
March 2024

PROFESSIONAL CONDUCT INQUIRY PROCEDURES



CIEEM

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Introduction

1.1 All members of CIEEM are required through their contract of membership to abide by the Code of Professional Conduct (the Code) which includes requirements relating to the inquiry process under these Professional Conduct Inquiry Procedures.

1.2 A complaint may be lodged against a member if there is doubt that their professional conduct complies with the Code. The primary purpose of these Professional Conduct Inquiry Procedures is not to punish members, but to protect the public, to maintain public confidence in the integrity of the profession, to uphold proper standards of professional behaviour and, where appropriate, to direct the member in breach as to how to improve their practice to an acceptable standard.

1.3 A record of disciplinary findings against members shall be maintained by the Secretariat, consistent with the retained aspect of the EU General Data Protection Regulation 2016/679 known as the 'UK GDPR' and the Data Protection Act 2018.

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Definitions

2.1 Appeal Board. A panel of up to 3 members from the Professional Conduct Pool charged with considering a request for leave to appeal against the outcome of a Professional Conduct Inquiry on the grounds of an alleged injustice.

2.2 Appellant(s). The individual(s) appealing against the outcome of a Professional Conduct Inquiry Process. This may be the Subject(s) or the Complainant(s).

2.3 Code. The Code of Professional Conduct to which all CIEEM members are bound

to comply by virtue of their contract of membership.

2.4 Complainant(s). The individual(s) or organisation making the complaint (who may or may not be a member(s) of CIEEM). In some instances, CIEEM itself will be the Complainant (e.g. in the alleged mis-use of post-nominals).

2.5 Supporter. A relative, friend or colleague who supports a Subject or Complainant at a hearing. They may, with the Chair's permission, make comments and ask questions on their party's behalf. Supporters may not answer any questions put directly to the Subject or Complainant. Supporters may be excluded from the hearing without warning if they act in a disruptive or otherwise improper manner.

2.6 Governing Board. The elected members who are also Directors and Trustees and have responsibility for the legal and strategic management of CIEEM. No member of the Governing Board shall also be a member of the Professional Conduct Pool.

2.7 Nominated Representatives. Nominated Representatives are persons instructed by either party to speak and act on their behalf during the inquiry. This may include legal counsel. Subjects or Complainants must confirm in writing to the Secretariat, or verbally to a Professional Conduct Panel, that they have authorised the representative(s) to do so. Nominated Representatives may not answer any questions put directly to the Subject or Complainant by the Panel. Nominated Representatives may be excluded from the hearing without warning if they act in a disruptive or otherwise improper manner.

2.8 Preliminary Investigation Panel (PIP). A sub-committee of normally three members of the Professional Standards Committee or Preliminary Investigation Pool charged with

looking into a complaint to decide whether there is sufficient evidence of a case to answer regarding a potential breach of the Code, and whether it is in the public interest to warrant referral for further inquiry to a Professional Conduct Panel.

2.9 Preliminary Investigation Pool. A group of trained volunteer senior members of CIEEM who may assist with preliminary investigations under the supervision of the Professional Standards Committee.

2.10 Professional Conduct Hearing. The meeting (which may be in person or via videoconference/other remote means) at which further inquiry is made to enable a decision to be reached on whether the Code has been breached. The Subject(s) and Complainant(s) shall be invited to attend this meeting with any witnesses and representation as set out at paragraph 5.8 below.

2.11 Professional Conduct Inquiry Process. The three-stage process described at paragraph 3.1 below.

2.12 Professional Conduct Panel. A panel of normally three members from the Professional Conduct Pool, one of whom is normally a non-CIEEM member, charged with making further inquiry into an alleged breach of the Code including conducting a Professional Conduct Hearing.

2.13 Professional Conduct Pool. A group of CIEEM members and non-CIEEM members trained in the implementation of Stage Two of the Professional Conduct Inquiry Procedures.

2.14 Professional Standards Committee (PSC). A Standing Committee with delegated authority from the Governing Board to oversee the implementation of the Professional Conduct Inquiry Process. No member of the PSC will also be a member of the Professional Conduct Pool.

2.15 Secretariat. The staff employed by CIEEM to provide the administration of the organisation and its Regulations, the provision of services to members and implementation of the Strategic Plan.

2.16 Subject(s). The member or members of CIEEM against whom the complaint is made.

2.17 Witnesses. Witnesses attend a Professional Conduct Hearing at the invitation (and cost) of either party (or in exceptional or rare circumstances the Panel) to provide evidence regarding the actions of that party or to provide the Panel with expert information relevant to the inquiry.

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The Professional Conduct Inquiry Process

3.1 These Professional Conduct Inquiry Procedures set out the Professional Conduct Inquiry process by which CIEEM will consider a complaint. They are based on the following core principles:

- no-one shall be considered in breach of the Code until so judged as a result of the Professional Conduct Inquiry Process;
- any investigation under the Professional Conduct Inquiry Process shall be transparent and fair; and
- breaches of the Code shall receive a proportionate response.

3.2 The Professional Conduct Inquiry Process comprises three stages:

Stage One: The Preliminary Investigation verifying that a complaint can be considered by CIEEM and establishing that there is sufficient evidence to support an allegation of a breach(es) of the Code, and/or that it



is in the public interest to justify further inquiry.

Stage Two: An inquiry and Professional Conduct Hearing by a Professional Conduct Panel (taken from the Professional Conduct Pool) to establish whether any breach of the Code has occurred, and, if so, what sanction is appropriate.

Stage Three: A right to seek leave to appeal the decision of the Professional Conduct Panel.

The stages are explained in more detail in Sections 4, 5 and 6 below.

3.3 It is considered that to be transparent and fair, a Complainant is required to be identified from the outset of an investigation. However, in exceptional circumstances a request for anonymity may be allowed for Stage One of the Professional Conduct Inquiry Process. A request for anonymity may be made by the Complainant or by the Chief Executive Officer (CEO) of CIEEM to the PSC, excluding those members of the PSC who will form any Preliminary Investigation Panel. Whether such exceptional circumstances apply will be determined by PSC on the basis of whether:

- a) there are evidenced reasons of significant personal or professional risk to justify a Complainant remaining anonymous and the complaint cannot, following reasonable inquiry by the Complainant, be brought by any other person without the need for anonymity; and
- b) it is in the public interest that the matter be investigated.

Even in such exceptional circumstances anonymity can only be offered until the end of Stage One and the original

Complainant(s) will need to agree to be identified before Stage Two can commence.

3.4 All complaints should be submitted using the complaints form provided for this purpose and should be accompanied by evidence. No complaint will be considered unless it is provided in this manner. Evidence should be proportionate and relevant, using excerpts of full documents where appropriate, and adhering to data protection principles. If CIEEM is the Complainant, then the complaints form must be submitted by the Governing Board and then processed in the usual way. Complaints should be submitted in a timely way with reference to the period in which the alleged actions or omissions occurred. CIEEM would not normally commence considering a case under the Professional Conduct Inquiry Procedures if the alleged breach has occurred more than 12 months prior to the complaint but will make allowance for the fact that some series of actions or omissions or behaviour can occur over a longer time period and it may be some time before facts come to light or a pattern emerges that causes concern. Evidence of how the Complainant, where possible, has tried to resolve the issue directly with the member should also be included.

3.5 In the case of a complaint against a member made by the Governing Board on behalf of CIEEM, the Governing Board is the Complainant. Such a decision to make a complaint regarding a possible breach of the Code by a member must be a majority decision of the Governing Board in accordance with CIEEM's By-Laws.

3.6 Where the complainant is a member of the Institute, it is expected that, where possible, they will have tried to resolve the issue directly with the Subject prior to raising a professional conduct complaint. Evidence of how this has happened and the response from the Subject should be

included with the complaint evidence or, alternatively, an explanation for why this has not been possible. CIEEM reserves the right not to undertake a professional conduct inquiry if it is apparent that the matter could have been resolved outside of the professional conduct inquiry process, is a matter of a difference of professional opinion or is a matter best dealt with through other processes.

3.7 Where a complaint is made by a member who is already the Subject of an inquiry, and where the Subject of the second complaint is the Complainant or is otherwise involved in the first inquiry, either directly or indirectly, the inquiry into the second complaint will be delayed until the first complaint inquiry has been concluded and the outcome is known. If appropriate, and if agreed by all parties, the same Preliminary Investigation Panel (or some members of this Panel) and/or Professional Conduct Panel (or some members of this Panel) may participate in this second, linked inquiry, due to their familiarity with the circumstances surrounding the complaint.

3.8 A Professional Conduct Inquiry is a confidential process and all parties are expected to respect the confidentiality of the process, not to copy parties not directly involved in the complaint in to correspondence and to restrict discussions about the complaint to those parties involved (including any witnesses), except where such disclosure is required by law or, where necessary or appropriate, to the party's immediate family or legal or professional advisors (to include medical advisors and therapists), provided that they agree to keep the information confidential. Correspondence regarding an inquiry will be otherwise limited to a single point of contact for either party (usually the Subject or Complainant). CIEEM reserves the right not to investigate a complaint where it is determined by the PIP on review of the evidence that the Professional Conduct

Inquiry process is being used primarily (or with a substantial emphasis) as a means of publicly embarrassing a member.

3.9 If during any stage of the Professional Conduct Inquiry process it is believed that another member or members identified in the evidence is or are potentially an additional Subject(s) in the complaint, even if they have not been identified as such at the outset by the Complainant, the Professional Conduct Inquiry process will normally be suspended in relation to the first Subject(s) until such time as that or those other member(s) has/have been notified. The normal Professional Conduct Inquiry process will then be followed to determine whether the new Subject should properly be included in the original complaint process and, if so determined, then the Professional Conduct Inquiry process will proceed against the first Subject(s) and the additional Subjects in a coordinated manner. The suspension of the process may be lifted at any time and may be lifted in the interests of justice, to preserve evidence and witness testimony or where it has not been possible for the additional Subject(s) to be included reasonably in the Professional Conduct Inquiry process for any reason, including their lack of engagement.

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Stage One: Preliminary Investigation (Administrative Stage)

Confirmation

4.1 The Secretariat is required to check a complaint to confirm that it relates to professional conduct and that it is within the scope of CIEEM's authority to consider. If either condition is not met then the Complainant will be informed and no

further action will be taken. If the complaint is identified as being part of a vexatious, malicious or unreasonable pattern of complaints, then the Complainant will be informed and no further action will be taken.

4.2 Any request for anonymity by the Complainant must be made when submitting the complaint and will be considered by PSC. In exceptional circumstances the CEO may request anonymity for a Complainant. No member of PSC involved in the decision as to whether to allow anonymity shall subsequently be part of the Preliminary Investigation Panel. The decision of PSC as to whether to allow anonymity until the end of Stage One will be made known to the Complainant or CEO before any decision is taken to proceed further.

Determining if there is sufficient evidence of a case to answer

4.3 The Secretariat will write to the Subject(s) to inform them that a complaint has been made against them, to provide them with a copy of the complaint and to invite them to provide documentary evidence in rebuttal or explanation as they see fit. This will include their record of continuing professional development (CPD). Evidence should be proportionate and relevant, using excerpts of full documents where appropriate, and adhering to data protection principles. It is incumbent on both the Subject(s) and Complainant(s) to ensure that they disclose relevant evidence as early as is possible. Adverse inferences may be drawn from documents which are not provided as soon as possible. Where the Subject believes that they have a disability which may impact on the allegations against them (for instance in explanation or mitigation) or where a disability may impact on the progression of the Professional Conduct Inquiry then they should disclose this as soon as is possible.

so that the necessary adjustments can be made. The Subject should provide relevant medical evidence to support their position and may request that their disability be kept confidential from the other party. The request for confidentiality will be considered and adhered to where this would be practical and in the interests of justice. CIEEM will not be deemed to have notice of any disability not disclosed in accordance with this provision.

4.4 Where the Subject believes that they have a disability which may impact on the allegations against them (for instance in explanation or mitigation) or where a disability may impact on the progression of the Professional Conduct Inquiry then they should disclose this as soon as is possible so that any necessary reasonable adjustments can be made. The Subject should provide relevant evidence to support their position and may request that their disability be kept confidential from the other party. The request for confidentiality will be considered and adhered to where this would be practical and in the interests of justice. CIEEM will not be deemed to have notice of any disability not disclosed in accordance with this provision.

4.5 The Secretariat will inform PSC of the receipt of a complaint and a Preliminary Investigation Panel (PIP) will be formed. The PIP is required to make an initial assessment of the material relating to the complaint (see 4.5 below) and to decide whether there is sufficient evidence of a case to answer regarding a potential breach of the Code to warrant referral for further inquiry to a Professional Conduct Panel at a Professional Conduct Hearing. The PIP will also consider if it is in the public interest to refer the case on to a full hearing. The PIP will consider factors both in favour, and against the pursuance of taking a case forward to a full hearing.



4.6 The Secretariat will provide the PIP with a copy of the complaint and the supporting evidence and any documentary evidence in rebuttal or explanation. The PIP will review this material to determine whether there is sufficient evidence of a case to answer regarding a potential breach of the Code to warrant referral for further inquiry. They may request additional information from any party as it sees fit to assist in its determination, in which case it shall also review this additional information. The PIP is entitled to identify any aspects of the Code where it considers there is sufficient evidence of a case to answer regarding a potential breach and is not restricted to inquiring only into the areas raised by the Complainant. PIP Members will undertake their review independently of each other, but they may then discuss their views in private at a videoconference in order to agree a recommendation.

4.7 Where the review by the PIP determines that there is sufficient evidence of a case to answer regarding a potential breach of the Code to warrant referral for further inquiry to a Professional Conduct Panel, the complaint will progress to Stage Two and be referred by the PIP to a Professional Conduct Panel. "Sufficient evidence" indicates that there are facts or matters pertaining to the case that are best inquired into at a Professional Conduct Hearing but should not be taken to imply that a breach of the Code has occurred. The finding of the PIP as to whether there is a case to answer shall be neutral as a decision-making tool for the Professional Conduct Panel in the final outcome. The decision of the PIP may be relied upon by the Professional Conduct Panel but it shall not be considered as solely determinative.

4.8 If the Subject of the complaint is a Qualifying Member (and therefore at an early career stage) and the potential breach(es) are considered to be due to extenuating circumstances, the Preliminary

Investigation Panel of the Professional Standards Committee can, as an exception, request that, rather than referring the complaint to a hearing, the matter is resolved through the provision of advice and/or training and/or mentoring. Such a request would need the approval of the Chair or Joint Chair of the Professional Standards Committee.

4.9 Where the PIP determines that there is insufficient evidence of a case to answer regarding a potential breach of the Code, and / or it is not in the public interest to warrant referral for further inquiry to a Professional Conduct Panel, the Secretariat will write to the Subject and the Complainant to inform them of their decision and outlining the main reasons behind it. No further correspondence shall be entered into regarding the reasoning and the complaint will be considered closed unless leave to appeal the decision is sought through the provision of new evidence within 14 calendar days of the date of the letter.

4.10 Complaints that are closed in accordance with paragraphs 4.8 or 4.9 or are withdrawn by the Complainant will not be reported to the Governing Board and no information regarding such complaints shall be recorded or made public.

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Stage Two: The Inquiry (Judicial Stage)

5.1 A Professional Conduct Panel will be convened to undertake an inquiry including a Professional Conduct Hearing through which it will reach a judgement as to whether or not the Code has been breached. Professional Conduct Panels are formed from members of the Professional Conduct Pool and do not include anyone also serving on the PSC or the Governing



Board. The Professional Conduct Panel may appoint a legal adviser to advise on procedural matters and it will be supported by the Secretariat for the duration of its inquiry.

5.2 Should the Professional Conduct Panel determine that a breach of the Code of Professional Conduct may, in some way, be attributable to the working practice of an employer that is a Registered Practice, it may refer the matter back to the Professional Standards Committee for inquiry as a potential breach of the Code of Practice for Registered Practices.

5.3 Following the conclusion of Stage One (where the PIP determines that there is sufficient evidence of a case to answer regarding a potential breach of the Code to warrant referral for further inquiry), the Secretariat will inform the Complainant(s) and the Subject(s) that the complaint has been referred to a Professional Conduct Panel for further inquiry, including a Professional Conduct Hearing. They will provide the name(s) of the Complainant where anonymity was provided for Stage One. Should the Complainant(s) refuse to waive anonymity at this point no further inquiry into the alleged breach(es) will be made.

5.4 The Secretariat will provide the Professional Conduct Panel with the complaint and the supporting evidence, any documentary evidence in rebuttal or explanation and any additional information received (see 4.6 above). The Professional Conduct Panel will review this and may request additional information or evidence as they see fit to assist their inquiry in which case the Panel will also review this. It is incumbent on both the Subject(s) and Complainant(s) to ensure that they disclose relevant evidence on request or where this is in their possession or it is reasonable to expect that they will be able to source such evidence. Adverse inferences may be drawn

against a party who refuses to provide evidence, conceals evidence, does not make reasonable efforts to provide relevant evidence or provides large amounts of irrelevant evidence. The obligation of disclosure extends to the provision of evidence which both supports and does not support the relevant party's position.

5.5 The Complainant will be provided with a copy of the Subject's rebuttal and any additional information that they have supplied in evidence. The Complainant is not expected to respond to the rebuttal, as this can be done during the hearing. In terms of additional disclosure this will come in two stages.

5.5.1 Both parties are entitled to submit additional evidence up until 14 days before the hearing. This process appreciates that on receipt of information from the other party that the receiving party may undertake further reviews and provide additional rebuttal or other evidence which was not made available earlier. In this respect 5.5.2 will apply.

5.5.2 On receipt of the other parties' additional evidence the receiving party will have a further period to submit any other additional evidence in rebuttal. Both parties are entitled to submit such evidence up until 7 days before the hearing in this manner.

5.6 Neither party will be entitled to submit evidence later than 7 days before the hearing without express permission of the Professional Conduct Panel. Where either party seeks to submit evidence later than 7 days before the hearing then they must apply to the Professional Conduct Panel for permission to do so. In making this application the party must be able to satisfy the Professional Conduct Panel that the evidence to be submitted is relevant and why it could not or was not provided earlier. It is in the interests of justice for both

parties to attend at the hearing knowing the evidence that is available to the Professional Conduct Panel. It is not in the interests of justice for evidence to be provided without proper time for consideration. The Professional Conduct Panel will consider each application for the inclusion of evidence outside of the 14-day and 7-day deadlines on its own merits but will only allow this in exceptional circumstances and where the evidence is clearly relevant and / or could not have been provided earlier.

5.7 The Professional Conduct Panel will hold a videoconference or preliminary meeting to discuss the available evidence and to agree any directions that need to be made. In preparation for a Professional Conduct Hearing and at the Professional Conduct Panel's discretion, evidence from its own expert witness(es) may be sought for circulation to all parties. Additional supporting evidence may be sought from the Subject(s) or Complainant(s) which also will be circulated to all parties not later than 7 days before the hearing.

5.8 The Professional Conduct Panel is entitled to inquire into any aspects of the Code that it feels may have been breached based on the evidence before it and is not restricted to inquiring only into the areas raised by the Complainant or identified by the PIP in Stage One. The Secretariat will subsequently write to the Subject(s) and the Complainant(s) to provide them with information on the scope of the Professional Conduct Hearing, a provisional date and all evidence under consideration.

The Professional Conduct Hearing

5.9 The purpose of the Professional Conduct Hearing is to enable the Professional Conduct Panel to assess the evidence in order to establish if there has been a breach of the Code. The Professional Conduct Hearing will be undertaken either

in person, remotely by videoconference, through written correspondence or by other means. The choice of procedure is at the discretion of the Professional Conduct Panel, but the views of all parties will be considered in reaching a decision.

5.10 The Subject(s) and the Complainant(s) will be invited to partake in the Hearing and will do so at their own expense. They may be represented by a lawyer or other nominated legal representative and/or may be accompanied by a 'Supporter'. The Hearing shall normally be open to the public although some parts may be held in private if it is deemed to be appropriate to do so by the Chair of the Professional Conduct Panel (e.g. to hear confidential evidence). The Hearing will be recorded with the agreement of all the parties involved. This may be by audio-recording or video-recording. CIEEM shall retain the recording as a matter of record for issues of accuracy but will not normally make the recording available to the Subject and Complainant unless requested to do so at the relevant party's expense. At the conclusion of the inquiry, including any appeal process, the recording will be destroyed.

5.11 A Professional Conduct Hearing is the opportunity for each party to present their case in order to enable the Professional Conduct Panel to establish the facts of the complaint and to establish if there has or has not been a breach of the Code. Further evidence from the Subject(s) or the Complainant(s) may also be sought or received during the Hearing, although all written evidence must have been submitted prior to the Hearing in line with paragraph 5.5. Subject(s) are expected to attend the hearing and the Panel, whilst not drawing unfavourable inference from non-attendance, reserve the right to hold the hearing in the absence of the Subject if they choose not to attend. Guidance on the conduct of the Hearing will be sent to all parties by the Secretariat.

5.12 Witnesses may be called by either party. Exceptionally the Panel may request the attendance of an Expert Witness. Witnesses attend only that part of the hearing for which they are required to give evidence. The Chair of the Panel will normally indicate at what point a witness should be admitted to the hearing to give their evidence. On conclusion of their contribution to the hearing, which may include being asked questions of clarification by the Panel or other party, they would normally leave the hearing. However they may stay and observe the rest of the hearing at the invitation or unilateral discretion of the Chair of the Panel provided they do not attempt to communicate with either of the parties, other witnesses or the Panel.

5.13 The date or dates of the Professional Conduct Hearing shall be determined by the Professional Conduct Panel, taking into account the reasonable requests of all parties, but with the Professional Conduct Panel's decision being final. The Panel would normally only agree to move the date of a hearing as a result of illness or some unforeseen medical condition, disability, or another unavoidable reason. In such instances the party requesting the change of hearing date will be required to provide evidence to support their request. The Professional Conduct Panel will expect to complete the Professional Conduct Hearing at the latest within 6 months from the date of the referral of the case by PIP to the Professional Conduct Panel.

5.14 Neither the Subject(s) nor the Complainant(s), nor their lawyers or nominated representatives, Supporters or witnesses, will be eligible to claim recompense from CIEEM for any costs associated with the inquiry or Professional Conduct Hearing.

5.15 Following the Professional Conduct Hearing the Professional Conduct Panel

may dismiss or uphold the complaint. If the complaint is upheld the Professional Conduct Panel will identify which clause or clauses of the Code has/have been breached and why.

5.16 If the Subject(s) admit(s) any breach of the Code prior to the Professional Conduct Hearing, oral or written accounts by the Subject(s) or the Complainant(s) may not be required in relation to that breach in which case the Hearing will consider only a Statement of Mitigation.

5.17 Should the Professional Conduct Panel conclude that the Code has been breached then, having taken account of any Statement of Mitigation, the Professional Conduct Panel may apply one or more sanctions as follows:

- reprimand the Subject(s) with advice;
- reprimand the Subject(s) with conditions such as stipulating training or other learning requirement (at the expense of the Subject(s) and requiring evidence of completion of that training/ requirement within a specified time period. If the condition(s) are not met to the satisfaction of the Professional Conduct Panel it may recommend further sanctions;
- recommend a downgrading of the membership status of the Subject(s) membership status and/or chartered status; or
- recommend excluding the Subject(s) from membership of CIEEM for a given period.

5.18 After the Professional Conduct Hearing the Secretariat will inform the Subject(s) and the Complainant(s) of the decision of the Professional Conduct Panel together with the reasons for its decision and any sanctions or advice. It will notify both parties of a right to seek leave to appeal its decision within the specified timeframe

at 6.1 below. All parties are expected to maintain confidentiality until the period to seek leave to appeal the decision has elapsed.

5.19 The decision of the Professional Conduct Panel where the complaint has been upheld will be published as CIEEM sees fit in accordance with its Professional Conduct Inquiries Publications Policy (see Appendix) once the specified period for requesting leave to appeal has passed. This will include publication on the CIEEM website and may also, in the most serious cases (such as a downgrading of membership or loss of Chartered status) or where a member is removed from membership, publish the outcome in In Practice and/or write to any other relevant parties such as employers, local planning authorities and statutory agencies following direction from the Professional Conduct Panel. The names of members found in breach of the Code of Professional Conduct and who resign during an inquiry or as a consequence of being found in breach of the Code will normally also be published in In Practice.

5.20 If there are any relevant factors relating to the conduct of the hearing then these must be disclosed prior to the hearing. If any relevant individual (to include the Subject, the Complainant, Supporter, Nominated Representative or witness) has a disability which would affect the conduct of the hearing then they are required to disclose this as soon as possible so that adjustments may be made to accommodate any disability-related requirements. These requests can be kept confidential from the other party (where possible) on request to protect the relevant individuals privacy unless disclosure would be required in the interests of justice.

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Stage 3: Appeal

6.1 A request for leave to appeal the decision of the Professional Conduct Panel may be sought on the basis of new evidence becoming available since the Professional Conduct Hearing which may have affected the outcome of the Hearing, or an apparent injustice during the inquiry, including at the Professional Conduct Hearing. The request for leave to appeal must be sought within fourteen days of the date of the letter of the decision from the Professional Conduct Panel, unless otherwise stated in the outcome letter, and must state the grounds on which the request is based. New evidence, if available, should be submitted at this point. New evidence will not include:

6.1.1 evidence which was submitted to the Professional Conduct Panel less than 7 days before the hearing and which was considered to not be relevant.

6.1.2 evidence which was submitted to the Professional Conduct Panel less than 7 days before the hearing and which could have been provided earlier.

6.1.3 other evidence which could have been or was capable of being provided to the Professional Conduct Panel but was not.

6.2 Where the request for leave to appeal is on the grounds of new evidence the request will be considered by the Chair of the Professional Conduct Panel who may, if leave to appeal is granted, reconvene the Professional Conduct Panel to hear the additional evidence. The new evidence will be shared with the other party and both parties will be invited to attend the reconvened Hearing.



6.3 Where the request for leave to appeal is on the grounds of an alleged injustice, the request will be considered by an Appeal Panel composed of up to three members of the Professional Conduct Pool not previously involved in the inquiry. If leave to appeal is granted then a new Professional Conduct Panel (not previously involved in the inquiry) will be established to hold a second Professional Conduct Hearing. This Hearing will be run in accordance with Stage Two: The Inquiry (see above) and the Professional Conduct Panel will not be made aware of the outcome of the first hearing. The decision of the second Professional Conduct Panel will replace that of the first Professional Conduct Panel.

There will be no right to a second appeal in either of the cases in 6.2 or 6.3.

6.4 If the request to appeal is denied, the basis for this will be communicated in writing to the Appellant and the decision of the Professional Conduct Panel will be upheld.

7 Costs

7.1 Where fees, charges, disbursements or expenses have been reasonably incurred by CIEEM when conducting the Professional Conduct Inquiry Process due to one party having acted, in the view of the Professional Conduct Panel, vexatiously, abusively, disruptively, or otherwise unreasonably in the bringing or conducting of the proceedings, the Professional Conduct Panel has the discretion to make a judgment as to the awarding of costs to CIEEM against that party.

Revised March 2024



APPENDIX

PURPOSE

To define the ways in which the outcome of professional conduct inquiries are published in the interests of the public.

WHEN CIEEM WILL PUBLISH

CIEEM will normally publish the outcome of professional conduct inquiries where a member is found to have breached the Code of Professional Conduct. Any publication of such outcomes can only be done once the period for seeking leave to appeal has passed or an appeal has been heard. In exceptional circumstances the Professional Conduct Panel may recommend not publishing the outcome.

A member who has been the Subject of a professional conduct inquiry and been found not to be in breach of the Code of Professional Conduct may request that this fact should be published. CIEEM will then do so in accordance with the provisions of this policy.

WHERE CIEEM WILL PUBLISH

CIEEM will publish such outcomes on the CIEEM website. In the most serious cases (such as a downgrading of membership or loss of Chartered status) or where a member is removed from membership, CIEEM will normally also publish the outcome in *In Practice*. CIEEM may write to any other relevant parties such as employers, other professional bodies, local planning authorities or statutory agencies, following direction from the Professional Conduct Panel where it decides that the information is pertinent (e.g. because the matter relates to a European Protected Species licence or a planning application), on a case by case basis. The names of members found in breach of the Code of Professional Conduct who resign during an inquiry or as a consequence of being found in breach of the Code will normally also be published in *In Practice*.

WHAT CIEEM WILL PUBLISH

In all cases of a member who has been found in breach of the Code of Professional Conduct CIEEM will publish:

- Their name.
- The membership number and location (to avoid misidentification of members with the same name).
- A summary of how the Code has been breached (relevant clauses followed by a brief description).
- Any sanction that has been applied.

In the case of a non-member mis-using post nominals CIEEM will publish:

- Their name.
 - The name of the employer or company, if relevant.
 - Who has been informed.
-



WHAT CIEEM WILL NOT PUBLISH

CIEEM will not publish:

- Any details of the Complainant or any other third party.
- Any specific details about the case including location.

TIMESCALES

The outcome of any professional conduct inquiry will be published on the CIEEM website in accordance with the following:

- For cases where a sanction is imposed but membership is retained or suspended, a period equal to the length of the sanction but not less than three months.
- For cases where membership is removed, for a period of twelve months.
- For cases involving non-members, for a period of twelve months.

Publication in *In Practice* will be for one issue.

APPLICABLE LAW

CIEEM's publication policy will be implemented in accordance with applicable law including the UK GDPR / Data Protection Act 2018. CIEEM will ensure that any publication made in connection with a professional conduct inquiry is warranted and is conducted in a fair and proportionate manner which serves to protect the legitimate interests of CIEEM and the general public.

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