to SET may call into question the member's suitability, but is not sufficient to enable SET to reach a decision, SET may seek further information from:

   11.1. The member.

   *SET may request the member to provide it with information in their possession. Alternatively, SET may ask the member to consent to disclosure of information about them by a third party. If the member fails to respond to any reasonable request for information, or any reasonable request for consent to disclosure of information by a third party, this may result in their membership being suspended.*

   11.2. Any third party who may be able to provide relevant further information, including the referrer.

12. If, having obtained further information, SET is satisfied that the matter does not call into question the member's suitability, it will inform:

   12.1. The member, if they have been asked to provide further information.
   12.2. The referrer (if they have asked to be kept informed).

Suspension of membership

13. Where a member has failed to respond to a request for information from SET, SET may suspend their membership until that member has provided the information requested.
14. Where SET makes a decision to suspend membership, it will notify the member in writing.

15. This notification will be known as the "notification of suspension".

16. The notification of suspension will:

16.1. Provide the member with the reasons for suspension;
16.2. Explain what information they need to provide in order for the suspension to be lifted;
16.3. Notify the member that they may seek a review of the decision to suspend their membership within 14 days.

17. SET will send the notification of suspension to the member:

17.1. By first class post to the postal address provided by the member; and
17.2. By email to any email address provided by the member.

18. Suspension will take effect two days after the notification of suspension was sent to the member, notwithstanding any application to review the decision to suspend membership.

Notification of provisional decision

19. Where the information available to SET suggests that the member is no longer suitable for membership in light of the guidance on suitability for membership, it will:

19.1. Notify the member that it has made a provisional decision to remove them from membership. This notification will be known as the "notification of provisional decision".

When making a provisional decision to remove a person from membership, SET will not rely on any information provided solely by a person who has not provided written consent to disclose their identity and the information they have provided to the member.

19.2. Provide the member with:
19.2.1. The reasons for its provisional decision to remove.
19.2.2. The information it has obtained that forms the basis for its provisional decision, other than any information provided by the member.

SET may choose to provide a summary of the information or copies of any documents in which it is contained. Where SET chooses not to provide copies of any documents, it shall explain why. The member may request copies of any documents. Any copy documents provided may be redacted in accordance with the law and/or to protect the rights of third parties.

19.2.3. The opportunity to respond in writing to the provisional decision to remove and/or produce further information in support of their application.
19.3. Notify the SET member that any written representations and/or further information must be received by SET within 14 days of the date on the notification letter.

20. SET will send the notification of provisional decision to the member:

20.1. By first class post to the postal address provided by the member; and
20.2. By email to any email address provided by the member

Responding to a notification of provisional decision

21. If, having received a notification of provisional decision, the member seeks longer than 14 days to respond, they must apply to SET for an extension. The application should:

21.1. Be made in writing where possible (email is satisfactory).

*If the member is unable to make their application in writing because of any disability, they should inform SET in order that reasonable adjustments may be made.*

21.2. Give full reasons why the member is seeking an extension.
21.3. Be supported by written evidence where relevant.

*If, for instance, the member seeks an extension on health grounds, this should be supported by medical evidence.*

22. SET will consider the application for an extension promptly following receipt, and will notify the member of its decision:

22.1. If SET decides to allow the application, it will notify the member of the revised date by which any response must be received.
22.2. If SET decides not to allow the application to extend the deadline, it will notify the member and provide reasons for its decision.

23. In any written response to the notification of provisional decision, the member should address the specific reasons given by SET.

To do this, the member should:

- State whether they accept or dispute the accuracy of any information giving rise to the decision.
- Where they accept the accuracy of any information giving rise to the decision, explain why they are suitable for membership notwithstanding that information.
- Where they dispute the accuracy of any information giving rise to the decision, state why and provide evidence to support their account. They may also explain why they are suitable for membership.

Reconsideration following notification of provisional decision
No response received

24. Where SET has not received a response within the time allowed, it will reconsider the matter and, unless it considers that there was a material error in its original decision, it will remove the member from membership.

25. Where SET has decided to remove the member from membership, SET will notify the member in writing. If the member is unable to make their application in writing because of any disability, they should inform SET in order that reasonable adjustments may be made. If, for instance, the member seeks an extension on health grounds, this should be supported by medical evidence.

To do this, the member should:

- State whether they accept or dispute the accuracy of any information giving rise to the decision.
- Where they accept the accuracy of any information giving rise to the decision, explain why they are suitable for membership notwithstanding that information.
- Where they dispute the accuracy of any information giving rise to the decision, state why and provide evidence to support their account. They may also explain why they are suitable for membership.

26. This notification will be known as the "notification of removal".

27. The notification of removal will:

27.1. Provide the member with the reasons for removal;
27.2. Notify the member that they may seek a review of the decision within 14 days.

28. SET will send the notification of removal to the member:

28.1. By first class post to the postal address provided by the member; and
28.2. By email to any email address provided by the member.

29. Removal will not take effect:

29.1. Until 16 days after the date on which the notice of removal was sent, where the member has not sought a review.
29.2. Until after any review requested within 14 days has concluded with a decision to confirm the removal.

30. Where removal has taken effect, SET will notify:

30.1. The member
30.2. The referrer (if they asked to be kept informed) that the subject of the information is no longer a SET member.

31. Where SET considers that there was a material error in the provisional decision to remove the member from membership, it may:
31.1. Seek further information.
31.2. Notify the member of the material error, and give them a further opportunity to respond in writing.
31.3. Take no further action if it is satisfied that the member is suitable for membership. Where this is its decision, it will notify the member and the referrer (if they have asked to be kept informed).

**Response received**

32. Where SET has received a response within the time allowed, it will consider the response.

33. Having considered the response, SET may seek further information.

34. Where, having considered the response, SET is satisfied that the member is still suitable for membership, it will notify the member. It will also notify the referrer, if they have asked to be kept informed.

35. Where, having received a response or obtained further information, SET remains of the view that the member is no longer suitable for membership, but for reasons that have not previously been notified to the member, it will issue a further notification of provisional decision.

36. Where, having received a response or obtained further information, SET remains of the view that the member is not suitable for membership for the same reasons as those set out in the notification of provisional decision, it will either:

36.1. Remove the member. This will be appropriate where the response does not address the specific reasons given by SET in the notice of provisional decision, or, notwithstanding that the response does seek to address those reasons, the member falls into a category of people whom SET has determined are not suitable for membership, for instance, those who are the subject of a DBS barring order.

36.2. Refer the matter to a panel with a recommendation that the member be removed. This will be appropriate where the response does seek to address the specific reasons given by SET in the notice of provisional decision, and the member does not fall into a category of people whom SET has determined are not suitable for membership, but SET remains of the view that they are not suitable for membership.

37. Where, having received a response or obtained further information, SET is of the view that the issue of suitability depends on a disputed issue of fact that can only be resolved at an oral hearing, it will notify the member of this and give them the opportunity to request an oral hearing.
Removal by SET

38. Where SET decides to remove membership, it will notify the member that it has decided to remove them from membership. This notification will be known as the "notification of removal".

39. The notification of removal will:
   
   39.1. Provide the member with the reasons for removal;
   39.2. Notify the member that they may seek a review of the decision within 14 days.

40. SET will send the notification of removal to the member:
   
   40.1. By first class post to the postal address provided by the member; and
   40.2. By email to any email address provided by the member.

41. Removal will not take effect:
   
   41.1. Until 16 days after the date on which the notice of removal was sent, where the member has not sought a review.
   41.2. Until after any review requested within 14 days has concluded with a decision to confirm the removal.

42. Where removal has taken effect, SET will notify:

   42.1. The member
   42.2. The referrer (if they asked to be kept informed) that the subject of the information is no longer a SET member.

Panel consideration – recommendation of removal

43. Where SET has referred the matter to a panel with a recommendation that the member be removed, the matter will be considered by a panel.

44. The panel will consider the matter on the documents provided to it. It will not be open to either party to make oral submissions.

45. The panel will be drawn from a pool of SET panel members. A member of the panel will be appointed to chair the panel.

46. The quorum of a panel will be three. Decisions will be made by simple majority vote, and once made, will be the collective decision of the panel, without dissentions or abstentions.

47. The panel may receive the following support:

   47.1. Independent legal advice.
   47.2. Administrative support from SET, provided that the person providing that support has had no prior involvement in considering the application and/or making
provisional decisions about it.

48. The panel will consider the following information:

   48.1. The notification of provisional decision and all information provided to the member with it.
   48.2. All information received from the member in relation to the matter, including any response to the notification of provisional decision.
   48.3. Any further information obtained by SET.

49. The panel may, but need not, meet in person to discuss its decision. Alternatively, it may deliberate via electronic communication (which may include telephone conferencing, email, video link, or other means).

50. The panel will assess the matter with regard to the Code of Practice and in accordance with the guidance on suitability for membership.

51. Where the panel agrees with SET's recommendation to remove from membership, it will provide SET with written reasons for its decision.

52. SET will then notify the member that the panel has decided to refuse the application. This notification will be known as the "notification of removal".

53. The notification of removal will:

   53.1. Provide the member with the reasons for removal;
   53.2. Notify the member that they may seek a review of the decision within 14 days.

54. SET will send the notification of removal to the member:

   54.1. By first class post to the postal address provided by the member; and
   54.2. By email to any email address provided by the member.

55. Removal will not take effect:

   55.1. Until 16 days after the date on which the notification of removal was sent, where the member has not sought a review.
   55.2. Until after any review requested within 14 days has concluded with a decision to confirm the removal.

56. Where removal has taken effect, SET will notify:

   56.1. The member
   56.2. The referrer (if they asked to be kept informed) that the subject of the information is no longer a SET member.

57. Where the panel disagrees with SET's recommendation to refuse the application, and considers that the member remains suitable for membership, it will provide SET with written reasons for its decision. SET will notify the member and the referrer (if they have asked to be kept informed).
Panel consideration – oral hearing

58. Where, having received a response or obtained further information, SET is of the view that the issue of suitability depends on a disputed issue of fact that can only be resolved at an oral hearing, and the member has requested an oral hearing, the matter will be considered by a panel at an oral hearing.

- Not every disputed issue of fact will require an oral hearing. Some issues can be resolved by documentary evidence.

- Generally, an oral hearing will only be required where each party relies on contradictory accounts from witnesses who are willing and able to give evidence in person and be cross-examined.

- In deciding whether an oral hearing is required, SET may take account of any factual finding made by a third party (e.g. in civil or disciplinary proceedings). Where that factual finding is disputed by the member, SET may take account of whether the member exercised any right of appeal against that finding – generally, SET will expect a member to take reasonable steps to challenge factual findings made by third parties in the third party proceedings.

59. Where the member does not request an oral hearing, SET will refer the matter to a panel with a recommendation to remove.

The parties

60. At an oral hearing, SET and the member will be referred to as "the parties". They may:

60.1. Attend the hearing.
60.2. Be represented by:
   60.2.1. A solicitor or barrister;
   60.2.2. A Trade Union representative or any person acting on behalf of a representative body;
   60.2.3. A SET employee (SET only);
   60.2.4. Any other person, with permission of the panel. Before giving permission, the panel may seek information about the proposed representative, including their relationship to the member and their experience of acting as a representative. The panel will usually give permission where the proposed representative is a family member or other close associate of the member.

The panel will usually give permission where the proposed representative is a family member or other close associate of the member.
60.3. Make submissions to the panel.
60.4. Give evidence.
60.5. Call evidence in support of their case.
60.6. Rely on documentary evidence, provided that it is relevant to the issues of fact for the panel to determine.

*SET will not be liable for any costs incurred by a member in connection with an oral hearing.*

**Preparation for an oral hearing**

61. Any of the deadlines set out below may be extended by a panel Chair on the application of a party.

62. Within 14 days of a matter being referred to an oral hearing, SET must send to the member:

   62.1. A list of factual issues to be determined.
   62.2. A list of witnesses SET intends to call to give oral evidence, which sets out whether they will give evidence by telephone, video-link or in person.
   62.3. All documents SET intends to rely upon at the hearing.
   62.4. Any and all documents which SET does not intend to rely upon but which either undermine SET’s case or assist the case of the member. For the avoidance of doubt, the duty to provide such documents is a continuing one.
   62.5. A time estimate for the hearing.
   62.6. Dates to avoid for witnesses and any other relevant person.

63. Within 14 days of being served with the above, the member must send to SET:

   63.1. Any proposed amendments to the list of factual issues to be determined.
   63.2. A list of witnesses the member intends to call to give oral evidence and specify whether they will give evidence by telephone, video-link or in person.
   63.3. All documents the member intends to rely upon at the hearing.
   63.4. Any amendment to the time estimate for the hearing.
   63.5. Dates to avoid for the member, witnesses and any other relevant person.

**The panel**

64. The panel will be drawn from a pool of SET panel members. A member of the panel will be appointed to chair the panel.

65. The quorum of a panel will be three. Decisions will be made by simple majority vote, and once made, will be the collective decision of the panel, without dissentions or abstentions. Should a panel member become unavailable during consideration of a matter a replacement panel member may be substituted on to the panel or the matter may be referred to a fresh panel for consideration.

66. The panel may receive the following support:
66.1. Independent legal advice.
66.2. Administrative support from SET, provided that the person providing that support has had no prior involvement in considering the application and/or making provisional decisions about it.

67. SET must provide the panel members with a copy of the hearing bundle (see below) 7 days in advance of the hearing.

**Notification of the hearing and applications to postpone or adjourn**

68. Where there is to be an oral hearing, 21 days before the date set for the hearing SET must send the member a notification of hearing which:

68.1. Sets out the date, time, and place of the hearing.
68.2. Sets out the member's right to attend and to be represented.
68.3. Sets out the panel's power to proceed with the hearing in the member's absence.
68.4. Requires the member to inform SET whether they intend to be attend the hearing and/or to be represented.
68.5. Provide the member with a paginated and indexed hearing bundle consisting of:
   68.5.1. The list of factual issues to be determined by the panel or, if the list is not agreed, both parties' lists.
   68.5.2. A list of all witnesses who will give oral evidence at the hearing.
   68.5.3. Copies of all documents relied upon by the parties.

69. Either party may apply to the panel to postpone any hearing of which notification has been given under these procedures. Any such application must be made in writing if made before the first day of the hearing and will be considered by a panel Chair.

70. A panel (or a panel Chair in the circumstances of paragraph 70 above) may postpone or adjourn at any stage, provided that:

70.1. No unfairness is caused to the parties.
70.2. Both parties have been provided with the opportunity to make representations.

**The hearing**

71. SET will arrange for the hearing to be recorded in order that, if necessary, a transcript can be prepared.

72. Where the member fails to attend and is not represented at the hearing, the panel:

72.1. Shall require SET to present evidence that notification of the hearing has been sent to the member in accordance with these procedures.
72.2. May, where the panel is satisfied that the notification of the hearing has been duly sent, direct that the hearing should be heard and determined notwithstanding the absence of the member.
72.3. May adjourn the hearing.

73. If the parties are not agreed as to the list of factual issues to be determined, the panel shall first determine what factual issues are to be determined.

74. SET shall open its case and may call any evidence in support. The member or the member's representative may cross-examine any witness called by SET. It shall be open to the panel to ask questions of witnesses at any time.

75. When SET has finished calling evidence, the member or the member's representative shall open the member's case and may call any evidence in support.

76. Before giving evidence, all witnesses will be required to undertake to tell the truth.

77. First SET and then the member may make any closing submissions to the panel on the factual issues, and on the member's suitability.

78. The panel shall then retire in private to:
   78.1. Determine the facts of the matter.
   78.2. Determine whether the member is suitable, having regard to the Code of Practice and in accordance with the guidance on suitability for membership. The panel may vary the order of proceedings set out above if it deems it fair to do so.

79. At an oral hearing, the burden of proving a fact in dispute will be on the party seeking to prove that fact. The standard of proof will be on the balance of probabilities. The burden of establishing that a member is not suitable rests with SET. The question of suitability is a matter for the panel's judgment.

80. The panel will deliberate in the absence of the parties. During its deliberations, it may continue to receive legal and/or administrative support, provided that any legal advice received is notified to the parties thereafter.

Notification of decision

81. The panel will notify its decision and reasons to the parties. This will be provided in writing and may be done verbally at the oral hearing.

82. Where the panel decides to remove the member, this notification will be known as the "notification of removal".

83. The notification of removal will:
   83.1. Provide the member with the reasons for removal;
   83.2. Notify the member that they may seek a review of the decision within 14 days.

84. SET will send the notification of removal to the member:
84.1. By first class post to the postal address provided by the member; and
84.2. By email to any email address provided by the member.

85. Removal will not take effect:

85.1. Until 16 days after the date on which the notification of removal was sent, where the member has not sought a review.
85.2. Until after any review requested within 14 days has concluded with a decision to confirm the removal.

86. Where removal has taken effect, SET will notify:

86.1. The member
86.2. The referrer (if they have asked to be kept informed) and any witness, that the subject of the information is no longer a SET member.

87. Where the panel decides not to take any action against the member, SET may inform:

87.1. The referrer (if they have asked to be kept informed).
87.2. Any witness in the case.

Review

88. A member who is dissatisfied with a decision to remove or suspend membership may seek a review of that decision within 14 days on one of the following grounds only:

88.1. Error of law.
88.2. Serious procedural irregularity.
88.3. The decision was one which no reasonable decision maker could have made.

89. Where a review is sought, the member must set out in writing which of the grounds for review they rely on, and their arguments in support.

90. SET may submit written representations to the panel in response within 14 days of receipt of the member's written application for review. Where any such written representations are submitted then those representations shall be sent to the member:

90.1. By first class post to the postal address provided by the applicant; and
90.2. By email to any email address provided by the applicant.

91. The member may submit further representations in response, and any such representations must be sent to SET within 7 days of the date of receipt of SET's representations.
92. SET must provide to the panel in advance of the review all documents considered by the previous decision maker as well as any written representations from the parties.

93. A review application shall be considered by a panel constituted in accordance with paragraphs 46 to 48 above. No panel member who has considered the matter before shall be entitled to sit on the review panel.

94. The review panel shall determine the review on the documents provided to it. It is not open to either party to make oral submissions.

95. On review, a panel may:

95.1. Dismiss the application for review and uphold the previous decision
95.2. Allow the application for review and quash the original decision
95.3. Remit the matter back to the original decision maker for reconsideration
95.4. Substitute its own decision for that of the original decision maker

96. The panel will notify its decision and reasons to the parties. This notification will be known as the "notification of review outcome".

97. The notification of review outcome will:

97.1. Provide the member with the reasons for the panel's decision;
97.2. Where the panel's decision is to uphold a decision to remove a member, state that removal will take effect forthwith;
97.3. Where the panel's decision is to uphold a decision to suspend a member, state that suspension will take effect forthwith

98. SET will send the notification of review to the member:

98.1. By first class post to the postal address provided by the member; and
98.2. By email to any email address provided by the member.

99. Where removal or suspension has taken effect, SET will notify:

99.1. The member
99.2. The referrer (if they have asked to be kept informed) and any witness, that the subject of the information is no longer a SET member.

100. Where the panel has taken a decision to do other than uphold the original decision, SET may inform:

100.1. The referrer, if they have asked to be kept informed;
100.2. Any witness in the case.
Restrictions on reapplying after removal

101. When removing a person from membership, the decision maker (either SET or the panel) may specify a period of not less than 12 months from the date of the final notification of removal within which the person concerned may not make a further application for membership.

102. Where the decision maker does not specify any such period, the person concerned may not make a further application for membership within one year of the date of the final notification of removal.

103. SET may, in its absolute discretion, waive the periods specified in accordance with paragraphs 102 and 103 above in the event that the person concerned is able to provide material new evidence which was not available at the time of the decision.

Publication

104. In accordance with its data code, SET will answer enquiries regarding membership on a yes or no basis. Therefore:

104.1. It will not publish decisions made under its membership procedures in any way that identifies the individual(s) involved.
104.2. Oral hearings will take place in private.

105. However, it may supply personal data obtained through its membership procedures to third parties in accordance with its data code.

106. To ensure transparency and maintain confidence in its membership procedures, SET will publish annual statistics about matters dealt with under its membership procedures, including:

106.1. Number of applications for membership/renewal received.
106.2. Number of concerns about existing members dealt with under the membership procedures.
106.3. Number of members suspended for failure to provide information.
106.4. Number of cases resulting in provisional decisions to refuse/remove.
106.5. Number of cases resulting in final decisions to refuse/remove.
106.6. Number of reviews held, with the outcomes.
106.7. Number of oral hearings held.

107. SET may also publicise anonymised case studies of matters dealt with under its membership procedures, provided that they contain no information from which any individual involved may identified.

Service

108. Any document which is required to be served under these procedures shall be deemed served.
108.1. In the case of notification sent by post, two calendar days after posting
108.2. In the case of notification sent by email, on the same day.