



CIEEM



Advice Note
**CIEEM's Professional
Conduct Inquiries &
Competent Authorities**



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CIEEM's Professional Conduct Inquiries & Competent Authorities

This Advice Note is intended to help competent authorities and others engaged in the development planning process understand the purpose of CIEEM's professional conduct inquiry process in situations where a complaint against a CIEEM member has been made with respect to professional input to a planning application or proposal.

CIEEM's Complaints Procedure

Members of CIEEM have an obligation to abide by [CIEEM's Code of Professional Conduct](#). In accordance with this status, parties can make a complaint to CIEEM about a member (s) which will then be investigated by the Institute's Professional Standards Committee.

Some of the complaints about members that CIEEM receives relate to allegations of poor standards of work undertaken as part of a developer's planning application. Those raising the complaint (complainants) are usually concerned that the local planning authority or other competent authority may base a determination on unsound or insufficient ecological information.

Complainants are expected to keep confidential the fact that a complaint about a member has been made until the outcome of the CIEEM inquiry is known. This is to protect the reputation of the member who may not have done anything wrong. However, we do know that some complainants feel it is necessary to make the competent authority aware of the complaint in advance of both the conclusion of the complaint inquiry, and the decision of the planning application, in the hope that it will influence or delay the authority's determination.

We are unable to unreasonably delay the inquiry process whilst a planning application is being determined, nor are we able to 'fast-track' it. The inquiry process is independent of any other inquiry, determination or appeal process. CIEEM's position is that the fact that an inquiry is ongoing should not influence a planning decision. We take this view for a number of reasons:

- CIEEM's Code of Professional Conduct covers a range of member obligations. The fact that an inquiry is ongoing may be for a number of reasons and may have no relevance to the ecological issues under consideration as part of the planning application. Our interest is not in the merits of the planning application, but whether or not the member has met all of their obligations.
- The competent authority is expected to have the capability to understand and evaluate the ecological issues associated with a planning application. It is not CIEEM's role to influence that decision-making process.
- With regards to the above, the competent authority is likely to have their own processes and procedures, including formal consultation exercises, for sourcing and receiving comments on the ecological issues relevant to a planning application, and can come to its own view as to its appropriateness.
- Any professional conduct inquiry undertaken by the Institute follows a clearly defined [procedure](#). Inquiries can take anything from 3 months to over a year. These timescales cannot be adapted to align with a planning application determination process.
- We would not wish to encourage members of the public opposed to a proposed development to make a complaint about a member with the intention that it would delay or influence the determination process.

- Genuine complaints about CIEEM members regarding poor standards are a concern, and must be taken seriously so that the member can be challenged to improve. However, complaints made purely with the intention to influence a planning decision should not be encouraged. Decision-makers are reminded that not all ecological reports and information submitted in relation to planning applications will have been done by a member of a professional body, yet it is important that the same level of scrutiny is applied in each case. Members should not be unfairly penalised through the implication that, as a result of their voluntary membership of CIEEM, their work will be subject to an unfair level of challenge to the detriment of their clients. This would dissuade ecological consultants from joining CIEEM, and undermine our work to drive up standards and improve competence across the profession.

Upon the completion of an inquiry we will normally publish the outcome on our website if the member is found in breach of the Code. At this point this information is public. However, we do not publish details of the case and the rationale for the decision. Therefore, the fact that a member has been found in breach of the Code should not be taken to imply that all of their work is flawed.





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