



COMPLAINTS PROCEDURES:

**PROCEDURES FOR INVESTIGATING COMPLAINTS AGAINST MEMBERS
AND FOR TAKING DISCIPLINARY ACTION**

As adopted by the Board of Trustees on 28 September 2011

Effective from 1 January 2012

- 1 The Conduct and Discipline Panel (“the Panel”) is responsible for investigating any alleged breach of the Code of Professional Conduct (“the Code”) on behalf of the Institute. The Panel is empowered to investigate any matter that may be a breach of the Code, whether or not a formal complaint has been made. The Panel is empowered to decide whether a breach has occurred and, where it has, to discipline a member subject only to Clause 17 below.
- 2 The Panel is appointed by the Institute’s Board of Trustees and shall be comprised of a maximum of eight members and a minimum of six members, being:
 - a. the Chair and Vice Chair, both of whom are required to be either corporate or non-corporate members of the Institute;
 - b. up to a maximum of three other RTPI members, at least one of whom shall be a Legal Member or Legal Associate Member;
 - c. up to a maximum of three lay people.

The Panel shall be quorate when three members of the Panel are present, of which one must be the Chair or Vice Chair.
- 3 A ‘member’ means any person who is a member of any class of membership defined in the Byelaws of the Institute.
- 4 In any case where a member resigns from the Institute after a complaint has been made against him or her, and before it has been determined, the Panel shall continue its investigation and may make a decision as though the member had not resigned. The remaining provisions of this complaints procedure shall continue to apply as if the person were still a member.
- 5 The Panel will not investigate a complaint relating to the conduct of a member which is alleged to have occurred more than two years prior to the date of the complaint unless there are exceptional circumstances to justify an investigation.

Collection of preliminary material

- 6 When a complaint is received, the Complaints Investigator may seek additional preliminary material in order to facilitate a decision by the Panel as to whether or not to undertake a formal investigation into the complaint. There is, however, no formal obligation on the member to respond at this stage.
- 7 The Panel may issue informal advice to a member of the Institute whether or not it undertakes a formal investigation.

Formal investigation

- 8 If the Panel (pursuant to paragraph 6 above) or the Complaints Investigator consider that a matter requires formal investigation, the member shall be informed in writing of the particulars of the alleged breach with a request for his or her formal written response.
- 9 Members are required to co-operate with any investigation undertaken, in accordance with Paragraph 15(b) of the Code of Professional Conduct.
- 10 Members are given three weeks to provide their formal written response. After three weeks have elapsed the investigation may proceed whether or not the member's response has been received.
- 11 The Complaints Investigator has the discretion to extend any period allowed for the submission of material within this procedure, but this discretion will only be exercised in exceptional circumstances.
- 12 The Panel may invite the member concerned, or accept an offer from the member, to discuss the matter with the Panel, or with members or officers of the Panel. It may also invite the complainant or any other person to discuss the matter with the Panel, or with members or officers of the Panel, or with the member or a representative of the member.
- 13 All information provided by a member or complainant in substantiation or refutation of a complaint, whether in writing or via a meeting, shall be disclosed to the member and the complainant. Parties shall have three weeks to comment on any such information after which the Complaints Investigator shall terminate the correspondence unless, in his or her opinion, new information relevant to the determination of the complaint has been provided.
- 14 The Complaints Investigator or Panel may terminate an investigation:
 - a. if the complainant fails to provide information requested in writing within the period notified to him or her;
 - b. if the complainant withdraws the complaint either in writing or at a hearing of the Panel.
- 15 A complaint that has been terminated shall not be re-opened unless significant new material is produced that could not reasonably have been provided to the original investigation.

Findings that no breach of the Code of Professional Conduct has occurred

- 16 If the Panel concludes that no breach of the Code has occurred,
- a) The decision of the Panel and the reasons for it shall be notified to the complainant and the member and reported to the Board of Trustees;
 - b) The decision of the Panel is not subject to review by the Board of Trustees;
 - c) No further correspondence will take place concerning the decision with the complainant or any other person;

Findings that a breach of the Code of Professional Conduct has occurred

- 17 If the Panel concludes that the member has been in breach of the Code the Panel may:
- a) warn the member as to his or her future conduct (with or without naming him or her in any subsequent publicity); or
 - b) reprimand the member (with or without naming him or her in any subsequent publicity); or
 - c) suspend the member from membership of the Institute for any period the Panel specifies; or
 - d) terminate the member's membership forthwith or from such a date as specified by the Panel.

In situations of suspension or termination of membership, the member will always be named in any subsequent publicity unless there are exceptional reasons not to do so.

When considering the appropriate penalty the Panel shall take into account any earlier breach of the Professional Code of Conduct by the member within the previous six years.

- 18 The decision of the Panel and the reasons for it shall be notified to the complainant and the member and reported to the Board of Trustees.

Suspension from membership

- 19 a) Whilst suspended from membership a person shall be deprived of all privileges and benefits of membership, shall not use the Institute's designatory letters, shall not describe him or herself as a Chartered Town Planner and shall not hold themselves out in any way as being a member of the Institute. They shall however remain bound by the provisions of the Code of Professional Conduct and shall be liable to pay subscriptions on the normal basis.
- b) In addition to any general conditions imposed by the Board of Trustees for the lifting of a suspension from membership, no member shall be re-admitted to membership until any arrears of subscriptions have been paid.

Provision for appeal

- 20 The member may, within such period as is specified in the notice of the decision of the Panel (which shall be not less than four weeks from the date of the notice), appeal in writing to the Appeal Committee against the decision. The appeal shall be submitted in accordance with the procedure notified to the member in the notice. The Appeal Committee may in its absolute discretion accept electronic communication of an appeal.

If an appeal is duly made, the decision of the Panel shall not be implemented and the decision of the Appeal Committee shall be substituted therefore.

- 21 The Appeal Committee shall consist of three people drawn from a pool of members or other persons established for this purpose, one of whom shall be nominated as the Chair of the Appeal Committee and one as Vice-Chair. The Chair or Vice-Chair shall be empowered to determine the procedural requirements in any particular appeal. At least one member of the Appeal Committee shall be an independent/lay member. No member of the Panel or Trustees shall serve on any Appeal Committee.

The Honorary Secretary and Solicitor may attend any meeting of the Appeal Committee and may participate in the proceedings of that meeting to the extent determined by the Chair. The Honorary Secretary and Solicitor shall not participate in any vote of the Committee.

- 22 A member who makes an appeal against the decision of the Panel shall at the same time as making the appeal notify the Complaints Investigator whether he or she wishes to have the appeal determined by written representations, or wishes to appear in person or by a representative before the Appeal Committee. In any appeal, the Appeal Committee may determine that it wishes to hold a hearing before determining the appeal irrespective of any request made by the member under this paragraph.

- 23 If the member elects to have his or her appeal determined by written representations, the member shall comply with the timetable for making representations and counter-representations notified to him or her by the Complaints Investigator. If the member fails to comply with the timetable the Appeal Committee shall be entitled to determine the appeal without further notice.

- 24 If the member elects to appear before the Appeal Committee or the Appeal Committee determines that it wishes to hold a hearing:

A) The member shall comply with the procedural requirements of the Committee. If the member fails to comply with such requirements the Appeal Committee may proceed to hold the hearing and determine the appeal.

B) All documentation to be considered by the Appeal Committee shall be forwarded to the Complaints investigator at least four weeks prior to the date of the hearing and circulated to all parties at least three weeks prior to the date of the hearing. Late evidence will only be admitted in exceptional circumstances at the discretion of the Appeal Committee.

C) The member may choose to be accompanied by a legal or other representative, but such representation should not be considered as a requirement, and notification of such representation must be made to the Complaints Investigator no later than three weeks prior to the date of the hearing.

D) The member or the chosen representative may call witnesses to give evidence in his or her defence, and may cross-examine any witnesses called by the Committee to give evidence.

E) Members of the Appeal Committee and / or the Honorary Solicitor or other legal representative on behalf of the Institute shall be entitled to question any party or witnesses.

F) The Appeal Committee shall be entitled, at their discretion, to disallow any evidence or questioning which is, in their opinion, defamatory or otherwise inappropriate.

G) The Appeal Committee may invite the complainant or any other person to give evidence in any appeal.

H) The Appeal Committee, if satisfied that the member has been duly notified of the date, time and location of the hearing and the member does not attend, shall be entitled to proceed to determine the appeal in the absence of the member or his or her representative.

I) The Appeal Committee may halt or adjourn a hearing in order to take legal advice on any matter that arises during the course of a hearing; or, at its discretion, on the application of one of the parties.

J) If the Appeal Committee is satisfied, after consideration of the written and oral evidence and submissions that the member has been in breach of the Code on a balance of probability, it may impose any of the penalties set out in paragraph 17 and, for the avoidance of doubt, may impose a different penalty on the member from that determined by the Panel.

25 The decision of the Panel (if no appeal is made), or the Appeal Committee where convened, shall be final, and notice of the decision and the reasons therefore will be sent to the member and complainant in writing. The Board of Trustees will be notified of all decisions of the Panel and Appeal Committee.

Publicity

26 The Panel, or Appeal Committee where convened, may publicise any findings of a breach of the Code that it considers appropriate in the interests of the Institute or the public. No publicity will be given until an appeal has been determined or the period to lodge an appeal has expired.