

## **IRPM Complaints Procedure**

### **1. Procedures for complaints**

#### **1.1 Complaints may be made against a member by:**

- The Institute
- Another member
- A third party

Complaints may be considered under the IRPM Code of Conduct.

1.2 Any complaint made against a member must be made in writing under confidential cover and addressed to the Chief Executive of the Institute at its registered office. Complainants shall set out the circumstances forming the basis of the complaint, including the relationship, if any, between the complainant and the member concerned.

1.3 The Chief Executive shall at his/her discretion consult with the complainant and other parties, in particular, the Compliance Committee, to determine whether the case can be substantiated giving reference to the Code of Conduct of the IRPM.

1.4 If the Chief Executive concludes that a case has not been substantiated, he/she shall so advise the complainant and the member concerned, in writing. The complainant may challenge the decision of the Chief Executive in writing to the Chair of the IRPM Board (In the case of any conflict of interest, to the Deputy Chair). This 'preliminary appeal' process will consist solely of the consideration of the information already submitted to the Chief Executive, the Chief Executive's own advice and written representations from the complainant and the member concerned. The Chair's decision shall be final.

1.5 If the Chief Executive decides in the first instance, or the Chair determines on appeal, that a substantiated case has been made, the Chief Executive shall then notify in writing the member concerned of the nature of the complaint (Notice of Complaint) and the Chief Executive shall request the member's written response or confirmation of the member's intention to appear, this within 14 days of the date of sending out the Notice of Complaint. Upon receipt of the response, or at the end of the period, whichever is earlier, the Chief Executive shall refer the complaint and the response, if any, from the member to the Disciplinary Committee.

### **2. Disciplinary Committee**

2.1 The power of making disciplinary decisions is vested in a Disciplinary Committee

2.2 Disciplinary Committees shall be appointed by the Board and drawn from members of the Board and/or Compliance Committee

2.3 A Disciplinary Committee will consist of not less than three members, including the Chief Executive, each of whom shall have a primary vote. Any conflict of interest is to be declared and IRPM reserves the right to make substitutions.

### 3. Disciplinary Committee hearing

3.1 Within 14 days of receiving a response, or after the lapse of 14 days from sending notification to the member concerned, the Chief Executive shall fix a date and place for the complaint to be heard by the Disciplinary Committee (IRPM reserves the right to substitute members where a conflict of interest exists) giving at least 28 days' notice to the member and complainant concerned or such other period as may be determined (unless otherwise agreed between all the parties).

3.2 At least 14 days before the disciplinary hearing, the Committee should present in writing to the member concerned and all other parties involved the document supporting the complaint. In exceptional circumstances, the Committee may redact personal identification or other identification information if it considers it necessary to do so, but only with the approval of the Board. The member concerned shall also have proper opportunity to bring witnesses and introduce at the hearing any relevant evidence he/she may consider fit. The person making the complaint will normally be required to appear before the hearing and will be given the opportunity of an explanation. Either or both parties may be accompanied by a member of the Institute or a companion of their choice if he/she so wishes. Such a member/companion shall attend as a supporter or adviser but not as a representative.

3.3 The hearing can take place in the absence of one of the parties if, in the opinion of the Disciplinary Committee, there is no alternative to proceeding in this way. With the agreement of the parties, the hearing could be conducted by correspondence.

3.4 The Disciplinary Committee may make such further enquiries by correspondence or call witnesses or otherwise as it may think fit. This may involve an adjournment of the Committee hearing for a reasonable period.

3.5 The Disciplinary Committee, after considering all available submissions, will determine their decision and make the appropriate recommendation to the IRPM Board in the case of disciplinary action. If the Committee decides that the case has not been substantiated, the complaint will be dismissed. The Chief Executive will in writing inform the person making the complaint and the member concerned.

3.6 Decisions of the Disciplinary Committee shall be by simple majority with the Chair holding a casting vote in the event of a split decision and can be made in the absence of the member concerned, provided they have been previously informed of the date of the hearing, the nature of the complaint and have been given the opportunity of presenting their case at a hearing.

### 4. Powers of the Disciplinary Committee

The Disciplinary Committee shall have the following powers:

4.1 dismiss the complaint

4.2 to recommend to the IRPM Board one or more of the following disciplinary decisions, in combination or as alternative:

4.2.1 warn, admonish or reprimand any member

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4.2.2 call for a written undertaking from the member as to future conduct and performance, to provide for guidance from a senior colleague and specific training, and/or arrange for regular reporting

4.2.3 direct that a statement recording the complaint should be entered on the IRPM's personal record of the respondent for a defined time

4.2.4 review the member's eligibility for Institute office

4.2.5 re-designate a member in the Institute's membership grades

4.2.6 withdraw the benefits of membership of the Institute and the use of designatory letters for a defined time (suspension) which may be conditional upon specific performance

4.2.7 Require the resignation of a member

4.2.8 expel a member from the Institute

## 5. Appeals procedure

5.1 It is open for a member against whom a complaint has been upheld in full or part by a disciplinary panel and against whom a disciplinary decision has been made, to lodge an appeal to an Appeals Panel. Such appeal must be made in writing to the Chief Executive of the Institute at the registered office of the IRPM within 14 days of the date of notification of the decision of the Disciplinary Committee. The notice must set out the full grounds on which issue is taken with the disciplinary decision. The sanction awarded by the Disciplinary Committee will, at the discretion of the Appeals Panel, normally be suspended until after the appeal is heard.

5.2 For a valid appeal to be considered, the member must demonstrate in writing, with evidence on any or all of the following grounds for appeal, limited to (a) fresh evidence which has come to light (b) misrepresentation by either party whether intentional or otherwise (c) an original submission of incomplete evidence which was relied on.

5.3 The Chief Executive will notify the Chair of the Board of the appeal, and he/she will instruct the Chair of the Board to convene an Appeals Panel.

5.4 The Appeals Panel shall consist of 3 Directors who have not been part of the original Disciplinary Committee for the particular complaint. Any conflict of interest should be declared whereupon an alternative Director shall be appointed by the Chairman of the Board.

5.5 The Chief Executive shall fix a date and place for the case to be heard, giving at least 28 days notice to the member concerned or such other period as may be agreed between all the parties.

5.6 The Appeals Panel will follow the same procedure as the Disciplinary Committee. Relevant documents will be circulated to all parties before the appeal hearing. The decision of the Appeals Panel will be final and by a simple majority; where no such majority is obtained, the appeal fails and the original decision stands.

5.7 The Appeals Panel may overturn, vary or uphold the disciplinary decision.

5.8 The member concerned will be informed in writing within 14 days of the decision of the Appeals Panel.

5.9 Subject to the approval of the Board, reasonable costs may be charged to the member relating to any disciplinary matter or hearing or appeal.

**NB. IRPM reserves the right generally to make substitutions for any Directors where a conflict of interest exists**