

07.04 ICON COMPLAINTS PROCEDURE

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Summary:	This document sets out the Icon complaints procedure
Who this policy applies to:	All Icon members and staff
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Approved by/approval level:	The Board of Trustees
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PRINCIPLES

1. The Institute's Complaints Procedure, (the 'Procedure'), which is referred to in the Institute's Code of Conduct as its 'Disciplinary Procedures,' is intended for the resolution of any complaint about a member of the Institute.
2. Complaints will not be considered under this procedure if they relate to non-members, the Institute's employees or employment practices outside the scope of the Institute's Code of Conduct.
3. The Procedure is not a legal process and is not intended to create any contractual rights, obligations or entitlements. Reasonable changes may be made to the procedure from time to time to reflect the law and best practice. Time limits in the procedure will, as far as possible, be adhered to but may be altered in exceptional circumstances.
4. The application of the Procedure is based on these underlying principles:
 - a. The standards expected of Member of the Institute are set out in the Institute's Code of Conduct, which should be read in conjunction with the Institute's Professional Standards.
 - b. An initial complaint may be in any written form (physical or digital) and will be considered as long as the complainant identifies him/herself. Oral or anonymous complaints will not be considered. In appropriate cases the Institute prefers remedial rather than punitive measures for its members through targeted and monitored Continuing Professional Development (CPD).
 - c. Any complaint will be investigated promptly.

- d. There will be appropriate separation between the functions of investigating a complaint, conducting a complaint hearing and hearing an appeal.
- e. No decision will be taken on any complaint without giving the Member an opportunity to respond.
- f. A Member will have a right of appeal against any decision to uphold a complaint.

1 INITIATING A COMPLAINT AND THE RESPONSE

- 1.1 A complaint against a Member may be initiated by another Member, by a member of the public or on the Institute's own initiative. The complaint should be set out in writing. A complaint must be raised within 12 months of the events giving rise to the complaint.
- 1.2 A member of the Institute's staff receiving a complaint will refer it immediately to the Investigation Administrator.
- 1.3 The Complainant will be referred to this Complaints Procedure, the Institute's Code of Conduct and the Professional Standards and advised of options:
 - a. withdraw the complaint;
 - b. lodge a formal complaint;
 - c. independently seek informal resolution with a view to not lodging a formal complaint under this procedure (Alternative Dispute Resolution).
- 1.4 If the Complainant withdraws the complaint, unless in the reasonable opinion of the Institute the complaint raises matters that must be investigated (in which case the Institute may itself pursue the matter to a full Conduct Hearing), the designated Investigation Administrator will ensure that all correspondence in connection with the complaint is destroyed, save for a record of the date on which the complaint was submitted, the name of the complainant and a brief description of the complaint. These will be retained confidentially for a period of 12 months for the purposes of paragraph 1.6 after which they will be destroyed.
- 1.5 If the Complainant decides to lodge a formal complaint, a completed Complaint Form must be received within 21 days of the date at 1.2 above. The Investigation Administrator shall acknowledge receipt of the completed Complaint Form and associated documentation within 5 working days of its receipt. If no Complaint Form is received within 21 days of the date at 1.2 above the Complainant will be regarded as having withdrawn the complaint and paragraphs 1.4 and 1.6 will apply.
- 1.6 If multiple complaints are made against the same Member the Investigation Administrator may decide to:
 - a. merge the complaints into one joint complaint;
 - b. allow multiple complaints to be run concurrently; or
 - c. dismiss a complaint as being dealt with under another ongoing complaint.

2 INVESTIGATION

- 2.1 When a formal complaint is lodged, the Complainant must endeavour to submit all related correspondence and/or other documents to the Institute's office with the Complaint Form. This will not preclude other written evidence being requested or submitted at a later stage, provided that this occurs no later than 14 days before the date of any Hearing that might be

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- called. The formal complaint and all evidence lodged as part of the complaint will be stored by the Institute with appropriate security so as to ensure its confidentiality.
- 2.2 The Investigation Administrator shall alert the Member concerned within 10 days of the Institute's receipt of a formal complaint. A copy of the formal complaint shall be sent to the Member, together with all associated documentation unless the Chair of the Investigation Committee decides that there is good reason to withhold or redact any document or documents.
- 2.3 The Investigation Administrator shall ask the Member to respond to the office within 21 days of the Complaint Form being sent with the Member's preliminary comments and associated documentation. Any response received after 21 days will not be considered. The Investigation Administrator shall make clear to the Member that there will be an opportunity for further evidence to be submitted if it is judged that there is a case to answer and the case proceeds to a Conduct Hearing. Any response by the Member will be stored by the Institute with appropriate security so as to ensure its confidentiality.
- 2.4 In order to determine whether or not there is a case to answer, the Chair of the Investigation Committee will convene an Investigation Committee. A Legal Advisor will be engaged to support the work of the Investigation Committee.
- 2.5 The Investigation Committee shall consider the formal complaint along with all associated documentation provided. The Investigation Committee may request additional documentation to be provided by the Complainant and/or the Member. This can be considered via electronic communication and, if needed, an in-person or virtual meeting. Any additional information provided will be stored by the Institute with appropriate security so as to ensure its confidentiality.
- 2.6 The Investigation Committee shall decide by majority vote and on the basis of the balance of probabilities whether:
- a. there is no case to answer;
 - b. the Institute's Complaints Procedure is not the appropriate procedure under which to consider the case;
 - c. the complaint shall be referred to the Conduct Committee;
- the complaint shall be referred to the police, as there is evidence of potential criminal conduct.
- 2.7 The Investigation Committee shall endeavour to reach its conclusion as soon as possible, and where possible in time for the Complainant and Member to be informed by the Investigation Administrator of the Committee's decision within 60 days of the formal complaint being made.
- 2.8 A finding of 'no case to answer' shall result in the complaint being dismissed and the Complainant and Member being informed by the Investigation Administrator, together with a summary of the reasoning.
- 2.9 In the event of 'no case to answer' the Chair of the Investigation Committee may judge it helpful for the Institute to suggest the parties explore their own independent alternative dispute resolution to resolve any outstanding differences.
- 2.10 A finding of 'no case to answer' would not preclude the Chair of the

Investigation Committee from advising that a formal Conduct Hearing should nevertheless be held on related matters revealed during the investigation.

- 2.11 A finding of 'a case to answer' requires that a Conduct Hearing be conducted to establish if the Institute's Code of Conduct has been contravened and the Investigation Administrator shall inform the Complainant and Member accordingly. The Chair of the Investigating Committee shall summarise the Committee's conclusions for the benefit of the Conduct Committee.

3.0 CONDUCT HEARING

- 3.1 Following a finding of 'a case to answer' by the Investigation Committee the Investigation Administrator shall send the Member a notice (using Royal Mail 1st class 'signed-for' delivery) setting out the nature of the case brought against the Member and informing the Member that:
- a. no contravention is assumed until proven on a balance of probabilities;
 - b. confidentiality is to be maintained by all parties;
 - c. the case is to be heard in accordance with this Complaints Procedure;
 - d. restrictive measures may be applied in the event of contravention and, if applied, that such measures may be published;
 - e. that the Member has up to 28 days from the date of dispatch of the notice to respond;
 - f. and should respond with
 - i. a statement and details of documentary evidence upon which the Member intends to rely
 - ii. the name of an individual nominated to accompany the Member to the Conduct Hearing and, if so, in what capacity that person will attend. (The companion, who may not be a lawyer or a family member, may give advice and make notes but they are not entitled to respond on the Member's behalf);
 - g. written evidence may be requested or submitted up to 14 days before the date of the Conduct Hearing and no additional documentary
 - h. evidence may be submitted beyond this date
 - i. the Member is not compelled to attend, but that refusal to attend will be taken into account;
 - j. that the Member's place cannot normally be taken by a representative but this may be permitted in exceptional circumstances;
 - k. the Conduct Hearing will be audio recorded. Any objections to the recording of the Conduct Hearing must be put in writing to the Investigation Administrator within 7 working days of the notice. Any objection shall be considered by the Chair of the Conduct
 - l. Committee whose decision as to whether the recording will be made shall be final.

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- 3.2 On the expiry of 28 days after the dispatch of the notice in paragraph 3.1, or on receipt of the response from the Member, whichever comes first, the Chair of the Conduct Committee shall convene a Conduct Hearing. The Investigation Administrator shall notify the Member of the date of the hearing, normally within 7 days of the date being set, and shall remind the Member that additional written evidence may be submitted up to 14 days before the date of the Conduct Hearing. No additional documentary evidence may be submitted beyond this date nor on the day of the Conduct Hearing. Any written response submitted to the Member will be securely stored by the Institute with appropriate security so as to ensure its confidentiality.
- 3.3 The Conduct Hearing shall normally take place between 4 to 6 weeks following the date of this notification.
- 3.4 The Member is required to confirm attendance at the Conduct Hearing in writing to the Investigation Administrator within 7 days of receipt of the notification.
- 3.5 If the Chair of the Conduct Committee decides that the Complainant should be invited to attend part or whole of the Conduct Hearing the Complainant shall be given appropriate information about the Conduct Hearing, similar to advice given to the Member and with the same timescale, that is:
- a. the nature of the case brought against the Member but that no contravention is assumed until proven
 - b. that confidentiality is to be maintained by all parties
 - c. of the process by which the case is to be heard (namely this Complaints Procedure)
 - d. restrictive measures may be applied in the event of contravention and, if applied, that such measures may be published
 - e. written evidence may be requested up to 14 days before the date of the Conduct Hearing and no additional documentary evidence may be submitted beyond this date.
 - f. the Complainant is not compelled to attend and that the Complainant's place cannot normally be taken by a representative.
 - g. the Conduct hearing will (or will not) be recorded.
- the Complainant will be informed of the outcome as soon as possible, however, the Member's entitlement to appeal may mean that this could be up to two months after the Conduct Hearing.
- 3.6 The Complainant is required to confirm attendance at the Conduct Hearing in writing to the Investigation Administrator within 7 days of receipt of the notification. Any objections by the Complainant to the recording of the Conduct Hearing must be put in writing to the Investigation Administrator within 7 days of the notice. Any objection shall be considered by the Chair of the Conduct Committee whose decision as to whether the recording will be made shall be final.
- 3.7 Not less than 7 days prior to the Conduct Hearing, the Member and, if appropriate, the Complainant shall have received from the Investigation Administrator information on the practical arrangements, names of the attendees and timetable for the Conduct Hearing.

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- 3.8 Those attending the Conduct Hearing shall be:
- the defending Member and accompanying person, if nominated
 - the Conduct Committee
 - the Complainant, if invited
 - the Investigation Administrator (in attendance as an observer)
- 3.9 Copies of documents relating to the case shall be sent by the Investigation Administrator to be received by all members of the Conduct Committee not less than 7 days prior to the date of the Conduct Hearing.
- 3.10 The Conduct Committee shall aim to meet prior to the Conduct Hearing to ensure that everyone is fully conversant with the case and documentation presented by both parties. No audio recording is to be made of the pre or post-Hearing discussions by the Conduct Committee.
- 3.11 The process for the Hearing will be as follows:
- the Chair of the Conduct Committee will open the Hearing by reading out the Investigation Committee's report and explaining the case against the Member.
 - the Member will then be given the opportunity to present his or her case and to put questions to the Conduct Committee and, if present, to the Complainant.
 - if present, and if they wish to do so, the Complainant will then be given the opportunity to respond to the Member's case and to put questions to the Member.
 - the Member shall then be given the opportunity to address the Conduct Committee by way of summing up at the end of the Conduct Hearing.
- The Conduct Committee may put questions at any time to any person present.
- 3.12 Following the Conduct Hearing, the Conduct Committee shall consider whether, on the basis of evidence presented, the allegation of a contravention of the Institute's Code of Conduct has been upheld. The decision of the Conduct Committee shall be made by majority vote and on the basis of the balance of probabilities.
- 3.13 If no contravention is found, no action shall follow other than the Investigation Administrator informing the Member and Complainant of the Conduct Committee's conclusion within 7 days of the date of the Conduct Hearing. The Complainant has no right of appeal.
- 3.14 Notwithstanding the Institute's preference for constructive rather than punitive measures, if the Member is found to have contravened the Institute's Code of Conduct, restrictive measures available to the Conduct Committee include:
- Reprimand, with or without CPD requirements over a specified timescale, in accordance with paragraph 5.3 below.
 - Suspension of membership of the Institute for a stated period, effective immediately. This may be with or without CPD requirements.
 - Suspension of Accredited Member status and reverting to Associate Membership status, for a specified period.
 - Recommendation for termination of all membership

categories of the Institute, subject to approval by the Board of Trustees in accordance with the procedure set out at paragraph 5.2 below.

- e. Such other restrictive measures as the Conduct Committee may deem appropriate.

Mitigating circumstances shall be taken into account when considering the imposition of any restrictive measures.

- 3.15 The Chair of the Conduct Committee shall inform the Member within 7 days of the Conduct Hearing of the decision and the rationale for it. Any restrictive measures will take effect immediately subject, in the case of recommendation for termination of all membership categories of the Institute, to the procedure set out at paragraphs 5.1 and 5.2 below. No restrictive measure shall be publicised until the period for appealing against the Conduct Committee's decision has elapsed, or, if the Member appeals, until the appeal process has been completed.

4.0 APPEAL PROCESS

- 4.1 A decision by the Conduct Committee can be appealed by the Member on the grounds of:

- a. the finding of a contravention of the Code of Conduct;
- b. the restrictive measure or measures proposed;
- c. new evidence not available at the time of the Conduct Hearing;
- d. alleged maladministration or misinterpretation of the Institute's Complaints Procedure;
- e. alleged misinterpretation of the Institute's Code of Conduct.

- 4.2 The Member may appeal against the Conduct Committee's decision at any time within a period of 28 days from the date on which written notification is sent to the Member of the Conduct Committee's decision. Notice to appeal shall be sent in writing to the Investigation Administrator stating the basis on which the appeal is to be made. Any such written notice will be securely stored by the Institute with appropriate security so as to ensure its confidentiality.

- 4.3 The Investigation Administrator shall notify the Member that:
- a. the Appeal Committee shall meet, circumstances permitting, between 4 to 6 weeks following the date of the notification;
 - b. the Member has the right to attend the meeting and make representations;
 - c. the Member may be accompanied by an individual and should notify the Investigation Administrator of the name of the individual nominated to accompany the Member to the Appeal Hearing and, if so, in what capacity that person will attend. (The companion, who may not be a lawyer or a family member, may give advice and make notes but they are not entitled to respond on the Member's behalf.)
 - d. the Member may submit a written statement and any fresh documentary evidence, to be received at the Institute's office at least 7 days before the meeting of the Appeal Committee;
 - e. the Member has up to 14 days from receipt of notification to respond to this notice;

- f. the Member is not compelled to attend but that the Member's place cannot normally be taken by a representative;
 - g. The Appeal Hearing will be audio recorded. Any objections to the recording of the Appeal Hearing must be put in writing to the Investigation Administrator within 7 working days of the notice. Any objection shall be considered by the Chair of the Appeal Committee whose decision as to whether the recording will be made shall be final.
- 4.4 Those attending the Appeal Hearing shall be:
 - a. the defending Member and accompanying person, if nominated
 - b. the Appeal Committee
 - c. the Investigation Administrator (in attendance as an observer).
- 4.5 At the Appeal Hearing the Member will be given the opportunity to explain the grounds of appeal and the Appeal Committee may put questions to the Member. The Member shall be given the opportunity to address the Appeal Committee by way of summing up at the end of the Appeal Hearing.
- 4.6 If the Appeal Committee upholds the Conduct Committee's finding of a contravention it may, at its discretion, vary any restrictive measures that the Conduct Committee had imposed, whether or not these were the subject of the appeal.
- 4.7 If the Appeal Committee does not uphold the findings of the Conduct Committee any restrictive measure imposed shall not be applied.
- 4.8 The Chair of the Appeals Committee shall inform the Member of the Appeal Committee's decision and rationale within 7 days of that Committee's decision. The Member will be notified that there is no further right of appeal. If however termination of membership has been upheld or recommended by the Appeals Committee, the Member will be reminded of the procedure outlined in paragraph 5.2 below
- 4.9 Any restrictive measures that have been applied pending the appeal will, depending on the outcome of the appeal, be continued, amended or lifted as the case may be.

5.0 RESTRICTIVE MEASURES

- 5.1 In the case of a recommendation of termination of membership, before such termination takes effect the Conduct Committee shall provide the Board of Trustees with details of the case (including evidence presented by the Member in advance of and/or during the Conduct Hearing, and in advance of and/or during the Appeal Hearing if relevant) and reasons for its recommendation.

The Board of Trustees shall:

 - a. convene a meeting of the Trustees to consider the matter;
 - b. give at least 14 clear days' notice of the meeting to the Member, specifying the circumstances alleged to justify expulsion and inviting the Member to make representations to the Trustees either in writing or in person (at the Trustees' discretion);
 - c. at the meeting, at which at least half of the Trustees shall be present, review the details of the case, the Conduct

Committee's recommendation and any representations made by the Member, and either:

- i. remit the case back to the Conduct Committee for re-consideration or review of any particular item(s) of evidence, or to examine or consider any other factor(s) or evidence relating to the complaint; or,
- ii. if they concur with the recommendation on the ground that the Member's continued membership is harmful to or is likely to become harmful to the interests of the Charity, resolve that the Member be expelled from membership of the Institute.

- 5.2 If the Board of Trustees directs the Conduct Committee to review any particular item(s) of evidence, or to examine or consider any other factor(s) or evidence relating to the case, as per paragraph 5.1(c)(i) above, the Conduct Committee shall meet together alone to do so, normally within 21 days of such a direction, and shall then either (by majority vote and on the basis of the balance of probabilities):
- a. determine that no contravention is found, in accordance with paragraph 3.13 above; or
 - b. resolve to take any of the restrictive measures set out in paragraph 3.14 above.
- 5.3 *Reprimand*: The wording and (if appropriate) publication of any reprimand shall be agreed by the Conduct Committee, subject to such variation that an Appeal Committee may consider appropriate in accordance with paragraph 4.6 above. A reprimand may be private or public. If public, it will be published in the Institute's magazine and/or on the public pages of the Institute's website. A reprimand published on the public pages of the Institute's website shall remain published on the website for a period of 12 months from the date of such publication.
- 5.4 *CPD Requirements*: Compliance with any CPD requirements will be measured against the professional standards. An Icon mentor will be identified through the normal mentor scheme process. Confidentiality will be maintained. Failure to comply will result in suspension of membership.
- 5.5 *Suspension of membership* may or may not be associated with a requirement to undertake specified training or additional CPD over a given period. Such training or CPD will be measured against the professional standards after which membership will be re-instated upon the recommendation of the then Chair of the Conduct Committee if the requirement has been complied with. During a period of suspension, the Member will not be entitled to the benefits of membership of the Institute nor, if accredited by the Institute, to use the abbreviation ACR.
- 5.6 Resumption of membership will be at the original membership category. *Suspension* from Accredited status would be for a minimum of 12 months. Resumption of Accredited status would be subject to CPD requirements and/or a partial re-assessment of their practice.
- 5.7 *Termination of all membership categories* carries with it automatic withdrawal. Resumption of membership up to 5 years post termination would be at the sole discretion of the Board of Trustees.
- 5.8 If the Conduct Committee's decision is *termination of all membership* of the

Institute, or specifically from Accredited membership status, this information shall be published in the Institute's magazine and on the public pages of Institute's website, detailing the Member's name and the clause of the Institute's Code of Conduct that has been contravened.

6 TIME LIMITS

- 6.1 Any response received from a Member after any time limit provided in this procedure will not be placed before the relevant committee. The complaint will still proceed in accordance with this procedure.
- 6.2 In the event of the Member being legitimately unable to meet a time limit, the Member may apply for an extension. Such an application must be made to the Investigation Administrator in writing as soon as reasonably practicable, providing full details of why an extension is required. An extension may be granted by the Institute's Chief Executive if a legitimate reason is proved. If an extension is granted the Investigation Administrator shall notify all parties in writing as soon as reasonably practicable.
- 6.3 For the purposes of paragraph 6.2 a 'legitimate reason' may include:
 - a. an unavoidable delay in receiving any notice, such as work commitments or holidays;
 - b. personal circumstances, such as a family bereavement or health issues/medical treatments; or
 - c. any other reason deemed legitimate by Institute's Chief Executive.

TERMS OF REFERENCE

The Institute's Board of Trustees

- The Institute's Board of Trustees empowers the Investigation, Conduct and Appeal Committees to examine complaints made against a member. The Board of Trustees appoints lay persons to Chair the Investigation, Conduct and Appeal Committees and to appoint members of the committees from the Conduct Register. The Board will make enquiries to ensure that the individuals do not have a potentially prejudicial interest in the matter.
- All complaints are reported to the Board of Trustees without the names of the Complainant and Member being specified.
- Conduct Register: The Board of Trustees is responsible for ensuring that a Conduct Register is maintained and for appointing Chairs and members of the Committees. The Conduct Register is made up of at least 10 accredited conservators. It serves as a pool from which members of Investigation, Conduct and Appeal Committees can be drawn (with due regard to the principle of keeping these functions separate and independent). The composition of the Register shall be made publicly available, e.g. on the Institute's website.
- The Board of Trustees needs to be satisfied that due process has been followed in accordance with the Institute's Articles & Memorandum.
- The Institute's Board considers this Complaints Procedure to be a 'live' document. On completion of each case the Chairs of any Investigation, Conduct and Appeal Committees shall, therefore, record if the process and procedures were found wanting and, if so, how, where and why and make appropriate recommendations.

The Investigation Administrator is responsible for communicating such recommendations through the Chief Executive to the Board, which shall consider and implement them as it considers appropriate.

- The Board will ensure that a review of the Institute's Complaints Procedure shall be carried out every 5 years by a lay-person appointed by the Board of Trustees. The Board will receive a report from the reviewer and will have absolute discretion as to how to respond to the matters identified in the review report.
- The Chair of the Board of Trustees may, and on the instruction of the Board of Trustees shall, cease or suspend a complaint at any time if it is deemed inappropriate to continue due to anticipated or actual civil or criminal proceedings, serious illness or any other compassionate grounds.

The Institute's Chief Executive

- The Chief Executive will nominate an appropriate member of staff as an Investigation Administrator. An alternative Investigation Administrator may be appointed by the Chief Executive if needed. The Chief Executive will make enquiries to ensure that the person appointed does not have a potentially prejudicial interest in the matter.
- The Chief Executive will be responsible for applying any restrictive measures.

Investigation Administrator

- The Investigation Administrator shall ensure that the Institute maintains a Complaints Register.
- Complaints Register: This will list all complaints against members, including the names of the Member, Complainant and the nature of the complaint, the date, outcome and any restrictive measures, and if the complaint proceeded to a Hearing or Appeal. The names of all who took part (staff and Committees) should be recorded, together with reference to the location of archived files. The Register should also record if the complaint was withdrawn or resolved by alternative resolution. Under the Data Protection Act, any member may have the right to see information retained about him/herself, in accordance with the provisions of the Act.
- The Investigation Administrator shall assign each new complaint a unique reference number and shall log the complaint in the Institute's Complaints Register. The name of Complainant and name of the Member, the nature of the complaint in outline, the date and method of communication of the complaint are noted.
- A separate log will be maintained by the Investigation Administrator of each complaint with details of the date each key communication was sent and received.
- The Investigation Administrator will assist the Chairs of the Investigation, Conduct and Appeal Committees to form their respective committees, in particular to arrange for all prospective members of such committees to provide details of any potential conflicts, and sign a declaration confirming they have no interest in the case in question.

- The Investigation Administrator will assist the Investigation, Conduct and Appeal Committees and ensure the timely issue and receipt of required correspondence.
- The Investigation Administrator shall make such enquiries of the two parties as may be proposed by the Chairs of the Investigation, Conduct and Appeal Committees.
- The Investigation Administrator will be responsible for ensuring that the findings of the Investigation, Conduct and Appeal Committees are put in writing and retained on file.
- It is the Investigation Administrator's responsibility to collate all of the documentation and pass it to the members of the Investigation, Conduct and Appeal Committees, including the Legal Advisor.
- The Investigation Administrator shall be present at all meetings and hearings to ensure the provision of all relevant documents and clarification of any matters arising and to keep a record of the meeting.
- The Investigation Administrator will keep copies of all correspondence and other communication with the Member, with the Complainant and with the committees.
- Copies of documents may be sent to the committees by post, transmitted by email or posted on a password-protected website.
- Correspondence to Member and Complainant should be sent by email with a request for confirmation of receipt. Any documents should be sent password protected.
- The Investigation Administrator is responsible for deleting correspondence in accordance with paragraph 1.4 of the Complaints Procedure if the Complainant withdraws the complaint.
- The Investigation Administrator is responsible for deleting documentation from all systems six years after the complaint has been heard.
- On completion of each case the Chairs of any Investigation, Conduct and Appeal Committees shall record if the process and procedures were found wanting and, if so, how, where and why. The Investigation Administrator will be responsible for ensuring that the Chairs consider these points.
- The Investigation, Conduct and Appeal Committees shall consider throughout that they may be establishing precedents against which future cases may be measured. Where precedents exist, the Committees shall have due regard to these when making decisions. The Investigation Administrator shall be responsible for bringing any precedents to the attention of the Committees whilst maintaining confidentiality and following data protection legislation.

Investigation Committee

- Chair: The Chair of the Investigation Committee shall be a lay-person appointed by the Chair of the Institute's Board of Trustees. Such appointments may be made using the Professional Associations Research Network (PARN)'s Lay Member

Register & Service or by seeking reciprocal arrangements with other professional bodies.

- **Members:** The Chair of the Board of Trustees shall also appoint two other members of the Investigation Committee from the Conduct Register.
- **Duties:** The Investigation Committee has authority delegated by the Board of Trustees to consider the formal complaint along with associated documentation provided. The Investigation Committee decides whether there is 'a case to answer'. The decisions of the Investigation Committee automatically result in either the complaint being dismissed or advising that a formal Conduct Hearing be initiated.
- **Methods of working:** The Committee may operate by correspondence or email but may also choose to meet in person or by teleconference.
- **Conflict of Interest:** No member of the Investigation Committee may have financial or other beneficial interest or any other conflict of interest in the case under consideration. Before being appointed to the Investigation Committee each proposed member shall sign a declaration confirming that he or she has no such interest.

Legal Advisor

- A Legal Advisor will be engaged to support the work of the Investigation Committee and all other stages of the procedure.

Conduct Committee

- **Chair:** The Chair of the Conduct Committee shall be a lay-person appointed by the Chair of the Institute's Board of Trustees and must not be a member of the Investigation Committee. Such appointments may be made using the Professional Associations Research Network (PARN)'s Lay Member Register & Service or by seeking reciprocal arrangements with other professional bodies

The Chair of the Institute's Board of Trustees shall appoint two other members of the Conduct Committee from the Conduct Register. Those members may not be members of the Investigation Committee.

Duties: The Conduct Committee has authority delegated by the Board of Trustees to consider a complaint, to decide on whether there has been a contravention of the Institute's Code of Conduct and, if a contravention is found, to recommend suitable restrictions. The decisions of the Conduct Committee will be automatically adopted and implemented by the Board of Trustees subject to any appeal by the Member and the Board's satisfaction that due process has been followed.

Prior knowledge and involvement: Other than the Institute's Legal Adviser and the Investigation Administrator no member or attendee of the Conduct Committee may have any involvement at any other stage of the process or have any prior knowledge or involvement in the case under consideration.

- **Conflict of Interest:** No member of the Committee may have any financial or other beneficial interest in the outcome of the Conduct Hearing or any other conflict of interest. Before being appointed to the Conduct Committee each proposed member shall sign a declaration confirming that he or she has no such interest.

Appeal Committee

- Chair: The Chair of the Appeal Committee shall be a lay-person appointed by the Chair of the Institute's Board of Trustees and must not be a member of either the Investigation or Conduct Committee. Such appointments may be made using the Professional Associations Research Network (PARN)'s Lay Member Register & Service or through reciprocal arrangements with other professional bodies.
- Members: Two members of the Appeal Committee are appointed from the Conduct Register by the Chair of the Board of Trustees. Members of the Appeal Committee may not be members of either the Investigation Committee or the Conduct Committee.
- Duties: The Appeal Committee has authority delegated by the Board of Trustees to consider an appeal, to decide whether the appeal is to be upheld, or to recommend any adjustments to restrictions imposed by the Conduct Committee. The decisions of the Appeal Committee are automatically adopted and implemented by the Board of Trustees, subject to the Board's satisfaction that due process has been followed in accordance with the Institute's Articles & Memorandum.
- Prior knowledge and involvement: Other than the Institute's Legal Adviser and the Investigation Administrator, no member of the Appeal Committee may have any involvement at any stage of the process or have any prior knowledge or involvement in the case under consideration.
- Conflict of Interest: No member of the Committee can have any financial or other beneficial interest in the outcome of the Appeal Hearing or any other conflict of interest. Before being appointed to the Appeal Committee each proposed member shall sign a declaration confirming that he or she has no such interest.