

Professional Conduct Procedure

Interim Suspension

About this document

The Institution's member conduct and disciplinary procedures are governed by its Royal Charter, By-laws and Regulations. As a supplement to these the Institution publishes a series of information documents, of which this is one. The relationship between these different types of document is shown below.

1	Royal Charter	The Royal Charter is an instrument of incorporation granted by the UK monarch. It confers independent legal personality on the Institution and defines its objectives, constitution and powers to govern its own affairs including the power to make By-laws.
2	By-laws	The By-laws are approved by the Privy Council. They set out the rules that govern the actions of the Institution. They set out the general standards of conduct required of Institution members and require the Trustee Board to make Code of Conduct Regulations. They also define improper conduct, require the Trustee Board to make Disciplinary Regulations and set out members' liability to be penalised if found guilty of improper conduct.
3	Regulations	The Regulations set out the directives made by the Institution Trustees in defined subject areas, including the Code of Conduct Regulations and the Disciplinary Regulations.
4	Information	Information documents supplement the Regulations and are intended to help people who engage with the Disciplinary Procedures.

All of the documents listed above are available on the Institution's website.

Interim Suspension

The Interim Suspension Order

1. An Interim Suspension Order (ISO) shall be made only when necessary to protect individuals, the reputation of the profession or the public. An ISO is a protective measure, **not a sanction**.
2. An ISO may be ordered by an Assessor or by an Investigating Board as set out in the Disciplinary Regulations.
3. An ISO suspends the Defendant from one or more volunteer roles they hold in the Institution. While subject to an ISO the Defendant may not take on any additional volunteer roles on behalf of or within the Institution.
4. Membership and professional registration may not be suspended as part of an ISO as this would constitute a sanction; sanctions may be applied only when a member is found guilty of improper conduct.

Considerations

5. The following matter must be considered in sequence:
 - a. Is there sufficient evidence to support the concern?
 - b. Is an ISO needed to protect the public?

Is there sufficient evidence to support the concern?

6. To order an ISO, it is not necessary to prove the facts of the matter. The Assessor or the Investigating Board must, however, be satisfied that there is sufficient evidence to support the concern, even though this may later be disproved.
7. It is necessary to consider the nature and strength of the evidence that supports a particular fact or version of events, and any evidence that contradicts or undermines it. When assessing the overall strength of the evidence, the following factors, as a minimum, must be considered:

Source of information

- a. The source of the evidence may affect whether it is reasonable to rely on it when deciding whether to impose an ISO. Evidence which comes directly from an identifiable source is likely to be more reliable than evidence from an indirect or unknown source. Where the police have charged someone with a criminal offence, this is likely to be sufficient for the panel to go on to consider the need for an interim order, even where the underlying material is not available.

<i>Accuracy & clarity of information</i>	b. The accuracy of the information and whether it is sufficiently clear to understand the basis for concern will be considered. If the available evidence is vague or tenuous, it may not be fair to rely on it.
<i>Consistency of information</i>	c. The nature of any evidence which corroborates the concerns being raised will be considered. Although the Assessor or Investigating Board cannot make a decision on the facts of any disputed allegation, they can discount evidence that is inconsistent with objective or undisputed evidence, or which is clearly unreliable.
	8. Having considered the source, accuracy and consistency of the evidence, and anything else relevant, the Assessor or Investigating Board will consider whether an ISO is needed to protect the public. Protecting the public includes protecting groups or individuals.
Is an ISO needed to protect the public?	9. For an interim order to be considered necessary for the protection of the public, it is not enough to consider that an ISO is desirable. The Assessor or Investigating Board must be satisfied that there is a real risk to specific individuals or groups, or to members of the public generally if an order is not made.
	10. The following three factors are especially important to this consideration; they carry equal weight and are considered with reference to the particular circumstances of the case.
<i>Seriousness</i>	a. The seriousness of the concern; this will depend on how much harm the alleged conduct has already caused or could have caused. An assessment of the harm that was caused, or could have been caused, to the public by the alleged conduct will be vital when considering seriousness. This could include physical, mental, emotional or financial harm. Cases that involve dishonesty, sexual misconduct, or where the actions of the member may have caused harm are usually considered more serious.
<i>Likelihood of repetition</i>	b. The likelihood of the alleged conduct being repeated if an ISO were not imposed; if the concerns are serious and it seems they are likely to be repeated, then this significantly increases the risk of harm to members of the public.
<i>Public protection</i>	c. Each case will be considered on its own facts. There may be other relevant factors to consider in any particular case when deciding whether to make an ISO

on public protection grounds.

Otherwise in the public interest

11. The Assessor or Investigating Board will consider whether there are any other public interest reasons for ordering an ISO. Part of that consideration is to consider what constitutes the public interest. 'Public interest' includes the interest that arises from promoting and maintaining public confidence in engineers.

12. It would be highly unlikely for an ISO to be made only on the grounds that an order is otherwise in the public interest, if there is no evidence of a risk of harm, so the threshold for imposing an ISO solely on this ground is high. The Assessor or Investigating Board would have to be satisfied that public confidence in the profession could be seriously damaged by the member continuing in their Institution role without restriction while their case is being investigated, and where necessary, prepared for a hearing.

13. When an ISO is ordered on the basis that it is otherwise in the public interest, the Assessor or Investigating Board must set out the nature and seriousness of any damage to the reputation of the profession that might occur if an ISO was not made.

14. Then the Assessor or Investigating Board must consider the likelihood of serious damage to public confidence in the profession if an ISO is not made against the member.

15. Considering the interests of the member includes considering damage to their own professional reputation, and their ability to address any concerns by demonstrating safe practice.

Records

16. Whenever the Assessor or Investigating Board orders an ISO it shall record clearly its reasons for doing so.