



Institution of Engineering and Technology Guidance Notes for Members of Boards and Committees and Other Volunteers 2011/12

A NOTE FROM THE CHIEF EXECUTIVE & SECRETARY

1. Over 1,000 members serve on the Boards and Committees of the Institution of Engineering and Technology and this note has been prepared to explain your role and responsibilities in relation to Confidentiality of Board and Committee Papers, Code of Conduct, Legal Liability, Financial Governance, Expenses and International Travel Plans.
2. May I express my gratitude and appreciation for the voluntary help that you provide in promoting the interests of the Institution of Engineering and Technology.

Mr Nigel Fine
Chief Executive & Secretary

VISION, MISSION AND VALUES

Vision

3. The vision outlines the IET's aims and aspirations.
 - Sharing and advancing knowledge throughout the global Science, Engineering and Technology (SET) community to enhance people's lives around the world.

Mission

4. The mission outlines how the IET will achieve its vision.
 - To build an open, flexible and limitless global knowledge network supported by individuals, companies and institutions and facilitated by the IET and its members.

Values

5. The IET has an agreed set of common values and behaviours.
 - Inclusive and collaborative.
 - Operationally innovative, flexible and nimble.
 - Digital and global in thought and action.
 - Committed to a professional and ethical way of working.

CODE OF CONDUCT FOR BOARDS AND COMMITTEES AND OTHER VOLUNTEERS

6. The Institution of Engineering and Technology prides itself on being an open and inclusive organisation. Best practice enables the Institution to innovate and improve performance whilst at the same time being mindful of due diligence, confidentiality and data protection. The effectiveness of the Institution's Boards and Committees is enhanced by members, volunteers and staff working together and maintaining the highest standards of respect, trust and integrity.

Agreement to the Code of Conduct

7. The code of conduct is directed at all members of Institution Boards and Committees, and all volunteers, both members and non-members, working for the Institution in a privileged capacity. The Institution values the contribution of these individuals to promote its aims and wishes to ensure their work abides to best practice.

Requirement for a Code of Conduct

8. Members of the IET are expected to abide by the Rules of Conduct in their personal and professional practice. Those who hold privileged positions within the IET are seen as role models and thus it is important that they exemplify good practice in conducting the Institution's business. To support them in this, the Institution defines a number of policies and procedures relating to financial, commercial and personal good practice. These reflect the values of the Institution, the spirit of legislation that governs the Institution and which UK and non-UK Committee members, and volunteers, both members and non-members, must abide by, and serve to inform staff, members and volunteers about their responsibilities such that their own, and the Institution's, reputation is upheld. To this end, they are asked to support a formal code of conduct.

Institution Support for Volunteers

9. The Institution will ensure that all Committee members and volunteers, both members and non-members, are provided with guidance and support in order to carry out their duties appropriately.

The Code of Conduct

10. Committee members and volunteers, both members and non-members, will:
- (a) Actively support best practice and promote professionalism.
 - (b) Exemplify professional behaviour in their relationships with the Institution, its employees and their fellow members.
 - (c) Respect the confidentiality of information about individuals, groups of people, companies and organisations.
 - (d) Safeguard the Institution's reputation and assets.
 - (e) Access Institution systems only to the extent of the authorisation received.
 - (f) Comply with Institution instructions regarding the use of information and assets.
 - (g) Accept due diligence responsibility.
 - (h) Report identified risks, incidents and information disclosures promptly to the Institution.
 - (i) Agree to act in accordance with the terms of the Data Protection Act in the handling of personal, candidate and commercially sensitive data.

The Data Protection Act

11. The IET is required to comply with eight principles of the Data Protection Act when handling personal data, to remain within the law. These eight principles are also set out clearly within the Engineering Council (UK) 'Data Protection Good Practice for Nominated Bodies' document. The eight principles are as follows:

- (a) Personal data shall be processed fairly and lawfully.
- (b) Personal data shall be processed for limited purposes.
- (c) Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which it is processed.
- (d) Personal data shall be accurate, and where necessary, kept up to date.
- (e) Personal data shall not be kept for longer than necessary.
- (f) Personal data shall be processed in accordance with the data subject's rights.
- (g) Personal data shall be handled securely, ie appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- (h) Personal data shall not be transferred to countries without adequate protection, ie outside the EEA, unless that country has an adequate level of protection.

Consequences of Non Compliance

12. Failure to abide by the code will damage the high professional standing of both volunteers and the Institution. It may compromise the Institution's plans and contravene the laws that govern the Institution. As a result, the Institution may have to take appropriate action.

SAFEGUARDS AGAINST POSSIBLE LEGAL ACTION ARISING FROM TECHNICAL ADVICE GIVEN BY MEMBERS

The Reputation of the Institution

13. The Institution of Engineering and Technology is viewed by the public as 'the expert' in its field. It is important that there is public trust in the areas where the Institution is engaged and therefore it is equally important that the Institution maintains the high level of public confidence that it has. For these reasons the Board of Trustees and all the relevant boards of the Institution have a clear responsibility to ensure that no charge of negligence can be brought against the Institution.

Safeguards Against Personal Liability

14. The Institution has Professional Indemnity Insurance to cover claims of this type. However the reputation of the Institution itself cannot be safeguarded by insurance and such insurance should not be seen as a 'safety net' for poor decision taking. It is not easy to obtain, it can only be obtained for a limited level of liability and is very expensive.

15. Apart from professional indemnity insurance, members are indemnified out of Institution funds for any expenses as a result of accepting office or acting in accordance with the Institution's Charter or Byelaws, other than through their own wilful act or default.

Minimising Risk

16. In order to minimise the risk in producing any guidelines, regulations and similar information, the Board of Trustees must approve final documents.

Giving Advice

17. Staff and members of the Institution frequently receive requests for advice on interpreting or implementing material in Institution publications. A separate note giving advice to staff and members on minimising liability risks when replying to these requests is available.

18. The Institution should only give advice or make recommendations within its own professional field of expertise. The possible outcomes that any recommendations are intended to achieve should always be considered.

Providing Expert Advice

19. It is important and necessary that, in preparing recommendations, the Institution consults the appropriate experts, as well as with those likely to be affected. Nominees to Committees should have the knowledge and experience appropriate to the Committee to which they have been nominated.

20. Where the expertise is provided by a specific Working Party other consultative procedures are necessary. The membership consultative procedures, established by the Policy Department, provide a good example to follow.

Intended Applications of Advice

21. It is very important to carefully define the intended application of any advice. Any advice has to make clear that, in any particular case, the final responsibility must rest with a competent person in charge of a project.

22. Guideline publications, in particular, are intended to offer advice on subjects where standardisation is insufficiently developed. In such cases, a general consensus of opinion regarding good practice may not exist. The possible liability of the Institution for the consequences of such advice is considered to be much greater than that usually incurred by the issue of technical regulations.

Disclaiming Responsibility

23. Though an intelligent precaution, it is uncertain whether disclaiming responsibility would be an effective safeguard in the event of a Common Law action.

LEGAL LIABILITY — ARISING FROM COPYRIGHT AND PLAGIARISM

Why Copyright Issues and Plagiarism are Important

24. As a major publisher the Institution of Engineering and Technology can run the risk of publishing material which may infringe the copyright of an author's work or be open to charges of plagiarism.

Minimising the Risks of Copyright Infringement and Plagiarism

25. It is not possible to completely eliminate these risks. Nevertheless the Institution takes such action as is possible to minimise such risks and has procedures whereby all authors sign a warranty that they are the owners of the copyright and that, where appropriate, the work is original. It is important that this warranty is obtained, in every case, before publication is considered. It is also important that, if there is any doubt about the validity of the warranty, no second opinion is obtained from the Officers or Committees of the Institution. This is because such opinions would transfer the responsibility for any error of judgement from the author to the Institution and invalidate the author's warranty.

26. The Institution may become aware that a work could infringe copyright of another work or be open to charges of plagiarism either before or after publication. If this event occurs before publication the work must immediately be withdrawn and not published. If the work has already been published it must not be republished in any form in an Institution publication. The parties involved in such disputes must be advised of the actions taken and asked to resolve their difficulties.

Legal Action

27. It is not the Institution's policy to go to Court to resolve a dispute between two other parties. Every endeavour should be made to persuade the parties in dispute to resolve their differences without recourse to the courts and discussions should take place to arrive at a mutually acceptable conclusion.

Disciplinary Action for Plagiarism by a Member

28. In the case of plagiarism by a member, the matter can be dealt with under the Institution's disciplinary procedures. In the first instance the dispute must be referred to the Investigating Panel. The Panel will decide if there is prima facie evidence of professional misconduct by either party. If there is, the case will be referred to the Disciplinary Board for full investigation. If found proved, the Board of Trustees will decide the action to be taken.

29. In the event of a published article subsequently being shown to be plagiarised, the true author should be given the opportunity to publish his or her work in the same journal.

Copyright Infringements

30. Alleged infringement of copyright is a civil offence and the Institution is not able to act. Such disputes have to be resolved in the courts.

31. The parties may decide to proceed to arbitration. However, the Institution, through its Officers or Committees, should under no circumstances accept the role of arbitrator since it cannot, as a publisher, be totally independent.

The Decision to Publish, Following a Dispute

32. Only when a dispute is finally resolved will a decision to publish or re-publish a work be taken. Normally, disputes of the nature described in this paper would be referred to the Board of Trustees.

BRIBERY ACT 2010

Introduction/Background

33. The Bribery Act 2010 came into force on 1st July 2011. As a consequence, the IET instituted an Anti-Bribery Policy with immediate effect. All IET volunteers, suppliers, consultants, contractors and agents are required to read, understand and adhere to this policy at all times whilst working or acting for the IET and any of its subsidiaries.

34. A bribe is deemed to be any inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage, and/or to persuade someone to do something which they would not normally do in the course of their duties, or conversely to persuade someone not to do something that they should do.

35. The Bribery Act 2010 introduced a corporate offence of failing to prevent bribery. The IET can therefore be deemed to be in breach of the Act if a bribery offence is committed by anyone who is working or acting on behalf of the IET.

36. The UK Government has published guidance making it clear that it is not the intention that genuine hospitality and reasonable and proportionate business entertaining, including the giving or receipt of gifts, should infringe the Act. However, the guidance in all cases is that it should be appropriate in the circumstances and not unduly lavish, and the key point is that it should never be provided or accepted with the expectation of securing an advantage or inducing improper performance.

37. The Serious Fraud Office will enforce the Act. The penalties for offences committed under the Act can be up to ten years imprisonment for an individual and unlimited fines for the IET.

38. Facilitation payments or “kickbacks” are strictly forbidden in all circumstances. They are typically payments made in return for a business favour or advantage. Anyone asked to make a payment on the IET’s behalf which seems unusual or suspicious should raise the matter with the Compliance Officer [to be defined] as soon as possible.

39. The IET has an agreed policy on the offering and the receipt of donations. Donations can not be offered or received except within the terms of that policy.

40. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the IET or under the control of the IET. All volunteers are required to avoid any activity that might lead to, or suggest a breach of, this policy.

41. The IET has a duty to maintain records to evidence the business reason for payments to third parties. All expense claims relating to entertainment and hospitality must be submitted in accordance with the expenses policy and must specifically record the reason for expenditure and the parties involved. Any gifts either given or received over the value of £25 must be declared to the Compliance Officer [to be defined].

42. Concerns about any issue or suspicion of malpractice should be raised at the earliest stage, particularly if it is believed that a breach or conflict with this policy has occurred.

43. This policy and procedure provides a mechanism through which anyone can raise concerns or 'blow the whistle' on an illegal act of bribery which contravenes the Bribery Act 2010.

Scope

44. This policy applies to all IET volunteers, suppliers, consultants, contractors and agents.

Statement of Policy

45. It is the IET's policy to conduct all of our business in an honest and ethical manner. It takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever it operates and it implements and enforces effective systems to counter bribery.

46. The IET will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. However, it remains bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct both in the UK and elsewhere.

47. Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if it is found to have taken part in corruption the IET could face an unlimited fine and suffer serious damage to its reputation. It therefore takes its legal responsibilities very seriously.

48. The IET recognises the following areas that are of particular risk for its business:

- The receipt or offering of unduly lavish hospitality and gifts (other than nominal gifts, such as those given to IET volunteers, suppliers, consultants, contractors and agents at Christmas, and to participants at IET Events).
- The risk of bribes being offered by prospective or existing contractors/suppliers for the award of lucrative contracts.
- The risk of bribes being offered by exhibition venues in order to unduly influence relocation decisions.
- The risk of bribes being offered by exhibitors in return for favourable allocation of space, discounted rates or other advantages.
- The risk of companies or agents offering bribes to obtain favourable terms or other advantages from the IET.
- Susceptibility to facilitation payments at certain venues outside the UK where the IET may operate or visit for trade shows.

49. The above risks are given by way of example only and as such this list is not exhaustive.

50. To address these risks the IET will ensure that this policy is communicated to all IET volunteers, suppliers, consultants, contractors and agents. It will ensure that all volunteers receive adequate training in how to recognise potential risks and how to report any concerns they encounter. Audits will be carried out from time to time and expense claims will be monitored to ensure compliance with the policy.

Roles and Responsibilities

51. The following responsibilities apply to all IET volunteers, suppliers, consultants, contractors and agents.
52. All IET volunteers, suppliers, consultants, contractors and agents must read, understand and comply with this policy.
53. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the IET or under the IET's control. All are required to avoid any activity that might lead to, or suggest, a breach of this policy.
54. Any matter that conflicts with this policy must be declared to the Compliance Officer.
55. Any IET volunteer who breaches this policy may face disciplinary action.
56. The Board of Trustees has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under the IET's control comply with it.
57. The Compliance Officer has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

Examples of Bribery

58. The following are examples of circumstances where suspicion would be valid that an attempt to commit bribery is being made, this list is not exhaustive.
- if a third party engages in, or has been accused of engaging in, improper business practices;
 - if a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
 - if a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the IET, or carrying out a government function or process for the IET;
 - if a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
 - if a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
 - if a third party requests an unexpected additional fee or commission to facilitate a service;
 - if a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
 - if a third party requests that a payment is made to overlook potential legal violations;
 - if a third party requests that employment or some other advantage is provided to a friend or relative;
 - if a third party insists on the use of side letters or refuses to put terms agreed in writing;
 - if the IET is invoiced for a commission or fee payment that appears excessive given the service stated to have been provided;
 - if a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the IET;
 - if an unusually generous gift or excessively lavish hospitality is offered by a third party (individual or organisation).

CONFIDENTIALITY OF BOARD AND COMMITTEE PAPERS

59. The Institution of Engineering and Technology prides itself on being an open and inclusive organisation. It follows that the governance of the Institution should be as open as possible, but subject to issues of commercial or personal sensitivity. Board and Committee papers should not be classified as confidential unless absolutely necessary.

When Should Confidential Labelling Be Considered?

60. Confidentiality may be required to protect individuals or because early disclosure of potential policies could cause confusion. It may also be required to protect information of commercial use to competitors, suppliers or customers. In all cases, two types of classification can be used on Institution documents, **Private and Confidential** and **Confidential to Institution Committees**.

What Form of Words Should be Used?

61. Papers marked **Private and Confidential** are private to the recipient. They might relate to sensitive matters concerning individually named members, sensitive commercial issues or matters where the widespread or premature disclosure might be confusing or embarrassing.

62. **Confidential to Institution Committees** is used on documents concerning matters under discussion when wider disclosures could cause misunderstanding, unnecessary enquiries, speculation or impact the Institution's commercial position.

Who Decides on Confidentiality?

63. Decisions about the classifications of documents are made by Board and Committee Chairmen in consultation with Board and Committee Secretaries.

What About Non-Members?

64. Some Technical Committees have non-members on them. Some of these appointments are made directly by the Board of Trustees, while others the Board appoints after nomination by kindred organisations. The obligation set out in paragraph 60 above also applies to these Committees.

65. Additionally a committee may send confidential communications to other bodies or to individuals, if this is appropriate.

66. Also, nominees of outside organisations serving on the Wiring Regulations Technical Committee (JPEL 64) may refer to their nominating organisations, for instructions or comments. However, this should be done with the consent of the Committee and on condition the outside body does not utilise or publish in advance of the Institution any information it receives in this way.

What About Issues that Require a Wide Circulation to All Members?

67. In such cases, the proceedings of the Board of Trustees and Committees, or a synopsis of them would normally be published in an IET journal and on the IET website.

FINANCIAL GOVERNANCE

Preparation and Approval of the IET Plan

68. Staff are responsible for preparing the overall plans and budgets for the Institution of Engineering and Technology each year, in the form of the IET Plan. This is presented to the Board of Trustees, with the recommendation of the Chief Executive & Secretary, for approval.

69. Plans for additional major activities, which fall outside the scope of the IET Plan are also presented to the Board of Trustees as required, with the recommendations of the Chief Executive & Secretary, for approval.

Administration of the Budget

70. When the IET Plan and budget for the year has been approved, the Chief Executive & Secretary is responsible for ensuring that the Institution's activities are in line with this Plan and budget. The Board of Trustees receives regular financial and performance reports and regularly reviews the strategic risk environment.

71. Board members have access to the IET Plan and are provided with relevant financial and management information.

72. The Staff control a Board's expenditure, month by month against budget and will take appropriate action to correct any departure from its expenditure budget. If it is not possible in the short term to take corrective action, then the Staff will quantify the unavoidable cost and departure from budgetary plans involved, and inform the Board and Board of Trustees.

73. The Staff can agree expenditure increases on any activity in a Board's budget to achieve the agreed objectives provided compensatory savings are achieved elsewhere in the overall Board budget.

74. Expenditure increases expected of greater than £50,000 in total across the IET will be brought to the attention of the Board of Trustees by the Chief Executive & Secretary for approval.

Commitment and Use of Institution Funds Within Local and Regional Networks

75. Members are only authorised to commit Local Network funds from an approved budget and then only when this has been authorised by the respective Local Network Committee. They are not authorised to engage in any activity that will result in the commitment of the Institution's central funds. Detailed information about the operation of Local Networks can be found in the 'Local Networks Guidelines' available from Regional Co-ordinators.

Responsibilities of Individual Institution Boards

76. Within their remit and scope all Boards should:

- (a) inform the prioritisation of new and existing activities against the IET's objectives;
- (b) monitor and consider any variation from the budgeted rate of expenditure brought to its attention by the Staff;
- (c) monitor and consider the achievement of agreed objectives and changes to the risk environment;
- (d) bring to the attention of the Board of Trustees issues of any prospective over-expenditure, underperformance against IET Plan objectives or changes to the risk environment as the Board sees fit.

TRAVEL AND SUBSISTENCE EXPENSES

(To be read in conjunction with the IET Member Expense Claim Form)

77. It is in the interests of the Institution of Engineering and Technology that Committee, Speakers' and Authors' travelling expenditure should be under effective control. Members and non-members incurring such expenses may apply for reimbursement, if necessary. There are no notional expense allowances. Expenses actually incurred, not reimbursed by another body, will in general be met subject to the following conditions:

- (a) Only the actual expense necessarily incurred on Institution business can be claimed, eg expenses cannot be paid for voluntary attendance at dinners or evening meetings, which incur consequential overnight accommodation or evening subsistence.

- (b) Please enter the currency and amount for each category of expenditure. Please keep entries in different currencies in separate columns. Please enter the exchange rate incurred in respect of converting between currencies in the column marked 'Exchange rate' and include any documentary evidence with this claim.

Air travel

- (c) Air travel arrangements for all members travelling on Institution business will normally be made by the Institution staff responsible through the Institution's approved travel agents. Exceptionally, and only with the prior arrangement of the relevant Board or Committee Secretary, members may make their own travel arrangements. All flights, irrespective of how booked, will be at Economy Class where the flight time is less than 4 hours. Premium Economy Class may be used for flights where the flight time is more than 4 hours. Business Class may be used for flights where the flight time is more than 8 hours. In all cases, advantage should be taken of discounted fares. All claims must be supported by receipts.

Train/bus/ferry etc

- (d) Claims for the use of public transport should be at standard class rates and supported by a ticket or, if not available, a receipt or credit card voucher. Where a Committee meeting is over 50 miles away (ie a round trip of more than 100 miles) First Class rail travel may be used if necessary and expense claims should include evidence of such travel (ie a ticket, receipt, or credit card voucher). The use of sleepers is reclaimable where appropriate, cost effective and receipted. Members are strongly urged to take maximum advantage of discounted fares where they are available (eg holders of senior or young persons railcards, 'savers', advanced booking of travel etc). Taxis may be used where necessary, if cost effective and receipted.

Private car

- (e) Where public transport is not readily available, a private car may be used. The expense claim should cover the cost of fuel and a proportion of "wear and tear" at a rate appropriate for the locality. In the UK the mileage rate is 45p per mile for the first 10,000 miles undertaken for all organisations in a tax year and 25p per mile thereafter. Members outside the UK should indicate the rate they are claiming in place of the UK rate on the form. Members are responsible for complying with their local taxation regulations in respect of such claims. Where a company vehicle is used members should claim for petrol only where this is lower than 25p per mile. Toll and car park charges should be claimed at cost.
- (f) Reasonable expenses for meals will be refunded provided that original receipted bills are attached to this form. Credit card vouchers cannot be accepted as an alternative to receipted bills for such expenses. Unreceipted expenses will only be reimbursed up to a value of £6, or the equivalent in other currency, per claim. Members may claim necessary hotel accommodation only with specific prior agreement, and should ensure that they take advantage of special rates available to the Institution and obtain receipts.
- (g) Other expenses will only be reimbursed if they have been agreed in advance with the Institution staff responsible and are fully receipted.
- (h) Where there is more than one author, expenses will be refunded for one author only, unless specific permission has been given in advance by the Institution staff responsible for the payment of expenses for the other author(s).

78. The Institution staff responsible will seek authorisation from the Trustees for any departure from the above guidelines.

79. The co-operation of members is sought in keeping all expenses to a reasonable minimum. Claims must be received no later than 3 months after the date of the journey. It is regretted that late claims cannot be honoured.

MEETING WITH MEMBERS WHEN VISITING ANOTHER COUNTRY

80. Members who are proposing to travel to another country and would like to meet the local representative and/or local members should notify Local Networks Department staff of their plans. Members are encouraged, if they have the time and opportunity, to present a lecture or give an informal talk on behalf of the Institution of Engineering and Technology.

Travel Plans

Location	Date/s when available

Activities Offered

To present a lecture	YES/NO
To meet local members informally	YES/NO
To meet Local Network Committees	YES/NO

Contact Information

Name: _____

Membership number: _____

Email address: _____

Telephone number: _____

Please return this form to:

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