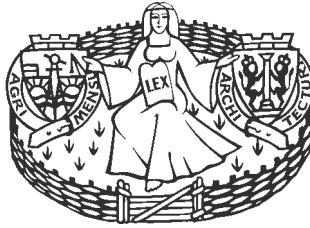


The Royal Town Planning Institute



COMPLAINTS PROCEDURES:

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

As adopted by the Board of Trustees on 12 January 2004

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 (i.e. the Executive Board) and shall be comprised of seven members, being:
 - a) the Chair and Vice Chair, both of whom are required to be corporate members of the Institute and, by holding these positions, will become members of the Institute’s Membership and Ethics Committee;
 - b) up to a maximum of three other RTPI members, at least one of whom shall be a Legal Member or Legal Associate;
 - c) up to a maximum of three lay people.

The Panel shall be quorate when three members are present, of which one must be the Chair or Vice Chair.

3. 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.

Collection of preliminary material

4. 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.
5. The Panel may issue informal advice to a member of the Institute whether or not it undertakes a formal investigation.

Formal investigation

6. If the Panel considers 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.
7. Members are required to co-operate with any investigation undertaken, in accordance with Paragraph 14(b) of the Code of Professional Conduct.
8. Members are given three weeks to provide their formal written response, during which time the Panel will not proceed with its investigation. After three weeks have elapsed the Panel may proceed whether or not the member's response has been received.
9. The Panel 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.
10. 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. The Panel or any other committee is able to take or hear evidence that would not be admissible in court.
11. Information provided by a member, complainant, or any other party, 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, however, if no fresh information is provided the Panel is able to terminate the exchange of correspondence.
12. The Panel may terminate an investigation:
 - a) if the complainant fails to provide the Panel with the requested written information by the end of the three week period;
 - b) if, in the opinion of the Panel, the alleged breach (even if proved) would be so trivial as not to justify further action; or
 - c) if the complainant withdraws the complaint in writing or at a hearing of the Panel.

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

13. If the Panel concludes that no breach of the Code has occurred, or if the Panel terminates an investigation:
 - a) the Panel will report its findings to the Board of Trustees, with its reasons;
 - b) the report shall be for information only and shall conclude the matter, except for the member and complainant being notified in writing of the findings and the Panel's reasons;
 - c) the Panel's conclusions are not open to review by the Board of Trustees and no further correspondence will take place on these conclusions with the complainant or any other person;
 - d) the Panel will not re-open any investigation once it has been reported to the Board of Trustees unless significant additional material or information becomes available which could not reasonably have been supplied during the initial investigation.

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

14. If the Panel concludes that a breach of the Code has been proved, the Panel will decide the disciplinary action to be taken as detailed in Clause 15 below.
15. If the Panel or the Appeal Committee is satisfied that a breach of the Code or other professional conduct has been proved it 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.

Suspension from membership

16. a) Whilst suspended from membership a person shall be deprived of all privileges and benefits of membership, shall not receive the journal, cannot use the Institute's designatory letters, cannot call themselves a Chartered Town Planner and cannot 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

17. The Panel shall give notice in writing of its decision to the member. The member may, within such period as is specified in the notice (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 Committee may in its absolute discretion accept electronic communication of an appeal. If such an appeal is duly made, the decision of the Panel shall not be implemented and the decision of the Appeal Committee shall be substituted therefor.
18. The Appeal Committee shall consist of three people nominated by the President and 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, General Assembly or Board of Trustees shall serve on any Appeal Committee.
19. A member who makes an appeal against the decision of the Panel shall at the same time as making the appeal notify the Appeal Committee 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 election made by the member under this paragraph.

20. 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 Appeal Committee. If the member fails to comply with the timetable the Appeal Committee shall be entitled to determine the appeal without further notice.
21. 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 in order that the appeal may be determined swiftly. If the member fails to comply with such requirements the Appeal Committee may proceed to hold the hearing and determine the appeal;
 - b) 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 against him or her;
 - c) the examination and cross-examination of witnesses on behalf of the Committee shall be carried out by the Honorary Solicitor or by Counsel instructed by the Honorary Solicitor;
 - d) the Appeal Committee may invite the complainant or any other person to give evidence in any appeal and may allow the Complainant to be represented by a person of his or her choice;
 - e) 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;
 - f) If the Appeal Committee is satisfied that a breach of the Code or other professional conduct has been proved it may decide the disciplinary action to be taken under clause 15 and, for the avoidance of doubt, may impose a different penalty on the member from that determined by the Panel.
22. The decision of the Panel (if no appeal is made), or the Appeal Committee where convened, shall be final, and 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

23. The Panel, or Appeal Committee where convened, may publicise any findings of a breach of the Code that it feels are appropriate in the interests of the Institute or the public. Any publicity will not take place until the appeal has been determined or the period to lodge an appeal has expired.