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of building
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Sanctions Guidance

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 **cabe** Guide

As approved by the Membership and Professional Standards Committee — January 2025



About this document

1. This guidance document sets out how CABE's Professional Conduct Committee (**PCC**) considers which of the available sanctions it will impose in circumstances where it determines that a CABE Member is liable for misconduct.
2. This guidance should be referred to by the CABE Board of Directors (referred to below as "the **Board**"), Membership and Professional Standards Committee, Disciplinary and Appeal Panels (referred to below as "MPSC").
3. However, none of those committees/panels will be bound by the contents of this document, given that CABE recognises that each case must be determined on its individual facts.

Abbreviations and definitions

4. The abbreviations and definitions used in this document are:
 - a. Professional Conduct Committee (**PCC**) – a committee with delegated responsibility to act on behalf of the **Board** with regard to CABE's disciplinary process.
 - b. Disciplinary Panel (**DP**) – a panel drawn from the **PCC** and charged with assessing complaints made against CABE Members to determine whether they are accountable for misconduct and determine what sanction should be imposed. **PCC** Members who have any real or potential conflict of interest with respect of a particular case will not be chosen for the DP that determines it.
 - c. Appeals Panel (**AP**) – a panel drawn from the **PCC**, whom have had no prior involvement in the disciplinary enquiry in question, and charged with assessing appeals to determine whether the decision(s) reached by the **DP** was unreasonable or any penalty imposed was manifestly excessive.
 - d. Membership and Professional Standards Committee (**MPSC**) – a committee with delegated responsibility to act on behalf of the **Board** with regard to ratifying decisions made within the complaints and disciplinary process which concern Engineering Council registrants.
 - e. Misconduct – defined within CABE's **Disciplinary Procedure** as conduct that:
 - I. breaches the **CABE Code of Professional Conduct** (referred to below as "the Code")
 - II. amounts to unacceptable professional conduct within the standards expected in the building engineering profession
 - III. in the circumstances falls significantly below the competence expected of a reasonably competent building engineering professional or otherwise amounts to significant professional incompetence in meeting the standards expected of the building engineering profession
 - IV. may bring CABE or the building engineering profession into disrepute
 - V. is prejudicial to the interest of CABE; and/or
 - VI. fails to comply with a decision made or penalty imposed under this procedure.



Aims and objectives of the CABA Disciplinary Procedure

5. Sanctions are imposed by the **PCC** where there is a finding by a Disciplinary Panel that a CABA Member has committed an act of misconduct (see definition above).
6. In arriving at a decision as to which sanction(s) it is appropriate to impose, CABA should have regard to the reasons for which it is imposing sanctions for misconduct, which include: (*but are not limited to*)
 - a. protecting the public interest
 - b. upholding proper standards of conduct amongst Members
 - c. improving the quality of service being provided to the public at large
 - d. deterring CABA's membership from committing misconduct; and/or
 - e. maintaining and protecting the reputation of building engineer professionals and CABA's membership.
7. This guidance aims to help CABA achieve these objectives in a consistent and proportionate manner through the imposition of sanctions which produce both a rehabilitative and deterring effect.

How CABA will determine which sanction is appropriate

8. Whilst the factors to be taken into account in each case will vary, a non-exhaustive list of factors that could potentially be of relevance include:
 - a. the seriousness and duration of any Misconduct
 - b. the number and frequency of such instances of Misconduct
 - c. any admission or expression of contrition
 - d. the degree of harm (financial or otherwise) caused by the Misconduct
 - e. whether the Misconduct was committed against a vulnerable client
 - f. the extent to which the Misconduct in question occurred deliberately or recklessly
 - g. any steps taken by the Member to address the Misconduct once it had been brought to their attention
 - h. any steps that may have otherwise been taken by the Member to remedy the Misconduct (both pre and post receipt of the complaint by CABA)
 - i. any gain (financial or otherwise) made by the Member as a result of their Misconduct
 - j. the disciplinary history of the Member (repeated Misconduct may lead to the imposition of a more severe sanction)
 - k. the extent to which the Member has cooperated with CABA's investigation
 - l. whether the Member has been dishonest
 - m. whether the Member has provided CABA with any relevant written commitments as issued by or on behalf of the **PCC** or as requested in conditions appended to a sanction
 - n. any steps taken by the Member to try to prevent future misconduct
 - o. the manner in which the Member had dealt with any complaints associated with the Misconduct, that had been made directly to them; and/or
 - p. the Member's personal circumstances.



9. Not all of the factors may be applicable in any particular case.
10. Where a Member has acted in relation to one or more of these factors in a manner which seeks to remedy any Misconduct, these may be sited as mitigating factors in determining the appropriate sanction.
11. Where a Member has failed to act in mitigation, any of the relevant factors may be sited as aggravating factors in determining the appropriate sanction.
12. CABA will ensure that any sanction(s) issued to a Member is appropriate and proportionate to the significance of the Misconduct.
13. CABA will have regard to the need for transparency in applying these guidelines, particularly as regards to the weighting of the factors that it has considered in its choice of sanction and will ensure that reasons are given to both parties for any decision made in relation to a sanction.
14. CABA will not be bound by any decisions that it has previously made on cases concerning similar facts given the need to consider any aggravating and mitigating factors present in each individual case.

Precautionary Suspension

15. The **MPSC** has the power (on the basis of a majority vote of all) to suspend a CABA Member's membership with immediate effect, as a precautionary measure, in circumstances where CABA becomes aware that the Member has been convicted of either:
 - a. a relevant criminal offence under health and safety legislation; and/or
 - b. any indictable criminal offence
16. A precautionary suspension involves the Member having their entitlement (unless otherwise set out as a condition of Suspension) to exercise any of the rights or privileges of membership of CABA removed until the conclusion of any disciplinary proceedings or investigations. Such rights and privileges include, but are not limited to, the following:
 - a. inclusion on CABA's Register of Members
 - b. advertising their services on CABA's website
 - c. usage of CABA's designations and/or logos
 - d. describing themselves as a Member of CABA.
17. In such circumstances, CABA will ensure that its disciplinary investigation commences and concludes forthwith.
18. A Member who has been made subject to a precautionary Suspension is entitled to request that the Suspension be lifted by putting a written request to the **MPSC** within ten working days of the suspension being imposed.
19. A Member serving a precautionary Suspension may also apply in writing, at intervals of no less than four weeks, to request that the **MPSC** review the Suspension.



Disciplinary sanctions

20. Where a disciplinary investigation has concluded and a Member has been found to be liable for Misconduct, a CABA Disciplinary Panel may impose one or more of the following sanctions, as deemed to be appropriate and proportionate to the facts of an individual case:
- a. reprimand
 - b. securing an undertaking as to future conduct
 - c. reduction of the Member's membership grade
 - d. suspension from CABA membership; or
 - e. expulsion from membership.

Reprimand

21. A Reprimand is a formal expression of disapproval, which CABA will issue in written form to a Member who has been found liable for misconduct.
22. CABA will only issue a Reprimand in circumstances where it is decided that such a sanction is sufficient to protect the public and adequate to address the concerns that the Association has identified in relation to the Member's conduct.
23. Reprimands are generally appropriate where any or all of the following conditions apply:
- a. the Misconduct is minor
 - b. the Misconduct is within the members control and ability to remedy
 - c. any potential risk to the health and safety of persons is very limited
 - d. the consequences and any potential loss to any party arising from Misconduct are minor
 - e. the Misconduct has not brought CABA's reputation into serious disrepute
 - f. the Member has shown honesty, cooperation with CABA's investigation, and contrition or a desire to make amends for the Misconduct.
24. When issuing a Reprimand, CABA will also issue the Member with further direction(s) as to the Member's future conduct or formal requests for the Member to undertake further training or development. Any direction or training requirement specified will be aimed at ensuring the Member does not repeat the Misconduct.
25. Details of Reprimands will be recorded on the Member's membership file and CABA will also monitor their compliance with any associated direction/training requirement. Any failure by a Member to abide by the further direction(s)/training requirement would result in the matter being referred back to the **PCC**, who may decide to convene a Disciplinary Hearing at which further sanctions may be imposed.



26. A non-exhaustive list of examples of circumstances that are likely to result in a Reprimand being issued include, but are not limited to, the following:
- an unintentional error or mistake which can occur within the normal undertaking of professional activities and which is not indicative of incompetence e.g. an error in a calculation which should have been more carefully checked
 - a singular and uncharacteristic incident where professional conduct has fallen below the expected standards e.g. failure to treat a client with suitable respect and politeness; and/or
 - a minor procedural failure which should normally be managed e.g. failure to provide a complaints handling policy on request.

Undertaking as to future conduct

27. An Undertaking is an agreement between CABE and a Member about their future conduct and will be used by CABE to ensure that Members who have been found liable for Misconduct refrain from continuing/repeating such Misconduct. Undertakings are likely to be appropriate where:
- there are concerns about the Members competence in a specific number of areas where action is required to ensure that the public interest is protected by addressing that shortfall in competence
 - material risks to health and safety of persons have been identified as arising from a Member's past conduct which require action to address in the future but where actual harm has not occurred
 - serious failures in professional conduct and standards are identified where action is required to ensure no future misconduct
 - there are questions about the reliability of the Member in terms of addressing concerns raised in the absence of conditions being imposed
 - there is a lack of collaboration from the Member in disclosing information to or cooperating with a disciplinary investigation; and/or
 - any other matter where a commitment by the Member to act is considered necessary.
28. Where an Undertaking is required from a Member, he/she must ensure that the Undertaking is received by CABE (in writing) within a specified timeframe, to be determined by CABE on a case-by-case basis. The maximum timeframe that can be permitted is 28 days.
29. CABE will only require a Member to give an undertaking in circumstances where it is decided that such a requirement is sufficient to protect the public and address the concerns it holds about the Member.
30. Records of the written undertakings received from Members will be stored by CABE on the individual's membership file and (if relevant) will be referred to in any future disciplinary cases brought against them.
31. If a Member fails to comply with agreed Undertakings, CABE will refer the Member to the **PCC**, who may decide to convene a Disciplinary Hearing at which further sanctions may be imposed.
32. Undertakings should be specific, measurable, achievable, realistic and timebound.
33. A non-exhaustive list of examples of circumstances that are likely to result in an Undertaking in writing being requested from a Member include, but are not limited to, the following:



- a. where serious concerns about specific aspects of competence are identified including, but not limited to, technical competence in delivering building engineering services, and understanding and acting on legal and moral duties
- b. failing adequately to address and manage risks to the health and safety of persons e.g. by failing to comply with requirements under the CDM Regulations 2015
- c. repeated instances of inappropriate professional conduct e.g. rudeness, failure to be reasonably timely in responding to client requests, failure to respond appropriately to complaints
- d. failure to put in place adequate safeguards for client's money; and/or
- e. unintentional failures to manage or be transparent about conflict of interest through poor business practice e.g. failure to disclose personal relationships.

Reduction of the Member's membership grade

34. CABE operates the following membership grades, through which its membership has the ability to progress:
 - a. Student Member
 - b. Technician Member
 - c. Graduate Member
 - d. Associate Member
 - e. Chartered Member
 - f. Chartered Building Engineer
 - g. Chartered Fellow
35. A Member's membership grade serves as an indicator of the level of competence and experience held by that Member and therefore can affect their earning potential, but more importantly acts as an indicator of trustworthiness to the public.
36. CABE may opt to reduce a Member's membership grade in circumstances where it deems that the Misconduct is incompatible with their membership grade and/or where it is deemed to be an appropriate deterrent to ensure the Member does not repeat the Misconduct.
37. In applying this sanction, CABE will consider the content of **CABE's Membership Competency Frameworks** in order to identify whether and which grade(s) an individual's current membership grade could be downgraded to.
38. Membership grade reduction cannot be applied to Student or Technician Members as they are entry level membership grades.
39. A non-exhaustive list of examples of circumstances that are likely to result in the reduction of a Member's membership grade include, but are not limited to, the following:
 - a. where a Chartered Fellow has brought the Association into disrepute or has been found liable for Misconduct which no longer supports their status as a Chartered Fellow
 - b. where it is determined that a Member has been attributed a grade of membership that exceeds their professional capability and a direction or condition is insufficient or unlikely to remedy the deficit in competence; and/or
 - c. as an alternative to suspension where substantial remedial training or development is required but it is deemed appropriate for a Member to continue to operate at a lower grade.



Suspension

40. A Suspension involves the Member having their entitlement (unless otherwise set out as a condition of Suspension) to exercise any of the rights or privileges of membership of CABE temporarily removed including, but not limited to, the following:
 - a. inclusion on CABE's Register of Members
 - b. advertising their services on CABE's website
 - c. usage of CABE's designations and/or logos
 - d. describing themselves as a Member of CABE.
41. When placing a Member under Suspension, CABE will also impose conditions on that Member that they must complete specified training and/or any other appropriate requirement prior to the suspension being lifted. Suspension is likely to be appropriate where:
 - a. there are very serious concerns about the Member's competence in a specific number of areas which require remedy before the Member can be permitted to continue to hold themselves out as a building engineer
 - b. there are material risks to the health and safety of persons in allowing a Member to continue to practice as a building engineer until remedies are put in place
 - c. there are serious or repeated failures in professional conduct and standards which could cause harm to the public or bring CABE into disrepute until suitable remedies are applied
 - d. failure to cooperate with CABE in its investigations raises questions about any of the circumstances listed in a. to d. above; and/or
 - e. any other matter where continuing to hold out the Member as Chartered Building Engineer is not in the public interest.
42. CABE may also direct that a Suspension must last for a minimum period of time, irrespective of the Member satisfactorily fulfilling any associated training requirements/directions. The maximum term a Suspension can be set for is two years.
43. Throughout the period of suspension, a Member will remain subject to the provisions of CABE's constitutional documents, including **CABE's Code of Conduct**, and will therefore remain liable for further disciplinary action for any further contraventions committed by them during a period of suspension.
44. CABE will suspend members in circumstances where it determines that such a sanction will protect members of the public, the reputation of building engineer professionals and uphold proper standards of conduct amongst CABE's membership.
45. A suspension will not be appropriate, however, where the Misconduct is fundamentally incompatible with continued membership of CABE.
46. Conditions should be specific, measurable, achievable, realistic and timebound.



47. A non-exhaustive list of examples of circumstances that are likely to result in a Suspension being issued include, but are not limited to, the following:
- a. undertaking work for which the Member is not demonstrably competent
 - b. multiple instances of incompetence or Misconduct with elevated risk of loss or harm to the public
 - c. serious concerns about financial impropriety or potentially fraudulent activity including failure to manage a serious conflict of interest
 - d. repeated or seriously unprofessional conduct including offensive statements and behaviour
 - e. conviction of a criminal offence in the course of undertaking professional activities which could pose a direct and/or immediate risk to the public
 - f. serious procedural failures such as working without adequate professional and public liability insurance; and/or
 - g. failure to comply with the Continuing Professional Development (CPD) requirements set by CABE.

Expulsion

48. A Member who is Expelled from the Association will be removed from CABE's Register of Members and upon Expulsion will cease to be a Member of the Association.
49. Expulsion will be deemed to be appropriate in circumstances where the Member's misconduct is fundamentally incompatible with continued membership of CABE.
50. Prior to imposing an order for Expulsion, all other available sanctions will be considered to ensure that Expulsion is the most appropriate sanction and is proportionate, taking into account all the circumstances of the case.
51. A non-exhaustive list of examples of circumstances that are likely to result in Expulsion include, but are not limited to, the following:
- a. intentional and/or persistent Misconduct
 - b. fraud, dishonesty, or a lack of integrity
 - c. failure to comply with a sanction and/or direction issued by CABE
 - d. failure to co-operate with a disciplinary enquiry convened by CABE
 - e. misappropriation of client's money
 - f. acts and/or omissions which place a client's health and safety at real risk or have caused actual injury or harm
 - g. intentional discrimination
 - h. financial mismanagement
 - i. gross incompetence
 - j. unacceptable professional conduct
 - k. acts and/or omissions which bring CABE into disrepute; and/or
 - l. conviction of a serious criminal offence linked to their professional activities.
52. A person who ceases to be a Member as a result of Expulsion may, after a period of no less than five years, apply to the Board to be re-admitted if there are circumstances that may justify such readmission but the decision is entirely within the discretion of the Board. The re-applicant shall be provided with the Board's reasons for any decision reached.



Appeals

53. Both parties to a complaint have the right to seek leave (i.e. permission) to appeal against any decision reached by the **DP**, including but not limited to the choice of sanction(s) imposed, by submitting grounds for Appeal in writing to **CABE's Chief Executive, CABE, Lutyens House, Billing Brook Road, Northampton NN3 8NW** or via **complaintshandling@cbuild.com** within ten working days of being notified of that decision.
54. Permission to Appeal will be granted unless it is decided that the grounds for Appeal are entirely without merit or show no reasonable prospects of the Appeal succeeding. Where permission is granted, a determination will be made on the Appeal by the **AP**.
55. Where an Appeal against a decision of the **DP** is upheld, the **AP** will direct that either the original **DP** or a newly constituted **DP** review the complaint and reconsider the determination(s) reached on the Member's liability for Misconduct and/or whether to vary the sanction(s) imposed on them to one of a greater or lesser severity. The decision reached as a result of the review will be final and cannot be further appealed.

Publication

56. Where CABE determines that a Member is liable for Misconduct and has successfully imposed a sanction, the nature of the breach and the sanction will normally be published in the CABE journal, and on the CABE website, once any time period for appeals has lapsed.
57. In addition, where the penalty takes the form of the subject being Suspended or being Expelled from membership, CABE will normally publish notice of Suspension or removal in line with CABEs' publication policy.
58. Further, CABE will notify the Engineering Council and/or the Building Safety Regulator of the outcome of CABE disciplinary hearings if the member is also registered with that organisation.
59. CABE will consider written requests received from Members for details of sanctions imposed against them not to be published or notified to the Engineering Council and/or the Building Safety Regulator, provided those requests are received within **14 days** of the date on which they were notified of the outcome of the relevant disciplinary proceedings.

Membership records

58. Details of any findings of Misconduct made against a Member and any sanction(s) imposed on them will be retained indefinitely on that individual's membership file.

Review

59. CABE will review and (where appropriate) amend this guidance document annually.



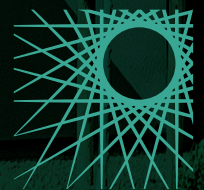
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We're here to help

If you have any queries about the Sanctions Guidance, please contact us.

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