

# RULES

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**The Institution of Power Engineers**

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Registered in England and Wales as a Company Limited by Guarantee No. 07244044

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## 1. **NAME**

The name of the organisation shall be the INSTITUTION OF POWER ENGINEERS, hereinafter called the Institution.

## 2. **OBJECTS**

2.1. The objects of the Institution shall be to advance, for the public benefit, the knowledge of all methods and technologies for the production of power for mechanical drive, electricity generation, marine propulsion, energy storage, etc. by any process and the related products and design, development, application, manufacture, installation, commissioning, operation and maintenance and to promote the exchange of information and ideas on these subjects amongst the members of the Institution and others..

The Institution shall do all things incidental or conducive to the attainment of these objects, including:

- 2.2. the holding of meetings of the Institution for reading and discussing communications and for other purposes as set out in Rule 11.
- 2.3. the printing, publishing, selling, lending or distribution of the Transactions and other Reports of the Institution or of any other papers, works or treatises
- 2.4. the organisation and promotion of conferences, seminars or symposia (including exhibitions) for the presentation and discussion of technical papers, works or treatises
- 2.5. the promotion, assistance or support of research and development.

## 3. **CODE OF CONDUCT**

### 3.1. **Honesty and integrity**

Engineering professionals have a duty to uphold the highest standards of professional conduct including openness, fairness, honesty and integrity. Members of IPowerE must:

- Act in a reliable and trustworthy manner
- Be alert to the ways in which their work and behaviour might affect others and respect the privacy, rights and reputations of other parties and individuals
- Respect confidentiality and declare conflicts of interest
- Avoid deception and take steps to prevent or report corrupt practices or professional misconduct
- Reject bribery and improper influence
- Uphold the reputation and standing of the profession and the Institution of Power Engineers
- Observe the provisions of the Institution's Rules
- Not use designatory letters to which they are not entitled nor use the IPowerE logo in any way whatsoever without express permission of the Institution
- Notify IPowerE if they have:
  - Received a criminal conviction or adverse civil court judgement related to any aspect of the Institution's Code of Professional Conduct (in any country);
  - Been declared bankrupt or disqualified as a company director or charity trustee;
  - Had membership of another professional body terminated as a result of disciplinary procedure;
- Notify the Institution of any significant violation of the Institution's Code of Professional Conduct by another member.

### 3.2 **Respect for life, law, the environment and public good**

Engineering professionals have a duty to obey all applicable laws and regulations and give due weight to facts, published standards and guidance and the wider public interest. Members of IPowerE must:

- Hold paramount the health and safety of others and draw attention to hazards
- Ensure their work is lawful and justified
- Accept appropriate responsibility for work carried out under their supervision
- Assess relevant liability and if appropriate hold professional indemnity insurance
- Recognise the importance of physical and cyber security and data protection
- Respect and protect personal information and intellectual property
- Protect, and where possible improve, the quality of built and natural environments
- Maximise the public good and minimise both actual and potential adverse effects for their own and succeeding generations
- Take due account of the limited availability of natural resources

### 3.3 **Accuracy and rigour**

Engineering professionals have a duty to acquire and use wisely the understanding, knowledge and skills needed to perform their role. Members of IPowerE must:

- Always act with care
- Perform services only in areas in which they are currently competent or under competent supervision
- Keep their knowledge and skills up to date by engaging in Continuing Professional Development
- Assist the development of engineering knowledge and skills in others
- Present and review theory, evidence and interpretation honestly, accurately, objectively and without bias, while respecting reasoned alternative views
- Identify, evaluate, quantify, mitigate and manage risks
- Not knowingly mislead or allow others to be misled

### 3.4 **Leadership and communication**

Engineering professionals have a duty to abide by and promote high standards of leadership and communication. Members of IPowerE must:

- Be aware of the issues that engineering and technology raise for society, and listen to the aspirations and concerns of others
- Promote equality, diversity and inclusion
- Promote public awareness and understanding of the impact and benefits of engineering achievements
- Be objective and truthful in any statement made in their professional capacity
- Challenge statements or policies that cause them professional concern
- Support a colleague or any other person to whom they have a duty of care who, in good faith, raises any concern about a danger, risk, malpractice or wrongdoing which affects others (i.e. whistle-blowing)

It should be noted that a breach of this Code of Professional Conduct by a Member may result in disciplinary proceedings.

This Code of Professional Conduct is based on the Statement of Ethical Principles published jointly by the Engineering Council and the Royal Academy of Engineering. [statement-of-ethical-principles](#)

#### 4. **TRADE OR BUSINESS**

- 4.1. The Institution shall not carry on any trade or business or engage in any transactions for the pecuniary gain or profit of individual members. The Institution may however enter into agreements with third parties if such agreements are in the interest of the Institution and not for the pecuniary gain of individual members.
- 4.2. No part of the income or property of the Institution shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise by way of profit to the members of the Institution except in the case of paid officials and staff of the Institution.
- 4.3. Nothing in this Rule shall limit or prohibit the reimbursement of expenditure properly authorised and incurred wholly on behalf of the Institution, subject to the expenses form being properly authorised.
- 4.4. No member shall have any personal claim on any property of the Institution.

#### 5. **MEMBERSHIP**

Members in all membership grades except Student shall have the right to exercise one vote at General Meetings.

All members may be members of Advisory Council of the Institution or may be co-opted on to the Advisory Council as defined by Rule 8.8. All members except Student members shall be eligible for election to the Board of Trustees of the Institution.

##### 5.1. **CORPORATE MEMBERSHIP**

Corporate membership of the Institution shall comprise of the following grades: Member, Fellow and Honorary member.

##### 5.2. **MEMBER**

- 5.2.1. The grade of Member is open to individuals having a professional interest in the field of knowledge referred to in Rule 2.1.
- 5.2.2. Applicants must provide evidence to the satisfaction of the Board of Trustees as to their level of technical education, training and competence. An academic qualification equivalent to Level 4 or higher will normally be required. Relevant experience may be accepted in conjunction with a lower qualification at the absolute discretion of the Board of Trustees.
- 5.2.3. Where the application for membership is linked to an application for Engineering Technician registration with Engineering Council an academic qualification equivalent to Level 3 or higher will normally be required. Relevant experience may be accepted in conjunction with a lower qualification at the absolute discretion of the Board of Trustees. Further guidance on the levels of academic qualification, technical education, training and competence required for Engineering Technician registration are set out in the Engineering Council UK-SPEC.  
<https://www.engc.org.uk/ukspec.aspx>
- 5.2.4. Applicants should hold a position of technical responsibility within their industry appropriate to the relevant level of membership.

5.2.5. Members whose applications have not been linked to Engineering Council registration (as described in Rule 5.2.3) may use the designation MIPowerE after their surname. Members whose applications have been linked to Engineering Technician registration with Engineering Council (as described in Rule 5.2.3) may use the designation EngTech MIPowerE after their surname.

5.3. FELLOW

All applicants must comply with the following requirements:

5.3.1. Have pursued a successful career in the technologies set out in the objects (Rule 2.1) and been in a senior position for two years.

5.3.2. Four signatures are required to support an application and the proposer and seconder must be a Fellow of the Institution.

5.3.3. Fellows may use the designation FIPowerE after their surname.

5.4. HONORARY MEMBER

5.4.1. This grade is normally restricted to 7 in number and is conferred for outstanding service to the Institution.

5.4.2. Honorary Members can only be proposed by the President for approval by the Board of Trustees.

5.5. ASSOCIATE MEMBER

5.5.1. This grade is open to individuals who can satisfy the Board of Trustees that they have an interest in the technologies set out in the objects (Rule 2.1).

5.5.2. Associate Members may use the designation AMIPowerE.

5.6. STUDENT MEMBERS

5.6.1. This grade is available to applicants who are not in salaried employment and satisfy the Board of Trustees that they have an interest in the technologies set out in the objects (Rule 2.1) and are undertaking a recognised course of study or technical training in a related discipline.

5.6.2. Student membership shall normally be limited to a total period of five years (not necessarily a continuous period).

5.6.3. Student Members are not entitled to vote or be members of the Board of Trustees but may be members of the Advisory Council.

5.7. COMPANY MEMBER

5.7.1. Membership is open to any company or organisation engaged in the technologies set out in the objects (Rule 2.1).

5.7.2. The company can nominate up to five individual members, one of whom shall be the Lead Member.

5.7.3. The other four nominated members may be in the grade of member, Associate or Student, according to their qualification.

- 5.7.4. The nominated Lead Member and other nominated Members are required to have reached the level of professional qualification and/or relevant experience laid down in Rule 5.2.2.
- 5.7.5. The nominated Lead Member and other nominated Members are eligible to vote and be a member of the Board of Trustees or Advisory Council but are normally ineligible for nomination to the office of President and Deputy President.
- 5.7.6. Additional members may be nominated which shall be subject to additional fees appropriate to their grade of membership.

#### 5.8. ACADEMIC PARTNER

- 5.8.1. Membership is open to any academic organisation engaged in the technologies set out in the objects (Rule 2.1).
- 5.8.2. The Academic Partner organisation can nominate four Faculty Members and an unlimited number of named Student members.
- 5.8.3. The nominated Members are required to have reached the level of professional qualification and/or relevant experience laid down in Rule 5.2.2.
- 5.8.4. The nominated Members are eligible to vote and be members of the Board of Trustees or Advisory Council but are normally ineligible for nomination to the office of President and Deputy President.
- 5.8.5. Additional members may be nominated which shall be subject to additional fees appropriate to their grade of membership.

#### 5.9. ELECTION OF MEMBERS

- 5.9.1. The election of all grades of members is vested in the Board of Trustees which is advised by the Membership Committee and may delegate authority to decide applications to the Membership Committee.
- 5.9.2. The Membership Committee shall normally include representatives from all membership grades.
- 5.9.3. Successful applicants shall be notified by the Director General and membership shall be effective from the date of Board of Trustees or Membership Committee approval, given the related subscription and registration fee are received by the Institution.

#### 5.10. TERMINATION OF MEMBERSHIP

- 5.10.1. A Member or Company wishing to terminate membership must signify their intention in writing to the Director General before 31 December in the year from the end of which membership is to cease.
- 5.10.2. If notification is not received before the end of the year a subscription for the following year shall become due and payable.
- 5.10.3. A Member or Company whose subscription is six months in arrears shall forfeit all privileges of membership and after notification from the Director General shall be removed from the list of Members of the Institution.

5.10.4. The Board of Trustees may at its discretion re-admit a person or company whose membership has been forfeited and may require as a condition of re-admission payment of previously unpaid subscriptions in addition to the subscription for the current year.

5.11. **EXPULSION OF MEMBERS**

The Board of Trustees shall have the power to expel from membership of the Institution any member who, in the opinion of the Board of Trustees, is unfit to be a member.

5.12. **EXISTING ARRANGEMENTS**

5.12.1. All existing members on the register of the Institution on 25th October 1984 shall be deemed to have complied with the requirements of Rule 5.2.2 and shall remain corporate members.

5.12.2. All existing subscriber companies or organisations on the register of the Institution on 25th October 1984 shall retain their status. Subscribers' representatives may attend general meetings of the Institution but shall not have a vote.

5.13. **RETIRED MEMBERS**

5.12.1. Members of any grade who have retired with a business income of less than £10,000 per annum may change their status to Retired Member, providing they have been a member for at least 3 years.

5.14. **SUBSCRIBER**

5.14.1. Universities, public authorities, other organisations and libraries associated with such institutions may be admitted as Subscribers. Each subscription entitles a Subscriber to a single set of journals, although these are transferable among individuals of the same organisation.

6. **OFFICERS OF THE INSTITUTION**

The officers shall be:

6.1. **The President** who shall be the principal officer of the Institution, shall preside over all General Meetings of the Institution, meetings of the Board of Trustees and meetings of the Advisory Council and may attend, ex officio, any meetings of any Committees, Sub-committees, Working Groups or Panels. In the event of the President being unable to attend any General Meeting of the Institution or of the Board of Trustees or of the Advisory Council; representation shall be by the Deputy President or, if not available, by the Immediate Past President.

The President shall be a Member or Fellow and shall normally have served for at least one year as Deputy President. They shall be nominated by the Board of Trustees to serve in the first instance for a period of one year and may be nominated by the Board of Trustees for a second consecutive period of one year.

A former President shall not be eligible for re-appointment as President during a period of one year following the expiry of the term of office. During that year, the former President's title shall be "Immediate Past President".

- 6.2. The Deputy President shall be the second officer of the Institution and a member of the Board of Trustees. The Deputy President shall deputise for the President when required (Rule 6.1.). The Deputy President shall be a Member or Fellow and shall be nominated by the Board of Trustees, and shall hold office for one year, but may be nominated for a further year until the end of the period of office of the incumbent President.
- 6.3. The Immediate Past President shall be the third officer of the Institution and a member of the Board of Trustees. By reason of their experience they will be expected to be available for consultation by the current President and Deputy President for whom they shall deputise when necessary. The Immediate Past President will hold office during the period of office of their successor as President. On completion of their term of office they shall retire from the Board of Trustees but shall be immediately eligible for nomination for re-election to the Board of Trustees or election to the Advisory Council.
- 6.4. The Honorary Treasurer shall be a member of the Board of Trustees and shall be responsible for the receipt of all monies due to the Institution and for payments on its behalf. They shall keep accounts of all such transactions and shall report on all such matters to the Board of Trustees.
- 6.5. The Honorary Secretary shall be a member of the Board of Trustees and shall be responsible for the production and issue of minutes of all Board of Trustees meetings and Advisory Council meetings; additionally they may be required to act similarly for Committees, Sub-committees, Working Groups and Panels as and when called upon by the Board of Trustees or Advisory Council.
- 6.6. All the Officers of the Institution should be nominated by the Board of Trustees at least 30 days before the date of the Annual General Meeting (AGM) at which the election is to take place.
- 6.7. In the event that there is more than one candidate for an officer nomination the Board of Trustees will resolve the selection by ballot within the Board of Trustees.
- 6.8. In the event of a vacancy occurring for Hon Treasurer and/or Hon Secretary, the Board of Trustees shall elect a temporary replacement until the date of the next AGM when the new Officer of the Institution will be nominated and elected.

## **7. THE BOARD OF TRUSTEES**

- 7.1. The government and control of the Institution and its affairs shall be vested in the Board of Trustees. The Members of the Board of Trustees shall comprise:
  - 7.1.1. The Officers of the Institution as set out in Rule 6, and
  - 7.1.2. Not more than four and not less than two ordinary members of the Board of Trustees shall be nominated by the Members and elected by voting members of the Institution at an Annual General Meeting.
- 7.2. All members of the Board of Trustees shall normally attend a minimum of 2 Board of Trustees meetings each year to qualify for continued service on the Board of Trustees beyond the next AGM.
- 7.3. Ordinary members of Board of Trustees shall retire after a term of office of 3 years but shall be immediately eligible for nomination for re-election to the Board of Trustees or for election to the Advisory Council.



- 7.4. In the event of a casual vacancy occurring among the members of the Board of Trustees, the Board may co-opt a member to fill the vacancy and the person co-opted shall hold office until the date of the next AGM. They shall then retire and may offer themselves for re-election at that AGM without further nomination.
- 7.5. Five members of the Board of Trustees shall constitute a quorum at Board meetings. Attendance by telephone being acceptable.

## 8. **THE ADVISORY COUNCIL**

- 8.1. The Board of Trustees shall be advised by the Advisory Council. The Members of the Advisory Council shall comprise:
- 8.1.1. The President, Chairmen of any Committees, Sub-committees, Working Groups or Panels who are not Officers of the Institution or elected ordinary members of the Board of Trustees, and
- 8.1.2. not more than seven and no less than two ordinary members of the Advisory Council shall be nominated by the Members and elected by voting members of the Institution at an Annual General Meeting, and
- 8.1.3. such other persons as co-opted by the Advisory Council may attend Advisory Council meetings ex officio in order to report, but shall not have a vote unless they are also either Officers or elected ordinary members of the Board of Trustees.
- 8.1.4. In the event that a Committee Chairman is unable to attend an Advisory Council meeting then they shall arrange for one of the Committee, being a Member of the Institution, to attend in their place. The Chairman shall notify Bedford office accordingly and brief the person deputising to report on behalf of the Committee.
- 8.2. The Officers shall normally attend meetings of the Advisory Council.
- 8.3. At any one time there shall be at least three members of the Advisory Council whose professional responsibilities relate to the technologies set out in the objects (Rule 2.1).
- 8.4. The Chairmen of Committees, Sub-committees, Working Groups or Panels shall be appointed by the Advisory Council and must be Members or Fellows.
- 8.5. In the event that there are more candidates for members of the Advisory Council than there are vacancies to be filled there shall be a vote by the Members.
- 8.6. All members of Advisory Council, other than those attending in an ex officio capacity, shall normally attend a minimum of two Advisory Council meetings each year to qualify for continued service on Advisory Council, beyond the next AGM.
- 8.7. Ordinary members of Advisory Council shall retire after a term of office of 3 years but shall be immediately eligible for nomination for re-election to the Advisory Council or for election to the Board of Trustees.
- 8.8. In the event of a casual vacancy occurring among the members of the Advisory Council, the Advisory Council may co-opt a member to fill the vacancy and the person co-opted shall hold office until the date of the next AGM. They shall then retire and may offer themselves for re-election at that AGM without further nomination.

- 8.9. Five members of the Advisory Council shall constitute a quorum at Advisory Council meetings. Attendance by telephone being acceptable.

## 9. **STAFF OF THE INSTITUTION**

Staff of the Institution shall include a Director General, who shall be appointed by the Board of Trustees and whose appointment shall be reviewed annually.

- 9.1. Director General: It shall be the duty of the Director General to implement the decisions and policies of the Board of Trustees in accordance with the Director General job description under the general direction of the Board of Trustees. The Director General shall, in particular, conduct the formal correspondence of the Institution and attend the General Meetings and the meetings of the Board of Trustees and meetings of the Advisory Council. The Director General shall be responsible to the Board of Trustees for all persons employed by the Institution.

## 10. **BRANCHES**

- 10.1. Members in defined geographical areas may form local Regional Branch Committees under the authority of the Board of Trustees.
- 10.2. Overseas/Regional Branches shall be governed by the Rules of the Institution.
- 10.3. The Institution shall not be held liable for any commitments or obligations entered into by a Branch not covered by the Rules of the Institution.
- 10.4. The Overseas/Regional Branch Committees shall have as one of their overall responsibilities the development of the Institution in their geographical area.
- 10.5. The Board of Trustees shall determine from time to time the requirements for approving and granting Branch status.
- 10.6. The Board of Trustees will normally endorse recommendations made formally by Branches and in particular with regard to applications for membership and expulsion of members.

## 11. **MEETINGS**

- 11.1. General Meetings: The Board of Trustees shall call General Meetings of the Institution at such intervals as it shall determine and publish to members. The business at such meetings may include the delivery of addresses, the presentation and discussion of papers and reports and the conduct of special business of which proper notice has been given in accordance with Rule 11.4.
- 11.2. Annual General Meetings: The Board of Trustees shall call, in or around the month of October in each calendar year, an Annual General Meeting at which the following business shall be transacted:
- The consideration and adoption of the Annual Report of the Board of Trustees.
  - The consideration and adoption of the Accounts for the preceding year and the Auditor's report thereon.
  - The election of Officers of the Institution (Rule 6).
  - The election of ordinary members of the Board of Trustees and Advisory Council (Rules 7 & 8)
  - The appointment of Auditors (Rule 13.2.).
  - The presentation of awards and prizes.

11.3. The minimum period of notice required to hold an Annual General Meeting is twenty-one clear days.

11.4. Special Business: Special business may be considered at a General Meeting of the Institution provided that either:

11.4.1. the Board of Trustees has resolved that the business shall be considered by the members in a General meeting, or

11.4.2. a motion signed by ten Corporate members of the Institution has been received by the Director General (Rule 20).

Notice of such special business, setting out the terms of any motion to be put to the meeting shall be posted or sent by e-mail by the Director General to members at least twenty-one clear days prior to the date of the meeting at which it is to be considered.

11.5. Voting: At all meetings, including Board of Trustees meetings, voting shall normally be by a show of hands unless the President calls for a ballot, which will be taken at once. In either case a declaration by the President that a resolution has been carried or lost shall be final. In exceptional circumstances the President, at their discretion, may require a postal ballot to be taken, in which case a period of two calendar months shall be allowed to elapse after the posting of ballot papers to enable the votes of overseas members to be included in the ballot.

Unless otherwise specified in these Rules, motions shall be declared carried if a simple majority has voted in favour and in the event of a tie the President shall have a casting vote.

## 12. SUBSCRIPTIONS

12.1. The annual subscription payable on election and on the anniversary of election, or 1 January for those elected before 31 October 1998, shall be determined by the Board of Trustees for approval at the Annual General Meeting.

## 13. FINANCIAL

13.1. The funds of the Institution shall be kept at a financial establishment having recognised trustee status unless other instructions are given by resolution passed at a General Meeting of the Institution. All monies received shall be paid into an account which shall be in the name of the Institution and cheques drawn on this account shall be signed jointly by any two of the following: the President, the Deputy President, the Immediate Past President, the Honorary Secretary, the Honorary Treasurer and the Director General.

13.2. The accounts of the Institution shall be certified annually by professional accountants appointed by the Members in a General Meeting and the certified account of Income and Expenditure and the Balance Sheet for each year ending 30 June shall be circulated to or made available to each Member and submitted for adoption at the next Annual General Meeting.

13.3. If upon winding-up or dissolution of the Institution there remains after the satisfaction of all its debts and liabilities any property whatsoever, the assets shall not be paid to or distributed among the Members of the Institution but shall be given to some other organisation having cognate objects, which shall prohibit the distribution of its income and property among its members in like manner; and if effect cannot be given to this provision, then to some charitable object.

- 13.4. If upon winding-up or dissolution of the Institution there remain proven debts or liabilities, the total membership of the Institution shall be jointly and severally liable but the total liability of each member shall be limited to a sum equivalent to the annual subscription payable for the year during which the Institution is wound-up or dissolved.

#### 14. **ANNUAL REPORT**

- 14.1. At each Annual General Meeting the Board of Trustees shall submit an Annual Report for the approval of the members of the Institution and this report shall contain the annual audited accounts as certified by the professional accountants. The Annual Report shall be circulated to all members prior to the AGM and adopted if approved by the members.

#### 15. **TRANSACTIONS**

- 15.1. The Institution shall issue in its Transactions, the papers presented at its Meetings with the ensuing discussion and the Author's replies, but the Institution shall not, as a body, be responsible for statements expressed. The copyright of the Institution's Transactions and Publications shall be held by the Institution and all rights of reproduction are reserved.
- 15.2. Each member shall be entitled to receive one free copy of each issue of the Transactions (either in hard copy or electronically, according to their subscription level) after their subscription has been paid and, subject to availability, may purchase additional copies at prices fixed by the Board of Trustees.
- 15.3. Copies of Transactions and other Publications may, if available, be supplied to non-members at prices fixed by the Board of Trustees.

#### 16. **VISITORS**

- 16.1. Members of the public are entitled to attend any General Meeting of the Institution and visits with the prior approval of the Director General.

#### 17. **DISCIPLINARY PROCEDURE**

This procedure covers the handling of any breach of the Code of Professional Conduct of the Institution of Power Engineers by a member, or any complaint against a member, whether or not that member is a Registrant of Engineering Council.

Members shall uphold the reputation of the Institution and the profession and shall safeguard the public interest. They shall observe the provisions of the Institution's governing document (Memorandum and Articles of Association) and the supporting Rules, comply with the Code of Professional Conduct and, where applicable, shall co-operate with the Disciplinary Procedure.

##### 17.1 **GENERAL PRINCIPLES**

- 17.1.1 In the handling of all allegations against members, whether conducted in public or private, the Institution shall at all times be clear, open, fair, unbiased and proportionate. All stages of the procedure shall be conducted and decisions reached in accordance with the principles of natural justice.
- 17.1.2 This disciplinary procedure covers preliminary investigations, disciplinary hearings, burden of proof, sanctions, appeals and publication of outcomes.

- 17.1.3 All persons involved shall respect the confidentiality of the proceedings.
- 17.1.4 No person shall participate in decision-making in more than one stage of the proceedings.
- 17.1.5 Any individual who is asked to serve on any panel who has a conflict of interest in relation to any part of the allegations or has a connection with the subject or the complainant which creates a real danger of bias, or which could cause others to think it could influence his decision, should declare it and hence not participate.

## 17.2 PRELIMINARY INVESTIGATION

- 17.2.1 Should the need arise the Board of Trustees shall, within 30 days of receiving a complaint, appoint a small panel or one nominated member or a member of staff, depending on the nature and seriousness of the complaint, to investigate the allegation and determine firstly whether the alleged misconduct would, if admitted or proven, lie within the jurisdiction of the Disciplinary Panel and secondly whether there is sufficient evidence to justify an enquiry.
- 17.2.2 The subject of the complaint shall be informed and be kept informed of developments. Evidence submitted by the complainant shall be disclosed to the subject. A decision as to whether there is a case to answer shall be reached and communicated to both parties within 30 days.
- 17.2.3 A decision of “no case to answer” shall result in the dismissal of the complaint. The subject and complainant shall be informed of the reason for the decision. The complainant shall be informed that they have right of appeal against the decision which must be made within 30 days and records of the complaint including evidence should not be retained beyond this time limit.
- 17.2.4 A “case to answer” decision shall result in a referral to a Disciplinary Panel, clearly setting out the allegation in relation to any breach of the Code of Professional Conduct.
- 17.2.5 In the event that any criminal or civil court proceedings related to the alleged misconduct are underway or are likely, the disciplinary hearing should not be held until court proceedings, including any appeal, are complete in order that court proceedings should not be prejudiced. Where the subject has been convicted of a criminal offence or found liable in a civil court, the Disciplinary Hearing must separately determine whether the subject’s conduct amounts to a breach of the Code of Professional Conduct. An adverse court verdict shall not in itself form the basis of a complaint.

## 17.3 DISCIPLINARY HEARING

- 17.3.1 The Disciplinary Panel shall comprise not less than three senior, experienced and trained members, one of whom shall be appointed Chair and shall report to the Board of Trustees. The Disciplinary Panel acts as an impartial assessor of the complaint, decides on sanctions where appropriate advises the Board of Trustees accordingly.

- 17.3.2 Members of the Disciplinary Panel shall normally be ordinary members of the Institution but shall be sufficiently independent of the Institution governance to avoid any real or perceived bias or conflict of interest. They should never be serving Trustees or employees. In more serious cases involving a “license to practice” or potential loss of livelihood, one or more lay members (i.e. persons not from the same discipline or profession as the Institution Panel members) shall be included on the Panel and a legal adviser may be invited to attend to advise the parties but not to vote on the decision.
- 17.3.3 The Hearing shall be conducted with transparent fairness. It shall comprise a statement by the complainant (or their representative) and evidence to support it (with cross-examination of any witnesses) followed by a rebuttal by the subject (or their representative) with evidence to support it (also with cross-examination of any witnesses). Evidence may include written statements at the discretion of the Panel. Presentation of evidence which has not been disclosed in advance shall not be permitted and Panel members shall take account only of evidence which is presented or elicited in cross-examination during the hearing.
- 17.3.4 The burden of proof is normally the civil standard, the ‘balance of probabilities’. Judicial guidance indicates that the standard of proof should be appropriate to the gravity of the matter and the likely consequences if the alleged breach is upheld. Where serious misconduct, rather than lack of competence, is alleged, or where loss of livelihood would result, the criminal standard, ‘beyond reasonable doubt’ is likely to be appropriate. There are no other ‘in between’ standards. The Panel should make clear to the parties which standard is being applied to a particular case. However, the standard of proof applies only to decisions relating to disputed facts. Whether or to what extent the proven facts amount to professional misconduct or fitness to practise is for the Panel to judge.
- 17.3.5 If the complaint is admitted or upheld, the Panel shall determine which section of the Rules or Code of Professional Conduct has been breached, hear any mitigation and decide the sanction. Sanctions may be: expulsion from membership; suspension of membership or membership privileges (which might nevertheless permit access to facilities for maintenance of CPD or retraining during suspension); removal of registration without expulsion from membership (again to allow for access to CPD or retraining); reprimand accompanied by advice on future actions or retraining.
- 17.3.6 The Disciplinary Panel shall inform the Board of Trustees of their decision and sanctions within 15 days.
- 17.3.7 In the case that the complaint is upheld the subject shall be informed of their right of appeal.

#### 17.4 APPEAL PROCESS

- 17.4.1 The Appeal Process is available to the complainant following the Preliminary Investigation and to the subject following the Disciplinary Hearing. Any appeal must be lodged within 30 days of the Preliminary Investigation or the Disciplinary hearing as appropriate.
- 17.4.2 The Appeal Process shall consist of two parts: Leave to Appeal and, if leave is granted, hearing by an Appeal Panel. The Appeal shall be considered by persons who have had no contact with the case beforehand.

17.4.3 Leave to Appeal shall not be granted automatically but shall be considered against one or more identified specific grounds:

- Jurisdiction (whether the alleged misconduct is within the scope of the Rules or Code of Professional Conduct)
- Procedure (was not followed)
- Perversity (the decision was perverse in the light of the evidence)
- New Evidence (which could not reasonably have been produced at the original hearing)
- Proportionality (the sanction is disproportionate to the breach)

Leave to appeal shall be granted in the case that one or more of the above grounds apply. However each ground must be substantive in its own right. Leave shall not be granted in response to an accumulation of individually insufficient arguments on two or more grounds.

17.4.4 An appeal by the complainant against “no case to answer” shall be heard by one person independent of the Institution. In this case only, leave to appeal and the appeal itself may be considered as a single process and conducted by the same person. If there are valid grounds for appeal the material presented to the Preliminary Investigation shall be reviewed together with the record of its decision and any evidence admitted. If the independent reviewer decided that there is a “case to answer” the matter shall be referred to the Disciplinary Panel.

17.4.5 Leave to appeal against a Disciplinary Panel decision shall be considered by a panel of three members. If leave to appeal is granted an Appeal Panel shall be convened within 15 days, comprising at least three senior persons who shall not be current members of the Board of Trustees, nor employees of the Institution, one of whom shall be a lay person independent of the Institution. It should be as independent of the governing body as is practical bearing in mind the need to understand and weigh specialist subject matter. The appeal hearing should follow the same principles as the disciplinary hearing, modified to suit the accepted grounds for appeal; a full re-hearing is not essential in all circumstances. If the appeal is upheld the Appeal Panel may reverse the decision of the Disciplinary Panel or uphold its decision but reduce the sanction.

17.4.6 Appeal to the Engineering Council shall be directed through the Society of Operations Engineers (SOE) as the relevant Licensee under the relevant SOE procedure. This route of appeal is only available if a member, in losing his membership as a result of disciplinary action by the Institution, also loses his registration and the Institution’s appeals process has been exhausted.

## 17.5 COMMUNICATION

17.5.1 The Board of Trustees shall be notified of the progress and outcome of a disciplinary case but shall not be invited to ratify the finding and sanction, since it has not heard the evidence.

17.5.2 The Institution shall reserve the right to publish details of proven breaches of the Code of Professional Conduct which, in the case of a Registrant, shall include informing the Engineering Council. The Institution shall inform the Engineering Council of any expulsion, whether or not the individual is registered by the Institution.

17.5.3 Where a complaint is upheld and the appeal process exhausted, the Engineering Council is responsible for informing any other institutions of which the Registrant is known to be a member, so that they may decide what action should be taken.

## 17.6 RECORDS OF PROCEEDINGS

17.6.1 An impartial record shall be made of the Preliminary Investigation and of each hearing within the disciplinary and appeals process. The record shall comprise:

- A copy of all written evidence submitted
- A summary of the oral evidence in support of the alleged breach and in rebuttal or mitigation, including any salient points elicited in cross examination
- A summary of the Panel's reasons for its decision.

Summaries should be in a form similar to minutes of a meeting and approved by the Chair. They need not be verbatim records but should contain sufficient detail for a reviewer to understand the issues and to be able to judge whether the proceedings had been fairly and properly conducted.

17.6.2 The summary of the Panel's reasons for its decision shall be disclosed to both parties with the notification of the decision. Any further disclosure, for example in the event of an appeal, shall be made equally (in both timing and content) to both parties.

17.6.3 Written evidence and summaries shall be retained for a minimum period of six years following completion of the case (or expiry of any period of notice to appeal). This period may be extended depending on the gravity of the matter. Where a member has been expelled from membership and/or registration, evidence and summaries shall be retained for a minimum of 10 years.

## 17.7 CONTINUITY OF MEMBERSHIP DURING DISCIPLINARY PROCESS

17.7.1 A member who resigns after a complaint has been made, or whose membership would be terminated for non-payment of subscriptions, shall be deemed to remain in membership until the disciplinary process has reached its decision.

17.7.2 If the decision is that the person be expelled from membership, this deemed membership will allow that expulsion to be effected and shown on the record should he ever seek to re-join the same or another institution.

### References

- Guidelines for Institutions' Codes of Conduct (Engineering Council: [www.engc.org.uk](http://www.engc.org.uk))
- "Role of the Regulator and Prosecuting Body in Professional Disciplinary Proceedings" - Kenneth Hamer, Henderson Chambers, 2009 [role-of-the-regulator-and-prosecuting-body-2009.pdf](#)



## 18. **MEMBERSHIP AND REGISTRATION APPEAL PROCEDURE**

This procedure sets out the policy for dealing with an appeal from an applicant in respect of a decision made regarding the eligibility of the applicant for membership of the Institution of Power Engineers and/or Engineering Council registration.

Any applicant who is dissatisfied with such a decision may appeal in accordance with the provisions contained within this procedure.

### 18.1 **GROUNDINGS FOR APPEAL**

- 18.1.1 Perversity – i.e. The decision was unreasonable or disproportionate due, for example, to irrelevant matters being taken into account and/or relevant matters not being taken into account.
- 18.1.2 Further Information – Existing information which could have influenced the decision and which due to circumstances outside the applicant's control could not be presented, has subsequently become available.
- 18.1.3 Procedural Irregularity – Evidence exists of administrative or procedural irregularity in the decision process.

### 18.2 **INITIATION OF PROCESS**

- 18.2.1 An appeal must be received in writing by IPowerE within 30 days of the applicant being informed of the decision and must clearly state the decision concerned, the grounds for appeal and must include any supporting information.
- 18.2.2 An administration fee of £50 must be enclosed with the appeal. (This may be refundable at the discretion of IPowerE in the case of a successful appeal.)

### 18.3 **APPEAL AGAINST MEMBERSHIP DECISION**

- 18.3.1 On receipt of the appeal, the Head of Membership and Administration Officer shall check that the applicant meets the appeal criteria and that all relevant documentation and the fee is enclosed.
- 18.3.2 If the appeal is deemed to be admissible it shall be passed to the Appeals Panel.
- 18.3.3 The Appeals Panel shall consist of three persons who have no direct prior involvement with the assessment of the application and resulting decision. One member of the Appeals Panel shall be appointed as Chair and shall report to the Board of Trustees. Another member of the Appeals Panel shall be appointed as Secretary and shall maintain a record of the proceedings.
- 18.3.4 A quorum shall be three members of the Appeals Panel.
- 18.3.5 Depending on the complexity of the appeal, the Appeals Panel may invite the applicant to attend a meeting of which the applicant shall be given 15 days' notice.
- 18.3.6 The Appeals Panel may request evidence from the Assessors of the original application and may invite them to the meeting.
- 18.3.7 The Appeals Panel shall make one of the following decisions
  - To uphold the Assessors' decision
  - To reverse the Assessors' decision with their consent
  - To invite the applicant to submit further evidence in support of the application for further consideration by the Membership Committee.

18.3.8 Once a decision has been reached the appellant shall be informed in writing within five working days of the decision. Where time delays occur due to scheduled meeting dates, the appellant shall be kept informed of progress. There is no further right of appeal to IPowerE and no further correspondence will be entered into regarding the appeal.

#### 18.4 APPEAL AGAINST REGISTRATION DECISION

18.4.1 The appeal shall be handled in accordance with the Appeals Procedure of the Society of Operations Engineers (SOE) as the Licensee with whom IPowerE holds a Registration Agreement.

18.4.2 On receipt of the appeal, the Head of Membership and Administration Officer shall check that all relevant documentation is present and the fee is enclosed.

18.4.3 Once all relevant documentation and the fee has been received, the IPowerE Administration Officer shall, within five working days, forward the appeal to the SOE Membership Administration Officer.

#### 18.5 RECORDS OF THE PROCEEDINGS

18.5.1 An impartial record shall be made of the appeal process.

18.5.2 One copy of the appeal documentation shall be retained for a minimum period of five years.

#### 18.6 CONFIDENTIALITY

18.6.1 All information relevant to the appeal shall be treated as confidential. There shall be no communication between interested parties and panel members on any subject with a direct influence on the appeal.

18.6.2 Under the terms of the Data Protection Act, the appellant may request to see copies of any reports relating to the appeal.

### 19. AMENDMENTS TO THESE RULES

19.1. The terms of any proposed amendments to these Rules shall be circulated to all members together with the Notice of the General Meeting at which they are to be considered. They shall be adopted with immediate effect if supported by the votes of two-thirds of the members present.

### 20. CORRESPONDENCE

All correspondence shall be addressed to:

The Director General  
Institution of Power Engineers  
Bedford Heights  
Manton Lane  
Bedford  
England  
MK41 7PH

Revision No.	Date
1/1985	17 <sup>th</sup> October 1985
2/1986	16 <sup>th</sup> October 1986
3/1988	20 <sup>th</sup> October 1988
4/1994	20 <sup>th</sup> October 1994
5/1995	25 <sup>th</sup> October 1995
6/1997	15 <sup>th</sup> October 1997
7/1998	22 <sup>nd</sup> October 1998
8/1999	21 <sup>st</sup> October 1999
9/2002	17 <sup>th</sup> October 2002
10/2003	16 <sup>th</sup> October 2003
11/2004	14 <sup>th</sup> October 2004
12/2006	16 <sup>th</sup> November 2006
13/2009	19 <sup>th</sup> November 2009
14/2010	18 <sup>th</sup> November 2010
15/2014	25 <sup>th</sup> November 2014
16/2019	6 <sup>th</sup> November 2019
17/2021	25 <sup>th</sup> November 2021
18/2022	Draft for Adoption at AGM 24.11.2022.