

# **THE INSTITUTION OF GAS ENGINEERS AND MANAGERS**

## **Rules of Professional Conduct**

The following Rules are made and published by the Council of the Institution of Gas Engineers and Managers under the authority of the By-Laws. Please note that in this document, Masculine Gender includes the Feminine unless the context precludes. Singular number includes the plural number and vice versa.

A code of professional conduct designed to cover all eventualities must necessarily be written in general terms expressing broad ethical principles. Almost every case of doubt as to the proper course of action required to conform to the code of professional conduct arises from a conflict between a member's personal interest and his duty to others. Rules issued by the Council to interpret the code indicate the manner in which members are required to conduct themselves in a number of situations that are frequently encountered. In other situations, members are required to order their conduct in accordance with the principle that, in any conflict between a member's personal interest and fair and honest dealing with other members of the community, his duty to the community must prevail.

A member, who resigns after a complaint has been made, shall be deemed to remain in membership until the disciplinary process has reached its verdict. If this verdict is that the person be removed from membership, his deemed membership will allow that to be effected and shown on the record should he ever wish to re-join.

In these Rules "member" means a member of any class referred to in the By-Laws of the Institution, "employer" includes "client" and "Council" means the Council of the Institution of Gas Engineers and Managers.

1. A member shall at all times so order his conduct as to uphold the dignity and reputation of his profession, and to safeguard the public interest in matters of safety and health and otherwise. He shall exercise his professional skill and judgement to the best of his ability and discharge his professional responsibilities with integrity.
2. A member shall take all reasonable steps necessary to avoid waste of natural resources, damages to the environment, and wasteful damage or destruction of the products of human skill and industry.

3. A member shall take all reasonable steps to maintain and develop his professional competence by attention to new developments in science and engineering relevant to his field of professional activity and, if he is an employer, shall encourage his professional employees to take such steps.
4. A member shall only undertake tasks as a Gas Engineer or Manager, where he is competent to discharge his skills and knowledge accordingly.
5. A member shall accept personal responsibility for all work done by him or under his supervision or direction, and shall take all reasonable steps to ensure that persons working under his authority are competent to carry out the tasks assigned to them and that they accept personal responsibility for work done under the authority delegated to them.
6. A member called upon to give an opinion in his professional capacity shall, to the best of his ability, give an opinion that is objective and reliable.
7. A member whose professional advice is not accepted shall take all reasonable steps to ensure that the person overruling or neglecting his advice is aware of any danger, which the member believes may result from such overruling or neglect.
8. A member shall not make any public statement in his capacity as a Gas Engineer or Manager without ensuring that his qualification(s) are appropriate to make such a statement and any association he may have with any party which may benefit from his statement are made known to the person or persons to whom it is directed.
9. A member shall not, in self-laudatory language or in any manner derogatory to the dignity of the profession of gas engineers and managers, advertise or write articles for publication, nor shall he authorise any such advertisement or article to be written or published by any other person.
10. A member shall not recklessly injure or attempt to injure whether directly or indirectly the professional reputation of the Institution, its members, any other engineer or manager or any business with which they may be associated.
11. A member shall inform his employer in writing of any conflict between his personal interest and faithful service to his employer.
12. A member shall not improperly disclose any information concerning the business of his employer or of any past employer.

13. A member shall not accept remuneration in connection with professional services rendered to his employer other than from his employer or with his employer's consent; nor shall he receive directly or indirectly any royalty, gratuity or commission on any article or process used in or for the purpose of the work in respect of which he is employed unless or until such royalty, gratuity or commission has been authorised in writing by his employer.
14. A member shall not improperly solicit work as an independent adviser or consultant, either directly or by an agent, nor shall he pay any person, by commission or otherwise, for the introduction of such work
15. A member acting as an independent adviser or consultant shall not be the medium of payment made on his employer's behalf unless so requested by his employer; nor shall he place contracts or orders in connection with work on which he is employed, except with the authority of and on behalf of his employer.
16. A member shall treat all persons fairly, without bias, and with respect.
17. Members should encourage others to advance their learning and competence.
18. A member must notify the Institution if convicted of a criminal offence (excluding motoring offences) or upon becoming bankrupt or disqualified as a Company Director.
19. Members must notify the Institution of any significant violation of the Institution's Code of Conduct by another member.

### **Disciplinary Regulations**

The following Regulations are made and published by the Council of the Institution of Gas Engineers and Managers under the authority of the By-Laws of the Institution.

1. In the Regulations, "member" means a member of any class referred to in of the Institution's By-Laws and "Council" means the Council of the Institution of Gas Engineers and Managers.
2. The Council shall appoint not less than three members of the Council to investigate all the circumstances of any complaint or question as to whether a member has committed a breach of the Rules of Professional Conduct. Such body shall hereinafter be called the 'Investigation Committee'.  
The Council shall appoint not less than four members (of whom two shall be members of the Council and two shall be members of the Institution who are not members of the Council) to hear all charges of professional misconduct by

members arising out of the proceedings of the Investigation Committee. Such body shall hereinafter be called the 'Disciplinary Committee'.

3. No member shall be eligible to hold office both as a member of the Investigation Committee and as a member of the Disciplinary Committee at the same time, or to hear a charge of professional misconduct arising out of an investigation made when he was a member of the Investigation Committee.
4. Subject to the By-Laws and these Regulations each of the said bodies shall have power to regulate its own practice and procedure.
5. If any allegation of professional misconduct on the part of a member shall be received from any source, the same shall in the first instance be referred to the Investigation Committee, which may also if deemed appropriate, initiate an enquiry where it has reason to suppose that a member may have been guilty of professional misconduct.
6. The Investigation Committee shall make such enquiries by correspondence or otherwise, as it may in its absolute discretion think fit, of the said allegation in a manner consistent with natural justice.
7. If any allegation does not appear to the Investigation Committee to disclose any prima facie case of professional misconduct the Investigation Committee may dismiss the case without informing the member concerned and without hearing the person making the allegation.
8. In all other cases the Investigation Committee shall send written notice to the member of the nature and particulars of the allegation and invite him to put forward his observations in writing to the Investigation Committee. The member shall at the same time be informed that he is under no obligation to make any observations to the Investigation Committee but that, if he does not do so (or if the Committee does not regard any explanations of his as satisfactory), the matter will be referred to the Disciplinary Committee which will then give him a full opportunity of presenting his case.

On receiving a member's observations the Investigation Committee may dismiss the case if satisfied that the allegation is unfounded or does not disclose a prima facie case. It may also dismiss the case if it considers that the alleged professional misconduct is of such a trivial nature that it calls for no action. In all other cases the Investigation Committee shall, after investigation, refer allegations of professional misconduct to the Disciplinary Committee.

9. As soon as practicable after an allegation has been referred by the Investigation Committee to the Disciplinary Committee, the Investigation Committee shall arrange that:
  - (a) notice in writing shall be given by registered post to the member concerned that the allegation has been referred to the Disciplinary Committee and at the same time a copy of these Regulations shall be sent to him.
  - (b) the member shall be informed of the date of the meeting of the Disciplinary Committee at which (subject to any observations of the member with regard to the date) the allegation will be dealt with; and
  - (c) information shall be given to the member as to the practice of the Disciplinary Committee in relation to the hearing of allegations and the manner in which he may be represented before the Committee.
10. As soon as practicable after an allegation has been referred by the Investigation Committee to the Disciplinary Committee, the Investigation Committee shall place before the Disciplinary Committee such information as is available to it in relation to the allegation and may, if it thinks fit, employ solicitors or counsel for the purpose or may nominate one of its members to conduct the case.
11. The Disciplinary Committee shall conduct any hearing of an allegation in a manner consistent with natural justice. The member shall have the following rights in respect of the hearing:
  - (a) to attend in person and to be heard either in person or by his solicitor or counsel, or other representative;
  - (b) to submit evidence in writing and to call witnesses in his defence;
  - (c) to cross-examine witnesses other than those called by him;
  - (d) to be given any other reasonable opportunity to defend himself against the allegation or allegations made.

If no reply shall be received from the member concerned within 21 days of the service upon him of any notice the Investigation Committee or the Disciplinary Committee may proceed in default provided that if the member shall, either before or after the allegation has been disposed of, satisfy the relevant body that any notice to him was not in fact delivered or was delivered later than delivery might have been expected in the ordinary course of post and that in consequence he was ignorant, or ignorant until too late, of the proceedings being taken against

him, the relevant body shall at his request re-open the proceedings notwithstanding that they may have been concluded.

12. The Disciplinary Committee may in any case where it appears just or expedient to do so extend the time for doing anything or may dispense with service of any notice and may adjourn any hearing from time to time.
13. Having determined a finding in respect of a charge or charges, the Disciplinary Committee shall decide the penalty (if any) to be imposed against the member concerned. If the Disciplinary Committee determines that a charge has been substantiated, it may:
  - (a) Warn the member charged as to his future conduct.
  - (b) Reprimand the member charged.
  - (c) Suspend the member charged for up to two years from membership of the Institution.
  - (d) Expel the member charged from membership of the Institution.
14. The Secretary shall, in every case, serve notice in writing of the Committee's decision on the member concerned not later than 10 days after the decision of the Disciplinary Committee, and in any case of expulsion or suspension shall at the same time inform the Engineering Council UK and every Licensed Member thereof.
15. The Disciplinary Committee may warn or reprimand a member publicly or privately if it so wishes, but in all other cases it shall, unless it sees special reason to the contrary, cause the fact and particulars of its order to be published in the Journal. It may, and at the request of the accused member shall, similarly publish the fact that any complaint has been dismissed.
16. Any person (hereinafter called "the Appellant") aggrieved by any penalty imposed upon him by the Disciplinary Committee may, within 30 days from the date on which notice of the penalty so imposed was served on him, appeal to the Council against such penalty by serving notice in writing to that effect on the CEO of the Institution at the main offices of the Institution for the time being. Such notice shall specify the grounds on which his appeal is based.

At the meeting of the Council next following the service of any such notice the Council shall appoint a Committee (hereinafter called "the Appeals Committee") of five persons (none of whom shall have been concerned with the case at an earlier stage and not less than three of whom shall be members of the Council) to hear the appeal.

Subject to the By-Laws and these Regulations the Appeals Committee shall have power to regulate its own practice and procedure.

As soon as practicable after its appointment the Appeals Committee shall arrange for the service on the Appellant of notice of the matters referred to in Regulation 9 with the substitution of the Appeals Committee for the Disciplinary Committee. The Appeals Committee shall conduct the hearing of the Appeal in a manner consistent with natural justice. The Appellant shall have the following rights in respect of the hearing:

- a. to attend in person and to be heard either in person or by his solicitor or counsel, or other representative.
- b. to submit evidence in writing in support of the grounds of his appeal.

The provisions of Regulation 12 shall apply to the hearing by the Appeals Committee with the substitution of the Appeals Committee for the Disciplinary Committee.

The determination of the appeal by the Appeals Committee shall be final and the CEO shall in every case serve notice in writing of the Appeals Committee's decision on the member concerned not later than 10 days after such decision. In any case where the appeal was against expulsion or suspension the CEO shall at the same time inform the Engineering Council UK and every Licensed Member thereof of such decision.

17. Any notice to be given under these Regulations, other than notice required to be sent by registered post, shall be deemed to be properly served if sent by pre-paid first class post to the last known address of the member concerned or to the main offices of the Institution and to have been effected at the expiration of 48 hours after the same is posted. Airmail shall be deemed to be included in the expression "first class post" for these purposes.

If a Registrant's appeal with IGEM is unsuccessful, the appellant may appeal to EC(UK) jurisdiction.