

# Code of Conduct

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# Code of Conduct

## Guidance on:

- ethical issues
- professional conduct
- upholding our reputation

IOSH is the world's biggest body for health and safety professionals. We aim to secure and justify public trust and confidence in the work of our members by ensuring high levels of technical competence and professional conduct.

Under Byelaw 8, all members are required to comply with the Code of Conduct.

The Regulations prescribing how allegations of misconduct can be made and will be handled are contained in the Disciplinary procedure (see pages 10–15). 'Misconduct' is defined in

paragraph 3. If you're considering making a complaint about an IOSH member, you should refer to this definition, as well as paragraph 8.

The status of the Additional guidance is that a member will be expected to show good reason for departing from it if a complaint is received about them.

The document is freely available at [www.iosh.co.uk/codeandcharter.aspx](http://www.iosh.co.uk/codeandcharter.aspx).

## Code points

1. Members of the Institution, wherever employed, owe a primary loyalty to the workforce, the community they serve and the environment they affect. Their practice should be performed according to the highest standards and ethical principles, maintaining respect for human dignity. Members shall seek to ensure professional independence in the execution of their functions.
2. Members must abide by the legal requirements relating to their practice or operation.
3. Members called on to give an opinion in their professional capacity shall be honest and, to the best of their ability, objective and reliable.

## Guidance on Code points

1. The term 'professional independence' relates to your function within the organisation you advise on health and safety. You may have either an advisory or an executive role. You may also have other responsibilities not related to health and safety. As a professional, you should be able to exercise your health and safety function according to your independent professional judgment.
2. Be aware of the appropriate legal requirements for the territory in which you practise or operate.
3. An objective and reliable opinion is one based on the best currently available knowledge and data or, if there are no such data, reference to appropriate health and safety principles.

## Code points

4. Members shall take all reasonable steps to obtain, maintain and develop their professional competence by attention to new developments in occupational safety and health and shall encourage others working under their supervision to do so. They must comply with the Institution's Continuing Professional Development (CPD) scheme, if required to do so.
5. Members shall not undertake responsibilities in relation to health and safety which they do not believe themselves competent to discharge. Members shall acknowledge any limitations in their own competence, and shall not undertake any activities for which they are not appropriately prepared or, where applicable, qualified.

## Guidance on Code points

4. Competence is a combination of knowledge, skills, experience and a recognition of the limits of your capabilities. Knowledge can be gained or developed by studying for qualifications, but a qualification by itself is not evidence of competence. It must be enhanced by skills and knowledge that you develop through experience. We assess competence during Initial Professional Development for Chartered Members, and Technician Members can provide evidence to demonstrate experience in a health and safety role. However, this assessment only reflects your competence at one specific moment. You should maintain and improve your competence by doing Continuing Professional Development (CPD) activities throughout your professional career. You should document your CPD through our system.

If you believe you're being asked for advice that's outside your expertise, you must make this clear and suggest other sources of advice.

## Code points

6. Members shall accept professional responsibility for all their work and shall take all reasonable steps to ensure that persons working under their authority or supervision are competent to carry out the tasks assigned to them; are treated with fairness and equal opportunity; and accept responsibility for work done under the authority delegated by them.
7. Members having good reason to believe that their professional advice is not followed shall take reasonable steps to ensure that persons overruling or neglecting their advice are formally made aware of potential adverse consequences which may result.
8. Members shall have regard to the reputation and good standing of the Institution, other members, and professional practice and standards, and shall not either directly or indirectly bring them into disrepute. A member may be required to provide the Institution with such information as is reasonably required by it in order to regulate the professional conduct and discipline of its members.
9. Members shall not recklessly or maliciously injure, or attempt to injure, whether directly or indirectly, the professional reputation, prospects or business of another.
10. Members shall not behave in a way which may be considered inappropriate to other members or staff of the Institution.

## Guidance on Code points

8. 'Disrepute' amounts to the loss of a previously good reputation. It may occur if your conduct – through action or inaction – lowers the professional reputation of us and our members.
10. Inappropriate behaviour includes the use of foul language or acting in an intimidating or threatening way.

## Code points

11. Members shall not improperly use their membership or position within the organisation of the Institution for commercial or personal gain or use or attempt to use qualifications, titles and/or designations to which they are not entitled.
12. Members shall seek to avoid their professional judgment being influenced by any conflict of interest and shall inform their employer, client, or the Institution of any conflict between the member's personal interest and service to the relevant party.
13. Members shall not improperly disclose any information which may reasonably be considered to be prejudicial to the business of any present or past employer, client or the Institution.
14. Members shall ensure that information they hold necessary to safeguard the health and safety of those persons for whom they have a legal and moral responsibility is made available as required.
15. Members shall ensure, in holding or handling any information relating to living individuals, that they comply with the data protection principles and notification requirements set out in the Data Protection Act 1998 or equivalent legislation for the country or jurisdiction in which they undertake their duties.

## Guidance on Code points

12. Conflict of interest refers to occasions where using professional judgment may lead to problems in securing future or continuing employment or contracts. A simple example of this type of conflict would be if you recognised a dangerous procedure but didn't recommend a shutdown in case it ultimately led to the closure of the company and your redundancy. Similarly, as a consultant you may be aware that your recommendations aren't being implemented, but you continue to advise the organisation so that you don't lose the income from the contract. A third example is a situation in which you're invited to be the adviser to both parties in a contract.
14. It's your duty to disclose in an appropriate way any information you have which will influence decisions relating to people's health or safety. You must respect the implications of information technology and data protection requirements.

## Code points

16. Members shall maintain financial propriety in all their professional dealings with employers and clients and shall ensure that they are covered by professional indemnity insurance where appropriate.
17. Members shall not unfairly discriminate in the course of their professional business on the grounds of race, colour, religion or belief, disability, sex, marital status, age, sexual orientation, nationality and ethnic or national origins.
18. Members must act within the law and are required to notify the Institution if they are convicted of any criminal offence. A relevant conviction may lead to disciplinary proceedings against that member.
19. Members must comply with the Institution's Charter, Byelaws and Regulations and must notify the Institution if they come within the provisions of Byelaw 7 (c).

## Guidance on Code points

16. You shouldn't accept or encourage any inducements which may be seen as prejudicial to professional independence or being in breach of your contractual or moral obligations. If you work as an independent consultant, you may need to buy professional indemnity insurance. If you're in full-time employment, you'll generally be covered by your organisation's policy. If you're unsure whether you're covered, you should find out.
18. Relevant convictions include those:
  - a for which a penalty may be imposed, or
  - b which constitute an offence of dishonesty, or
  - c which call into question your integrity in some other way – for example child abuse, sexual or criminal assault, paedophilia or supply of illegal drugs (this is not an exhaustive list).
19. Byelaw 7 (c) relates to bankruptcy restrictions and becoming a patient within the provisions of a mental health act.

# Additional guidance

As well as the Code, members with particular responsibilities should be guided by the following:

## Consultants

If you're a consultant, you must maintain a confidential relationship with your clients that upholds and enhances the public perception of the profession. In particular, you should:

- agree with your client a clear brief, preferably written, for consultancy work
- agree working and charging arrangements
- agree the scope and manner of reporting, including any copyright or patent issues that arise from your work, where appropriate
- not work for more than one client simultaneously on the same case without the express consent of all clients
- not solicit improperly for work by making exaggerated claims or by attacking the reputation of other consultants
- in the case of expert witness services, confine your evidence to matters on which you can speak with authority from personal knowledge and experience
- protect the 'intellectual rights' and confidentiality of your client, and not disclose information to any third party without the full and explicit written authorisation of the client concerned.

If you're acting in private practice or independently of salaried employment, you have the right to stop providing your services in the face of a dilemma involving professional standards or conscience.

## Employers

As an employer, you must:

- recognise the right of your professional subordinates to exercise their independence
- resolve conflicts through clear, fair procedures
- support the professional development of your employees
- demonstrate impartiality and provide equal opportunities for all employees.

## Researchers

If you're engaged in research, you may have specific ethical concerns in the conduct of your work. You should:

- recognise the nature and limits of your research competence and not propose or undertake any work you're not equipped to carry out
- recognise and tell sponsors about any relevant personal prejudices which may influence your work
- make sure that any ethical implications identified in your work are recorded in your written plan for the proposed research
- where your work affects employees or others, ensure safeguards exist against physical, mental, emotional and social harm to subjects
- be responsible for obtaining freely given and informed consent from individuals who are the subject of any proposed research
- be aware that personal health information is confidential, and that it requires permission and consent before it can be used in research. This doesn't apply to anonymised data. You must be aware that the promise of confidentiality and restrictions on data use must be made clear to anyone contracting research and to the subjects of the work.

## Providers of education and training

If you're working in education or training, you should deliver only courses which you're competent to teach. When designing and delivering courses, you should make sure that:

- the teaching team has suitable qualifications and experience to cover the technical content of the syllabus
- there's adequate scope for programme planning and review
- you deliver courses in a physical environment that's suitable for learning, with whatever equipment is needed
- you provide sources of information as required by the level of the course
- where an issue may be contentious, you maintain a balanced approach. You shouldn't let personal prejudices interfere.

## Information management, data protection and IT

In the course of your work, you'll need to store and retrieve information. You should make sure that:

- all work that you're responsible for is completely, accurately and indelibly recorded at the time by the person concerned and that subsequent reporting and handling ensures its integrity and availability for as long as necessary
- reports you provide describe the objectives of the work, the methods employed and the measurements and observations made, and accurately reflect the data and information obtained in the workplace
- you date and reference all records where appropriate
- you copy and store all records safely and effectively
- you design forms and schedules that give a clear way of entering the data you're collecting and offer guidance for any calculations

computers on which you store or directly capture data are programmed so that subsequent changes replace but do not overwrite the original, to allow an audit trail to be established

- where records you create or collect fall within the scope of the Data Protection Act 1998 or equivalent legislation for the country or jurisdiction you're working in, all handling of those records conforms to the data protection principles set out in the Act or equivalent legislation.

## Legal requirements

Legal issues are addressed under certain Code points.

You must operate under the legal requirements of the country or jurisdiction you're working in. However, your overall obligations go beyond these, whether you're working full or part time. As a competent person, you're required to practise your profession according to established principles for fulfilling legal, technical, social and moral responsibilities to your employer, employees, surrounding communities and, indeed, society as a whole. These responsibilities are described in other publications. The important point is that you keep clearly in mind the legal context within which you work.

# Disciplinary procedure

- 1 Unless the context otherwise requires, words and expressions used in these Regulations shall have the meanings given to them in the Charter and Byelaws of the Institution, and the following words and expressions shall have the meanings set out below:
  - 'the Chief Executive's Nominee': the person nominated by the Chief Executive to present the case against the Subject of the Allegation, in accordance with paragraph 9.3.2(a);
  - 'the Relevant Committee': a committee determining an issue or conducting a hearing under these Regulations; and
  - 'the Subject of the Allegation': a Member of the Institution who is the subject of an allegation of misconduct.
- 2 These Regulations set out the procedure to be followed where an allegation of misconduct is made against a Member of the Institution, in accordance with Byelaw 8.
- 3 **Definition of misconduct**
  - 3.1 Paragraph 3.2 gives examples of conduct which the Institution regards as misconduct. This is not an exhaustive list.
  - 3.2 Under these Regulations misconduct includes conduct which includes the following:
    - 3.2.1 contravenes the Code of Conduct; and/or
    - 3.2.2 amounts to unacceptable professional conduct within the standards expected in the health and safety profession; and/or
    - 3.2.3 may bring the Institution or the health and safety profession into disrepute; and/or
    - 3.2.4 is prejudicial to the interests of the Institution; and/or
    - 3.2.5 is in breach of a decision made, or penalty imposed, under these Regulations.
- 4 **General principles**

The following principles shall apply to a hearing held at any stage of the procedure set out in these Regulations:

  - 4.1 *Right of representation*

The Subject of the Allegation may be represented at the hearing by a friend, legal or other representative. The Chief Executive's Nominee may be represented by a legal adviser.
  - 4.2 *Advisers*
    - 4.2.1 The Relevant Committee may obtain such legal, technical or other advice as it thinks fit.
    - 4.2.2 Any advice received by the Relevant Committee in accordance with paragraph 4.2.1 shall be disclosed, before the Relevant Committee makes its decision, to the Subject of the Allegation and to the Chief Executive's Nominee.
  - 4.3 *Proceedings in the absence of the member*

The Relevant Committee may proceed in the absence of the Subject of the Allegation if:

    - 4.3.1 the Subject of the Allegation has been properly notified of the date and time of the hearing; and
    - 4.3.2 he or she has failed to provide a reason for non-attendance acceptable to the Relevant Committee.
  - 4.4 *Attendance of complainant or other persons*

Unless determined otherwise by the Relevant Committee (in the interests of fairness or the public interest), the hearing shall be open to members and to the general public, including any person who brought the allegation of misconduct to the attention of the Institution. The Relevant Committee

- may exclude or expel any person from all or part of the hearing if that person is, or is likely to, disrupt the hearing, or if fairness otherwise requires.
- 4.5 **Adjournment**  
The hearing may be adjourned at the discretion of the Relevant Committee, on such terms as it thinks fit.
- 4.6 **Mitigation**  
Before imposing any disciplinary penalty the Relevant Committee shall:
- 4.6.1 invite the Subject of the Allegation to make representations by way of mitigation at the hearing; or
- 4.6.2 if the Relevant Committee adjourns to consider its decision, invite the Subject of the Allegation to provide, within seven days, written representations by way of mitigation.
- 5 **Standard of proof**  
The Subject of the Allegation shall be found guilty of misconduct under these Regulations if the Relevant Committee is satisfied that the allegations required to be proven are more likely than not to be true.
- 6 **Time limits and role of the Chief Executive**
- 6.1 The Chief Executive may, at his or her discretion, vary any time limit set out in these Regulations.
- 6.2 The Chief Executive may appoint a senior employee of the Institution to carry out his or her role under these Regulations. If the Chief Executive appoints a senior employee under this paragraph, references to the Chief Executive within these Regulations shall be read as references to that senior employee.
- 7 **Legal proceedings**
- 7.1 If the Subject of the Allegation is, or becomes, the subject of a criminal investigation or any other legal proceedings, the Chief Executive may at his or her discretion suspend or continue disciplinary proceedings under these Regulations.
- 7.2 In determining an allegation of misconduct, the Relevant Committee shall be entitled to rely on a certificate of criminal conviction and/or transcript of the criminal court's judgment as evidence of the offence committed, or the decision of a civil court or tribunal as evidence of the issues determined by that court or tribunal. The disciplinary penalty to be imposed shall be at the discretion of the Relevant Committee.
- 8 **Procedure for dealing with alleged misconduct**  
An allegation of misconduct which comes to the attention of the Institution shall be dealt with in accordance with the following procedure:
- 8.1 **Initial investigation**
- 8.1.1 An allegation of misconduct shall be delivered in writing to the Chief Executive by hand, post or facsimile transmission, and must be accompanied by copies of any documents or other written evidence relevant to the allegation. The written allegation must set out which clauses within the Code of Conduct or which of paragraphs 3.2.2 to 3.2.5 the complainant considers may have been breached.
- 8.1.2 The Institution shall not be obliged to investigate an allegation of misconduct if (i) the allegation is made anonymously; or (ii) the alleged incident(s) occurred more than one year prior to receipt of the allegation.
- 8.1.3 Within 15 working days of receiving of an allegation of misconduct delivered in accordance with paragraph 8.1.1, the Chief Executive shall acknowledge receipt of the allegation, and, unless

the Chief Executive considers it necessary to obtain further information about the allegations from the complainant or elsewhere, shall inform the Subject of the Allegation in writing of the substance of the allegations, and provide him or her with copies of any documents or other written evidence submitted by the complainant.

- 8.1.4 If the Chief Executive considers it necessary to obtain further information from the complainant or elsewhere, then the Chief Executive shall, as soon as is reasonably practicable after receipt of such further information, inform the Subject of the Allegation in writing of the substance of the allegations, and provide him or her with copies of any documents or other written evidence submitted by the complainant or obtained from any other source.
- 8.1.5 Within 20 working days of receiving a notice from the Chief Executive in accordance with paragraphs 8.1.3 or 8.1.4, the Subject of the Allegation shall confirm in writing if he or she admits or refutes the allegations, and must provide copies of any supporting documents or other written evidence.
- 8.1.6 The Chief Executive shall refer the allegation of misconduct, the Subject of the Allegation's response (if received) and any supporting documents or other written evidence submitted by either party to the Professional Committee, or such other committee as the Board of Trustees may from time to time authorise to consider such referrals.
- 8.1.7 The Professional Committee shall consider the written evidence and may, as it thinks fit:
- (a) dismiss the allegation on the grounds that it is frivolous or vexatious, or that there is no case to answer;
  - (b) if the Subject of the Allegation admits the

allegation, either (i) invite the Subject of the Allegation to make written representations by way of mitigation and, after considering any representations received, provide guidance on his or her conduct, or issue a reprimand; or (ii) if the Professional Committee considers that a higher penalty ought to be imposed, refer the matter to the Disciplinary Committee under paragraph 8.1.7(c); or

(c) refer the matter to be considered by the Disciplinary Committee.

- 8.1.8 The Professional Committee shall notify the Chief Executive of its decision in writing within 10 working days of the decision being made. The notice must set out the reasons for the Professional Committee's decision.
- 8.1.9 Within 10 working days of receipt of the Professional Committee's decision, the Chief Executive must notify the Subject of the Allegation and the complainant of the decision and inform the complainant of his or her right to request a review under paragraph 8.1.10.
- 8.1.10 If the Professional Committee dismisses the allegation in accordance with paragraph 8.1.7(a), the complainant may request a review of the Professional Committee's decision by the Disciplinary Committee, by submitting the reasons for the request in writing to the Chief Executive within 10 working days of receiving the Professional Committee's decision. The complainant may not request a review of a penalty imposed by the Professional Committee under paragraph 8.1.7(b), or a decision to refer the matter to the Disciplinary Committee under paragraph 8.1.7(c).
- 8.2 *Precautionary suspension*
- 8.2.1 The Subject of the Allegation may be suspended

- with immediate effect by the Chief Executive (or in the Chief Executive's absence by a senior employee of the Institution) if the Subject of the Allegation is charged with or convicted of an offence under the Health and Safety at Work etc Act 1974, or any other serious criminal offence. If the suspension is effected by a senior employee, it must be reported to the Chief Executive as soon as reasonably possible.
- 8.2.2 Unless determined otherwise by the Chief Executive, a member who is suspended shall not, throughout the period of suspension, be permitted to use any designation or initials appropriate to membership, and may not attend or vote at any general meetings of the members.
- 8.2.3 Unless determined otherwise by the Chief Executive, the period of suspension shall continue until the conclusion of any disciplinary proceedings.
- 8.2.4 A member who is suspended may make written representations to the Chief Executive within 10 working days of the suspension being imposed.
- 8.2.5 A member who is suspended may apply in writing to the Chief Executive for the suspension to be reviewed every four weeks.

## 9 Disciplinary Committee

The Disciplinary Committee shall consider:

- (a) Matters referred to it by the Professional Committee in accordance with paragraph 8.1.7(c); and
- (b) A request by the complainant for a review of the decision of the Professional Committee to dismiss an allegation of misconduct, in accordance with paragraph 8.1.10.

## 9.1 *Composition*

- 9.1.1 The Disciplinary Committee shall be appointed by the Board of Trustees, and shall consist of one member of the Institution and two independent members.
- 9.1.2 An individual will not be eligible to be appointed as a member of the Disciplinary Committee if he or she has had any previous involvement in the matter.
- 9.1.3 The Disciplinary Committee shall appoint one of the independent members as Chair.

## 9.2 *Clerk*

A senior employee of the Institution who has not previously been involved in the matter shall act as clerk to the Disciplinary Committee.

## 9.3 *Procedure*

- 9.3.1 Subject to the following and to the provisions of these Regulations, the Disciplinary Committee shall determine its own procedure.

### 9.3.2 *Referrals from the Professional Committee under paragraph 8.1.7(c)*

In the case of a referral from the Professional Committee under paragraph 8.1.7(c):

- (a) the Disciplinary Committee shall hold a hearing to consider the matter afresh. The case against the Subject of the Allegation shall be presented by a senior employee of the Institution (other than the Clerk) nominated by the Chief Executive ('the Chief Executive's Nominee'). The Subject of the Allegation and the Chief Executive's Nominee may call witnesses in support of his or her case.
- (b) The Subject of the Allegation shall be informed in writing of the substance of the allegations against him or her at least 30 working days before the hearing. Notice of the allegations must include the

- date and time of the hearing and be accompanied by copies of any documents or other written evidence (including witness statements) to be considered at the hearing, together with details of any witnesses to be called by the Chief Executive's Nominee.
- (c) At least 15 working days before the hearing, the Subject of the Allegation shall confirm in writing if he or she admits or refutes the allegations, and provide copies of any documents or other written evidence (including witness statements) on which he or she intends to rely, together with details of any witnesses to be called.
- (d) At least 10 working days before the hearing, the Clerk to the Disciplinary Committee shall circulate to Committee members and to the parties a bundle consisting of the documents referred to at paragraphs 9.3.2 (b) and (c), together with a copy of these Regulations.
- (e) The Subject of the Allegation and the Chief Executive's Nominee may question, at the hearing, witnesses called by the other party. The Disciplinary Committee may ask questions of any person present at the hearing. Unless determined otherwise by the Disciplinary Committee, only those witnesses whose details and statements have been provided to the other party in advance (in accordance with paragraphs 9.3.2(b) and (c)) shall be entitled to speak at the hearing.
- (f) Unless determined otherwise by the Disciplinary Committee, evidence shall be taken in the following order:
- the Chief Executive's Nominee will present the case against the Subject of the Allegation;
  - the Subject of the Allegation will present his or her case;
  - the Chief Executive's Nominee will be invited to give a closing statement;
  - the Subject of the Allegation will be invited to give a closing statement.
- (g) The Disciplinary Committee may adjourn to consider its decision.
- 9.3.3 *Requests for a review of the Professional Committee's decision (paragraph 8.1.10)*  
 In the case of a request by the complainant under paragraph 8.1.10 for a review of the Professional Committee's decision to dismiss the allegation:
- (a) the Disciplinary Committee shall review the decision of the Professional Committee in light of the written evidence before the Professional Committee; and
- (b) shall either (i) confirm the decision of the Professional Committee to dismiss the allegation; or (ii) if the Disciplinary Committee considers that the Professional Committee's decision was flawed or incorrect, or if the Disciplinary Committee considers it is otherwise appropriate to do so, the Disciplinary Committee shall determine that the matter should be considered afresh at a hearing, and the matter shall be regarded as a referral for the purposes of paragraph 9.3.2.
- 9.3.4 *Notification of decisions*  
 The Disciplinary Committee shall inform the complainant, the Chief Executive and the Subject of the Allegation of its decision in writing within 10 working days of the decision being made. The notice must set out the reasons for the Disciplinary

Committee's decision, and, if appropriate, must inform the Subject of the Allegation of his or her right of appeal under paragraph 10.1.

#### 9.4 Powers

The Disciplinary Committee may:

9.4.1 Dismiss the allegation; or

9.4.2 Uphold the allegation, and impose one or more of the following sanctions on the Subject of the Allegation, on such terms as it thinks fit:

(a) provide guidance on his or her conduct;

(b) issue a reprimand;

(c) suspend his or her membership of the Institution, and suspend him or her from any position held with the Institution, the Council, the Board of Trustees or any committee;

(d) expel him or her from the Institution, and terminate any position held by him or her with the Institution, the Council, the Board of Trustees or any committee.

9.4.3 If in the opinion of the Disciplinary Committee it is appropriate in the interests of fairness, the Disciplinary Committee may, in addition to any other determination it makes, order the Institution or the Subject of the Allegation to contribute to the costs incurred by the other party in the conduct of the disciplinary proceedings.

## 10 Appeals

### 10.1 *Grounds of appeal*

10.1.1 An appeal may not be made against a decision of the Disciplinary Committee made in accordance with paragraph 9.3.3.

10.1.2 The Subject of the Allegation may appeal against the decision of the Disciplinary Committee to the Appeal Committee, by submitting full grounds of appeal in

writing to the Chief Executive within 10 working days of receiving the Disciplinary Committee's decision.

10.1.3 Examples of grounds of appeal include:

(a) serious errors in the procedures followed by the Disciplinary Committee;

(b) the imposition of an unreasonably excessive sanction by the Disciplinary Committee; or

(c) the emergence of new material evidence, which could not reasonably have been submitted to the Disciplinary Committee.

### 10.2 *Chief Executive's Nominee's Response*

If the Chief Executive's Nominee wishes to submit a response to the grounds of appeal, he or she shall do so within 10 working days of receiving the grounds of appeal.

### 10.3 *Information to be circulated to Appeal Committee*

At least 10 working days before the hearing, the Clerk shall circulate to members of the Appeal Committee, the Subject of the Allegation and the Chief Executive's Nominee copies of the Disciplinary Committee's decision, the grounds of appeal submitted in accordance with 10.1.2, the response of the Chief Executive's Nominee, if any, and a copy of these Regulations.

### 10.4 *Form of appeal*

The Appeal Committee shall hold a hearing to review the Disciplinary Committee's decision, unless, exceptionally, the Appeal Committee determines that a full re-hearing is appropriate.

### 10.5 *Composition of Appeal Committee*

10.5.1 The Appeal Committee shall be appointed by the Board of Trustees and shall consist of two independent members, and either (i) a member of Council; or (ii) a member of the Board of Trustees.

10.5.2 An individual will not be eligible to be appointed as a member of the Appeal Committee if he or she has had any previous involvement in the matter.

10.5.3 The Appeal Committee shall appoint one of the independent members as Chair.

#### 10.6 *Clerk*

A senior employee of the Institution who has not previously been involved in the matter shall act as clerk to the Appeal Committee.

#### 10.7 *Procedure*

10.7.1 Subject to the following and to the provisions of these Regulations, the Appeal Committee shall determine its own procedure.

10.7.2 If the Appeal Committee determines, in accordance with paragraph 10.4, that the appeal will be a full re-hearing, the re-hearing shall be conducted in accordance with the provisions of paragraphs 9.3.2 (e) and (f), and references to the Disciplinary Committee shall be read as references to the Appeal Committee.

10.7.3 The Appeal Committee may adjourn to consider its decision.

10.7.4 The Appeal Committee shall inform the complainant, the Chief Executive and the Subject of the Allegation of its decision in writing within 10 working days of the decision being made. The notice must set out the reasons for the Appeal Committee's decision.

10.7.5 The decision of the Appeal Committee shall be final.

#### 10.8 *Powers*

The Appeal Committee may:

10.8.1 Confirm, overturn, or vary the decision of the Disciplinary Committee; and

10.8.2 In addition to any other determination it makes, the Appeal Committee may, as it thinks appropriate in the interests of fairness, order the Institution or the

Subject of the Allegation to contribute to the costs incurred by the other party in the conduct of the disciplinary proceedings.

### 11 **Publication of disciplinary decisions**

Unless the Relevant Committee determines otherwise, disciplinary decisions shall be published in the Institution's magazine and/or on its website. Unless requested in writing by the complainant or by the witness concerned, the published decision shall not identify the complainant or any witnesses involved in the proceedings.

### 12 **Former members**

12.1 This paragraph applies where:

- (a) The Chief Executive receives an allegation of misconduct in accordance with paragraph 8.1.1; and
- (b) The Subject of the Allegation has ceased to be a member of the Institution by the time the allegation of misconduct is received; and
- (c) The allegation of misconduct relates to matters which occurred during the time the Subject of the Allegation was a member of the Institution; and
- (d) The allegation of misconduct does not fall within paragraph 8.1.2.

12.2 The Chief Executive shall decide at his or her absolute discretion whether or not to investigate an allegation of misconduct falling within paragraph 12.1. If the Chief Executive decides to investigate the allegation of misconduct, then these Regulations shall apply to the Subject of the Allegation as if he or she had not ceased to be a member of the Institution.

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IOSH is the Chartered body for health and safety professionals. With more than 35,000 members in 85 countries, we're the world's biggest professional health and safety organisation.

We set standards, and support, develop and connect our members with resources, guidance, events and training. We're the voice of the profession, and campaign on issues that affect millions of working people.

IOSH was founded in 1945 and is a registered charity with international NGO status.

**Institution of Occupational Safety and Health**  
Founded 1945  
Incorporated by Royal Charter 2003  
Registered charity 1096790

