

# FREQUENTLY ASKED QUESTIONS: If You Are Considering Making, Or Have Made, A Complaint

## 1. What is a complaint against a CIEEM Member?

All CIEEM's Members are bound by its Code of Professional Conduct (the Code). Acceptance of, and adherence to the Code is a condition of membership and is a duty of every Member. A copy of the Code can be found on our website here: <https://cieem.net/resource/code-of-conduct/>

We strongly encourage people to try and resolve matters first before making a formal complaint. Some complaints arise because of concerns about a planning development. CIEEM cannot get involved in whether or not planning applications should be approved as that is the decision of the competent authority (usually the local planning authority). CIEEM's only concern is the competence and professional behaviour of its members.

If it is not possible to resolve the matter, and you believe a Member has contravened the Code, you are entitled to make a complaint to CIEEM. You must do so on the complaints form that can be downloaded from the website: <https://cieem.net/resource/complaints-form/>

Your complaint must be accompanied by supporting evidence that shows how the Member may have contravened the Code. On receipt of a formal complaint we will first review the documents submitted. We will then confirm whether the complaint relates to a matter of professional conduct and is within the scope of CIEEM's authority to consider. We are unable to comment as to whether or not a breach may have occurred, as that is outside the experience of the Complaints Team from our Secretariat who will administer the complaint.

## 2. Who can make a complaint?

Complaints can be made by non-members and Members of CIEEM as well as by organisations. In exceptional circumstances CIEEM's Governing Board may bring a complaint.

If you are a Member of CIEEM please note that the final bullet point under Supplementary Note 5 of the Code states that "*Professional obligations include, but are not restricted to: the requirement to use best endeavours to resolve differences of professional opinion in a constructive way.*" Notwithstanding this, if you believe that another Member *has* contravened the Code and you have the evidence to support this then you are entitled to make a complaint.

## 3. What is CIEEM unable to investigate?

- CIEEM has the authority only to investigate matters relating to professional competence as set out in the Code.

- CIEEM will not investigate complaints that are more appropriately dealt with through the courts, an Employment Tribunal, the Local Government Ombudsman or other tribunal. Complainants should look to these avenues first if they are appropriate.
- CIEEM cannot provide an arbitration service or comment on the appropriateness of planning applications or decisions.
- CIEEM cannot investigate complaints against organisations or companies (unless they are Registered Practices), only against named Members.

#### **4. How are complaints investigated?**

All complaints are considered in accordance with CIEEM's Professional Conduct Inquiry Procedures, which can be found on our website here: <https://cieem.net/resource/professional-conduct-inquiry-procedures/>

Inquiring into a complaint is a serious matter and must follow a legally robust and clearly defined process. It necessarily takes time (see point 14) in order to make sure all evidence is available and scrutinised fully before a conclusion is reached.

The complaint inquiry is conducted by trained senior members of the Institute appointed by the Governing Board. A small number of non-members may also assist with professional conduct hearings. They all give their time voluntarily and are appointed because they have expertise in a range of professional practice areas.

A complaints inquiry is a confidential process and all parties are expected to maintain confidentiality throughout the inquiry.

#### **5. How long after the alleged breach will a complaint be considered?**

We would normally expect a complaint to be made within 12 months of an alleged breach of the Code, but we will, in exceptional circumstances, consider a complaint where the work has been completed up to six years prior to the date of the complaint. Complainants should note, however, the difficulties of establishing relevant evidence after such a time period.

#### **6. How do I complain?**

All complaints must have a clear and direct link to a breach of the Code of Professional Conduct. Complaints that fail to make this link may not be taken forward, so please read the Code and Supplementary Notes thoroughly before completing your Complaints Form.

<https://cieem.net/resource/complaints-form/>

To make it easier to undertake an initial assessment of your case, and help prevent delays, we welcome complaints that are:

- Factual - based on facts not opinions.
- Succinct – brief and to the point, but summarising all the key issues.
- Genuine - genuinely related to a breach in the Code, and that clearly make the link with the Code.

CIEEM reserves the right not to inquire into complaints based on opinion without supporting evidence.

Please state clearly on your form which paragraphs of the Code you allege have been breached. You are also expected to provide referenced documentary evidence to support your case (see point 7).

#### **7. What information do I need to supply?**

You should supply all evidence available to you, which you believe relates to your complaint. It is the responsibility of the Complainant to supply the evidence to support the complaint. The Member you are complaining about will be given a right to reply, and it is their right to provide any evidence which they feel supports their case.

To make an initial assessment of a complaint, a Preliminary Investigation Panel (PIP) will require electronic copies of all referenced documents that form your supporting evidence. This may include, for example, copies of contracts to undertake work, original data sets, survey reports and related written or electronic correspondence.

Where relevant and appropriate it would be helpful to see documents relating to any other complaints made regarding the issue e.g. to a statutory authority. Whilst the findings of other organisations may help the Preliminary Investigation Panel establish whether there is justification for referring the complaint to a Professional Conduct Panel for further enquiry, it is important to note that they will form only a part of the information considered.

#### **8. Who do I send my complaint to?**

All complaints (complaints form and supporting evidence) should be sent by email (preferred) or post to the CIEEM Secretariat at [complaints@cieem.net](mailto:complaints@cieem.net)

#### **9. Will the Subject know who has made the complaint?**

Yes. You are required to sign the declaration on the Complaints Form that states you are giving permission for the form to be copied and sent to the Member about whom you have made a complaint (referred to as the Subject). It is a recognised principle of justice that Subjects have the right to know who has made the complaint.

#### **10. May I request anonymity?**

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

For information on how to apply for anonymity, and the circumstances in which it may be allowed, please refer to the Professional Conduct Inquiry Procedures.

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

If a complaint is received that relates to work undertaken before the current version of the Code was published the Preliminary Investigation Panel will first satisfy themselves that the matters referred to were covered by the version of the Code current at the time of the activity. If a Professional Conduct Panel is convened then it will be sure to take account of any differences between the Codes at the hearing.

**12. What contact can I expect from CIEEM?**

We will acknowledge safe receipt of your complaint and write to you at each stage of the process, outlining what the next steps are.

If the Preliminary Investigation Panel concludes that there is insufficient evidence to indicate a breach of the Code or to justify a hearing then we will let you know in writing. They will make that decision on the basis of the evidence you have supplied and the Member's explanation for their actions (their rebuttal) together with any supporting evidence. If the Preliminary Investigation Panel concludes that further inquiry is needed then they will refer the case to a Professional Conduct Panel who will hold a hearing. If a hearing is to be held, you will be sent a copy of all the case documents (including the Subject's rebuttal) and you will be invited to attend to present your complaint in person. Regardless of whether or not you are able to attend, we will communicate the outcome of the hearing to you by letter as soon as possible after the hearing.

Please note that whilst it is not mandatory for a Complainant to attend the hearing, it is often the only way that a Panel can get full clarification of the facts and issues under dispute. If only one party attends a hearing, then inevitably the Board will have to accept any new evidence or assertions from one party that emerges at the hearing and is not challenged by the other party.

**13. What will be expected of me during the process?**

Once a completed Complaints Form and all the necessary evidence has been submitted there is not usually anything further you are expected to do during the Preliminary Investigation Stage. You may receive a request(s) for specific information from the Preliminary Investigation Panel and/or the Professional Conduct Panel through the Complaints Team. If the case is referred to a hearing you will be invited to attend the hearing (see point 12 above). If your complaint reaches that stage, more guidance will be sent to you regarding the format and conduct of the hearing. You can choose to be accompanied at the hearing by relatives or friends if you wish.

CIEEM expects all parties involved to respect the seriousness of the inquiry process and to exercise discretion about the details of a case until after the conclusion has been reached.

**14. 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 inquiries often involve 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 inquiries 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 case requires a 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.

**15. When and where will the hearing be held?**

If your complaint is referred to for a hearing we will give you a provisional hearing date, usually with at least 30 days notice. Hearings are held in Winchester. If you are unable to attend the date proposed then you should let us know as soon as possible and we will do our best to accommodate an alternative date. In exceptional circumstances we may be able to offer the opportunity to attend remotely by videoconference.

**16. Can I claim my expenses?**

CIEEM is not able to reimburse expenses for costs incurred by the Complainant during the investigation of a complaint, including attendance at a hearing.

**17. What can I do if I disagree with the outcome of my complaint?**

You will have the right to seek leave to appeal, as set out in the Professional Conduct Inquiry Procedures.

**18. Are the outcomes of Professional Conduct Hearings published?**

If the Subject of a complaint is found to have breached the Code then a very brief summary of the findings of the Professional Conduct 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.

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

Contact the Complaints Team via [complaints@cieem.net](mailto:complaints@cieem.net) and they will be able to answer any questions you may have.