



cabe

chartered
association
of building
engineers

Professional Conduct Committee (PCC)

Terms of Reference

cbuilde.com

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Constitution



The **Professional Conduct Committee** (referred to below as the “**PCC**”) is an independent committee who reports to the **CABE Board**.

Purpose

The principal purposes of the PCC are to:

- Ensure that complaints received by the Association, about its membership, that are referred for determination at a Disciplinary Hearing can be determined by an independent disciplinary panel.
- Ensure that complaints received by CABE are determined in accordance with CABE’s Disciplinary Processes.
- Ensure that CABE’s disciplinary processes are conducted to the highest standards and monitored to reflect best practice and are modified as and when necessary.
- Conduct Disciplinary Appeals in person, or by examination of papers, where necessary.

Terms of Office

Appointments to the position of **PCC Chair** will be made following interview by the incumbent **PCC Chair** (or CEO) and the member of the CABE Senior Executive Team with responsibility for CABE’s disciplinary processes (‘the **Senior Executive**”).

PCC Lay Members will be appointed following an interview with the **PCC Chair** (or CEO) and the **Senior Executive**. **PCC CABE Members** will be appointed following an interview with an appropriate member of the CABE Senior Executive Team.

The initial periods of tenure to be served by committee members will be as below:

- The Chair will be initially appointed for a **3-year term**.
- The Lay Members will be appointed for either a **2 or 4-year term**, with subsequent appointments running for terms of up to **4 years**.
- The CABE Members will be appointed for an initial **3-year term** unless they become a member of the main **CABE Board**, which will mean they will need to stand down from the **PCC**.

Where Committee members are offered extensions of tenure this will be done on a staggered term basis of either **1 year, 18 months, 2 years, 3 years or 4 years**, to ensure that appointment to the Committee is on a rolling basis.

No member of the **PCC** may serve more than three consecutive terms in any one role for a consecutive period of more than **10 years**.



The **PCC** will consist of at least **9 members**, which must include:

- An independent Chair with suitable legal or regulatory experience, or other relevant experience, who is not a CABE member or otherwise affiliated with CABE in any way.
 - Two Lay Members, who are not members of CABE.
 - Six CABE Members with extensive professional experience, which may include ex-Presidents, ex-Vice Presidents and members of the CABE Technical Expert panel.
- CABE Members sitting on the **PCC** must not be a current President, Vice President, sitting Board member or be a member of the MPSC. Any sitting member of the **PCC** who is elected to one of the aforementioned roles will be obligated to resign from the **PCC**.
 - Disciplinary Panels will be convened from the pool of PCC Members and a Disciplinary Panel Hearing will be quorate providing that there are at least 3 PCC members in attendance including, but not limited to:
 - The Chair or Lay Member (acting as 'Chair'); and
 - Two CABE Members
 - Decisions reached at Disciplinary Hearings will be agreed by majority vote.
 - CABE will pay a daily rate for the time of the Chair and Lay Members for reading of papers, attending meetings and advising as necessary, in accordance with rates agreed with the Board plus reasonable expenses in line with CABE's expenses policies.
 - Members of the **PCC** will be required to sign appropriate non-disclosure agreements and must treat all the information of which they become aware in strict confidence and aligned to the regulations set out in the UK General Data Protection Regulations.
 - Any PCC member who is made subject to disciplinary censure (by CABE or another professional body) will be obliged to vacate their position on the committee with immediate effect.

Key Responsibilities

The **PCC** will have responsibility for adherence to the **Code of Conduct** and **Professional Standards of CABE members**; it will:

- convene and hold Disciplinary Panel Hearings, as defined within the Disciplinary processes
- assess complaints made against CABE members to determine whether the evidence indicates misconduct (as defined in CABE's **Disciplinary Procedure**) for those complaints that the Preliminary Investigation Panel have referred to them
- convene and hold hearing in person where necessary.
- convene and hold hearings by examination of papers where necessary.
- determine what sanction(s) should be imposed if a finding of misconduct is made
- assess the merits of appeal applications lodged by either Party to a complaint and determining whether there are sufficient grounds to uphold to the appeal; and / or
- provide feedback and reports to **CABE HQ** on the workings of CABE's disciplinary processes, the publicly available documentation related to the disciplinary processes (e.g sanctions guidance) and the supporting documentation supplied by **CABE HQ** to assist Disciplinary Panels in fulfilling their disciplinary functions.

Reporting



The PCC will report to the **CABE Board** through:

- Providing the **CABE Board** with access to minutes of all its Disciplinary Hearings; including details of decisions taken.
- Provision of reports, advice and recommendations aligned to the Committee's terms of reference.
- Making available such reporting and audit information to the relevant Licensing Bodies as may be required.

Conflict of Interest

Any member of the **PCC** who has a material interest in a Disciplinary Hearing, whether that be relating to the Complainant or Member or the complaint itself, must notify the **Senior Executive** or **Legal Co-Ordinator** at the earliest opportunity. They will not be permitted to sit on the **Disciplinary Panel** for any related Hearing, or (if applicable) any Appeal Hearings, and must not discuss the matter with any other member of the Committee.

By invitation

Any other CABE member with suitable professional expertise may be requested, at the discretion of the **PCC Chair**, to attend the proceedings of the **PCC** or **Disciplinary Panel** in order to advise on a matter which may require specific or particular expertise.

Engineering Council

Any decisions made that may impact on a CABE member who is also a Registrant with the Engineering Council, must be forwarded to the **Membership and Professional Standards Committee** (MPSC) for ratification before any final decision is made and communicated.

Indemnification

CABE shall provide adequate insurance cover for PCC members, with respect of work done in connection with the responsibilities listed within these Terms of Reference.

Where coverage is required Committee Members must ensure that they notify CABE as soon as possible, and in any event no later than 30 days after becoming aware of a notifiable event, and co-operate fully with any requests made of them by CABE.

Frequency of Meetings

The PCC will meet at least two times per year, at regular intervals, to discuss the administrative and operational functioning of the committee. These meetings will usually consist of:

- one meeting per year for the whole committee to attend; and
- one meeting per year for attendance by the **PCC Chair** and **PCC Lay Members**

Selected members of the committee will also convene to hold disciplinary hearings, as and when required, to reach determination on complaints which have been referred by CABE's **Preliminary Investigation Panel**. To aid in the availability of Committee Members for these hearings, an agreed set of dates will be reserved each calendar year as placeholders for possible disciplinary hearing dates. CABE will ensure that committee members are advised, no later than eight weeks in advance of each reserved date, if that date can be released from committee members diaries.

Terms of Reference

The terms of reference will be reviewed **on an annual basis** to ensure their efficacy and any agreed changes will be enacted, subject to approval by CABE's **Membership and Professional Standards Committee**.

We're here to help

If you have any queries about the PPC Terms of Reference, please contact us. You can also find out further information at cbuilde.com.

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