

# **Chartered Institute of Environmental Health Fitness to Practise Panel**

**Hearing held on 17 May 2024  
at 15 Hatfields, London SE1 8DJ**

## **Determination**

<b>Member:</b>	<b>Farhad Chowdhury</b>
<b>Panel members:</b>	Andrew Baum (lay member) Roberta Bourges-Stewart (professional member) Pamela Ormerod (lay member, Chair)
<b>Hearing Co-ordinator:</b>	Andrew Harvey
<b>Mr Chowdhury:</b>	Present, represented by Mr Mustafa
<b>Chief Executive, CIEH:</b>	Represented by Jon Buttolph
<b>Facts proved:</b>	Allegations 1 to 6
<b>Facts not proved:</b>	None
<b>Impairment:</b>	Currently impaired
<b>Sanction:</b>	Termination of membership

## **Preliminary matters**

Mr Mustafa indicated that there was additional material that he wished to adduce as part of Mr Chowdhury's case. He made submissions to the Panel in respect of the nature of this material. Some pertained to the nature of the work that was related to the charge, some related to Mr Chowdhury's personal circumstances at the time and some was character references.

Mr Buttolph confirmed that CIEH raised no objection to the admittance of these documents into evidence.

The Chair asked the Hearing Coordinator to provide advice. He pointed out that the Code of Ethics for Members and Fitness to Practise Rules (the Rules) were silent on the late admission of evidence. However, the Panel had wide powers under Rule 10.9 to manage the hearing in whatever manner it saw fit, subject to the over-riding consideration of fairness to both parties and the interests of justice.

The Panel considered the position of both parties and the advice it had received and determined that the documents adduced should be admitted into evidence.

The Chair raised the fact that some of the additional evidence now admitted contained personal health information in respect of third-parties, who were members of Mr Chowdhury's family. She proposed that these matters should be subject to the provisions of Rule 10.8, which provided for such information to be considered in private whilst acknowledging that the default position was that all evidence at such a hearing should be heard in public.

Both parties confirmed that they supported this approach and Mr Chowdhury confirmed that he would wish the only members of the public currently observing to remain in any private session (these were a friend of his and a member of CIEH staff).

The Hearing Coordinator advised the Panel that it had correctly identified an important issue of confidentiality and that it would be appropriate for it to hear such evidence in private, in accordance with the provisions of Rule 10.8.

The Panel determined that it would go into private session whenever personal health information was to be considered and that such information would be redacted from any published version of its determination.

The Panel reminded the parties that, on 13 May 2024, it had put them both on notice of a further preliminary matter that it wished to address.

On their initial review of the papers sent to them in advance, Panel members had considered that there may be a matter which should, properly, have been the subject of an allegation to adequately reflect the seriousness of the member's alleged behaviour.

In its communication to the parties, the Panel had said:

*The papers for this case have been provided to the panel in advance, as is usual.*

*In reviewing the papers, the panel has identified a matter that appears to it not to be reflected in the charges put to Mr Chowdhury by CIEH. The matter is that, on page three of the bundle (the second page of Mr Chowdhury's letter of 2 December 2023), Mr Chowdhury, in his sign off, appears to hold himself out as having the grade of 'member'. The papers before the panel (Matt Harvey's e-mail of 24 October 2023) appear, on initial review, to suggest that a different membership designation was authorised for use.*

*The panel is minded to amend the charges to insert additional allegations, to reflect this matter. It has decided to put both CIEH and Mr Chowdhury on notice of this potential revision. It will deal with this at the start of the hearing on 17 May 2024 as a preliminary matter. Before it makes any decision on this, it will ask the parties for their views.*

The Chair emphasised to the parties that the Panel had not made any decision in respect of the need for revisions to the allegations but that, having identified what was a potential deficiency, it was under an obligation to consider the matter. She asked the Hearing Coordinator to provide advice to assist the parties, in advance of hearing any submissions that they might wish to make.

The Hearing Coordinator advised the Panel that any decision it made in this respect should balance the need to protect the public and uphold the reputation of the profession and of CIEH with considerations of fairness to both parties. Whilst, as was not uncommon, there was no specific provision in the Rules in this respect, the Panel had wide-ranging powers to regulate its own proceedings under the provisions of Rule 10.9. The Panel and the parties may find it helpful to take into account the case of *Professional Standards Authority v Health and Care Professions Council and Doree 2017 EWCA Civ 319*. In the Court's judgment, Lindholm LJ commented, "A professional disciplinary committee is entitled to make amendments to the allegations before it so as to avoid 'undercharging...'"

It was, therefore, open to this Panel (once it had heard the submissions of each party) to either let the allegations stand unamended, to revise them in the manner in which it had proposed or to make any other changes in the light of submissions.

The Panel provided the parties with a document setting out the changes which it considered might be necessary (including a 'tracked changes' version, designed to assist the parties):

#### *Original allegation*

The allegation is that you, Mr Farhad Chowdhury, an Associate Member of the Chartered Institute of Environmental Health, are guilty of misconduct in that:

- 1 You produced a letter, dated 12 December 2023, including the title 'Chartered Environmental Health Practitioner.
- 2 The use and positioning of the words Chartered Health Environmental Health Practitioner implies that you hold this level of membership/registration.
- 3 You do not hold Chartered Status, you are an Associate Member and, therefore:
- 4 Using the title 'Chartered Environmental Health Practitioner' in this way is:
  - a. Misleading
  - b. Lacking in integrity
  - c. Dishonest

And, by reason of your misconduct, your fitness to practise as a member of CIEH is currently impaired.

#### *Panel's proposed revisions*

The allegation is that you, Mr Farhad Chowdhury, an Associate Member of the Chartered Institute of Environmental Health, are guilty of misconduct in that:

- 1 You produced a letter, dated 12 December 2023, including the title 'Chartered Environmental Health Practitioner

- 2 The use and positioning of the words Chartered Health Environmental Health Practitioner implies that you hold this level of membership/registration
- 3 You do not hold Chartered Status, you are an Associate Member
- 4 In that same letter, you describe yourself as 'MCIEH' (that is to say, holding the Member grade of membership)
- 5 You do not hold the MCIEH grade of membership, you are an Associate Member
- 6 Using either or both of the titles 'Chartered Environmental Health Practitioner' and designation 'MCIEH' in this way is:
  - a. Misleading
  - b. Lacking in integrity
  - c. Dishonest

And, by reason of your misconduct, your fitness to practise as a member of CIEH is currently impaired.

Mr Mustafa submitted that Mr Chowdhury wished to be as co-operative as possible, but that he would have liked more time to consider the proposed revisions. The Chair offered Mr Mustafa the opportunity to take more time to discuss these matters with Mr Chowdhury and make any submissions that he chose. Mr Mustafa declined that opportunity.

Mr Buttolph confirmed that CIEH raised no objection to the proposed charges and that, in his submission, this was a matter for the Panel.

The Hearing Coordinator reminded the Panel of his earlier advice. It was open to the Panel, now having heard the submissions of the parties, to make these changes or any others. It should weigh in the balance the requirement for fairness, to act in the interests of justice and to protect the public and the reputation of the profession.

The Panel considered the submissions of the parties and the advice it had received. It determined that it was fair, proportionate and in the interests of justice to make the changes that it had proposed.

### **Details of allegations, as amended**

The allegation is that you, Mr Farhad Chowdhury, an Associate Member of the Chartered Institute of Environmental Health, are guilty of misconduct in that:

- 1 You produced a letter, dated 12 December 2023, including the title 'Chartered Environmental Health Practitioner
- 2 The use and positioning of the words Chartered Health Environmental Health Practitioner implies that you hold this level of membership/registration
- 3 You do not hold Chartered Status, you are an Associate Member
- 4 In that same letter, you describe yourself as 'MCIEH' (that is to say, holding the Member grade of membership)
- 5 You do not hold the MCIEH grade of membership, you are an Associate Member
- 6 Using either or both of the titles 'Chartered Environmental Health Practitioner' and designation 'MCIEH' in this way is:
  - a. Misleading
  - b. Lacking in integrity
  - c. Dishonest

And, by reason of your misconduct, your fitness to practise as a member of CIEH is currently impaired.

The Chair invited Mr Mustafa to outline any admissions that Mr Chowdhury might wish to make. Mr Mustafa submitted that Mr Chowdhury admitted allegations 1 to 5 inclusive. He denied each limb of allegation 6, that the matters alleged amounted to misconduct and that his practice was currently impaired.

The Chair announced allegations 1 to 5 as proven on the basis of Mr Chowdhury's unqualified admissions.

## **Background**

A complainant (a member of the public, Person A) had contacted CIEH by e-mail on 14 December 2023 to raise concerns about the membership status of Mr Chowdhury, which arose in the context of a professional opinion he had provided regarding a building extension. A further complaint was received (from Person B) on 18 December 2023, raising similar concerns.

On receipt of these concerns, the matter was referred to a Screener in accordance with the Rules.

The Screener assessed the case and, in a decision dated 1 February 2024, determined that there was a real prospect of the facts alleged being found proven and, also, the prospect of current impairment being found.

In accordance with Rule 8.2 these matters were referred to a hearing.

On 5 February 2024 Mr Chowdhury was told about the screener's decision and formal notice of the hearing was served on him on 14 February 2024. Submissions from Mr Chowdhury had been received by CIEH on 5 and 19 February 2024. These were provided to the Panel.

## **Submissions of the parties on facts**

The Panel invited submissions from the parties.

On behalf of CIEH, Mr Buttolph submitted these matters were reported by a member of CIEH and that the relevant letter (dated 12 December 2023) appeared not to be a matter of dispute between the parties, in that it was admitted that Mr Chowdhury sent the letter as exhibited in the bundle for this case.

He went on to submit that titles such as Environmental Health Officer or Environmental Health Professional did not have protected title status in this jurisdiction; however, the chartered title did, in accordance with CIEH's charter.

He further submitted that there were differing grades of membership and that Mr Chowdhury had a level of qualification and experience that would have entitled him to apply for Member or Associate grade. Mr Chowdhury had chosen to apply for the latter. This precluded him from applying for chartered status which was only open to those holding the membership grade of Member or Fellow.

Mr Buttolph explained that the logo displayed at both the bottom and the top of the letterhead which Mr Chowdhury had generated was an old version of that issued to those who held current

chartered status. CIEH had not provided it to Mr Chowdhury, nor was it clear how it had come into his possession.

CIEH was keen to protect the chartered designation. It was a sought after status, with professional and commercial value to those who held it. The awarding of the status was a complex process, awarded to the applicant only after significant work experience and expense incurred.

Any use of the logo without the relevant credentials was clearly, on any interpretation, misleading. Members of the public would, on the basis of Mr Chowdhury's letter of 12 December 2023, assume he held both Member grade and chartered status.

At this point and in order to assist both parties, the Chair invited the Hearing Coordinator to outline definitions in respect of the limbs of the disputed matters, that is to say allegation 6.

The Hearing Coordinator suggested that the Panel may wish to use the dictionary definition in respect of 'misleading'. That was, "giving the wrong idea or impression".

In respect of integrity, the Hearing Coordinator advised the Panel to have regard to the principles espoused in the case of *Wingate v Solicitors Regulation Authority [2018] EWCA 366*. It was said that integrity is a more nebulous concept than honesty and that it was a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members.

In relation to dishonesty, the Panel was reminded of the leading case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*. The Panel should, first, consider, subjectively, the actual state of Mr Chowdhury's knowledge or belief as to the facts. It was not an additional requirement that that belief must be reasonable. The second test was an objective one. It was to determine if the conduct was honest or dishonest by the standards of ordinary, decent people.

Mr Buttolph continued his submissions by saying that the information provided by CIEH on its website was abundantly clear and that that was reinforced by the contents of Matt Harvey's e-mail of 24 October 2023. By any measure ordinary, decent people would consider Mr Chowdhury's conduct to be dishonest.

He further submitted that, in describing his status in the way that he had, Mr Chowdhury had not been scrupulous in demonstrating integrity which was particularly important in the environmental health profession, given the important role that practitioners play in public health matters

Before hearing from Mr Chowdhury in respect of allegation 6, a member of the panel (Ms Borges-Stewart) declared that, on examination of the papers before the Panel, she had discovered that she worked at the same local authority as that involved in this case. She had been employed there since September 2023, but had no knowledge of the officer involved nor of the case.

Both parties confirmed that it was not necessary for Ms Borges-Stewart to recuse herself from consideration of the case on this basis.

Mr Mustafa submitted that, in mid-November 2023, a social contact of Mr Chowdhury had sought his assistance in respect of environmental health issues at his property.

Initially, Mr Chowdhury had declined to act because of his personal circumstances. At a later stage, feeling under some pressure to assist, he had agreed to do so. In something of a rush, he had prepared and sent the letter of 12 December 2023.

Two days later, he was contacted by his client (the work not being remunerated) who explained that Mr Chowdhury's professional status and suitability to give the opinion he had was being questioned by a local authority officer. Mr Mustafa submitted that Mr Chowdhury's advice was sought not on the basis that he was a CIEH member but that he was a health and safety officer with considerable experience. He further submitted that, in that further letter, Mr Chowdhury had correctly referred to his membership grade as Associate, although he had again used the post-nominal 'MCIEH' beneath his signature

Mr Mustafa explained that Mr Chowdhury's employer had recently required, or encouraged, him to be a member of CIEH and that he had had to deal with this at a very challenging time in his personal life. He submitted that it was CIEH's responsibility to tell Mr Chowdhury if he could use the logo for chartered status or not. He had seen lots of his colleagues using this logo and CIEH had not told him that he could not do so.

In examination, Mr Chowdhury was asked if he thought that a component of integrity was reading the material relevant to his membership status and understanding it. He submitted that he had had a lot going on in his personal life and that he thought this responsibility attached to CIEH and to his employer to 'flag up' important limitations. He said that CIEH did not make it clear what he could do as an Associate or a Member.

When the direct question was put to him, he agreed that the e-mail from Mr Harvey of 24 October 2023 was clear in this regard.

In response to questions from the Panel, Mr Chowdhury explained that he had obtained the 'chartered status' logo from a colleague. He thought it looked nice and decided to use it as he had seen others do; he did not read the words on the logo. He said that, although he knew that he held Associate member grade, he thought that he could describe himself as 'MCIEH'.

Mr Mustafa said that the Panel would need to consider what was Mr Chowdhury's actual state of knowledge. This was an honest mistake resulting from a lack of knowledge. Mr Chowdhury's letter of 14 December 2023 makes it clear that he knew the correct grade of his membership, despite the use of the letters 'MCIEH'. He said that, at no point did Mr Chowdhury mention that he was a member of CIEH. He submitted that an ordinary person would not carry out the degree of verification that CIEH was suggesting was necessary here.

Mr Buttolph submitted that Panel was now only required to consider the elements of allegation 6.

He said that Mr Chowdhury did have the knowledge to use the appropriate terms. Whilst he acknowledged that Mr Chowdhury was under pressure at the time, he retained his professional responsibility to act in a manner which demonstrated integrity. It was important to members of CIEH that designations were used only by those who were entitled to do so.

He further submitted that there were both professional and financial benefits if someone held themselves out as having a designation which they did not.

Mr Mustafa submitted that there was a wide gap between a case such as this and that of *CIEH and Mrs Dilmahmode* which a fitness to practise panel had recently concluded. Mr Chowdhury had made no financial gain and was under considerable pressure at the time.

The Hearing Coordinator reminded the Panel of the advice that he had given it earlier and reminded it that the burden of proof was on CIEH (that is to say that it was for it to prove its case, not Mr Chowdhury) and that the standard of proof was the civil test.

## **Decision and reasons on facts**

In reaching its decisions on the facts, the Panel has taken into account all of the oral and documentary evidence in this case, the submissions made on behalf of Mr Chowdhury and the submissions by Mr Buttolph on behalf of CIEH.

The Panel reminded itself that the burden of proof rests on CIEH and that the standard of proof is the civil standard, namely the balance of probabilities. That means that a fact will be proved if the Panel is satisfied that it is more likely than not that the incident or other matter occurred as alleged.

The Panel noted that it was not required to undertake any further consideration of allegations 1 to 5 as each had been proved by admission.

The Panel then considered allegation 6 and made the following findings of fact:

*Using either or both of the titles 'Chartered Environmental Health Practitioner' and designation 'MCIEH' in this way is:*

*a. Misleading*

**This charge is found proved**

The Panel reminded itself of the definition it had been offered and adopted that. It considered that Mr Chowdhury's reasons for taking the logo and using it were clearly intended to give greater weight and credibility to his communications with third parties. The Panel considered that it mattered not if the use was for gain or otherwise and was clearly misleading.

*b. Lacking in integrity*

**This charge is found proved**

The Panel considered that Mr Chowdhury had a greater responsibility, as a professional, to ensure that he acted with integrity. That having been said, it considered that the lack of checking or clarification he undertook amounted to less than that which an ordinary member of the public would do. CIEH's advice had made it abundantly clear as to what designation that he could use.

It did not consider it to be a reasonable expectation that CIEH or his employer should advise him on this. As a member, he had a personal responsibility to ensure that he complied with his obligations.

*c. Dishonest*

**This charge is found proved**

In making its decision in respect of this allegation, the Panel accepted that there was no evidence that Mr Chowdhury had made any material gain from his admitted actions, but reminded itself that the test for dishonesty did not require it to make any such finding.

In considering what was his stage of knowledge and belief, the Panel noted that had worked in the environmental health sector for more than 26 years. It concluded

that it was implausible that he would not been able to distinguish between grades of membership and that he must have known that there was a clear difference between each of the those grades of membership, Further, the circumstances in which he received the template for his communication did not assist him. Therefore, holding himself out in the material that he provided as having a grade of membership which he did not have was dishonest. Ordinary, decent members of the public would consider his conduct dishonest.

### **Fitness to practise**

Having reached its determination on the facts of this case, the Panel then moved on to consider whether the facts found proved amount to misconduct and, if so, whether Mr Chowdhury's fitness to practise is currently impaired.

There is no statutory definition of fitness to practise. However, CIEH views fitness to practise as a member's suitability to remain as a member of CIEH, unrestricted.

The Panel, in reaching its decision, has recognised its duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage and it has, therefore, exercised its own professional judgement.

The Panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the Panel must decide whether, in all the circumstances, Mr Chowdhury's fitness to practise is currently impaired as a result of that misconduct.

### **Submissions on misconduct**

In coming to its decision, the Panel had regard to the case of *Roylance v General Medical Council (No. 2) [2000] 1 AC 311* which defines misconduct as a 'word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.'

Mr Buttolph invited the Panel to take the view that the facts found proved amount to misconduct. He submitted that it was important to CIEH members that matters of public interest and public protection were engaged with by CIEH, both of themselves but also as these protected the reputation of the profession.

Mr Mustafa invited the Panel to consider that the matters it had now found proven were not so serious as to amount to misconduct. He submitted that the facts in the case of *Roylance* were quite different as they did not relate to a single act, as was the case here.

### **Decision and reasons on misconduct**

When determining whether the facts found proved amount to misconduct, the Panel had regard to the Rules.

The Panel was of the view that Mr Chowdhury's actions did fall significantly short of the standards expected of a CIEH member and that they amounted to a breach of the Code of Ethics contained

within the Rules. Specifically, it accepted the submissions of Mr Buttolph that the conduct found proved did involve a falling short of what would be proper in the circumstances.

It determined that Mr Chowdhury's proven actions constituted misconduct and that the following provisions of the Code of Ethics were engaged in this case:

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

*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, employers and colleagues have in them and the profession*

*5.2.4 Avoid conduct that could affect or undermine the confidence placed in them, the CIEH and the environmental health profession*

*5.2.5 Not knowingly mislead anyone*

*5.2.6 Not present themselves as having a qualification, grade of membership, designation or experience that they do not.*

### **Submissions on impairment**

Mr Buttolph moved on to the issue of impairment and addressed the Panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in CIEH. Actions such as those proven could put members of the public at a risk of harm (albeit that no harm had been occasioned here), if a member held themselves out as having experience or expertise which they did not. They were likely to undermine public confidence in the profession.

He submitted that there was no evidence before this Panel to suggest that Mr Chowdhury had remediated and that that, therefore, left it open that he may act in a similar way in the future. Moreover, he had sought to attach blame for what he did to his employer or CIEH. There was nothing in what Mr Chowdhury had said that would give the Panel reassurance that, under pressure, he would not act in a similar manner in the future. He said that members of the public would be appalled if appropriate action was not taken in cases such as this.

Mr Mustafa invited the Panel to consider if the public would truly be appalled by a single incident such as this. Mr Chowdhury had offered his apologies and there was very little chance that he would repeat such matters; he would learn from what had happened he should be allowed a second chance. It was important to consider the challenging family health circumstances that he was dealing with at the time and that that difficult situation would not occur again.

## **Decision on impairment**

The Hearing Coordinator advised the panel that it should consider whether Mr Chowdhury was currently impaired. It should consider matters of both public protection and public interest.

He reminded the Panel that, whilst not binding on the Panel in any manner, it may find it helpful to consider the observations of Mrs Justice Cox in the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin)* in which is cited the approach of Dame Janet Smith in the fifth Shipman Enquiry, often used in fitness to practise proceedings.

“Do our findings of fact in respect of the (doctor’s) misconduct.... show that his/her fitness to practise is impaired in the sense that s/he: a. has in the past acted and/or is liable in the future to act so as to put (a patient or patients) at unwarranted risk of harm; and/or b. has in the past brought and/or is liable in the future to bring the (medical) profession into disrepute; and/or c. has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the (medical) profession; and/or d. has in the past acted dishonestly and/or is liable to act dishonestly in the future.”

The Panel accepted the advice of the Hearing Coordinator.

The Panel considered there was no evidence that Mr Chowdhury’s actions had harmed members of the public. It concluded that it was unable to rule out the risk of future harm as there was a wide range of circumstances where a lack of integrity or dishonest conduct might have an adverse impact on members of the public.

In respect of the other limbs of the test, it determined that each was engaged in this case, both in respect of Mr Chowdhury’s past conduct and the future risk associated with his professional practise. The Panel considered that Mr Chowdhury had limited insight into the impact of his conduct, notably in his submissions which attempted to displace his professional responsibilities to others.

Accordingly, the Panel found Mr Chowdhury to be currently impaired on grounds of both public protection and public interest.

## **Submissions on sanction**

Mr Buttolph submitted that it remained CIEH’s position (as set out in the notice of hearing) that removal of membership was the appropriate and proportionate outcome in this case.

The case was central to both the credibility of CIEH and its members and the one relied on the other. The brevity of the infraction might be held in mitigation but this was not as a result of any action on the part of Mr Chowdhury but, rather, resulted from when another member raised the matter. Without that, Mr Chowdhry might still have been holding himself out as having designations which he did not.

Reference had been made to a recent CIEH fitness to practise case and it had been submitted that this case was less serious. It was CIEH’s submission that any finding of dishonest conduct by a member was serious indeed.

In response to a question from the Panel, Mr Buttolph explained that a reduction in membership status to Affiliate grade would have little impact on Mr Chowdhury and would be insufficient to mark the serious nature of these matters.

Mr Mustafa said that termination was totally disproportionate. Mr Chowdhury had provided an advice letter and gained nothing from it. Mr Chowdhury stated that it was a mistake and he never intended to mislead anybody. He apologised sincerely. He submitted testimonials which spoke positively of Mr Chowdhury's work and conduct. Mr Mustafa asked the Panel to consider the short period over which these matters had taken place and the fact that no harm was caused by Mr Chowdhury's actions. He asked the Panel to consider a reduction in membership status to Affiliate grade.

### **Decision on sanction and reasons**

The Hearing Coordinator reminded the Panel that it should start at the least restrictive sanction and only if that were insufficient to mark the public interest, should it move to the next sanction. It should stop at the sanction that best met that objective.

The Panel accepted the advice of the Hearing Coordinator.

In reaching its decision, the Panel took account of the need to uphold proper standards for the environmental health profession, mark the public interest in this case and maintain confidence both in the profession and in CIEH and its fitness to practise procedures.

It considered that mitigating factors in this case were the very difficult family circumstances faced by Mr Chowdhury and the positive character references that he had presented in evidence.

The Panel considered that aggravating factors included his limited insight into the seriousness of his actions and his attempt to displace responsibility onto others for his lack of knowledge. Whilst this was a single set of events, it occurred a very short time after he joined CIEH.

The Panel considered the range of sanctions available to it, starting at the least severe.

The Panel considered reprimanding Mr Chowdhury and the giving of advice as to future conduct. It determined that this was not a sufficient outcome, given the serious nature of its findings of fact.

The Panel went on to consider transferring Mr Chowdhury to another grade of membership. However, it determined that, in the particular circumstances of this matter, that this was neither an appropriate nor cogent sanction to mark the seriousness of the behaviour or issues of public interest. It determined that the removal of any membership privilege was, equally, not appropriate.

The Panel noted that CIEH was not responsible for Mr Chowdhury's registration status and that, therefore, this was not a sanction available to the Panel.

Finally, the Panel went on to consider terminating Mr Chowdhury's membership of CIEH. It considered that this was the appropriate sanction given its very serious findings of fact. Whilst it acknowledged that this sanction would, potentially, have an adverse impact on Mr Chowdhury, the public interest in this case outweighed his personal interests. This was the only sanction available which, in the view of the Panel, marked the seriousness of the matters found proved.

**Right of appeal**

The Panel noted the provisions in CIEH's Fitness to Practise rules for Mr Chowdhury to appeal its decision on any of the grounds outlined in Rule 13.1.

It also noted the provisions of Rule 12.4 in respect of the publication of determinations.

Accordingly, the Panel directed that this determination may not be published, in any form by any party, until after the notice period for an appeal has expired.

**Costs**

The Panel, of its own volition, asked Mr Buttolph if CIEH wished to make an application for an order against Mr Chowdhury in respect of costs, under the provisions of Rule 12.1.

Mr Buttolph confirmed that CIEH made no such application.

Accordingly, the Panel made no order as to costs.

That concludes this determination.