

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

1. How is a complaint made?

A complaint is usually made by means of a completed Complaint Form. The Complainant is expected to supply documentary evidence in support of the complaint. This can be in the form of reports, contracts, correspondence, photographs or any other relevant evidence. The Complaints Team within the Secretariat will check that the complaint relates to professional conduct and that it is within the remit of CIEEM to consider before processing the complaint. This is part of the first stage of the professional conduct inquiry process which is set out in the [Professional Conduct Inquiry Procedures](#).

We do understand that it can be upsetting to find out that someone has made a complaint about your professional conduct. As we have received a complaint, we do have to initiate an inquiry but, by doing so, we are not pre-judging that you are in breach of the Code of Professional Conduct (the Code). One of the core principles of our professional conduct inquiry process is that no one shall be considered in breach of the Code until an inquiry concludes that is the case. Indeed, the inquiry process itself is confidential and only the Complaints team within the Secretariat and those members of the Professional Standards Committee or Professional Conduct Pool involved in undertaking the inquiry will be aware that a complaint has been made.

A complaint may be made by a member, non-member or organisation. In very exceptional circumstances, CIEEM's Governing Board may be the Complainant. In the case of a member, we do expect our members to try and resolve disputes or differences of professional opinion constructively between themselves. By not doing so, you do not lose the right to make a complaint but contacting the member directly is often the quickest and most appropriate way to resolve the matter.

2. How will I be notified of the complaint?

If a valid complaint (i.e. within the remit of CIEEM to consider) has been raised, we will notify you in writing, usually by tracked and signed-for post, to whichever is the address you have indicated as your preferred contact address on your contact details (you can amend these by logging in to the Members' Portal area of the website). We will send you a copy of the completed Complaints Form and the evidence that we have been provided with. Where possible we will also contact you by email beforehand to let you know that a complaint has been made so that the letter is not unexpected.

When we write to you we will advise you to check the current list of members of the Professional Standards Committee (we will include a link to the relevant part of the CIEEM website) as the Preliminary Investigation Panel (PIP) will be composed of 3 members of this committee. We will ask you to let us know as soon as possible if you feel that you have a conflict of interest with any member of the Committee.

CIEEM asks all parties involved to respect the seriousness of the professional conduct inquiry process. We encourage those involved to exercise discretion about the details of a case until after the conclusion of the inquiry. We do, of course, understand that you may want to speak to friends and family, your senior manager (if relevant) and /or trusted peers. That is fine but they should also understand the importance of discretion.

3. Will I know who has made the complaint?

It is recognised good practice in respect of complaints inquiry that it is open and transparent; that includes you, as the Subject, having the right to know who has made the complaint as well as what it is about. The Complainant's name will be on the Complaints Form and in the letter we send you. Only in exceptional circumstances will their identity not be shared 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 which is non-judicial). The [Professional Conduct Inquiry Procedures](#) set out the kinds of exceptional circumstances that might give rise to anonymity. If the PIP decides that the case justifies further inquiry by a Professional Conduct Panel, then the Subject has a right to know who the Complainant is. This is because the inquiry then becomes a judicial process. 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?

The [CIEEM Professional Conduct Inquiry 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 [Making A Complaint](#) section of our website.

It is a requirement of the Code that as a member you co-operate with an inquiry and do not seek to frustrate the process. Regardless of how angry or upset you feel, please take some deep breaths and think about how you can respond to the complaint calmly and professionally. The Complaints Team within the Secretariat can offer you advice and guidance throughout the inquiry process.

The letter you will receive advising you of the complaint will also invite you to send us a response (known as a rebuttal). It may also ask you for specific pieces of information (e.g. copies of contracts, reports and related correspondence). Your rebuttal should be an explanation of your actions, together with any supporting evidence you think may be important in corroborating your explanation. You will have approximately 4 weeks to send in your rebuttal. If you need longer (e.g. due to sickness or holiday) please let us know and we will adjust the timescales accordingly.

Any member who is the Subject of a professional conduct inquiry will have their CPD record reviewed so please make sure that it is up-to-date on the online CPD tool provided and then submit it to complaints@cieem.net before the deadline for the rebuttal to be returned. The purpose of the review is to enable the Preliminary Investigation Panel (PIP) to see how your CPD relates to the type of work you are doing and to ensure that you are undertaking and recording your CPD. Failure to supply a record of CPD without reasonable explanation is in itself a breach of the Code and would warrant automatic referral to a professional conduct hearing so please make sure that you do this.

There are some important Do's and Don'ts for your rebuttal:

- DO read the complaint and supporting evidence through several times to make sure that you understand all the points that have been raised.
- DO take your time. A poorly written response may make it difficult for the PIP to find the key information that they need.
- DO make sure that you have answered all aspects of the complaint as fully as possible.
- DO make sure that you are supplying useful supporting evidence and cross-reference it in your response wherever possible.

- DO keep your response factual and professional. The PIP will understand that you may be upset or angry and will make some allowance but will not be impressed by emotive, dismissive or inappropriate language.
- DO accept that you may have made mistakes. We all do, and minor mistakes fully acknowledged will not normally result in an inquiry being taken further.
- DON'T question the motives of the Complainant. PIPs are well-versed in the reasons why people complain but those reasons are, in most cases, irrelevant to whether or not a complaint is upheld. Trying to discredit the Complainant really will not help your cause.
- DON'T leave it to the last minute to respond. Plan to make time to compose a well-written response.
- DON'T attempt to correspond with the Complainant during the inquiry – that may be seen as trying to frustrate the process.
- DON'T publicise the fact that a complaint has been made. An inquiry is meant to be a confidential process for all parties.

Finally

- DO ask someone you respect to read through your response before you submit it to make sure it has taken account of all the points mentioned above.

If your case is referred to a Professional Conduct Panel for further inquiry, then you will be expected to attend the hearing (see Point 10 below).

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?

Any inquiry is conducted with reference to the current published version of the Code. If a complaint is received that relates to work undertaken under a previous version of the Code the PIP will satisfy themselves that the complaint relates to issues also covered by the current version, otherwise they will revert to the earlier version. If a Professional Conduct Panel is convened, then they will be sure to take into account 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. We can provide advice and clarification at any time during the inquiry so please do not hesitate to get in touch if you need help. If the PIP concludes that there is insufficient evidence to indicate a breach of the Code, we will inform you of this in writing. The Complainant has 14 days to seek leave to appeal this decision by submitting more evidence and again we will update you as to whether or not the Complainant has done so.

If the PIP refers the complaint for further inquiry at a hearing it is very important to recognise that **this is not** an assertion that you have breached the Code. The PIP is saying that the evidence is not clear enough for them to dismiss it so a hearing is required so that both parties' evidence can be explored in further depth.

Please note that a PIP does not have to restrict its inquiry to the issues raised by the Complainant. If the evidence shows other potential breaches of the Code, then it must refer the case for further inquiry at a

hearing. This is because a (potentially) non-technical Complainant cannot necessarily be expected to understand all the technical competence aspects of a piece of work.

The outcome of a Professional Conduct Hearing is always communicated to you in writing as soon as possible after the hearing. Both parties then have 14 days to seek leave to appeal.

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

We do everything we can to progress complaints quickly and 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 complaint inquiries (both the PIP and the Professional Conduct Panel) are undertaken by senior members of the profession (plus, in the case of a Professional Conduct Panel, a non-member) 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. This includes the month that you are given to prepare and submit your rebuttal. If a complaint requires a hearing then it typically takes a further three to four months for completion of the case. Please note cases can take longer than this to process if they are complex or if unexpected events occur. They may also be completed more quickly.

10. Will I have to attend a Professional Conduct Hearing?

If, and only if, your case is referred to a Professional Conduct Panel for a hearing, you are expected to attend to answer the Panel's questions and explain your actions. Please note that referral of a case to a Professional Conduct Panel by a PIP means that the PIP feels that further inquiry is required and that can only be properly done at a hearing. It does not imply that the PIP feels that the case is proven.

If your case is referred to a hearing you will be sent further guidance on how to prepare and what will happen on the day. You can choose to be accompanied by friends or family members, bring witnesses (if relevant) or be accompanied by a legal representative if you wish (although this is less common).

11. Where and when will the hearing be held?

If your complaint is referred to a hearing, we will give you a provisional hearing date. Hearings are usually held in Winchester and there may be more than one hearing on a given date. If you are unable to attend on this date, then you should let us know as soon as possible and we will arrange an alternative date. We cannot compel you to attend a hearing but it is important that you do so. The Professional Conduct Panel will have questions to ask you in the interests of clarification and to make sure that they come to a fair conclusion. If you do not attend the panel will have to make up its mind based only on its interpretation of the evidence before it, including any new evidence that emerges at the hearing.

12. What can I do if I disagree with the decision of the Professional Conduct Panel?

You will have the right to seek leave to appeal, as set out in the [Professional Conduct Inquiry Procedures](#). This will be explained to you in more details should the need arise.

13. Are the outcomes of Professional Conduct Hearings published?

If the Subject of a complaint is found to have breached the Code, then a brief summary of the findings of the Professional Conduct Panel 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 in line with CIEEM's [Professional Conduct Inquiries Publications Policy](#).

14. Can I claim expenses?

CIEEM is not able to provide expenses for the costs incurred by the Subject during an inquiry into a complaint.

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

Please feel free to contact the Complaints Team via complaints@cieem.net and they will be able answer any questions you may have.