

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 complaint. Some complaints arise because of concerns about a planning development. CIEEM cannot get involved in whether or not planning applications or other consenting processes should be approved in respect of the relevant ecological information, as that can only be the decision of the competent authority (usually the local planning authority). CIEEM's only concern has to be the competence and professional behaviour of its members and both the timing and duration of a complaint inquiry will be conducted independently of the timescale of the determination of a planning application. It is unlikely that the outcome of a professional conduct inquiry will have any bearing on a competent authority's decisions.

In seeking resolution by other means please consider the most appropriate way to achieve this. We would strongly discourage the use of social media and other public platforms to raise concerns relating to professional conduct. For example, evidence of use of social media to discredit the subject of a complaint or a complainant may be viewed unfavourably when determining the outcome of any professional conduct inquiry.

We do expect complainants to have made use of the Member's organisational or company complaints procedures in order to resolve the matter, where they exist. We welcome evidence of this in the form of correspondence as it may inform the outcome of a professional conduct inquiry.

If it is not possible to resolve the matter, and you believe a member has contravened the Code, you are able 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 or provide advice as to whether or not a breach may have occurred, as this will be for the inquiry process to determine.

If the complaint appears to be part of a pattern of vexatious behaviour towards a member or members, we reserve the right not to progress an inquiry in accordance with our Vexatious and Persistent Complaints Policy.

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, you have the evidence to support this and you have unsuccessfully tried to resolve this directly or feel unable to do so, then you are able 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 determine whether a member has acted fraudulently (as this is for a court to decide)
- 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. They all give their time voluntarily and are appointed because they have expertise in a range of professional practice areas. Professional Conduct Panels may include a non-member who also provides an independent perspective on the appropriateness and proportionality of the hearing.

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.
 - Evidenced – there is written or photographic information to support the allegations in the complaint.
- 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. Nor will CIEEM inquire into complaints, or continue to progress ongoing inquiries, where Complainants use dismissive or inappropriate language. The Complaints Team are there to advise you and administrate the inquiry process but take no part in any decision-making as to the progress or outcome of your complaint.

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. Evidence should be proportionate and relevant, for example you can use excerpts of full documents where appropriate (e.g. only the ecology chapter in an Environmental Impact Assessment) but not where this an excerpt may mislead the inquiry or not provide the full context (e.g. part of an email thread). In providing evidence you should consider, and adhere to data protection principles and redact (remove or hide) any personal information that is not relevant to the complaint. Please date and cross-reference evidence provided.

It is the responsibility of the Complainant to supply the evidence to support the complaint. 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.

Please download and send documents, do not send weblinks (e.g. to planning portals). Please ensure the file size of each evidence document does not exceed 7MB.

You are encouraged to consider the nature and volume of evidence you provide. By ensuring you provide the right evidence, presented in the most concise way, you will greatly assist the ability of those assessing the complaint to reach their conclusions in a timely way.

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. Multiple Complaints against a Member.

In the unusual event of a member being the subject of more than one complaint about different matters, an inquiry into the second complaint will not normally begin until the inquiry into the first complaint is concluded.

Where a member is the subject of more than one complaint from multiple complainants about the same matter, this will normally be dealt with as one complaint.

9. Vexatious complaints

Being the subject of a complaint can be very distressing for a member and their family. A small minority of people make complaints in a persistent or vexatious way which are primarily intended to undermine the member and to bring them into disrepute. Such complaints can also have significant resourcing issues for the Institute. Our Vexatious and Persistent Complaints Policy and Procedures sets out how we approach complaints that we feel fall into this category.

10. Who do I send my complaint to?

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

11. 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 and the evidence 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.

The member you are complaining about will be given a right to reply, and may provide any evidence which they feel supports their case. Whilst this information will initially be confidential to the Preliminary Investigation Panel, it will be disclosed to you if the inquiry is referred to a hearing.

12. 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 his 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.

13. 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.

14. 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, and / or it is not in the public interest to hold 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 all the supporting evidence. Please note that relatively minor errors in a Subject's work that will not have materially affected the advice or recommendations given may not justify further inquiry at a hearing and the complaint may not be upheld (although the member may be given advice as to how to improve their practice).

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.

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. We therefore strongly encourage Complainants to attend. If only one party attends a hearing, then inevitably the Panel 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. 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.

15. 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. During the course of the inquiry, you may receive a request(s) for specific information which you may be able to provide to help the inquiry. 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 a relative or friend if you wish. You may also have legal representation if you feel it is appropriate, but this is not expected and is not usually necessary.

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

16. Engaging with the inquiry process

If you have, or anticipate, any difficulties with engaging with one or more aspects or stages of the inquiry process, e.g. as a result of a disability, please do let the Complaints Team know as soon as possible so that we can discuss how best to support you.

17. 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 that cases can take longer than this to process. They may also be completed more quickly.

You are encouraged to consider the nature and amount of evidence you provide. By ensuring you provide the right evidence(dated and cross-referenced), presented in the most concise way, you will greatly assist the ability of those assessing the complaint to reach their conclusions in a timely way.

18. When and where will the hearing be held?

If your complaint is referred to a hearing we will give you a provisional hearing date, usually with at least 30 days notice. Hearings are usually held in person in Winchester but may also be held remotely by videoconference. The Panel hearing the case will make a decision on how the hearing is conducted based on factors such as the complexity of the evidence and the location of the parties involved. . 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.

19. 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.

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

You will have the right to seek leave to appeal within 14 days of the date of the outcome of the complaint letter. The grounds for appeal are additional evidence becoming available or an alleged injustice during the inquiry. Disagreeing with the outcome of the complaint is not grounds for appeal. Further information on the appeals process is set out in the Professional Conduct Inquiry Procedures.

21. 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 will be published on CIEEM's website. Where relevant and appropriate we may also notify other parties such as employers, local planning authorities, statutory agencies and members via In Practice.

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

Contact the Complaints Team via complaints@cieem.net and they will be able to answer any questions you may have. They will aim to respond to you within 5 working days.