

FREQUENTLY ASKED QUESTIONS: If You Are The Subject Of A Complaint

1. How is a complaint made?

A complaint can be made by a non-member or Member of CIEEM who submits a completed Complaint Form. Documentary evidence must be provided in support of the complaint. The Secretariat will check that the complaint relates to professional conduct and is within the scope of CIEEM's authority to consider, before processing a complaint (this is called validation).

One of the core principles of our Disciplinary Procedures is that no-one shall be considered in breach of the Code of Professional Conduct (the Code) until so judged as a result of a disciplinary enquiry. Accordingly the Subject of a complaint is entitled to continue to enjoy the full benefits of membership whilst a complaint is being investigated.

2. How will I be notified of the complaint?

If a valid complaint has been raised we will notify you of the complaint in writing. We will send you a copy of the completed Complaints Form and share details of the evidence that we have been provided with.

3. Will I know who has made the complaint?

It is recognised good practice in respect of complaints investigation that the investigation is open and transparent; that includes you, as the Subject, having the right to know who has made the complaint. The Complainant is required to sign the declaration on the Complaints Form. Only in exceptional circumstances will their identity not be divulged at this stage (see 4 below).

4. When may the Complainant be allowed anonymity?

In exceptional circumstances, a request for anonymity by the Complainant may be allowed by the Professional Standards Committee. However this will be for Stage One of an enquiry only (the preliminary investigation). If the Preliminary Investigation Panel decides that the case justifies further enquiry by a Disciplinary Board then the Subject has a right to know who the Complainant is. The Complainant's identity will be made known to you at this point unless the complaint is withdrawn.

5. What will be expected of me during the process?

CIEEM's Disciplinary Procedures set out the three stage process by which we will consider a complaint and you are strongly advised to re-familiarise yourself with this document and the Code of Professional Conduct (the Code). Both documents can be found under the Professional Conduct section of our website here: <http://www.cieem.net/professional-conduct>

You will be invited to supply documentation that rebuts the complaint and may also receive requests for specific pieces of information. This may include, for example, copies of contracts to undertake work, original data sets, survey reports and related correspondence. If your case is referred to a Disciplinary Board for further enquiry then you will be invited and strongly encouraged to attend the hearing.

CIEEM asks all parties involved to respect the seriousness of the disciplinary process. We encourage those involved to exercise discretion about the details of a case until after the conclusion of the disciplinary process, and following the period to seek leave to appeal.

6. How long after the alleged breach will a complaint be considered?

We would normally expect complaints to be made within 12 months of the alleged breach. However we will consider a complaint where the work has been completed within the previous six years prior to the date of the complaint, provided the necessary evidence is available.

7. What happens if the complaint relates to work undertaken before the current Code of Professional Conduct was introduced?

CIEEM's current Code was introduced in June 2013. If a complaint is received that relates to work undertaken before this date then the Preliminary Investigation Panel will satisfy themselves that the complaint relates to the previous Code. If a Disciplinary Board is convened then they will be sure to take account of any differences between the Codes at the hearing.

8. What contact can I expect from CIEEM?

We will write to you at each stage of the process and outline what the next steps are.

If the Preliminary Investigation Panel concludes that there is insufficient evidence to indicate a breach of the Code we will inform you of this in writing. If a Disciplinary Hearing is held, then we will communicate the outcome of the Disciplinary Board to you by letter as soon as possible after the hearing.

9. How long will it take for my complaint to be considered?

We do everything we can to progress your complaint efficiently. Complaints are handled in the date order received and the time needed to process a complaint will vary depending on the complexity of the case. Complaints investigation often involves requests for further information from both the Complainant and the Subject and we have to allow time for this to be gathered and sent through. All complaints are undertaken by senior members of the profession who are volunteering their time and expertise to uphold professional standards: they have to be given sufficient time to understand what is often lengthy and complex paperwork and to reach a decision.

It typically takes about three months from receipt of a complaint until completion of the Preliminary Investigation Panel's assessment. If a complaint requires a Disciplinary Hearing then it typically takes six to eight months for completion of the case. Please note cases can take longer than this to process. They may also be completed more quickly.

10. Will I automatically have to attend a Disciplinary Hearing?

No, not necessarily. It depends whether or not your case is referred to a Disciplinary Board. Where a case is referred to a Disciplinary Board then there will be a hearing and you would be expected to attend. Please note that referral of a case to a Disciplinary Board by a Preliminary Investigation Panel means that the Panel feels that further enquiry is justified and that enquiry can only be properly done at a hearing. It does not imply that the Panel feels that the case is proven.

11. How many hearing dates will I be offered? And where will the hearing be held?

If your complaint is referred to a Disciplinary Board we will give you a provisional hearing date. Hearing dates are scheduled in advance, four times a year and held in Winchester, usually at the CIEEM Office. If you are unable to attend this date then you should let us know as soon as possible and we will do our best to accommodate an alternative date.

12. What can I do if I disagree with the decision of the Disciplinary Board?

You will have the right to seek leave to appeal, as set out in the Disciplinary Procedures, which can be found on our web-site here: <http://www.cieem.net/professional-conduct>

13. Are the outcomes of Disciplinary Hearings published?

If the Subject of a complaint is found to have breached the Code then a summary of the findings of the Disciplinary Hearing is published in *In Practice* and on CIEEM's website. Where relevant and appropriate we may also notify other parties, such as employers, local planning authorities and statutory agencies.

14. Can I claim expenses?

CIEEM is not able to provide expenses for the costs incurred by the Subject during investigation of a complaint.

15. Who should I go to if I have a question about the process?

Contact the Secretariat via complaints@cieem.net and they will be able answer any questions you may have.