

IRPM Complaints Procedure

Definitions, abbreviations and interpretation

The Board	The Board of the Institute
Chief Executive	The Chief Executive of the Institute
The Code	The Institute’s Code of Conduct
CSC	The Compliance Sub-Committee.
Conduct	Includes actions and omissions
Firm	Includes any organisation that employs a member or the member themselves, if a self-employed property manager.
Hearing	An oral hearing notified to the parties. So far as it is practical to do so, all hearings will take place over a video conferencing platform.
The Institute	The Institute of Residential Property Management Ltd
Member	A member of the Institute against whom a complaint is made. “Member” includes those entitled to use the designation “Associate” and “Fellow”
Ombudsman	One of either The Property Ombudsman or the Property Redress Scheme.
Working day	Any day except a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971
In writing	Any communication required to be supplied in writing may be provided either by email to info@irpm.org.uk , or by post addressed to the Chief Executive of the Institute of Residential Property Managers at 71 Gloucester Place, London W1U 8JW

The Institute of Residential Property Management Limited

71 Gloucester Place, London W1U 8JW 020 3319 7575 | info@irpm.org.uk | www.irpm.org.uk

Company Limited by Guarantee Registered in England & Wales No. 6207464 Registered Office: 20 Eversely Road, Bexhill-on-Sea TN40 1HE

Making a complaint

1. The Institute has the jurisdiction to consider only complaints about conduct by its members where that conduct constitutes breach(es) of the Code.
2. Complaints may be made against a Member by:
 - 2.1 The Institute;
 - 2.2 Another Member;
 - 2.3 A member of the public.
3. Where the complaint arises from a Member's conduct in providing services and/or property management, the complainant should pursue their complaint through the Member's Firm's complaints procedure and, if appropriate, the relevant Ombudsman, court or tribunal before submitting a complaint to the Institute.
4. A complaint to the Institute should be made on the online complaint form on the Institute's website.
5. All complaints should be made in writing. If a complaint cannot be made in writing, the Institute may, in its discretion, accept a complaint over the telephone. The telephone number for making such complaints is 0203 319 7575.
6. On the form, the complainant should:
 - 6.1 Set out a short summary of the facts that give rise to the complaint, and
 - 6.2 Give reasons why those facts show that the Member is and/or has been in breach of the Code, and
 - 6.3 Identify the rules of the Code that have been breached.

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Triage

7. The complaint shall be referred to the Chief Executive who may, in their discretion, ask the complainant for further information and/or documents in order to determine whether there appears to have been a potential breach of the Code.
8. In order to avoid multiplicity of proceedings and the risk of inconsistent decision-making, the Chief Executive may stay action on a complaint to the Institute if the matters complained of could be resolved by the Ombudsman, non-statutory regulators, courts and/or tribunals.
9. On the final determination of any complaints, applications and/or claims to the Ombudsman, non-statutory regulators, courts and/or tribunals, the Chief Executive shall be empowered, at the request of the complainant, to lift the stay and to consider the complaint.
10. If the Chief Executive determines that the complaint has not been substantiated, that decision shall be communicated in writing to the complainant and the member concerned, and the complaint shall be summarily dismissed.
11. The complainant may appeal the summary dismissal of their complaint. Such an appeal must be made to the CSC. It must be made in writing and must set out the reasons for the appeal.
12. Any appeal against the summary dismissal of a complaint shall be decided solely on the documents and evidence already submitted to the Chief Executive and may be decided without a hearing by a single member of the CSC sitting alone and without a hearing unless, in the opinion of the CSC, an oral hearing is required. The decision of the CSC on an appeal against the summary dismissal of a complaint shall be final.
13. If the Chief Executive, or the CSC on appeal from a summary dismissal of a complaint, determines that there is a potential breach of the Code by the Member complained about, the complaint will be referred to the CSC.

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14. The CSC shall have the power to stay the determination of a complaint to the Institute if at any time there are ongoing complaints, applications and/or claims in jurisdictions where those complaints, applications and/or claims include matters complained about to the Institute. It shall also have the corresponding power to lift any such stay.

The Compliance Sub-Committee

Powers and composition

15. The membership of the CSC shall be determined by the Board and may include members of the Board; Members and/or non-members.

16. The CSC shall comprise between one and three members, one of whom shall be designated Chair by the Board. Each member of the CSC shall have one vote.

17. Any conflict of interest is to be declared in writing as soon as practicable. The Board reserves the right to substitute members of the CSC.

18. The CSC shall be empowered to hear and determine complaints made to the Institute.

19. Those powers include but are not limited to:

- a) Shortening or extending any time limits set by this complaints procedure, that discretion to be exercised reasonably, and
- b) Deciding a complaint with or without a hearing.

Procedure for a decision on a complaint

20. As soon as reasonably practicable on receipt of a complaint from the Chief Executive, the CSC shall notify the Member of the complaint and will send a summary of the allegation(s) made; a copy of the complaint and any accompanying documents to the Member about whom the complaint has been made. It may redact personal identification or other identification information if it considers it necessary to do so.

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21. The CSC shall invite the Member to provide a response to the complaint. Any response and supporting documents that the Member wishes to submit shall be provided to the CSC within 15 working days of the date on which the CSC sent out the notification of complaint.
22. The CSC may make such further written enquiries; call witnesses or take such other action as it may think fit. Any such written enquiries, witness evidence or other material shall be provided to the parties.
23. Upon receipt of the Member's response, or at the end of the period within which the Member is required to provide their response to the complaint, whichever is earlier, the CSC shall make arrangements to determine the complaint.
24. The CSC may, in its discretion, hold a hearing before determining the complaint, but the general rule is that complaints shall be determined without a hearing.

Hearings

25. The CSC may ask the parties to attend a hearing if it decides to hold a hearing to determine the complaint. At least 20 working days' notice of a hearing shall be given to the complainant and to the Member.
26. At least 10 working days before any hearing, the Member shall provide an electronic bundle of documents containing all of the evidence that the CSC will be asked to consider. The bundle must be indexed and paginated. The parties shall try to agree the contents of the bundle and shall, where possible, include at the front of the bundle, a statement of any matters agreed between them.
27. The complainant and the Member may be asked to give evidence at the hearing.
28. Either or both parties may be accompanied by a Member or a companion of their choice if they wish. Such a Member/companion shall attend as a supporter or adviser but, unless given permission by the CSC, not as a representative.

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Decisions of the Compliance Sub-Committee

29. The CSC shall determine whether, on the balance of probabilities, the Member is and/or has been in breach of the Code.
30. Decisions of the CSC shall be by simple majority with the Chair holding a casting vote in the event of a split decision.
31. The complainant and the Member concerned will be informed in writing of the CSC's decision.

Powers of the CSC on deciding a complaint

32. If the CSC decides that the complaint has not been substantiated, it is empowered to dismiss the complaint.
33. If, having considered the evidence before it, the CSC finds that a complaint is substantiated and forms the view that disciplinary action is required, it will make the appropriate recommendation to the Board.
34. If the CSC upholds the complaint, it shall have the power to recommend to the Board one or more of the following disciplinary measures, in combination or in the alternative:
 - 34.1. To advise a Member's employer of the outcome of the disciplinary proceedings;
 - 34.2. To warn or reprimand a Member;
 - 34.3. To require as a condition of continued membership of the Institute a written undertaking from a Member as to future conduct and performance;
 - 34.4. To require a Member to be supervised by a senior colleague;
 - 34.5. To require a Member to undertake specified training;

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- 34.6. To direct that a statement recording the complaint should be entered on the IRPM's personal record of a Member;
- 34.7. To review a Member's eligibility for Institute office;
- 34.8. To re-designate a Member in the Institute's membership grades;
- 34.9. To conditionally suspend a Member's membership of the Institute, including the use of designatory letters, for a defined period of time;
- 34.10. To require the resignation of a Member;
- 34.11. To expel a Member.

Appeals

- 35. An appeal may be lodged against a decision of the CSC (which is not a decision on an appeal from the summary dismissal of a complaint) by either:
 - 35.1 A complainant whose complaint was not upheld in full or in part;
 - 35.2 A Member against whom a complaint has been upheld in full or part by the CSC and/or against whom a disciplinary decision has been made or by any complainant.
- 36. An appeal may be made on one or both of the following grounds:
 - 36.1 (a) Errors, omission or misrepresentation of information or documents material to the CSC's decision; that are obtained after the CSC's original decision, and that could not reasonably have been obtained before that decision;
 - 36.2 (b) Errors of process, law or interpretation of the Code.

37. Any appeal must be made in writing to the Institute within 20 working days of the date of notification of the decision of the CSC to the party who wishes to appeal. The notice must set out the full grounds of appeal against the decision; must be supported by the evidence that the appellant wishes the CSC to consider, and state whether the party appealing considers that the appeal can be determined without a hearing.
38. Pending determination of the appeal, the CSC may in its discretion suspend any sanction imposed on a Member as a result of the decision appealed against.
39. The CSC shall determine the appeal. If the appeal is based on or includes ground (b), the Board will instruct a differently constituted CSC to determine the appeal.
40. CSC shall have the discretion to determine any appeal with or without a hearing. If the appeal is to be determined at a hearing, the CSC shall fix a date for the appeal to be heard, giving at least 20 working days' notice to the Member concerned and the complainant.
41. The appeals process will follow the same procedure as set out in paragraphs [20] to [28] above, save that the decision on the appeal will be final and by a simple majority. The Chair shall hold a casting vote in the event of a split decision.
42. The CSC may overturn, vary or uphold the original decision. It may consequently dismiss the complaint, or, instead and/or in addition to any sanctions imposed by the original decision, impose on the Member any of the sanctions listed in paragraph [34] above.
43. The Member and the complainant will be informed in writing of the CSC's decision on the appeal.
44. If a complaint is upheld against a Member, the CSC may in its reasonable discretion recover its reasonable costs and expenses incurred in the complaints process.