



CODE OF PROFESSIONAL CONDUCT

AND

THE ENFORCEMENT OF THE CODE

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**REVISED 2013
(5th Edition)**

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

1.0 DEFINITIONS

1.1 All words and meanings used herein shall have the same meanings as are assigned to them in the Memorandum of Association, the Articles of Association and the Bye-Laws of the Institute of Corrosion.

In addition the following shall apply:

1.2 Improper Conduct shall mean any breach of the Bye-Laws of this Code of Professional Conduct or any other act or conduct which may be deemed pursuant to Clause 2.0 of this Code to be unbecoming of a member.

1.3 Profession shall mean the vocation or calling of corrosion scientist, technologist, engineer or practitioner.

1.4 Complainant shall mean the person(s) bringing a formal complaint of improper conduct against a member.

1.5 Respondent shall mean the person who is the subject of a formal complaint brought under this Code of Professional Conduct.

2.0 CODE OF PROFESSIONAL CONDUCT

2.1 All members, corporate, individual and sustaining shall uphold the dignity and good standing of the Institute and the Profession and observe the highest standards of ethical behaviour and follow local laws.

2.2 All members shall use their best endeavours to recognise the Institute and to take cognisance of its Code of Professional Conduct in all matters touching or concerning the practice of the Profession.

2.3 In the performance of any activity touching or concerning the Profession all members shall have an obligation to:

(a) exercise such standards of skill, care and diligence and with proper regard for professional standards as befitting a member of the Profession;

(b) ensure that the practice of their Profession does not expose any person to risk to health, safety or welfare, or property to damage or destruction or damage to the environment;

(c) act in accordance with the principles of sustainability, and prevent avoidable adverse impact on the environment and society.

(d) maintain their competence and refuse to accept professional obligations in any area of expertise in which they are not competent;

(e) accept responsibility for work carried out under their supervision

(f) Treat all persons fairly and with respect.

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

- (g) Encourage others to advance their learning and competence.
 - (h) seek advice from the Institute in matters of potential or actual conflict relating to professional conduct.
 - (i) Observe the proper duties of confidentiality owed to appropriate parties.
 - (j) Reject all forms of corrupt behaviour and make every effort to ensure others do likewise.
 - (k) Assess and manage risks and communicate these to others as appropriate.
 - (l) Assess relevant liability and hold professional liability insurance (PPI) if appropriate
 - (m) protest formally to any party giving any direction or instruction which in their belief inhibits or adversely affects the exercise of their professional judgement or which effectively requires them to breach clause 2.3(b) above;
 - (n) make known to the appropriate person or authority any discounting, rejection, overruling or neglect of their professional judgement which comes to their notice and which they believe will result in a potential, or has resulted in an actual danger to persons or property or any conviction of criminal offence or bankruptcy leading to disqualification as a Company Director.
- 2.4 No member shall directly or indirectly seek to injure the professional reputation of another member.
- 2.5 No member shall advertise, or permit others to advertise on his behalf, in a manner which may be considered by the PCC (as hereinafter defined) as harmful to the dignity or good standing of the Institute or Profession.
- 2.6 All members actively practising the Profession shall have an obligation to keep up to date with developments with continuing professional development in their particular area of expertise and conform to their professional ethics.

3. ENFORCEMENT OF THE CODE

- 3.1 The Council shall establish a standing committee to be known as the Professional Conduct Committee (hereinafter called 'the PCC') to carry out the following functions when requested by the President or Executive:
- a) to investigate all formal complaints of improper conduct against any member, and advise Council of its findings;
 - b) to investigate any matters which, in its sole discretion, it deems to touch or concern the dignity and good standing of the Institute and advise the Council of its findings;
 - c) to act as an advisory body from whom members may seek guidance in any matter of potential or actual conflict between their personal, commercial or their employer's interest and their professional conduct.

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

- 3.2 The PCC shall address all the above matters in an expeditious manner within the time limits hereinafter stated, which may be varied by agreement between the PCC and the parties.
- 3.3 Although appointed by, and answerable to the Council, the PCC shall be an independent Committee not subject to any direction or instruction from the Council.
- 3.4 If criminal or legal actions are pending then procedures must be held in abeyance.
- 3.5 All matters will be treated in strict confidence.

4. COMPOSITION OF THE PCC

- 4.1 The PCC shall comprise a Chairman, a Vice-Chairman and not less than two other Members each appointed by the Council who shall be appointed whenever the need arises as detailed in Clause 3.1 above.
- 4.2 No person shall be eligible for appointment to the PCC who
 - a) is not a Professional Member in good standing of the Institute,
 - b) is a current Trustee, an Officer or an employee of the Institute.
 - c) the Chairman should have served on the Council of the Institute
- 4.3 Members of the PCC shall serve for the period the PCC is engaged in an investigation or the giving of advice under clause 3.1 above until the completion of the activity.
- 4.4 Members may be elected to the PCC more than once
- 4.5 The committee may co-opt additional expert members for the duration of an enquiry

5. INVESTIGATION OF COMPLAINTS

- 5.1 Any formal Complaint received by the Institute or its Officers shall be recorded and advised to the Trustees and President within 14 days in order that Council can be advised of the general nature of the Complaint and the PCC panel can be formed. Within 28 days of receipt of the Complaint it shall be acknowledged in writing to the Complainant and within the same period notification shall be given of the general nature of the Complaint to the Respondent.
- 5.2 Each formal complaint against a member of improper conduct shall be investigated by a PCC panel comprising the Chairman or Vice Chairman of the PCC and not less than two other Members of the PCC appointed by the Chairman. As far as practicable, no Member of the PCC shall be called upon to investigate two such complaints simultaneously.
- 5.2 When acting under the terms of clause 3.1 (a) above, the PCC panel shall first determine, from the evidence to hand, whether or not a full investigation shall take place and advise the Trustees or President as to its determination.

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

- 5.3 Should the PCC panel determine to conduct a full investigation, it shall be empowered to require any Officer, member or employee of the Institute to appear before it and to give such evidence as may be required. The PCC panel may as it sees fit employ a Solicitor or Counsel to act for the panel so that the panel is not directly involved in the complaint against a member.
- 5.4 The PCC panel shall send the Respondent a copy of the complaint and all associated documentation as soon as reasonable after convening and allow the Respondent 28 days to make a documentary submission to the PCC panel. The PCC Panel shall then consider all of the evidence and determine if a full hearing is warranted or if the Complaint should be rejected on documentary evidence alone. The PCC Chairman shall advise both the Complainant and the Respondent of this determination within 28 days of receipt of the documentation from the Respondent.
- 5.5 Prior to proceeding with a full hearing, the PCC Chairman shall act as a single mediator between the two parties to try to resolve the complaint. In the event that settlement cannot be reached, the case should then proceed to a full hearing.
- 5.6 When the PCC Chairman determines to proceed to a full hearing, full copies of all the evidence and rebuttals from the Complainant and the Respondent shall be copied to both parties advising a proposed date, time and place of the hearing, details of the Procedure under which the hearing will be conducted and the names of all witnesses to be called by the Complainant and the Respondent. Such a hearing shall be summoned to take place not less than 21 days nor more than 60 days from the date of the notice of hearing, but shall be capable of adjournment of postponement.
- 5.7 The Respondent shall attend the hearing and be granted the right to be represented or be accompanied by one other person, to question all witnesses and evidence presented and to call witnesses and produce evidence in support. Representation of Complainant and Respondent can be a lawyer or solicitor but the procedures must not be carried out in a litigious manner. In the event that the Respondent fails to attend the hearing and does not submit a reasonable explanation of his non-attendance, the PCC panel shall proceed in his absence, hear all available evidence and make its findings. If the Respondent gives a reasonable explanation for non-attendance or makes a written request with full reasons to the PCC panel before the hearing for the date of the hearing to be changed, the Chairman of the PCC panel shall have discretion to agree the change and shall notify the parties accordingly.
- 5.8 The hearing shall be conducted in accordance with the Procedure set down in Appendix 1.
- 5.9 A record shall be kept of the hearing and this record, together with the PCC panel's findings shall be sent to the Trustees, the President and the parties within 30 days of the end of the hearing. The PCC panel's findings shall be clearly stated, including.
 - (a) whether or not the complaint was justified,
 - (b) if not, whether it was brought frivolously, vexatiously or maliciously,
 - (c) if justified and upheld, whether the Respondent should be admonished, reprimanded, suspended, downgraded or removed from the register of members.

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

6. RIGHT OF APPEAL

- 6.1 If the PCC panel upholds the complaint and awards a penalty, the Respondent shall be formally notified in writing by the Council of the findings and be given the right to appeal against the findings within 60 days of the date of the Council's notification.
- 6.2 If an appeal is lodged, it shall be heard by a panel comprising the President and two members of the Board of Trustees not previously concerned with the original investigation, who shall have the discretion to grant further appeal. Generally no further evidence will be entertained at the appeal stage unless such evidence was not reasonably available at the original hearing.
- 6.3 If no appeal is lodged or, on appeal, if the original findings are confirmed, the Council shall implement any penalty and notify the offender accordingly. The Council may publish details in the publications of the Institute.

7. EXCLUSIONS FROM THE CODE

- 7.1 Under no circumstances shall concerns or criticism expressed by members about the management of the Institute or the competence of its Officers or employees be construed as any breach or infringement of this Code of Professional Conduct.

8. ADVISORY FUNCTION

- 8.1 Matters arising under clause 3.1(c) above shall be referred to the PCC. The panel shall keep a confidential record of its considerations and advice, and shall give its advice in writing within ten working days of the receipt of the request for advice. The advice shall not be binding on the Institute or the member concerned.

9. RESIGNATION OF MEMBERS

- 9.1 No member of the Institute shall be permitted to resign as a member while a complaint is under investigation by a PCC panel, or a hearing or appeal remains outstanding.

CODE OF PROFESSIONAL CONDUCT AND ENFORCEMENT OF THE CODE

APPENDIX 1

PROCEDURE AT HEARING

1. The Chairman shall introduce the members of the Panel and announce the Terms of Reference of the investigation.
2. The Panel shall hear representations as to the complaint, including evidence and witnesses.
3. The Respondent, or his representative, may ask questions of the Complainant and witnesses.
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5. The Panel shall hear representations by the Respondent, or his representative, including evidence and witnesses.
6. The Complainant, or his representative, may ask questions of the Respondent and witnesses.
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8. The Complainant, or his representative, shall have the opportunity to sum up, but no new information may be introduced at this stage.
9. The Respondent, or his representative, shall have the opportunity to sum up, but no new information may be introduced at this stage.
10. The parties shall withdraw while the Panel considers the submissions. In the event that the Panel requires further clarification on any point, notwithstanding that the matter at issue concerns only one party, both parties shall be recalled together and the question put in the presence of both, with equal opportunity to respond.
11. The Panel, having considered the submissions and arrived at a conclusion, shall recall the parties and the Chairman shall announce its findings, or, not having completed its consideration of the matter for whatever reason, shall advise the parties of the further arrangements for completing its consideration and announcing its findings.
12. The Chairman shall advise the Respondent of any further right of appeal.

NOTE: At any stage in the procedure, the Chairman of the Panel, at his sole discretion, may recall witnesses or adjourn the hearing to facilitate consideration of evidence.