



Complaint form

Complaints Procedure (effective 4 August 2017)

1. As a professional Institute, CIAT has a Code of Conduct which all members must adhere to. The Institute's Complaints Procedure is **NOT** a legal process and the Institute's Conduct Committee does not have the power to award costs or any form of financial redress to complainants or members. The Conduct Committee is empowered to examine complaints made against members allegedly in breach of the Institute's Code of Conduct. The disciplinary actions available to the Conduct Committee are limited to those detailed in paragraph seventeen below.
2. The Code of Conduct is reviewed and amended periodically to ensure currency. As an important part of the complaints procedure, complainants need to identify which Code of Conduct to refer to. Generally, the Code used will be the one in force at the time of the alleged breach. However, for instances where the project spans more than one Code and the complaint relates to the project, the Code of Conduct in force at the time of the original appointment will apply. To establish which Code was in force when the alleged breach occurred and/or the project brief was agreed between the client and the member, please visit the website (<https://ciat.org.uk/about-us/complaint-procedures.html>) for all versions of the Code of Conduct or contact the Institute directly.
3. CIAT does not provide any form of legal advice nor does it involve itself in financial disagreements or arrangements between a member and their client(s). The Institute has a Dispute Resolution Scheme in place which is run independently by the Independent Dispute Resolution Scheme (IDRS). If you require further information on this, please go to <https://www.cedr.com/solve/dispute-resolution-services/>
4. A member's resignation of his membership will not be accepted by the Chief Executive if there is notification of a complaint pending or a complaint is submitted in writing within 28-days (35-days for overseas members) from the date of the resignation letter.
5. A member's resignation of his membership may not be accepted by the Chief Executive whilst the Conduct Committee is investigating a complaint.

6. Making a Complaint

Any person(s) wishing to have a complaint against a member examined by the Conduct Committee, must:

- a) identify the relevant Code(s) of Conduct relating to their complaint;
- b) complete the Complaint Form by detailing which Clause(s) and/or sub-clause(s) from the relevant Code of Conduct that they consider has been breached;
- c) if a sub-clause appears within a clause, it is essential that the potential sub-clause is identified;
- d) each clause and/or sub-clause raised in the complaint must be accompanied with an explanation as to why the complainant considers there has been a breach;
- e) provide ten identical sets of supporting documentation in relation to the complaint raised;

- f) note that a copy of the completed Complaint Form identifying the alleged breach/breaches together with the supporting documentation will be sent to the member who is entitled to a right of response;
- g) sign the completed Complaint Form and return this with the ten identical sets of supporting documentation to CIAT. (Where a complaint is made in joint or multiple names then all parties raising the complaint must sign the complaint form. A complaint cannot be processed unless the complainant(s) sign and date the complaint form and provide ten identical sets of supporting documentation.);
- h) if an audio or visual recording is provided as supporting evidence, this form of evidence must not be edited or altered in any way and must be submitted in a recognisable format that can be listened to and/or viewed by the member and the Conduct Committee.

7. Receipt of Complaint

When CIAT receives a complaint against a member it shall:

- a) inform the member that the Chief Executive will not accept tenders of resignation whilst the Conduct Committee is investigating the complaint;
- b) send a copy of the complaint to the member as detailed by the complainant as set out above, together with the relevant Code(s) of Conduct and Conduct & Disciplinary Procedures.
- c) advise the member that they have 28-days (35-days if the member resides overseas) to respond to the complaint in writing by completing a Members' Response Form;
- d) warn the member that any answer or statement they may make could be used as evidence by the Conduct Committee;
- e) advise the member that their responses, statements and supporting documentation shall be copied to the complainant;
- f) advise the member that they must complete and sign the Members' Response Form and return this with ten identical sets of supporting documentation to CIAT;
- g) if an audio or visual recording is provided as supporting evidence by a complainant, this must be submitted in a recognisable format that can be listened to and/or viewed by the complainant(s) and the Conduct Committee; and
- h) advise the member that on receipt of the complainant's final comment, the complaint, the member's response and the complainant's final comment will be collated and that it shall be reviewed as noted in paragraph 9 below.

8. Final comments from complainant/s

When CIAT receives the Members' Response Form and all items of supporting documentation as referred to above, it shall:

- a) send a copy of the Response Form together with all items of supporting documentation submitted to the complainant;
- b) give the complainant 14-days (or 21-days if the complainant is resident overseas) to provide final comment to the response in writing on the enclosed Final Comment Form;
- c) advise the complainant that their final comment will be collated along with their complaint and the members' response, and that it shall be reviewed as noted in paragraph nine below.

9. Complaint Review Process

Once the complaint, the members' response and final comment has been received along with ten identical sets of supporting documentation, in all cases, the Honorary Secretary, Chief Executive and (if required) another Member shall review the complaint and determine:

- a) whether the complaint falls within the remit of the Conduct Committee;
- b) the clarity of the complaint that has been submitted and its legibility;
- c) the relevance of the supporting documentation presented with the complaint;
- d) if there is a *prima facie* case, and if so the case can be taken directly to a Hearing;
- e) if further information or clarification on specific issues is required from either the complainant(s) or the member in

- preparation of the case for the preliminary hearing;
- f) if the complaint should be extended with additional alleged breaches of the Code of Conduct; and/or
- g) if a separate complaint should be raised.

At the Complaint Review Stage the Honorary Secretary, Chief Executive plus additional “expert” Members (if required) do **NOT** have the authority to determine that there is no case to answer. This decision can only be made by the Conduct Committee.

10. Preliminary Hearing Stage

Once reviewed and having satisfied the Complaint Review Process requirements (paragraph nine above), the complaint will be considered by the Conduct Committee who will:

- a) assess the information from the complainant(s) and the reply from the member, this may include additional information requested at the Complaint Review stage;
- b) decide whether or not the member has a case to answer in relation to each of the clause(s) and/or sub-clause(s) which have been detailed in the complaint raised against them; and/or
- c) determine that additional information or investigation may be necessary.

The complainant(s) and the member are advised that if additional information is requested at this stage, they are required to provide ten identical sets of additional information to the Institute.

The Institute’s Conduct Committee has the additional authority to:

- a) investigate the conduct of any member against whom a complaint has been received;
- b) investigate any additional potential breaches of the Institute’s Code of Conduct;
- c) adjourn the preliminary hearing pending further investigation; and
- d) appoint a barrister or solicitor to act as a legal adviser to the Committee.

11. If the Conduct Committee decides that the member does have a case to answer in relation to any or all of the clause(s) and/or sub-clause(s) which have been detailed in the complaint raised against them they will, once confirmed, give notice in writing to all parties of the date, venue and time appointed for the Hearing by the Conduct Committee.
12. At this time, the Conduct Committee can also advise the member of any additional clauses which will require an answer at the Hearing.
13. The complainant(s) shall be informed that:
 - a) they may attend the formal Hearing as a witness;
 - b) they may not be present during the Conduct Committee’s deliberations; and
 - c) the member may elect to attend the formal Hearing and make explanation to the Conduct Committee.
14. The member shall be informed that:
 - a) they may elect to attend the formal Hearing and make explanation to the Conduct Committee;
 - b) they may not be present during the Conduct Committee’s deliberations; and
 - c) the complainant may elect to attend the formal Hearing as a witness.
15. At the Preliminary Hearing stage, the Conduct Committee can also determine that the member **does not** have a case to answer against any or all of the clause(s) and/or sub-clause(s) which have been detailed in the complaint raised against them. In this instance, the decision is final and no appeal can be made by either party. The parties involved in the complaint will be advised accordingly.

16. Hearing Stage

The documentation submitted by the parties to the complaint, including any additional documentation requested at the Complaint Review Process or Preliminary Hearing stages, will be collated to form the documentation for consideration at the Hearing which will be sent to the member and complainant(s) normally one-month prior to the Hearing taking place.

Attendance

The complainant(s), the member and their representatives (if applicable) are entitled to attend the formal Hearing at their own cost, and will be invited to join the Conduct Committee for the formal Hearing as detailed in the Conduct & Disciplinary Procedures which accompany this document. The complainant(s), the member and their representatives (if applicable) are required to confirm their attendance in writing at least two weeks prior to the date of the formal Hearing.

Both the member and complainant must advise in writing if there are any access and/or disability issues to be considered in order for them and/or their appointed representative and/or witness to attend.

The Conduct Committee shall take reasonable steps to accommodate the member or the complainant if they wish to attend the hearing, but require an alternative date or venue. The decision to re-schedule or change the venue of the Hearing shall be taken by the Honorary Secretary if in his opinion there is good and sufficient reason following a written application by the member or complainant providing evidence to substantiate the request.

Non-attendance

If the complainant(s) and the member and/or their representatives have indicated in writing that they intend to attend the Hearing but fail to attend, it will be for the Conduct Committee to determine whether to proceed with the Hearing or to adjourn accordingly.

The Hearing can proceed without the attendance of the complainant(s) and/or the member and their representatives (if applicable).

Hearing

- a) The Chairman will detail the format for the Hearing and invite the Conduct Committee members to introduce themselves.
- b) The complainant(s) and/or the member will be advised that the Hearing is recorded for minuting purposes only.
- c) The Honorary Secretary will detail the alleged breaches of the Code of Conduct and the Code from which they are taken.
- d) The member, or their representative, will be invited to respond to the complaint.
- e) The Committee will be invited to ask the member questions.
- f) The complainant(s) attend as witnesses and may be invited to make a statement to the Committee and respond to questions from the Committee and the member or their representative.
- g) At the conclusion of the questions the Chairman will invite the member to provide any final statement.
- h) The parties will also be advised that the decision of the Committee will be sent to them by post normally within two weeks from the date of the Hearing.
- i) The member and complainant(s) will then be invited to leave whilst the Committee deliberates and determine the outcome of the Hearing, but will be asked to wait until advised otherwise in case the Committee wishes to recall them to the Hearing.

The Conduct Committee has the authority at any time to adjourn the Hearing to seek advice or further information. The Conduct Committee also has the continuing authority to determine that there is no case to answer.

17. Disciplinary Actions

When a complaint is proved, the Conduct Committee shall agree one of the following disciplinary actions for each breach of the Code of Conduct:

- a) To require the member to give an undertaking in writing to refrain from further contraventions of the Institute's Code of Conduct.
- b) To reprimand the member and require the member to give an undertaking in writing to refrain from further contraventions of the Institute's Code of Conduct.
- c) To exclude the member from membership of the Institute for a fixed period with or without a recommendation for re-assessment on re-entry.
(NB. — Institute policy stipulates that if a Chartered Member's membership ceases for whatever reason, for more than three consecutive years, the individual must sit a Professional Assessment Re-Entry Interview.)
- d) To expel the member from the Institute.

18. CIAT shall advise the parties involved in the complaint of the decision in writing, and the decision is implemented with immediate effect.

19. Appeals Procedure:

The Institute subscribes to an Independent Appeals Procedure.

20. Following the decision of the Conduct Committee, the member or complainant shall have the opportunity to lodge an appeal. Information on the right to appeal and the body operating the Independent Appeals Procedure will be provided in the letter sent to both the member and complainant(s) confirming the Conduct Committee's decision after the Hearing. Any request to appeal must be submitted in writing and must be received within 28-days (or 35- days for residents overseas) from the date of notification of the decision of the Conduct Committee.

21. If after the 28-days (or 35-days for members and complainants resident overseas) period for commencing the Appeal Procedure has elapsed and no request for an appeal has been made, the decision shall be published in the next issue of the Institute's journal giving the name, registration number of the member, the clause(s) and/or sub-clause(s) of the Code of Conduct breached by the member and the disciplinary action taken.

22. There is no right to appeal if the Committee determines that there is no case to answer.

END

Complaint form

Please type your reply or write clearly in black ink. Illegible forms will be rejected.

Section 1

Complainant's details

Name of complainant: _____

Contact address: _____

Telephone number: _____

Email address: _____

Section 2

Member's details

Name of member: _____

Practice name: _____

**Full practice address
or known address:** _____

Telephone number: _____

Email address: _____

Website: _____

Section 3

Complaint details — project related complaint (if the complaint is not related to a specific project, please go to Section 3a)

Complaint refers to: _____

Date of appointment: _____

Capacity appointed: _____

Address of project: _____

**Agreed terms
of appointment:** _____
*(please attach copy of
agreement)*

**Date of termination
of appointment:** _____

Please attach confirmation of termination (if applicable)

Section 3a

Complaint details — other complaint

Complaint refers to: _____

Copies of the Institute's Code of Conduct can be downloaded from the website:

www.ciat.org.uk/en/the_institute/Regulations/Complaints_procedure/

If you are unable to download the document you require, please contact the Assistant Practice Director.

The Codes of Conduct that are available on the website are listed below. Please indicate the Code of Conduct that this complaint relates to (i.e. the date that the project commenced or was completed by).

- Code of Conduct effective 1 March 2003
- Code of Conduct effective 1 March 2004
- Code of Conduct effective 1 March 2005
- Code of Conduct effective 22 July 2005
- Code of Conduct effective 1 May 2007
- Code of Conduct effective 1 May 2009
- Code of Conduct effective 1 May 2010
- Code of Conduct effective 1 May 2011
- Code of Conduct effective 1 May 2014

NB. — this information must be indicated here. If the details of the Code of Conduct are not stated the complaint will be rejected.

Please identify the Clause(s) and/or Sub-Clauses that you consider our member has breached from the Code of Conduct that you have indicated above:

Section 4

List each individual Clause and/or Sub-Clause and detail in no more than 200 words per Clause/Sub-Clause why you consider the member is in breach:

Clause ____: _____

Clause ____: _____

Clause ____: _____

If there are additional clauses and/or sub-clauses that you wish to include as part of this complaint, please indicate these on a separate sheet/sheets if necessary. Please list each clause and detail in no more than 200 words per clause why you consider the member is in breach.

Please list items of supporting documentation to be considered as part of your complaint. (You are requested to provide, where necessary, documentation such as terms of engagements and timelines. Please only submit drawings if they directly relate to your response. If you intend to submit supporting documentation as part of your response, please ensure that **TEN COPIES** of each item is received by CIAT along with your response by the deadline stated in the accompanying letter. If they are not included we will be unable to process your complaint and it will be returned to you.) Please ensure that copies of all supporting documentation are attached to this document:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Section 5

Please confirm if you have tried to resolve this issue with our member and, if so, please indicate the method or methods used:

Section 6

Checklist

Before submitting the Complaint receipt form to CIAT, please tick the following:

- Complainant details completed
 - Member details completed
 - Complaint details completed
 - Date of relevant Code of Conduct indicated
 - Clause(s) and/or sub-clauses from Code of Conduct indicated
 - Supporting documentation attached:
 - Terms of engagement
 - Confirmation of termination of appointment (if applicable)
 - Timeline
 - Other (please indicate): _____
-

Declaration

I understand that this form and all supporting documentation, including the covering letter that has been submitted, will be copied to the member for their right of reply.

Signed_____
Complainant(s)

Dated_____

***Where a complaint is raised in more than one name, all parties are required to sign the complaint form.**

NB. if this form is not signed and dated, it will be returned to you and this will delay the process in dealing with this complaint.

For ease of completion, this form can be emailed to you upon request Please contact the Institute on either +44(0)20 7278 2206 or through our website: www.ciat.org.uk