

DISCIPLINARY REGULATIONS

Approved by the Board of Trustees on 21 June 2024, and effective from 29 July 2024.

Background

These Regulations have been made under Bye-law 33. All stages of the procedure set out in these Regulations shall be conducted, and decisions reached, in accordance with the rules of natural justice. In publishing the IET's Disciplinary Regulations, the Board of Trustees has had due regard to the related guidance published by the Engineering Council.

1. Improper Conduct

- 1.1. In accordance with the IET's Bye-laws, this procedure has been approved by the Board of Trustees to deal with any allegation of improper conduct which is made about its members. The Board of Trustees delegates the powers as set out in these Regulations to each of the Governance and External Engagement Director, the Complaint Secretary, Preliminary Investigation Panel, the Investigator, Disciplinary Panel, Independent Reviewer, President and Appeal Panel to investigate and adjudicate on alleged breaches of the IET's Bye-laws and Rules of Conduct, and if a breach is established, to apply appropriate sanctions in accordance with the Bye-laws.
- 1.2. If at any point a person becomes aware that any criminal or civil proceedings related to the alleged misconduct are under way or are likely, they are to inform the Complaint Secretary who will inform a member of the Preliminary Investigation Committee (if the matter has not been referred to a Disciplinary Panel) or the Chair of the Disciplinary Panel (if the matter has been referred to a Disciplinary Panel) as soon as practicable for a decision as to whether proceedings under these Regulations should be suspended pending the outcome of the criminal or civil proceedings.
- 1.3. Where a decision is made to suspend proceedings under paragraph 1.2, the decision maker shall:
 - 1.3.1. Consider informing the complainant of the decision to suspend the proceedings and the reasons for that; and
 - 1.3.2. Inform the member of the decision to suspend the proceedings and the reasons for that.
- 1.4. If, at any point after the complaint has been referred to the Preliminary Investigation Panel (see paragraph 4.3), the member's membership of the IET comes to an end (whether through resignation, non-renewal or other reason), the Governance and External Engagement Director will decide whether the IET will continue with or end its disciplinary process against the member. If the decision is made to end the disciplinary process, the Complaint Secretary shall inform the complainant of that decision.

2. Allegation

- 2.1. Any allegation about a member's improper conduct should be dealt with under this procedure. The following would constitute an allegation of improper conduct for the purpose of this procedure:

- 2.1.1. Any breach of the IET's Bye-laws or Rules of Conduct;
- 2.1.2. Personal status (eg bankruptcy, criminal offences unconnected with work).
- 2.2. Any complaint must be made:
 - 2.2.1. To the Governance and External Engagement Director; and
 - 2.2.2. In writing (which includes electronic means).
- 2.3. The IET may consider a complaint of misconduct in connection with the member's professional capacity or in connection with a member generally.
- 2.4. The IET may investigate a concern of misconduct where no complaint is received (eg on the basis of a news item).
- 2.5. The IET will only consider complaints or concerns about its members.

3. Communications with members

- 3.1. Any communication with a member under these proceedings may be carried out using any of the contact details held by the IET for that member, including postal address and email and for the avoidance of doubt, the phrase "in writing" includes email or similar electronic communication.

4. Complaint Secretary

- 4.1. Upon receiving a complaint, the Governance and External Engagement Director will appoint a Complaint Secretary.
- 4.2. Upon appointment, the Complaint Secretary will consider whether additional information or detail from the complainant is required and, if so, may ask the complainant for further details or information.
- 4.3. The Complaint Secretary will refer the matter to a Preliminary Investigation Panel unless:
 - 4.3.1. The complaint does not raise an allegation of improper conduct against one or more members of the IET;
 - 4.3.2. The issue (and/or the complainant) should be referred to the police or any other agency, authority or body; and/or
 - 4.3.3. The issue should be addressed under another procedure of the IET.
- 4.4. If one of the matters set out in paragraphs 4.3.1 to 4.3.3 apply and the Complaint Secretary does not refer the complaint to the Preliminary Investigation Panel, the Complaint Secretary will:
 - 4.4.1. Consider informing the complainant of the decision not to refer the case and the reasons for that; and
 - 4.4.2. Consider informing the member about the making of the complaint, the decision not

to refer the case and the reasons for that.

- 4.5. There is no right of appeal from the decision of the Complaint Secretary not to refer a complaint.

5. Preliminary Investigation Panel

- 5.1. The Preliminary Investigation Committee shall be appointed by the Board of Trustees and shall comprise not more than 15 members. Members of the Preliminary Investigation Committee shall hold office for three years, which term may be renewed for one further term of three years.
- 5.2. When referring a complaint to a Preliminary Investigation Panel, the Complaint Secretary will convene a Preliminary Investigation Panel of three individuals drawn from the Preliminary Investigation Committee.
- 5.3. When convening the Preliminary Investigation Panel, the Complaint Secretary will inform proposed members of the Preliminary Investigation Panel of the identity of the member and the complainant in order that the proposed members of the Preliminary Investigation Panel can consider whether there are any conflicts of interest affecting their eligibility to be on the Preliminary Investigation Panel.
- 5.4. On the basis of the information provided to it by the Complaint Secretary, the Preliminary Investigation Panel will decide that either:
 - 5.4.1. The complaint does not raise an issue of improper conduct worthy of further consideration; or
 - 5.4.2. The matter should be investigated and, if so, give any direction for the investigation to follow.
- 5.5. Where the Preliminary Investigation Panel decides that the complaint does not raise an issue of improper conduct worthy of further consideration, the Preliminary Investigation Panel shall:
 - 5.5.1. Inform the complainant of the decision not to investigate the matter, the reasons for that and that they have the right to appeal (as set out at paragraph 5.6); and
 - 5.5.2. Consider informing the member about the making of the complaint, the decision not to investigate the matter and the reasons for that and that the complainant has the right to appeal (as set out at paragraph 5.6).
- 5.6. Where the Preliminary Investigation Panel decides that a complaint does not raise an issue of improper conduct worthy of further investigation, the complainant may appeal against that decision as set out at paragraph 15.1.
- 5.7. Where the Preliminary Investigation Panel decides that the complaint should be investigated, the Preliminary Investigation Panel will instruct the Complaint Secretary to refer the matter for Detailed Investigation (under paragraph 6) and should consider:
 - 5.7.1. Giving direction to the Investigator (see paragraph 6) as to the particular factual issues and matters that should be investigated and any individuals who should be interviewed; and/or

- 5.7.2. Giving direction to the Investigator as to any expert evidence that should be obtained.

6. Detailed Investigation

- 6.1. The Complaint Secretary will appoint an Investigator who will be independent of the Complaint Secretary and all parties involved in the complaint. The Investigator may delegate elements of the investigation to others.
- 6.2. The Investigator may take any action appropriate to the investigation which will include the following:
 - 6.2.1. Ascertaining, to the extent reasonably possible, whether any criminal or civil proceedings related to the alleged misconduct are under way;
 - 6.2.2. Informing the member of the factual allegation against them and inviting the member to comment;
 - 6.2.3. Informing the member of how it is said the facts amount to improper conduct and inviting the member to comment;
 - 6.2.4. Inviting the member to provide any evidence or the names of any witnesses in response to the allegation; and
 - 6.2.5. Following any directions received from the Preliminary Investigation Panel.
- 6.3. When speaking with any relevant witness, the Investigator will take notes and a statement will be produced which is to be signed by the witness.
- 6.4. At any time, the Investigator may seek guidance from the Preliminary Investigation Panel in relation to the scope of its investigation. When doing this the Investigator may prepare a report as set out at paragraph 6.5.
- 6.5. Following the investigation, the Investigator will provide to the Preliminary Investigation Panel a report setting out:
 - 6.5.1. The allegation made about the member;
 - 6.5.2. The steps taken by the Investigator in relation to the investigation;
 - 6.5.3. A summary of the evidence that the Investigator has obtained; and
 - 6.5.4. The issues that the Preliminary Investigation Panel is asked to consider.
- 6.6. In addition to the report in paragraph 6.5, the Investigator shall submit to the Preliminary Investigation Panel:
 - 6.6.1. All the evidence that the Investigator has obtained;
 - 6.6.2. A recommendation for the next steps/action to be taken; and
 - 6.6.3. Any other information the Investigator considers is relevant to the decision the Preliminary Investigation Panel is being asked to consider.

- 6.7. A copy of the report at paragraph 6.5 will also be provided to the member under investigation at the same time as the Preliminary Investigation Panel.

7. Preliminary Investigation Panel 2

- 7.1. Upon receipt of the report from the Investigator, the Preliminary Investigation Panel will consider whether the investigation is, in the light of the information before it, complete. If the investigation is not complete, the Preliminary Investigation Panel will direct the Investigator as to what further steps should be taken. If the investigation is complete, the Preliminary Investigation Panel will decide what further action is taken from one of the following:

- 7.1.1. No further action. This may be appropriate where:

- (i) The matter does not raise an issue of improper conduct;
- (ii) The complaint has no merit;
- (iii) The complaint or the disciplinary issue raised by the complaint is trivial;
- (iv) There is no case to answer; and/or
- (v) The complaint is vexatious.

- 7.1.2. Refer the matter to another body or procedure (for example employers' whistleblowing, police etc); or

- 7.1.3. Refer the matter to a Disciplinary Panel (with or without proposing an Admitted Breach and Sanction ("ABAS")).

- 7.2. If the Preliminary Investigation Panel decides that no further action should be taken:

- 7.2.1. The Preliminary Investigation Panel shall inform the member and the complainant of the decision and the reasons for the decision; and

- 7.2.2. The complainant may appeal against that decision as set out at paragraph 15.1.

- 7.3. If the Preliminary Investigation Panel decides to propose an ABAS, the process at paragraph 8 is to be followed and the Preliminary Investigation Panel should also provide the Complaint Secretary with the information at paragraph 7.4.

- 7.4. If the Preliminary Investigation Panel decides to refer the matter to a Disciplinary Panel, the Preliminary Investigation Panel will provide to the Complaint Secretary and the Investigator:

- 7.4.1. The factual issues giving rise to the allegation of improper conduct;

- 7.4.2. How the factual issues amount to improper conduct (including the particular element of the Bye-laws and Rules of Conduct that have been breached); and

- 7.4.3. How the improper conduct is alleged to impair the member's practice.

8. Admitted Breach and Agreed Sanction¹

- 8.1. An Admitted Breach and Agreed Sanction (“ABAS”) is not a negotiation with the member. It is the means through which minor incidents of improper conduct can be addressed quickly and efficiently.
- 8.2. Where the Preliminary Investigation Panel directs that an ABAS is to be offered, it will provide the Complaint Secretary with the information at paragraphs 8.3.1, 8.3.2 and 8.3.3.
- 8.3. The Complaint Secretary on behalf of the Preliminary Investigation Panel will write to the member setting out:
 - 8.3.1. The factual matters to which the member is invited to agree;
 - 8.3.2. The improper conduct (including the Bye-laws and Rule(s) of Conduct that were breached) the member is invited to agree occurred;
 - 8.3.3. The sanction that the member is invited to accept;
 - 8.3.4. The date by which the member is to accept the ABAS;
 - 8.3.5. How the member is to indicate their acceptance;
 - 8.3.6. That if the member accepts the ABAS, the improper conduct will be recorded with the sanction and a note that it was addressed by an ABAS.
 - 8.3.7. That if the member does not agree by the date at paragraph 8.3.4, the Complaint Secretary will convene a Disciplinary Panel.
- 8.4. If the member does not accept the offer within the specified timeframe, the Complaint Secretary will convene a Disciplinary Panel.
- 8.5. If the member accepts the ABAS, the IET will record the outcome of the matter, and the IET shall inform the complainant that the matter has been concluded (but not the outcome).

9. Disciplinary Panel

- 9.1. A Disciplinary Committee shall be appointed by the Board of Trustees and shall comprise not more than 15 individuals. Members of the Disciplinary Committee shall hold office for three years, which term may be renewed for one further term of three years. The Board of Trustees shall appoint a Chair and a Deputy Chair of the Disciplinary Committee from the members of the Disciplinary Committee. The Deputy Chair will deputise for the Chair when the Chair is not available.
- 9.2. The Complaint Secretary will convene a Disciplinary Panel of three individuals drawn from the Disciplinary Committee. No person who was a member of the Preliminary Investigation Panel may be a member of the Disciplinary Panel. The Chair of the Disciplinary Committee will identify a Chair of the Disciplinary Panel.

¹ ‘Admitted Breach and Agreed Sanction’ is a means of dealing with minor allegations of misconduct at an early stage, without the need to go through the full disciplinary process.

- 9.3. When convening the Disciplinary Panel, the Complaint Secretary will inform proposed members of the Disciplinary Panel of the identity of the member and any relevant witnesses in order that the proposed members of the Disciplinary Panel can consider whether there are any conflicts of interest affecting their eligibility to be on the Disciplinary Panel.
- 9.4. Any meeting or hearing of the Disciplinary Panel may take place through any mode of simultaneous communication including telephone and/or video conferencing provided that each person at the meeting or hearing is able to hear every other person.
- 9.5. The Disciplinary Panel may invite any member to attend a hearing of the Disciplinary Panel. Any member declining such an invitation shall inform the Disciplinary Panel in writing, stating the reasons for declining such invitation.

10. Formal Hearing

- 10.1. Under instruction from the Preliminary Investigation Panel, the Complaint Secretary will write to the member setting out:
 - 10.1.1. The allegation made about the member;
 - 10.1.2. The nature of the improper conduct and the basis for considering it is improper conduct;
 - 10.1.3. The time and date on which the Disciplinary Panel will consider the matter;
 - 10.1.4. The date(s) by which the Complaint Secretary will send to the member (a) the evidence relevant to the allegation of improper conduct obtained by the Investigator (paragraph 6.6.1) and (b) the evidence and material that the Presenter (appointed under paragraph 10.5) will present to the Disciplinary Panel and details of any witnesses that will be called;
 - 10.1.5. That the member has the right to make written submissions and provide any evidence (including witnesses) in support of their case to the Complaint Secretary and the date by which the submissions and evidence has to be provided to the Complaint Secretary;
 - 10.1.6. That the member has the right to be represented at any hearing but that the IET will not be responsible for any costs incurred by the member;
 - 10.1.7. The identity of the members of the Disciplinary Panel and a statement of how the member may object to the inclusion of a member of the Disciplinary Panel; and
 - 10.1.8. A copy of these procedures.
- 10.2. The member may object to the inclusion of any individual on the Disciplinary Panel on the grounds of a conflict of interest, by providing the objection, with reasons, to the Complaint Secretary in writing. The Chair of the Disciplinary Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Complaint Secretary to replace the individual objected to. If the member objects to the Chair, the Chair of the Disciplinary Committee will consider the objection.

- 10.3. The Complaint Secretary shall write to the complainant informing of them of the time and date on which the Disciplinary Panel will consider the matter and invite them to attend the hearing (accompanied if desired by another person), that they may be called as a witness, but that they have no automatic right of audience.
- 10.4. Prior to the date of the Formal Hearing, the Chair of the Disciplinary Panel may deal with any procedural issues that may arise.
- 10.5. The Preliminary Investigation Panel will appoint a person (the “Presenter”) to present the case against the member and should provide the Complaint Secretary with the name and details of the Presenter. The member shall be allowed to conduct their own case, or to be represented by another person (including a solicitor or barrister) and should provide the Complaint Secretary with the name and details of the proposed representative (and whether the representative is legally qualified). That information will be provided to the Presenter and to the Chair of the Disciplinary Panel.
- 10.6. The Disciplinary Panel may appoint a legal assessor (who should be a solicitor or barrister with a current practising certificate) to provide it with advice in connection with the allegation and the Formal Hearing.
- 10.7. The Disciplinary Panel has discretion over the conduct of the Formal Hearing, but will include the following:
 - 10.7.1. The Complaint Secretary will appoint a person to keep note of the hearing;
 - 10.7.2. The Presenter will present the evidence and information, including calling any live witnesses, that gives rise to the allegation;
 - 10.7.3. The member (or their representative) will present the evidence and information, including calling any live witnesses, in response to the allegation;
 - 10.7.4. Where the member has a representative, that person may not give evidence on the member’s behalf;
 - 10.7.5. Both the Presenter and the member must be given the opportunity to ask questions of any witnesses called to give evidence. The Disciplinary Panel may ask questions of any witness;
 - 10.7.6. The Disciplinary Panel may admit any evidence it considers fair and relevant to the matter before it, whether or not such evidence would be admissible in a Court of Law;
 - 10.7.7. Any evidence that either the Presenter or the member wishes to rely on at the hearing must be disclosed to the other party in sufficient time in advance of the hearing;
 - 10.7.8. The Disciplinary Panel may, at any time, exercise its discretion to adjourn the hearing;
 - 10.7.9. Before the Disciplinary Panel retires to consider the matter, both the member and the Presenter (or their representatives) will have the opportunity to summarise their case to the Disciplinary Panel, with the member being given the opportunity to speak last; and
 - 10.7.10. The Disciplinary Panel may retire with the note taker and any legal assessor but neither may take part in any decision making.

11. Decision

- 11.1. Having heard from the Presenter and the member, the Disciplinary Panel is to make its decision. The Disciplinary Panel will determine the facts on the balance of probability, whether the member has engaged in improper conduct and if so, whether a sanction should be imposed and which sanction.
- 11.2. The Disciplinary Panel may give informal guidance to any member of the IET who has appeared before it.
- 11.3. The Disciplinary Panel may give its decision on the day of the hearing or may adjourn the Formal Hearing to consider the issues.
- 11.4. As soon as practicable following the hearing the Disciplinary Panel will give its decision and reasons which will be communicated to the member and the Preliminary Investigation Panel in writing by the Complaint Secretary who will also inform the member of the right of appeal.
- 11.5. Where the suspension or expulsion of the member will lead to the termination of registration with the Engineering Council or other regulatory body, the Complaint Secretary must inform the member of that and must pass the relevant information to the regulatory body.

12. Sanctions

- 12.1. The Disciplinary Panel may impose one or more of the following sanctions:
 - 12.1.1. Provide guidance to the member which the member is to follow;
 - 12.1.2. Issue a written warning to the member;
 - 12.1.3. Require the member to attend training on specified matters within a specified period of time;
 - 12.1.4. Admonish the member;
 - 12.1.5. Require the member to apologise to another person in connection with the allegation;
 - 12.1.6. Impose a period of suspension on the member; and/or
 - 12.1.7. Expel the member.
- 12.2. The Disciplinary Panel may suspend any sanction imposed upon condition of the member not engaging in further improper conduct for a specified period.

13. Failure to Comply

- 13.1. If, after the period for an appeal has expired, the member fails to comply with the sanction imposed by the Disciplinary Panel, that would be an issue of improper conduct, the result of which could be a further, more severe sanction being imposed.

14. Published

- 14.1. If a member is found guilty of improper conduct and the member is expelled or suspended from membership of the IET, the Disciplinary Panel shall (unless it determines there are reasons not to do so), arrange for the decision to be published after the period for an appeal has expired. If a member is found guilty of improper conduct but is not expelled or suspended, the decision shall not be published.
- 14.2. If a complaint of improper conduct is dismissed, the Disciplinary Panel may, and at the request of the member shall, arrange for the decision to be published.
- 14.3. The complainant shall be informed that the matter has concluded.

15. Appeal by the Complainant

- 15.1. Where a complainant is informed that either:
 - 15.1.1. a complaint does not raise an issue of improper conduct worthy of further investigation (paragraph 5.5.1); or
 - 15.1.2. no further action will be taken in relation to a complaint (paragraph 7.2),

the complainant may appeal against the relevant decision. The complainant has no right of appeal against the decisions of a Disciplinary Panel.
- 15.2. To make an appeal, the complainant must send written notice of appeal to the Complaint Secretary within 20 English working days of being informed of the decision, setting out:
 - 15.2.1. The decision being appealed;
 - 15.2.2. The reason(s) for making the appeal; and
 - 15.2.3. Any facts or matters in support of the appeal.
- 15.3. Upon receiving an appeal from the complainant, the Complaint Secretary will select a person from a pool of persons described at paragraph 18.1 to be the Independent Reviewer.
- 15.4. The Complaint Secretary will provide the Independent Reviewer with:
 - 15.4.1. The information that was before the Preliminary Investigation Panel in making the decision being appealed; and
 - 15.4.2. The written notice of appeal provided by the complainant under paragraph 15.2.
- 15.5. The Independent Reviewer will consider the material provided to them and decide whether, in the light of the information before them, the Preliminary Investigation Panel's decision was reasonable.
- 15.6. If the Independent Reviewer concludes that the Preliminary Investigation Panel's decision was reasonable, they will reject the appeal and will:
 - 15.6.1. Inform the complainant of the decision and the reasons for that decision;

- 15.6.2. Consider informing the member about the complaint, the appeal, their decision and the reasons for their decision.
- 15.7. If the Independent Reviewer concludes that the Preliminary Investigation Panel's decision was not reasonable, they will accept the appeal and:
- 15.7.1. If the appeal follows a decision at paragraph 5.4, will:
- (i) Inform the complainant of the decision and the reasons for that decision;
 - (ii) Consider informing the member about the complaint, the appeal, their decision and the reasons for their decision;
 - (iii) Direct the Complaint Secretary to refer the matter to the Preliminary Investigation Panel for consideration under paragraph 5.7 together with the reasons for accepting the appeal.
- 15.7.2. If the appeal follows a decision at paragraph 7.1.1, will:
- (i) Inform the complainant of the decision and the reasons for that decision;
 - (ii) Consider informing the member about the complaint, the appeal, their decision and the reasons for their decision;
 - (iii) Direct the Complaint Secretary to refer the matter to the Preliminary Investigation Panel instructing it to:
 - (A) Consider directing the Investigator to take further action; and/or
 - (B) Consider the matter afresh under paragraph 7.1.
- 15.8. There is no appeal from the decision of the Independent Reviewer.
- 16. Appeal by the member who is the Subject of the Complaint**
- 16.1. The member who was the subject of the complaint may appeal against a decision of the Disciplinary Panel. The member has no right of appeal against decisions of a Preliminary Investigation Panel.
- 16.2. Appeals to a regulatory body must be made in accordance with that body's procedures.
- 16.3. Appeals to the IET must be made by the member within 20 English working days of the decision letter. The member may appeal either or both of the Disciplinary Panel's finding that the member engaged in improper conduct and the sanction imposed.
- 16.4. To make an appeal, the member must send written notice of appeal to the Complaint Secretary setting out:
- 16.4.1. The ground(s) of appeal;
- 16.4.2. The reasons for the appeal;

- 16.4.3. The matters relied upon in support of the appeal; and
- 16.4.4. Why the decision is considered unfair.
- 16.5. Appeals can only be made on one or more of the following grounds:
 - 16.5.1. The decision is unjust (eg there was a serious procedural error or other irregularity that renders the decision unfair or unsafe); or
 - 16.5.2. The decision is wrong (eg that it was not supported by the evidence or based on an error or misunderstanding); or
 - 16.5.3. Evidence, relevant to the case, has come to light which was not considered during the hearing and which could not have been reasonably produced at the hearing; or
 - 16.5.4. The sanction imposed is disproportionate to the gravity of the misconduct.
- 16.6. In the event of an appeal, the decision of the Disciplinary Panel will not be carried out until the appeal procedure is concluded.

17. Consideration of an Appeal by the member

- 17.1. Upon receiving written notice of an appeal, the Complaint Secretary will refer the appeal to the President who will either:
 - 17.1.1. Summarily accept the appeal and refer the matter back to the Disciplinary Panel under paragraph 17.10; or
 - 17.1.2. Confirm that an Appeal Panel should be convened.
- 17.2. The Complaint Secretary will write to the member setting out the President's decision.
- 17.3. Where an Appeal Panel is to be convened the Complaint Secretary will convene it in accordance with paragraph 0. The Appeal Panel will have discretion (subject to paragraph 17.6) over the procedure to be followed and the Chair of the Appeal Panel may deal with any procedural issues that may arise.
- 17.4. The Complaint Secretary will write to the member setting out:
 - 17.4.1. The time and date on which the Appeal Panel will consider the matter;
 - 17.4.2. The date by which any additional information that the member wants the Appeal Panel to consider must be received;
 - 17.4.3. That the member has the right to attend any Appeal Panel hearing and be represented at any hearing but that the IET will not be responsible for any costs incurred by the member;
 - 17.4.4. The identity the members of the Appeal Panel and a statement of how the member may object to the inclusion of a member of the Appeal Panel.
- 17.5. The member may object to the inclusion of any individual on the Appeal Panel by providing the objection, with reasons, to the Complaint Secretary in writing. The Chair

of the Appeal Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Complaint Secretary to replace the individual objected to by selecting an individual from the pool of persons described at paragraph 18.1. If the member objects to the Chair, the President will consider the objection.

- 17.6. The Appeal Panel procedure will include the following:
 - 17.6.1. The opportunity for the member or their representative to address the Appeal Panel;
 - 17.6.2. The opportunity for the Presenter to address the Appeal Panel; and
 - 17.6.3. The opportunity for the Appeal Panel to ask questions of the member and the Presenter.
- 17.7. The Appeal Panel's decision will be provided in writing and will include reasons. The decision and reasons will be conveyed to the member as soon as practicable following the decision being made.
- 17.8. In disposing of an appeal, the Appeal Panel may:
 - 17.8.1. dismiss the appeal; or
 - 17.8.2. allow the appeal in whole or in part.
- 17.9. If allowing any part of the appeal, the Appeal Panel must also quash that part of the decision appealed against and either:
 - 17.9.1. dismiss the complaint; or
 - 17.9.2. where allowing an appeal against a finding of improper conduct, refer the matter for fresh consideration by the Disciplinary Panel; or
 - 17.9.3. where allowing an appeal against a sanction only, substitute for the sanction any other sanction that could have been imposed by the Disciplinary Panel.
- 17.10. Fresh consideration by the Disciplinary Panel will be undertaken in accordance with the relevant paragraphs of this procedure and by a freshly convened Disciplinary Panel.
- 17.11. The Appeal Panel may, at any time, exercise its discretion to adjourn the proceedings.

18. Independent Reviewer and Appeal Panel

- 18.1. When called upon to select an Independent Reviewer or convene an Appeal Panel, the Complaint Secretary will:
 - 18.1.1. In respect of an Independent Reviewer, contact at least one other Professional Engineering Institution (or barristers' chambers) to ask its President (or head of chambers) to nominate at least two individuals suitable to be the Independent Reviewer. The individuals nominated will form the pool of persons described in paragraph 15.3.

- 18.1.2. In respect of an Appeal Panel, contact at least three other Professional Engineering Institutions to ask their President to nominate at least two individuals suitable to be on an Appeal Panel. The nominated individuals will form the pool of persons. The Complaint Secretary will select three individuals from the pool of persons to form the Appeal Panel. The Complaint Secretary will identify one of the three to be the Chair of the Appeal Panel.
- 18.2. When appointing the Independent Reviewer or convening the Appeal Panel, the Complaint Secretary will inform the selected individuals of the identity of the member and any relevant witnesses in order that the proposed Independent Reviewer or members of the Appeal Panel (as applicable) can consider whether there are any conflicts of interest affecting their eligibility to act in the role.
- 18.3. Any meeting or hearing of the Appeal Panel may take place through any mode of simultaneous communication including telephone and/or video conferencing provided that each person at the meeting or hearing is able to hear every other person.
- 18.4. The Complaint Secretary will appoint a person to keep note of any Appeal Panel hearing.
- 18.5. The Independent Reviewer or Appeal Panel may request a legal assessor to provide it with advice in connection with the appeal.