

ILP DISCIPLINARY PROCEDURE

1. Introduction

The Institution has a published Code of Professional Conduct which all members are duty bound to abide by.

If an allegation that a member has breached the code is properly made to the Institution, then it will investigate the matter in a fair and unbiased manner in accordance with this Disciplinary Procedure.

2. Complaints

Any alleged breach of the Institution's Code of Professional Conduct must be submitted to the Chief Executive in writing and signed personally by the complainant. The Institution may raise a complaint where the Member may have been convicted or made the subject of a court order.

Allegations of any breach of the Code of Professional Conduct received by any other means may be discarded without further action.

Any allegations received anonymously may also be discarded.

3. Initial Investigation

The Chief Executive shall report the receipt of any alleged breach of the Code of Professional Conduct directly to the Board of Trustees and report any indication of frivolous or malicious intent.

The Board of Trustees shall determine if there is any evidence to support the alleged breach and whether or not the complaint should be submitted to full investigation.

This process will be completed within 1 month of the receipt of the complaint or from the time the Chief Executive is made aware.

If it is decided that there are no grounds for an investigation, then the complainant shall be informed in writing and no further action will be taken and the Member concerned shall not be advised that an allegation has been received and considered.

If the Board of Trustees decides that there is evidence to suggest the need for a full investigation, then the matter will proceed to the next stage.

The respondent shall be informed accordingly in writing that a case has been opened and provided with some details of the complaint and invited to respond.

4. Full Investigation

If it is deemed that there is sufficient evidence to necessitate a full investigation of an alleged breach of the Code of Professional Conduct, then the Board of Trustees shall immediately appoint a Disciplinary Panel. The Disciplinary Panel shall be composed of four appropriately trained and experienced Members or Fellows of the Institution and an independent lay person to act as Chair of the Disciplinary Panel. No Member or Fellow who personally knows the complainant or the respondent shall be eligible to serve on the Disciplinary Panel. Both the complainant and respondent will be informed that the Disciplinary Panel has been appointed to adjudicate on the Complaint.

The Board of Trustees may appoint whomsoever it wishes to participate in an impartial investigation taking into account the nature of the complaint e.g. be it of a technical nature or a breach of membership regulations or should it be directed at a suitably experienced and qualified Member or Fellow of the Institution.

The Disciplinary Panel will examine the evidence, question witnesses if appropriate and hear evidence from the respondent. The Panel may, if deemed appropriate, be advised by an independent legally qualified adviser throughout the process.

The Chief Executive shall act as Secretary to the Panel and not take any part in the determination made by the Panel.

The process of investigation shall be completed within a maximum period of 2 months from the date of constitution of the Disciplinary Panel.

If the Disciplinary Panel decides that there is no case to answer, then the complainant, if any, shall be informed in writing and no further action will be taken. The respondent will also be similarly informed together with any witnesses if appropriate.

The complaint will be decided on the civil standard of proof which is on the balance of probabilities. If the case is found proven, then the respondent shall be informed accordingly in writing and given notice of 1 month from the date of the notice of the right to appeal.

5. Notice

5.1 A Member will be provided with documentation and evidence seen by the Disciplinary Panel. They will also be given a date when the complaint will be considered and opportunity to provide their own written statement, evidence and witness evidence in support of their own case. This will be provided not less than 21 days before the Panel makes its final decision on the complaint.

5.2 All written communication with the Member will be sent by First class post to the Members address provided in their application for membership or any address provided since by the Member. Receipt will be deemed to have taken place 48 hours plus one day after posting. If a Member has requested communication by email this will be permitted and read receipts will be evidence the Member has received the communication.

5.3 A Disciplinary Panel or an Appeal Panel must, before it makes any decision, be satisfied that the documentation in the case has been sent to the Member in accordance with 5.2 above.

5.4 If a Member fails to respond to a complaint, provided the Panel is satisfied that they have been fully informed and been given reasonable time to respond, may proceed to consider the complaint and make a decision.

6. Appeals

An appeal by the respondent must be made in writing to the Chief Executive within 1 month of the date of the written notice confirming the decision of the Disciplinary Panel.

A right of appeal to the Engineering Council shall exist only if the respondent believes the process followed by the ILP to be at fault.

The appeal must provide full grounds for its consideration and must be accompanied by a payment of £100 which may be forfeit in the event of an unsuccessful appeal.

Once a valid appeal has been received, the Board of Trustees shall immediately appoint an Appeal Panel. The Appeal Panel shall be composed of four appropriately trained and experienced Members or Fellows of the Institution and an independent lay person to act as Chair of the Appeal Panel. No Member, Fellow or independent lay person who served on the Disciplinary Panel or who knows personally the complainant or the respondent shall be eligible to serve on the Appeal Panel. Both the complainant and respondent will be informed that the Appeal Panel has been appointed to adjudicate on the Complaint.

The Chief Executive shall act as Secretary to the Appeal Panel.

The Appeal Panel may, if deemed appropriate, be advised by an independent legally qualified adviser.

The Appeal Panel will consider the written grounds for appeal and both respondent and complainant shall be given the opportunity to present further evidence and witnesses.

The Appeal Panel may uphold, vary or dismiss the decision made by the Disciplinary Panel.

If the original decision is upheld, the Appeal Panel will have the same powers of sanction as the Disciplinary Panel had and may impose the same or vary or make no order.

The Appeal Panel will make its findings known to the Board of Trustees within 1 month of completion of the appeal process.

7. Sanctions

If an alleged breach of the Code of Professional Conduct is proven, then the Disciplinary Panel may impose one or more of the following sanctions:-

- Reprimand the Respondent verbally
- Reprimand the Respondent in writing
- Require the Respondent to give an undertaking in writing as to their future conduct or to undertake a specific course of action or re-training.
- Expel the Respondent from Membership of the Institution for a specific period.
- Expel the Respondent from Membership of the Institution indefinitely.
- Any combination of the above on such terms or conditions as the Disciplinary Panel or Appeal Panel deems appropriate.

8. Engineering Council

The Engineering Council will only be informed of breaches of the Code of Conduct if the respondent is a registrant and if the case is found proven.

A right of appeal to the Engineering Council shall exist only if the respondent believes the process followed by the ILP to be at fault.

9. Publication

The finding and any sanctions (together with the outline complaint) may be published to members of the Institution by means of its Journal or other media if deemed appropriate by the Board of Trustees.

10. Natural Justice

Rules of 'natural justice' will be followed, where appropriate. These include giving the Respondent details of the charge and an opportunity to rebut it. No member of the Board of Trustees or Appeal Panel will have been personally involved in the case. A written record of all proceedings will be made.

11. Costs

The Institution will pay no costs or expenses in respect of investigation and processing of an alleged or actual breach of the Code of Conduct to either the respondent or complainant.

Costs may be paid where deemed appropriate to any independent Panel member or legal adviser and to any member of the Appeal Panel.

12. Confidentiality

The disciplinary procedure shall be conducted with strict confidentiality throughout the process until the point at which the Board of Trustees deems that it shall be made known to the Institution's membership and any other appropriate organisation.

13. Additional Notes

An investigation cannot take the place of an industrial tribunal or other legal process.

The ILP has no powers of subpoena and any panel can only deal with voluntarily supplied documentary evidence.

The Disciplinary Procedure may not be used for purposes of whistleblowing.

A Member who resigns after a complaint has been made, or whose membership would be terminated for non-payment of subscriptions, will be deemed to remain in membership until the disciplinary process has reached its conclusion. If the decision is that the person be expelled from membership, that will be shown on the record should he ever seek to re-join the same or another institution.