



CODE AND RULES OF CONDUCT AND DISCIPLINARY REGULATIONS FOR REGISTERED AUTHORISING ENGINEERS

PRECEDENCE

1. Unless rescinded by the Council of the Institute of Healthcare Engineering and Estate Management ("the Council"), the following Code of Conduct, Rules of Conduct and associated Regulations shall take precedence over all other such codes, rules and regulations to which any Registered Authorising Engineer (AE) may be subject, no matter from what source, and irrespective of whether the individual AE is, or is not, a member of the Institute of Healthcare Engineering and Estate Management ("IHEEM"). The terms Authorising Engineer, himself or herself are gender neutral and apply to all Authorising Engineers.

CONDUCT

Code of Conduct

2. Every AE shall at all times, so order their conduct as to uphold the dignity and reputation of their profession and to safeguard the public interest in matters of safety and health and otherwise. Every AE shall exercise their professional skill and judgement to the best of their ability and discharge their professional responsibilities with integrity.

Rules of Conduct

3. The Council shall from time to time promulgate Rules of Conduct and shall have power to require all AE's to conform to such Rules. The Rules of Conduct may be amended, varied or rescinded from time to time as the Council may think fit provided that they shall not be inconsistent with the overriding principles of the Code of Conduct.

RULES OF CONDUCT

Preamble

4. The Code of Conduct is designed to embody broad ethical principles and is necessarily drawn up in general terms. The Rules of Conduct set out below indicate the manner and the governance requirements in which an AE's are required to conduct themselves in most situations. In relation to situations which are not specifically encompassed by the Rules of Conduct or where there is a conflict of interest, the overriding principle of the Code of Conduct shall apply and shall take precedence over the personal interest of the AE.

Rules of Conduct

5. When discharging their professional duties, AE's:
 - (a) should satisfy themselves as to their scope, obtaining in advance any necessary clarification or confirmation and shall not accept professional obligations which they believe they have not sufficient competence or authority to perform.
 - (b) shall accept responsibility for all work carried out by them, or under their supervision or direction, and shall take all reasonable steps to ensure that persons working under their authority are competent to carry out the tasks assigned to them and that they accept responsibility for work done under the authority delegated to them.
 - (c) shall, when asked for professional advice, give an opinion that is objective and reliable to the best of their ability.
 - (d) shall, if their professional advice is not accepted, take all reasonable steps to ensure that the person who over-rules or disregards their advice is aware of the possible consequences.
6. Save as required by law, an AE shall not do anything, or permit anything under their authority to be done, of which the probable and involuntary consequences would, in their professional judgement, endanger human life or safety, expose property to the risk of destruction or serious damage, or needlessly pollute the environment.
7. In their work, an AE shall comply in all respects with all relevant laws and statutory regulations.
8. In respect of their professional relationship with employers, colleagues or clients, an AE:
 - (a) shall not maliciously or recklessly injure, whether directly or indirectly, the professional reputation of another;
 - (b) shall disclose to their client or employer any benefits or interests that he may have in any matter in which he is engaged on their behalf;
 - (c) shall neither communicate to any person, nor publish any information or matter, not previously known by him or published in the public domain, which has been communicated to him in confidence by a client or employer without the express authority of that client or employer.
9. An AE shall not solicit work improperly as an independent adviser or consultant, either directly or by an agent, nor shall he improperly pay any person, by commission or otherwise, for the introduction of such work.
10. An AE shall not be the medium of payments made on their employer's or client's behalf unless so requested by their employer or client, nor shall they, in connection with work on which they are employed, place contracts or orders except with the authority of and on behalf of their employer or client.

11. An AE working overseas shall observe these rules so far as they are applicable in such work. Where, however, there are recognised standards of professional conduct which apply to AE in the country in which they are working, they shall adhere to them.
12. If an AE is convicted by a competent court or tribunal of a criminal or civil offence which, in the opinion of the Council, renders them unfit to be an AE, they may be deemed guilty of improper conduct and may have their registration as an AE withdrawn.
13. If, in the opinion of the Disciplinary Body, an AE is precluded from performing their professional duties in a manner consistent with the standards of their profession, as a result of having been adjudicated bankrupt or making a composition with their creditors, they may be deemed guilty of improper conduct and may have their registration as an AE withdrawn.
14. If, in the opinion of the Disciplinary Body, an AE is precluded from performing their professional duties in a manner consistent with the standards of their profession, as a result of having been expelled from another relevant professional body or association, they may be deemed guilty of improper conduct and may have their registration as an AE withdrawn.
15. The AE shall comply with particular regard to the requirements described in the relevant HTM for their specialisation.
16. An AE shall exercise their judgement impartially. The following are examples of practices which the Registrar considers do not display appropriate impartiality and will lead to disciplinary action:
 - (a). receiving payment or benefit in kind associated with the awarding of a contract;
 - (b). using their position as an AE, to promote or otherwise endorse any equipment or service related to specialisation;
 - (c). discharging their duties as an AE in connection with work carried out by staff or organisations for whom he is managerially responsible;
 - (d). discharging their duties as an AE in connection with providing procurement advice for products or services sold by their employer.
 - (e). providing AE services on equipment where they have been involved in the maintenance or testing on that equipment within the previous 12 months;
 - (f). attending sales or technical specification meetings on equipment where the AE is an employee of or has a current contract or business agreement with the equipment manufacturer for the provision of technical and professional services.
 - (g). providing AE services at the initial commissioning of equipment manufactured by a company with which the AE is an employee of or has a current contract or business agreement for the provision of technical and professional services which are concerned with the specialisation;

(h). where an AE holds a position in more than one company, or more than one position in a company, they shall not provide AE services on equipment maintained or tested by that company, or companies, unless complete independence between AE functions and any other function is clearly demonstrable and fully documented.

17. The AE shall take care to describe fully the work he will undertake when making an offer to enter into a contract for the provision of AE services. The AE shall also fully explain the inter relationship between their and any other associated company such that the client is entirely convinced of the impartiality of the proposed services. The AE shall declare fully in writing to any prospective client the nature of any past or present relationship with any company or organisation involved in the provision of products or services to the client and shall require written acknowledgement from the client prior to entering into any agreement for the provision of AE services.

18. Any request to enter into a contract which conflicts with their Code of Conduct shall be referred by the AE to the Registrar. Additionally if an AE is unsure that a proposed course of action will fully satisfy the Code of Conduct, they are to refer the matter to the Registrar before entering into a contract.

19. Failure to comply with the Code of Conduct and the Rules of Conduct will lead to disciplinary proceedings in accordance with the Disciplinary Regulations below. If registration is withdrawn, a minimum time may be stated before an application for re-registration will be considered.

ADDITIONAL REQUIREMENTS

20. All IHEEM Certified AE's will share information (in accordance with GDPR guidance) with IHEEM in respect of names of Authorised Persons (AP's) assessed and recommended by the IHEEM AE for appointment as AP's within NHS Trusts. This is to include their contact details and relevant specialist engineering discipline. This information may be shared (in accordance with GDPR guidance) with a nominated officer in NHSE (or their successor organisation) in accordance with, and pursuant to, the IHEEM/NHSE AE Partnership agreement and any subsequent new, or variations, to this agreement.

21. It is required, by no later than the 31st December 2028, that all IHEEM Certified AE's use the IHEEM Governance and Assurance Software Platform Tool, which is issued free of charge to all IHEEM Certified AE's, or an agreed equivalent. This is to ensure consistency of approach in the collection and management of data and information by NHSE to support the annual reporting requirement relating to the NHS Premises Assurance Model (PAM).

22. AE's are encouraged to contribute and support the development work of their relevant IHEEM Technical Platform through actively engaging and attending platform meetings. The Technical Platform undertakes to further advance the reputation of the profession through networking, developing and consulting on technical guidance and best practice and sharing information and knowledge. Attendance of each AE at the Technical Platform will be monitored through the CPD record to be discussed at the AE's three year re-registration.

23. AE's are encouraged to participate with IHEEM's coaching and mentoring programme in conjunction with IHEEM Head Office, in the career development of AP's and other 'aspiring' authorising engineers in their relevant disciplines. This is to establish a strong foundation of succession planning for the profession and for IHEEM as a Professional Engineering Institute.

DISCIPLINARY REGULATIONS

Preamble

24. In this document the expression "professional misconduct" means:
- (a) any breach of the Code of Conduct and the Rules of Conduct or any regulations or rules made there-under;
 - (b) any other conduct which shall indicate unfitness to be an AE.
25. The Executive Council shall make and may from time to time alter, add to or revoke regulations ("Regulations") for the purpose of:
- (a) appointing the AE Registration Panel (hereinafter referred to as "the Investigating Panel") to investigate any complaint of professional misconduct on the part of an AE;
 - (b) constituting a Disciplinary Body (hereinafter referred to as "the Disciplinary Body") to adjudicate upon any such complaint.
 - (c) the 'Disciplinary Body' will be the IHEEM Membership and Registration Committee, unless otherwise agreed by the Executive Council and will be the body responsible for appointing the Investigating Panel as detailed in (a) above.
26. Such Regulations may make provision for:
- (a) the notification by the Council to an AE of the receipt of a complaint of professional misconduct;
 - (b) enabling the Investigating Panel to require the AE to give an undertaking to refrain from continuing or repeating the conduct if, after such investigation, they find a prima facie case of professional misconduct;
 - (c) enabling the Disciplinary Body to award costs in connection with the investigation and adjudication on any complaint of professional misconduct;
 - (d) the publication of decisions of the Disciplinary Body;
 - (e) determining the constitution and membership of the Investigating Panel and the Disciplinary Body; and
 - (f) dealing with any other matter which may be relevant to the fulfilment by the Investigating Panel or the Disciplinary Body of its functions under the Regulations.
27. Such Regulations shall be designed to secure that:
- (a) any complaint of professional misconduct shall be properly investigated by the Investigating Panel and (if sufficiently serious) properly adjudicated upon by the Disciplinary Body; and

(b) before being called on to answer for any complaint of professional misconduct, the AE shall be given full details in writing of the complaint; and

(c) before being found guilty of professional misconduct, the AE shall be given a full and fair opportunity of being heard; and

(d) in all other respects the investigation shall be made and the proceedings conducted and the decision reached in accordance with natural justice, and that there is no duplication of proceedings with any other Institution, being a Nominated Body of the Engineering Council to whom the complaint has been referred.

28. Subject to these Regulations the Disciplinary Body constituted pursuant to these regulations may;

(a) withdraw registration from; or

(b) withdraw registration for a stated period before the end of which period application for re-registration is not permitted; or

(c) reprimand any AE who shall be found, in accordance with these regulations to be guilty of professional misconduct. Subject to any Appeals Process, and upon any such withdrawal of registration taking effect the Disciplinary Body shall cause the name of the relevant AE to be removed from the Register of IHEEM Certified Authorising Engineers and they shall thereupon cease to be a Registered AE. Notification of this decision will be made to the IHEEM Executive Council and to NHSE in accordance with the IHEEM/NHSE AE Partnership agreement.

REGULATIONS

Disciplinary Procedure

29. The following Disciplinary Procedure will be adhered to;

(a) When a complaint of professional misconduct against an AE has been received, the Registrar shall so inform the AE.

(b) The AE Registration Panel shall then appoint:

(i) an Investigating Panel, consisting of not less than two members of the AE Registration panel in conjunction with Head Office (excluding the CEO) and two members of the relevant Technical Platform relating to the complaint, to investigate whether a breach of the Code of Conduct and Rules of Conduct has occurred; and

(ii) a Disciplinary Body, consisting of not less than three members of the M&R Committee (excluding the CEO) to hear and adjudicate any charge of professional misconduct arising from the Investigating Panel's enquiries.

(c) No person shall be eligible to serve both as a member of the Investigating Panel and of the Disciplinary Body at the same time or as a member of the Disciplinary Body to hear a charge of

professional misconduct arising out of an investigation made by an Investigating Panel of which he was a member.

30. The Investigating Panel shall make enquiries by correspondence or otherwise, as it may think fit, into the complaint in question.

31. At the conclusion of its enquiries, the Investigating Panel shall decide:

(a) to refer the matter to the Disciplinary Body; or

(b) to require the AE to give an undertaking to refrain from continuing or repeating the conduct; or

(c) that no prima facie case of professional misconduct has been established.

32. The decision of the Investigating Panel shall be communicated to the AE in writing by the Registrar forthwith.

33. If the Investigating Panel refers a matter to the Disciplinary Body, it shall make a specific charge or specific charges of professional misconduct in writing against the AE whose professional conduct is in question, together with a report of the enquiry made by the Investigating Panel and the relevant correspondence and documents (if any). A copy of the reference shall be supplied to the AE at the same time.

34. An AE charged before the Disciplinary Body shall be given reasonable notice of the charge and shall be entitled to be present and represented at the hearing, to challenge any evidence of misconduct on their part, to produce such evidence as he may think fit, and to be heard either in person or through a representative acting in their defence.

35. The Disciplinary Body shall hear and adjudicate any charge of professional misconduct against an AE and shall report its findings to the Council.

36. If the Disciplinary Body determines that a charge against an AE has been proved it may:

(a) withdraw registration of such AE; or

(b) withdraw registration for a stated period before the end of which period application for re-registration is not permitted; or

(c) reprimand the AE.

37. The decision of the Disciplinary Body shall be communicated to the AE in writing by the Registrar forthwith.

38. The AE shall have the right to appeal against the decision of the Disciplinary Body but only on the grounds that the proceedings of the Disciplinary Body have been improperly conducted.

(a) Any appeal shall be made in writing to the Registrar at the office of the Institute within

twenty-one days of the posting of the notification of the decision to the AE.

39. Appeals shall be considered by an Appeal Body appointed by the Executive Council and comprised of three persons, none of whom has been concerned with the case at an earlier stage and whose findings shall be final. The Appeal Body shall include the President of the Institute

40. If an AE is to have their Registration temporarily or permanently withdrawn following a breach of the codes of conduct being upheld by the Disciplinary Body, then notification will be sent to NHSE in accordance with the IHEEM/NHSE AE Partnership Agreement, following the 14 days appeal notification period., NHSE Partnership agreement with whom the AE is registered, until after the appeal has been heard.

41. If an AE who is to have their Registration temporarily or permanently withdrawn following a breach of the Code of Conduct being upheld by the Disciplinary Body, and appeals that decision within 14 days through the Appeals Process, then no notification will be sent to NHSE until such time as the appeals process has been completed and the outcome notified to the AE.

42. In the event that a complaint of professional misconduct against an AE is received by the Council and the matter giving rise to such complaint is or becomes the subject of proceedings by any other Institution which is a Nominated Body of the Engineering Council, then any action under the foregoing procedure shall be suspended pending the outcome of such other proceedings.

COSTS

43. If the Disciplinary Body or the Appeal Body, as the case may be, decides that a complaint has been substantiated, it shall have power to order the AE concerned to pay a specified sum towards the costs, both direct and incidental, of inquiries of the Investigating Panel and the hearing of the Disciplinary Body and/or the Appeal Body.

44. If a case before the Disciplinary Body is dismissed or if an appeal to the Appeal Body is successful, the Disciplinary Body or the Appeal Body, as the case may be, shall be empowered to order that the whole or part of such costs shall be paid from the funds of the Institute and where appropriate, to seek to recover the whole or part of the expenditure, from the complainant.

45. In either event, the Disciplinary Body or the Appeal Body shall have complete discretion whether and in what manner it should exercise the powers conferred by the Regulations.

Approved by the IHEEM Technical Platform Committee on 15th May 2026