

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 distressing 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, the member does not lose the right to make a complaint. However, they may be asked to consider whether a direct approach is more appropriate or has already been attempted.

If the Secretariat believes that there is evidence that the complaint is vexatious in nature then an inquiry may not be undertaken and the complainant will be informed accordingly. However, whilst a complaint may appear vexatious to you, it is often driven by a genuine concern, misunderstanding or objection and must be treated by CIEEM as a legitimate complaint. If you believe a complaint is vexatious then you should provide the evidence for that in your rebuttal.

Please remember that that Complaints Team within the Secretariat are on hand to provide advice and guidance as you respond to the complaint. Please do not take out any frustration on them about being the Subject of a complaint, but do contact them when you need help or advice.

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, by email or by post to whichever is the address you have indicated as your preferred contact address on your contact details (you can amend these at any time 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. If sending the complaint by post then, 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. We will not notify your employer (if you have one) of the complaint but we do recommend that you do so in order that they can help and support you.

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 maintain confidentiality with regard to 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 confidentiality.

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. In exceptional circumstances CIEEM's Governing Board may take on the role of the Complainant in such cases but in such an instance full details of how to proceed would then be sent to you.

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 time and some deep breaths, before thinking about how you can respond to the complaint calmly and professionally. The Complaints Team within the Secretariat, who are independent of the inquiry process, can offer you advice and guidance throughout so please do contact them by email, telephone or letter.

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 that provides evidence of the points you are making). 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.

You are encouraged to consider the nature and amount of evidence you provide. Evidence should be proportionate and relevant, for example use excerpts of lengthy documents where appropriate (e.g. the ecology chapter of an EIA), provided the excerpt gives the full context of the evidence. In providing evidence you should consider, and adhere to data protection principles. By ensuring you provide the right evidence cross-referenced to the complaint and 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. We recognise that being the Subject of a complaint can be upsetting and stressful: it is therefore in your interest to help us consider the complaint as quickly as possible, please avoid providing unnecessary additional information and respond promptly to the complaint within the timescales requested.

Any member who is the Subject of a professional conduct inquiry will have their CPD record reviewed as part of the preliminary investigation 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.

How to approach being the Subject of a complaint

To reiterate, we do understand that being the Subject of a complaint is often a significant cause of anxiety. Complaints can feel challenging on a personal as well as a professional level, as judgements and motivation can be called into question.

You may regard the Complainant as being obstructive or vexatious, CIEEM does have a process of dealing with vexatious Complainants but this is usually where there is concern over a pattern or series of complaints potentially seeking to undermine a Member or Members. You may have concerns about the motivations or conduct of a Complainant but they do have the right to make a complaint and these motivations or behaviours will be considered during the inquiry process.

Whilst it is perfectly possible for Members who undertake very good and thoughtful ecological work to make errors of judgement which require investigation and review, it is often the case that a rational explanation exists or the errors are relatively minor and no breach of the Code has in fact taken place. It is also important to recognise that some complaints are made by people without relevant technical background but are still made in good faith.

Whilst it may be appropriate to acknowledge that the complaint feels personal, it is important that your response is not driven by this: it should be delivered objectively, remaining purely professional.

This can be challenging to achieve, and the support of appropriate peers and line managers is strongly recommended. It is strongly advised to take time with the response and make use of trusted colleagues, friends and mentors to review your response and help ensure it is professional and relevant prior to submission. You should be confident that any party you involve understands the confidential nature of the process and agrees to preserve this.

Keep your rebuttal succinct and relevant. An abundance of information may lead to key points being missed or you assuming an unduly defensive position. If you have made an error of judgement, it is recommended that you accept responsibility for your actions and explain any mitigating circumstances. If you think this error was due to a lack of experience and knowledge due to limited mentoring or support, please set this out clearly.

Be mindful of the CIEEM Code of Professional Conduct **in its entirety** as this will be the consideration undertaken by the PIP and, if necessary, Professional Conduct Panel. In putting together your rebuttal and associated evidence, you should think very carefully about which parts of the Code might be considered relevant and tailor your submission accordingly.

Below are some important do's and don'ts for you to consider in the context of the above:

- DO read the complaint and supporting evidence through several times to make sure that you understand all the points that have been raised.
- DO consider all elements of the Code which may be relevant to the complaint and consider your response and evidence in light of this.
- DO take your time. A poorly written rebuttal 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. Ensure your evidence is proportionate and relevant, and adheres to data protection principles, using redaction where appropriate.
- DO keep your response concise, factual and professional. The PIP will understand that you may be upset or angry and will make some allowance but will not be persuaded by emotive, or inappropriate language.
- DO acknowledge if you have made a mistake. We all do, and minor mistakes, fully acknowledged, will not normally result in an inquiry being taken further.

- DON'T attempt to discredit 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.
- 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 (a trusted colleague/line manager or friend) to read through your response before you submit it to make sure it has taken account of all the points mentioned above, as they may be better placed to remove emotion from the process and detect irrelevant statements. Also, do not overlook the importance of a spelling and grammar check.

If your case is referred to a Professional Conduct Panel for further inquiry, then you will be expected to attend the hearing (see Point 12 below).

6. 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.

7. 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 and you would be advised accordingly.

8. Vexatious complaints

We do know that being the subject of a complaint can be very distressing. A small minority of people make complaints in a persistent or vexatious way which we feel 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. If you feel that a complaint against you is vexatious, you should explain why in your rebuttal and provide evidence to support this.

9. 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 six years prior to the date of the complaint, provided the necessary evidence is available and there is justification for the complaint being raised now.

10. 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.

11. 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. The Complaints Team can provide advice and clarification at any time during the inquiry so please do not hesitate to get in touch if you need help, but please note the Complaints Team have no role in the inquiry itself and cannot comment on the complaint or the inquiry outcome. If the PIP concludes that there is insufficient evidence to indicate a breach of the Code, and / or it is not in the public's interest to take forward to a Professional Conduct Hearing, 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.

12. 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.

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.

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

If your case is referred to a Professional Conduct Panel for a hearing, you are expected to attend to answer the Panel's questions. 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) and/or be accompanied by a legal representative if you wish (although this is less common and not usually necessary).

14. 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 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 on the date proposed then you should let us know as soon as possible and we will do our best to accommodate an alternative date.

We cannot compel you to attend a hearing but it is in your interest to 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, which may leave you at a disadvantage. If, due to an emergency or unexpected change of circumstances, you are unable to attend the hearing at short notice please notify us as soon as possible and we will endeavour to rearrange the hearing in order for you to be able to attend.

15. 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 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.

16. 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 on the CIEEM website. Where relevant and appropriate we may also notify other parties such as employers, local planning authorities, statutory agencies and members via In Practice in line with CIEEM's [Professional Conduct Inquiries Publications Policy](#).

17. Can I claim expenses?

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

18. 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.