

Guidance on the Process of Investigation, Discipline and Appeal for breaches of the Code of Professional Practice for ECS Registered Status

Scope

This guidance is intended to assist in the process of investigating alleged breaches of the Code of Professional Practice for ECS Registered Status (“the Code”). This guidance also sets out the sanctions that may be applied to ECS Registered status where an alleged breach of the Code has been upheld. This Guidance only applies to those who have ECS Registered status.

The handling of allegations of breaches of the Code involves the following stages:

- Complaint received and submitted to the JIB
- JIB decision on whether or not the individual has ECS Registered status, and that the complaint is not contractual in nature i.e. the complaint is within scope
- Where there is a potential breach of the Code the complaint is referred to an Investigation Panel
- A report on the facts will be produced
- Review of report by Investigation Panel as to whether there is a case to answer and referral to a Disciplinary Panel in appropriate cases
- Disciplinary Panel considers report and agrees appropriate sanction if applicable
- Disciplinary Panel decision is communicated to the Registered Electrician
- Registered Electrician has the right of appeal against the decision of the Disciplinary Panel
- The request for an Appeal Hearing will be considered and a hearing will be held in appropriate cases
- The Appeals Panel decision is communicated to the Registered Electrician. This is the final stage of the process

Complaint

An individual, including a member of the public, who wishes to make a complaint about an alleged breach of the Code must submit a complaint in writing using the Complaints form, which may be downloaded from the ECS website.

Complaints should be submitted by email at administration@ecscard.org.uk or by post to ECS Contact Centre Operations Manager, Joint Industry Board, PO Box 127, Swanley, Kent BR8 9BH.

Receipt of the complaint will be acknowledged and consideration given as to whether or not the matter which is the subject of the complaint constitutes a potential breach of the Code.

In cases where the complaint does not constitute a potential breach of the Code, the JIB will advise the individual who has submitted the complaint, explaining why the complaint is not admissible and providing advice and guidance on how the complaint may be resolved.

The complaint must relate to work or actions that have been undertaken in the 3 months prior to the date of submission of the complaint. Where the complaint constitutes a potential breach of the Code, the JIB will send the complaint to the Registered Electrician and request their observations in writing.

On receipt of the observations from the Registered Electrician or in cases where the Registered Electrician does not submit any observations, the JIB will normally arrange a meeting of an Investigation Panel.

What could constitute a breach of the Code?

It should be noted this is not an exhaustive list but is provided as guidance for those undertaking an investigation into allegations of breaches of the Code. Relevant acts or omissions which may be considered under this remit include:

- Not undertaking work professionally, competently or in a responsible manner, including but not limited to:
 - Not having full regard to the health, safety and technical quality of the work they are undertaking or in the supervision of others
 - Failure to comply with the current edition of BS 7671
- Wilful or reckless creation of incidents leading to danger of death, injury or ill health to any person, including but not limited to:
 - Non-compliance with HSE enforcement actions (such as an Improvement Notice)
 - Prosecution related to the Health and Safety at Work Act 1974, the Electricity at Work Regulations 1989 or any other relevant statute
- Wilful or reckless damage to property or endangerment of the environment
- Failure to undertake appropriate Continuing Professional Development (CPD)
- Issues related to the conduct of the ECS Registered Electrician which could bring the Registered Electrician status into disrepute
- Non-compliance with an investigation into alleged breaches of the Code including aggressive, abusive or violent behaviour to JIB or ECS staff
- Vexatious allegations made against other ECS Registered Electricians without justification

Investigation Panel

The Investigation Panel will comprise two members selected by the JIB from the list of Panel Members. The Panel Members list consists of those individuals with suitable experience and knowledge who have been selected to act in the best interests of the industry.

The Investigation Panel Members will decide between them who will act as Chair.

The JIB will provide a secretariat service to the Investigation Panel.

The members of the Investigation Panel are responsible for establishing the facts, which will normally include the commissioning of a detailed report on the complaint. This may include a visit

to inspect the workmanship of the Registered Electrician. This report will be provided to the Disciplinary Panel should a complaint reach this stage.

The Investigation Panel may dismiss the case if it is satisfied that there is no case to answer.

Disciplinary Panel

The Disciplinary Panel will comprise two members selected by the JIB from the list of Disciplinary Panel Members.

The Disciplinary Panel Members will decide between them who will act as Chair.

The JIB will provide a secretariat service to the Disciplinary Panel.

The Registered Electrician, who is the subject of the complaint, will be invited to attend the hearing. The allegation will be put to the Registered Electrician for their response to establish whether there has been a breach of the Code. The Disciplinary Panel will ask questions of the Registered Electrician in relation to the complaint raised.

As the complaint relates to the individual's acts or omissions concerning their performance, technical ability or conduct, representation at the Hearing will not be permitted. The individual will be expected to present their case and to answer any questions reasonably asked by the Disciplinary Panel.

The Complainant will be invited to attend the hearing in order that the necessary questions can be asked as to how the complaint arose and what, if any, action was taken to attempt to rectify the situation or find an amicable solution.

The Disciplinary Panel is responsible for making a decision on sanction, as appropriate. The Disciplinary Panel may also dismiss the complaint if it finds that there is no case to answer.

Sanctions

Sanctions will be imposed to minimise risk to the Registered Electrician status integrity, maintain public confidence, ensure there is no benefit from the breach of the Code committed and to deter others from such similar actions. Any sanction should be decided on these considerations.

Evidence of repeated malpractice or breaches of the Code should be taken into account when deciding on an appropriate sanction. Sanctions are intended to be corrective and not punitive so that the registration of Registered status is managed proportionately and robustly.

Where a decision is found against a person with Registered status, sanctions may include (but are not limited to):

- A written warning about future conduct
- Removal of the Registered status
- Suspension of Registered status
- Mandatory attendance at a theory-based event

- Regular inspections of future work
- Other conditions as deemed appropriate

Where an individual has their Registered status removed any fees associated with the registration will be forfeit and before a future application for Registered Electrician status can be considered the individual must pay the full registration and application fees, and agree to comply with any conditions placed against their Registered status.

Once a decision is made it will be confirmed along with the details of any sanction to the parties in writing as soon as possible. This decision and details of any sanction will be sent by the JIB.

Appeal Panel

If an ECS Registered Electrician is sanctioned under this process they will be informed of the decision in writing and provided with the opportunity to appeal in writing.

The only grounds of appeal which will be accepted are that the Disciplinary Panel was in error in its application or interpretation of the Code of Professional Practice, the wiring regulations BS7671 or other technical issue related to the work which had been undertaken, or the Disciplinary Panel decision was one which no reasonable Panel could have reached on the evidence before it.

The appeal must be received by the JIB Secretary within 10 working days of the decision of the Disciplinary Panel being sent out to the relevant parties. The decision of the Disciplinary Panel will state the date by which any appeal must be received.

Appeals must be submitted by email at ir@jib.org.uk or by post to the JIB Secretary, Joint Industry Board, PO Box 127, Swanley, Kent BR8 9BH.

The Appeal Panel will comprise two members selected by the JIB from the list of Panel Members, and will be different from those Panel Members who sat on the Disciplinary Panel and may consist of independent representatives from the wider industry.

The Appeal Panel Members will decide between them who will act as Chair. The JIB will provide a secretariat service to the Appeal Panel.

If an appeal is submitted out of time the individual will need to provide written reasons as to why the appeal should be heard. Discretion as to whether an appeal should be held lies with the Appeal Panel.

The Appeal Panel has the authority to uphold, vary or overturn a decision of the Disciplinary Panel. The decision of the Appeal Panel will be conveyed in writing to the Registered Electrician. The decision of the Appeal Panel is final.

If an ECS Registered Electrician has their status as a Registered Electrician removed either following non-lodging or an unsuccessful appeal, an individual will need to provide any evidence that they meet the required standards, which may include, where the Disciplinary or Appeals panel decides appropriate, an interview or applicable retaining or upskilling, in order to have their Registered Electrician status reissued in the future.