

CODE OF PROFESSIONAL CONDUCT AND DISCIPLINARY REGULATIONS

Issue V: 2015

The Rules and Regulations embodied in this document are made and published as required by the By-laws of The Institution of Chemical Engineers. They must be read and interpreted in accordance with those By-laws.

CODE OF PROFESSIONAL CONDUCT

1. This Code of Professional Conduct and related Rules is designed to cover (a) the professional competence of members of the Institution when practising their engineering expertise anywhere in the world, and (b) their professional relationships with the Institution, its members and its staff, and their professional colleagues. For situations not specifically encompassed by these Rules, members are required to order their conduct in accordance with the principle that, in any conflict between a member's personal interests and the fair and proper interests of the community, the member's duty to the community should prevail.
2. The Council may publish from time to time Guidance Notes to members containing advice as to specific conduct which is to be regarded as proper or improper as the case may be. Such Notes shall be deemed to be part of the Code of Professional Conduct.
3. Members when discharging their professional duties shall act with competence and integrity, in the public interest, and shall exercise all reasonable professional skill and care to:
 - (a) Professional competence
 - (i) Prevent avoidable danger to health or safety
 - (ii) Prevent avoidable adverse impact on the environment.
 - (iii) Maintain their competence
 - (iv) Undertake only professional tasks for which they are competent.
 - (v) Disclose relevant limitations of competence.
 - (vi) Accept appropriate responsibility for work carried out under their supervision
 - (vii) Avoid where possible real or perceived conflicts of interest and advise affected parties when such conflicts arise
 - (viii) Assess relevant risks and liability, and, if appropriate, hold professional indemnity insurance.
 - (b) Professional relationships
 - (ix) Observe the proper duties of confidentiality owed to appropriate parties and comply with all legal or IChemE requirements regarding data protection and confidential information whether belonging to IChemE or other parties, or the use of IChemE's brands, logos, corporate identity or other intellectual property.
 - (x) Reject bribery and other corrupt practices.
 - (xi) Treat colleagues and subordinates fairly and without bias.
 - (xii) Encourage others to advance their learning and competence
 - (xiii) Notify the Institution if convicted of any relevant criminal offence or disqualified as a Company Director.
 - (xiv) Notify the Institution of any significant violation of the Institution's Code of Conduct by another member.
 - (xv) Be mindful at all times of the integrity expected of members of the Institution in their personal conduct in order to avoid any behaviour which might undermine the confidence of the public in the exercise of their professional responsibilities.
 - (xvi) Raise a concern about a danger, risk, malpractice or wrongdoing which affects others ('blow the whistle') and support a colleague to whom the member has a duty of care who in good faith raises any such concern.

4. Members may be deemed guilty of improper professional conduct if:
 - a. in the opinion of the Council their conduct fails to conform with the By-laws of the Institution (including the Code of Conduct or of these Rules or with any advice published thereunder); or
 - b. they are convicted by a competent tribunal of any relevant criminal offence, or have in any other proceedings to which they are party been found by a Court or other competent tribunal guilty of conduct which (in either such case) in the opinion of the Council renders them unfit to be members; or
 - c. they are, in the opinion of the Council, precluded from performing their professional duties, in a manner which is consistent with the standards of their profession, as a result of having been adjudicated bankrupt or of making a composition with their creditors; or
 - d. in the opinion of the Council their conduct in other respects renders them unfit to be members of the Institution or is injurious to the Institution.

DISCIPLINARY REGULATIONS

Preamble

- 1 Professional conduct is governed by a Code of Professional Conduct (the Code) published by the Council which constitutes a term of the membership contract and is therefore binding on each member in whatever country they hold their membership. Alleged breaches of the Code may prove to be founded in fact and deserving of action so each must be investigated by the Council. The principles of the investigation, and any subsequent disciplinary enquiry are that:
 - no-one is liable until so found,
 - any enquiry will be open and fair, and
 - proved breaches of the Code shall attract outcomes commensurate with the seriousness of the breach.

Preliminary Investigation Committee (PIC)

- 2 The first stage, on receipt of an allegation (the complaint), is a preliminary investigation to determine whether or not there is a case to answer.
- 3 Such investigation will be conducted by the PIC, on behalf of the Council. This Committee may comprise one or two members of staff and shall be serviced by a member of the I Chem E staff (hereinafter referred to as the Clerk).
- 4 The Clerk, on receipt of a complaint, lodged by a Complainant, shall inform the PIC and the person complained about (the Subject), and shall seek what elaboration, evidence, and answers he considers necessary.
- 5 When enough information is available, the Clerk shall convene a meeting of the PIC to consider the complaint and the supporting information. Normally, the Complainant and the Subject would not attend although the PIC may exercise discretion to the contrary. This meeting may be conducted by an exchange of papers.
- 6 The purpose of the meeting is to decide if there is a case to answer: is there an allegation that the Institution has the authority to consider and is there enough evidence to justify the cost of an enquiry.

- 7 The finding shall be notified to the Subject and the Complainant. A finding of 'no case to answer' would dismiss the complaint and, to save unnecessary publicity, would not be reported to the Council. Similarly, a withdrawal of a complaint need not be reported. However, a record will be maintained (consistent with the Data Protection Act 1998) in the minutes of the PIC meeting although the subject's name should be omitted.
- 8 A finding of 'case to answer' would require that the disciplinary procedure be activated.

Disciplinary Committee (DC)

- 9 The DC, appointed by the Council as necessary and comprising a standing chairman (who shall chair all disciplinary meetings during his period of office to provide continuity), one lay representative who shall not be a member of the institution or on its Register of practitioners, and at least one practitioner (from a pool of possible members elected by the Council for a period of years of service). None of those eligible to sit on the DC shall serve concurrently on the Council, the PIC or the AC. This Committee shall also be serviced by the Clerk.
- 10 This DC shall have delegated authority from the Council to enquire into the complaint, and to decide if it is justified, and to recommend appropriate outcomes if it finds the complaint is justified.
- 11 The Council may appoint a non-participating lawyer to attend to advise on process but not to vote on the decision.
- 12 Subjects shall be entitled to bring to the hearing a next friend who may be a lawyer whom they will pay to represent them.
- 13.1 Such enquiries, which are judicial in nature, comprise a statement (by the Complainant or a representative appointed for the purpose – such as the institution's Chief Executive or solicitor if the Institution chooses to take over the complaint) and evidence to support it (with any cross-examination of witnesses including the other party) followed by a rebuttal (by the Subject or his representative) with evidence (which is also open to cross-examination of witnesses including the other party). Additionally, some evidence may be received by means of written statements at the DC's discretion. In the alternative, the hearing may take place by exchange of papers at the request of the Subject.
- 13.2 If the Institution takes on the complaint, the Institution will bear the resulting costs otherwise to be borne by the complainant.
- 14 At the conclusion of the enquiry, the DC decides, and announces, its decision on the justification or not of the complaint, and its recommendation to the Council, if the complaint is accepted, of an appropriate outcome having heard any mitigation.
- 15 If the complaint is admitted, the only steps are to hear mitigation and to decide the recommended outcome.
- 16 The Clerk will inform the parties accordingly and notify them of a right to appeal.
- 17 Outcomes may be exclusion from membership and withdrawal of membership privileges, including any relevant post nominals and designatory letters, suspension of membership for a period of re-training, or a reprimand with advice or a requirement of retraining or other. Outcomes will be in the form of recommendations to the Council because only the Council of the Institution has the authority to implement them but any such recommendations would be accepted by Council without challenge to avoid any apparent conflict of interest (given that it knows nothing of the facts and supporting evidence)

Appeal Committee (AC)

- 18 If leave to appeal is sought, it must so be done within a month of the publication of the decision of the DC. The right to appeal shall depend only upon new evidence becoming available since the hearing or an apparent injustice at that hearing.
- 19 The AC, which may be one person of senior rank in the Institution, if it grants the right of appeal on the grounds put forward to support an appeal, shall refer it to a newly- constituted Disciplinary Panel for a re-hearing. The Clerk shall service the AC.
- 20 Its decision shall be communicated to the Council and to the parties by the Clerk.