

# Code of ethics for members and fitness to practise rules

## 1 Introduction

As a professional body, The Chartered Institute of Environmental Health (CIEH) has a responsibility to define, maintain and uphold the professional standards of its members, in order to protect the public and serve the public interest.

### 1.1 Part 9 of CIEH's Byelaws states that:

*"Members shall be obliged at all times to uphold the reputation of their profession and to observe the Laws of the Chartered Institute."*

### 1.2 Byelaw 9 also states that:

*"a member may be subject to disciplinary action by the Chartered Institute if found guilty of misconduct. Misconduct shall include failure to comply with the laws of the Chartered Institute, or being found guilty, or subject to an adverse decision, by another body, court or tribunal in respect of an offence or allegation relevant to membership of the Chartered Institute."*

### 1.3 The procedure for dealing with complaints against members and the sanctions or penalties which CIEH may impose (through its Fitness to Practise Panel) are also included in this document.

### 1.4 CIEH members are responsible for making sure they are familiar with and understand the current standards which affect their work. Members must be aware of, and act within, all relevant codes and guidelines issued by CIEH and other appropriate bodies and must, at all times, act within the law of the country in which they are practising.

## 2 Purpose of the Code

### 2.1 The motto of CIEH is "*Amicus Humani Generis*" which translates as "*Friend of the Human Race*". This motto sums up the role of our members, who are concerned about people's health, safety and wellbeing.

- 2.2 CIEH has considered the wide range of contexts in which its members work. The code applies to all members, with the focus on the quality of decision making allowing sufficient flexibility for a variety of approaches and methods, but providing ethical standards which apply to all.
- 2.3 Members are likely to need to make decisions in difficult, challenging and unclear situations. CIEH expects that the code will be used to form a basis for consideration of ethical questions, with the principles in this code being the over-arching context in the process of making decisions, together with the needs of the public and the individual circumstances of the case. However, no code can replace the need for members to use their professional and ethical judgement.
- 2.4 In making decisions on what constitutes ethical practice, members will need to consider the application of technical competence and the use of their professional skill and judgement, seeking advice from others if the matter they are considering is beyond the limits of their knowledge or competence. They should also be mindful of the importance of fostering and maintaining good professional relationships with the public and other professionals.
- 2.5 A code of conduct or ethics is an essential feature of any profession and underpins the integrity of that profession. This is important because the standing and credibility of CIEH is defined by the perceptions of those individuals and organisations with which it interacts. A key function of this code is to protect the reputation of CIEH and the environmental health profession.
- 2.6 The authority of CIEH depends on the confidence and trust placed in its membership. Without such authority CIEH would be unable to achieve the objectives set out in its Royal Charter:  
*“The object for which the Chartered Institute of Environmental Health was established is to promote for the public benefit the theory and science of environmental health in all its aspects and the dissemination of knowledge about environmental health.”*

### **3 Application of the Code**

- 3.1 This code, read in conjunction with the Charter, Byelaws, General Regulations and Operational Procedures sets out the framework to uphold professional standards.
- 3.2 This code is mandatory. It sets out the principles that members must follow. It is the basis of all other guidance issued by CIEH. It is each member’s professional responsibility to be prepared to justify any departure from the principles. If a member cannot give a satisfactory account of their behaviour, as judged against the principles, they may be subject to sanction, up to and including loss of membership.
- 3.3 Members undertaking specific roles such as trustees, committee or advisory group members or as volunteers in other governance roles are also subject to the Code of Conduct for Governance Officeholders, as defined in that Code.

3.4 Potential breaches of the code are dealt with in accordance with CIEH's Fitness to Practise Rules, which commence at Part 6 below.

3.5 CIEH's byelaws make reference to 'disciplinary action'. Throughout this Code, the route by which such action may be taken is referred to as the Fitness to Practise Rules. This terminology is important as it reflects the view of CIEH that 'discipline' is a matter for employers and employees. The purpose of these rules is to protect the public, declare and uphold proper professional standards and to ensure public confidence in the profession and in CIEH.

## **4 The Four Ethical Principles**

4.1 This code is based on four ethical principles, which constitute the main domains of responsibility within which ethical issues are considered. These are:

- Integrity
- Competence
- Responsibility; and
- Respect

4.2 These key principles will guide and support members in the work they do and the decisions they make. They should influence all areas and stages of members' professional education and practice. Members should apply them to any work they are involved in, making appropriate judgements about how they apply.

4.3 Members must be aware that the way in which they conduct themselves in their private life can also amount to misconduct. This arises when concerns raise fundamental questions about their trustworthiness or suggest a deep-seated attitudinal issue (such as displaying discriminatory views or behaviours or proven criminal acts) such that may undermine confidence in the profession.

4.4 Below, each principle is further defined by a set of behaviours which we treat as the standards of conduct, setting out the professional conduct that CIEH expects of its members.

## **5 Professional Conduct: How to apply the ethical principles**

5.1 Integrity: The health and protection of the public is the prime concern

5.1.1 The interests of the communities that they serve are paramount: members shall put those before their own or those of any colleague or organisation.

5.1.2 Information and advice members provide to the public, businesses, employers and colleagues shall be prompt, clear and accurate.

5.1.3 Members shall take swift and appropriate action if they become aware that their health, behaviour or professional performance, or those of a colleague, or the actions of an organisation, may compromise the health of the public.

5.1.4 If members are unsure how to act in a particular situation, they shall seek advice from appropriate colleagues or a professional organisation.

- 5.1.5 If a member perceives a conflict between two or more principles in this Code, or between them and any other applicable guidance, they shall take the course of action that they judge most likely to protect the public, promote environmental health and maintain the reputation of the profession and of CIEH.

## 5.2 Integrity: Being honest and trustworthy

Members shall:

- 5.2.1 Be straightforward, honest and fair. A member shall not be associated with reports, returns, communications or other information where they believe that the information: contains a false or misleading statement; contains statements or information furnished recklessly; or omits or obscures information required to be included where such omission or obscurity would be misleading.
- 5.2.2 Maintain their integrity and justify the trust the public, businesses, employers and colleagues have in them and the profession.
- 5.2.3 Not allow bias, conflict of interest or undue influence of others to override professional judgments: they shall refuse offers of gifts and hospitality that may affect, or be perceived as affecting, their judgement.
- 5.2.4 Avoid conduct that could affect or undermine the confidence placed in them, the CIEH and the environmental health profession.
- 5.2.3 Not knowingly mislead anyone.
- 5.2.4 Deal honestly in all financial matters.
- 5.2.5 In research, apply best evidence honestly and impartially.

## 5.3 Competence: Maintaining high standards of professional and personal conduct

Members shall:

- 5.3.1 Maintain proper standards of work and, where necessary, keep accurate records.
- 5.3.2 Avoid conflicts of interest that may arise between their professional work and the health of the public.
- 5.3.3 Observe the laws of the country in which they are practising.
- 5.3.4 Inform CIEH, immediately, of any conviction of a criminal offence - in any jurisdiction.

## 5.4 Competence: Knowing the limits of competence and acting within them

Members shall:

- 5.4.1 Develop and update their professional knowledge and skills throughout their working life, undertaking relevant training and learning about best practice.
- 5.4.2 Keep their knowledge, skills and professional performance under continuous review, reflecting on them systematically to identify strengths and weaknesses and complying with all requirements for continuing professional development.
- 5.4.3 Find out about, and comply with, laws and regulations which affect their work.

- 5.4.4 Decline to act if they lack the knowledge, skills, experience or authority to undertake a piece of work; and refrain from providing advice where they have reason to believe they lack the professional knowledge and skill at the level required.
- 5.4.5 Be prepared, wherever necessary, to refer a matter to an appropriately qualified and experienced colleague.
- 5.4.6 Not present themselves as having a qualification, grade of membership, designation or experience that they do not.
- 5.4.7 Not put forward views on behalf of CIEH without the authority to do so.

#### 5.4 Responsibility: Protecting confidentiality

- 5.4.1 Information that members learn about individuals in the course of their work must remain confidential unless there are justifiable reasons, at law, for disclosing it.
- 5.4.2 Members shall disclose information only to those entitled to receive it or to whom they are required or authorised to disclose it, and take effective steps to prevent accidental disclosure.
- 5.4.3 Members shall use information only for its intended purpose unless there are clear, cogent and compelling environmental health grounds for using it in another way and it is legal to do so.
- 5.4.4 Members shall ensure the safety of electronic and paper documents in their possession. They shall store and transmit them securely and allow them to be disclosed only to those entitled to see them.
- 5.4.5 Members shall ensure that confidential information acquired as a result of professional relationships shall not be used for the personal advantage of the member or third parties.

#### 5.6 Respect: Respecting the dignity of individuals and treating everyone fairly

Members shall:

- 5.6.1 Never abuse their professional position.
- 5.6.2 Treat everyone politely and with respect, in recognising their dignity as individuals and their right to make choices and be involved in decisions which affect them.
- 5.6.3 Treat everyone equally regardless of their sex, race, nationality or ethnicity, disability, age, sexual orientation, gender identity, religion or belief, marital or civil partnership status.
- 5.6.4 Recognise the differences between individuals and groups and avoid stereotyping.
- 5.6.5 Listen to individuals, groups and communities, and give them the information they need in a way they can use it.
- 5.6.6 Maintain appropriate professional boundaries in their relationships with colleagues and others, and shall not abuse professional relationships.
- 5.6.7 Have respect and demonstrate tolerance for other members of CIEH, their views and perspectives in respect of professional and technical matters and acknowledge diversity of opinion within the environmental health community

## 5.7 Respect: Cooperating with others

Members shall:

- 5.7.1 Cooperate with other team members and colleagues and respect the role each plays in promoting public health.
- 5.7.2 Communicate effectively and share their knowledge, skills and experience with colleagues, employers and others in the interests of the public.
- 5.7.3 Where possible, assist colleagues in complying with requirements for continuing professional development.
- 5.7.4 Provide proper supervision of tasks they have delegated to others, recognising that they remain accountable for work they have delegated.
- 5.7.5 Be honest and impartial in assessing someone's suitability for employment or the performance of someone they have trained or supervise.
- 5.7.6 Where there is a complaints procedure in the setting in which they work, follow it at all times, cooperating fully with those investigating or adjudicating upon a complaint.

## 6. Fitness to practise proceedings for members

- 6.1 Expressions used in this Code shall have the same meaning as in the Byelaws of CIEH unless otherwise stated.

**Appellant** means a respondent who is appealing against a decision of a Fitness to Practise Panel.

**Complainant** means a person making a complaint against a member, and may include CIEH.

**Complaint** includes any alleged fact or matter brought to the attention of CIEH or pursued by it from information that it holds.

**Fitness to Practise Panel** means a panel of three persons, convened in accordance with these rules, for the purpose of hearing allegations of a breach of the rules and for determining any appropriate sanctions.

**Lay member** means a person appointed to membership of a Fitness to Practise Panel who may not be (nor ever have been) a member of CIEH or of CIEH staff.

**Lay moderator** means a person (who is neither a member of CIEH nor a member of staff of CIEH, nor ever has been either) appointed by CIEH for the purpose of regulation. Such a person may not serve as a screener, a member of a Fitness to Practise Panel, nor hold any governance role on CIEH's Board, committees or its advisory group.

**Misconduct** means misconduct as defined in Byelaw 9.

**Respondent** shall mean a member against whom a complaint has been made.

**Screener** means a person appointed by CIEH for the purpose of regulation (who may be a CIEH member or not, but not a member of CIEH staff). Such a person may not serve as a Lay Moderator, as a member of a Fitness to Practise Panel nor hold any governance role on CIEH's Board, committees or its advisory group.

## 7. Reporting a fitness to practise matter

- 7.1 Any person may bring to the attention of the Chief Executive any facts or matters indicating that a member may have become liable to fitness to practise proceedings.

- 7.2 All members are under a general obligation to bring to the notice of the Chief Executive any facts or matters indicating that they or another member may have become liable to fitness to practise proceedings.
- 7.3 A member is obliged to inform the Chief Executive if they are convicted of any criminal offence, in any jurisdiction.
- 7.4 Where a complaint against a member is made to CIEH or any fact or matter comes to the attention of the Chief Executive indicating that a member may be guilty of misconduct, the Chief Executive shall initiate fitness to practise procedures in accordance with these rules.
- 7.5 Complainants are asked to consider if a potential complaint, under these rules, is the most effective manner of dealing with a matter. In considering if there is a case to answer (under the provisions at 8.2 below), the Screener will not refer cases to a Panel which are about:
- 7.5.1 Employers of members
  - 7.5.2 People who are not current members of CIEH
  - 7.5.3 Events which took place more than five years ago
  - 7.5.4 Alleged behaviour that falls outside the scope of the Code of Ethics

## **8. Screening and referral**

- 8.1 The Chief Executive shall refer the complaint and any supporting evidence to a screener. The Screener may make further enquiries or require them to be made (including enquiries seeking comments from the Respondent) and shall determine whether or not there is a real prospect of both the alleged facts being proved to the satisfaction of a Fitness to Practise Panel and of current impairment being found (the 'real prospect' test).
- 8.2 If the Screener determines that the real prospect test is met, the case shall be referred to a Fitness to Practise Panel. The Complainant shall be advised of this action.
- 8.3 If the Screener determines that the real prospect test is not met, the matter shall be referred to a Lay Moderator. The Lay Moderator shall consider the decision made by the screener and shall confirm or overrule that decision.
- 8.4 If the Lay Moderator overrules the decision of the screener and determines that there is, in fact, a real prospect of both the facts being proved and of current impairment being found, the matter shall be referred to a hearing held by a Fitness to Practise Panel. The complainant shall be informed of the Lay Moderator's decision.
- 8.5 If the Lay Moderator confirms the decision that the real prospect test is not met, the complaint will not be considered further. The Complainant shall be informed of the Lay Moderator's decision.

8.6 Where a case is referred to a Fitness to Practise Panel, the Respondent shall be advised of the date of hearing (no fewer than 28 days before such hearing) and of their rights:

8.6.1 To make a submission and/or submit evidence, in writing or in person

8.6.2 To be represented

8.6.3 To call and cross examine witnesses

## **9. Appointment of a Fitness to Practise Panel**

9.1 A Fitness to Practise Panel shall be appointed by the Chief Executive and shall consist of a Chartered Environmental Health Practitioner and two lay members.

9.2 The Chief Executive shall be responsible for ensuring that a pool of Panel members is available. That pool must consist of no fewer than three Chartered Environmental Health Practitioners and six lay members.

9.3 No member of the Board of Trustees, of any of its committees or of its advisory group may be appointed to a Fitness to Practise Panel.

9.4 On the giving of notice to the Respondent ) they and the members of the Panel will be informed of the names of each other. If any of those parties believe a conflict of interest exists, they shall notify the Chief Executive no later than 21 days before such a hearing, in order that the matter may be resolved. If, in the opinion of the Chief Executive (having reviewed any submissions in respect of conflicts), there is such a conflict the composition of the Panel shall be changed.

9.5 The members of a Fitness to Practise Panel shall determine which of them shall be Chair.

## **10. Consideration of the complaint by a Fitness to Practise Panel**

10.1 The Panel shall hold a hearing as soon as practicable to consider the case, subject to the Respondent having been given notice in accordance with Rule 8.6.

10.2 Decisions of a Fitness to Practise Panel will be subject to the civil standard of proof. That is to say that a fact or other matter shall be proven if the Panel determines that it is more likely than not to have occurred.

10.3 The burden of proof is on the applicant in any case. That means that it is for CIEH to prove its case at an initial hearing but, at appeal, the burden is on the member or former member.

10.4 The Respondent shall have a right to appear before the Panel and to be represented should they choose.

10.5 The Complainant may attend the hearing only if invited to do so by or on behalf of the Fitness to Practise Panel or if called as a witness, either by the Respondent or by CIEH.



- 10.6 The hearing may be attended by staff of the CIEH who will present the case for CIEH, respond to requests for information from the Panel and may be cross-examined by the Respondent.
- 10.7 The Panel may seek independent legal advice. Advice on matters of law shall be given in the presence of the parties (CIEH and the Respondent) and not in private.
- 10.8 Proceedings of CIEH's Fitness to Practise Panel are to be held in public. However, the Panel may decide to exclude the public from all or part of the proceedings, on the grounds that matters in respect of the health of the Respondent, any witness or any other participant in the proceedings are to be heard.
- 10.9 Other than as prescribed in these rules, it is a matter for a Fitness to Practise Panel to determine how to regulate its proceedings, subject only to the over-riding requirement to observe the principles of natural justice and fairness to all parties.

## **11. The decision of the Fitness to Practise Panel**

- 11.1 Having heard evidence from any witnesses present, the Panel shall consider the case and deliberate in private. It shall:
  - 11.1.1 Determine if any or all of the facts alleged are proven
  - 11.1.2 Determine if the facts found proven constitute misconduct
  - 11.1.2 If, the Panel having found facts proven and misconduct, determine if the Respondent's practice is currently impaired (on the grounds of public protection, in the public interest or both)
- 11.2 If a finding of impairment is made, the Panel may: :
  - 11.2.1 Reprimand the Respondent and give advice as to future conduct including recommending a course of action; or
  - 11.2.2 Transfer the Respondent to another grade of membership; or
  - 11.2.3 Remove any membership privilege enjoyed by the Respondent; or
  - 11.2.4 Terminate the Respondent's registration status
  - 11.2.5 Terminate the Respondent's membership.

## **12. Costs**

- 12.1 The Panel may require a Respondent who has been found guilty of misconduct to pay an amount in respect of the costs of the proceedings, including the expenses reimbursed to any witness.
- 12.2 In determining sanctions, the Panel may take into account the Respondent's previous conduct record, provided that information relating to such record may not be provided to the Panel before it reaches the sanction stage, set out at 11.2.
- 12.3 If a member resigns after receiving notification of a complaint, the Chief Executive will determine whether or not to accept the resignation. If the resignation is accepted then the member will be informed that the consideration of the Complaint against them will

lapse on the condition that it will recommence should they seek to rejoin CIEH in the future.

- 12.4 The Fitness of Practise Panel shall advise the Chief Executive promptly of its decision. The Chief Executive shall inform the Respondent of the decision, in writing, within seven days and (if alleged facts are found proved, that they constitute misconduct and that current impairment is established) publish the decision on the CIEH website, after the expiry of the notice period for appeals, subject to no appeal having been received.
- 12.5 In the event that none of the matters charged is proved, the Chief Executive will ask the Respondent if they wish details of the charge and final outcome to be published on the CIEH website or not. In the event of no response from the respondent they will not be so published.
- 12.6 The complainant shall be informed of the Panel's decision if no appeal is lodged.

### **13. Appeals**

- 13.1 A Respondent who is subject to a finding of impairment and sanction may appeal, but only on one or more of the following grounds:
  - 13.1.1 That the decision of the Panel was unreasonable given the evidence placed before it
  - 13.1.2 That additional evidence (which was not available at the time of the meeting) has subsequently become available and that this evidence could have materially affected the decision of the Panel
  - 13.1.3 That the provisions of these regulations were not followed in a material respect resulting in prejudice to the Respondent's ability to defend themselves
  - 13.1.4 That the proposed sanction is disproportionate
- 13.2 Any appeal shall be made in writing to the Chief Executive, to be received within 28 days of the date of posting of the letter containing the decision of the Panel. To be within the deadline, an appeal under this regulation must be substantive (not simply a notice), and shall include any new evidence if this ground is relied upon.
- 13.3 Upon receipt of an appeal, the Chief Executive shall appoint an Appeal Panel, composed in the same manner as the original Panel but with none of the members of the original Panel which considered the case.
- 13.4 The Appeal Panel shall meet as soon as practicable to consider the appeal, the respondent having been given no fewer than 28 days' notice of such a meeting and informed of their right to attend in person.
- 13.5 The decision of the Appeal Panel shall be binding and shall be communicated to the Chief Executive. Such a decision may be to uphold or overturn or vary the decisions on facts, misconduct, impairment and/or sanction of the Fitness to Practise Panel.
- 13.6 The decision of the Appeal Panel shall be final.

13.7 The Chief Executive shall inform the Appellant and the Complainant in writing of the decision of the Appeal Panel, and (if the original decision on facts, misconduct, impairment and sanction are upheld and/or the sanction is substituted by another sanction) will publish the confirmed or revised decision on the CIEH website.

13.8 In the event that an appeal is upheld, the Chief Executive will ask the Respondent if they wish details of the matters charged and final outcome to be published on the CIEH website or not. In the event of no response from the respondent they will not be so published.

#### **14 Expenses and indemnity**

14.1 The Chief Executive shall have power to pay attendance and other fees to members of any Panel constituted under these rules, a Screener or Lay Moderator and may reimburse, to any person attending a Panel, their reasonable expenses for travelling and subsistence.

14.2 The members of any Panel constituted under these rules are indemnified by the CIEH against all or any legal liability arising out of fitness to practise proceedings to the extent permissible at law.

**Agreed** by Board of Trustees on 30 November 2023.

**To be reviewed before 31 December 2025.**