

How we will deal with complaints against members of CNHC's Board of Directors or members of CNHC Profession-Specific Boards

Introduction

- 1 We will follow this procedure whenever we receive a complaint about a member of the Board or one of the Profession-Specific Boards which is directly related to their role as a member of the Board or Profession-Specific Board, rather than their role as a registrant. We have separate procedures for dealing with complaints about CNHC registrants' conduct, ethics and competence when providing professional services to the public.
- 2 We have designed this procedure so that we deal with complaints as fairly, transparently, quickly and effectively as possible.

How to complain

- 3 Complaints must be in writing and signed by the person making the complaint (the 'complainant'). You need to give us enough detail about the behaviour you are complaining about so that we can understand the problem. Usually, we need you to write to us within three months of your knowing about the behaviour you are complaining about.
- 4 You should send your complaint to the Chief Executive & Registrar, who will usually acknowledge receipt within 3 working days.

The action we will take

5 First steps

- 5.1 The Chief Executive & Registrar will normally send the complaint to the Vice Chair for them to decide how to deal with the complaint in line with this procedure.
- 5.2 If the complaint is about the Vice Chair, the Chief Executive & Registrar will send the complaint to a Board member chosen by the Chair (the Designated Board Member).
- 5.3 The Vice Chair or Designated Board Member will decide whether to try to resolve the issue informally, before starting the formal part of the procedure. The decision will be based on:
 - a the nature and seriousness of the issue being complained about, and
 - b the seriousness of the consequences if the complaint is upheld
- 5.4 If the Vice Chair or Designated Board Member decides to try to resolve the issue informally, we will normally stop using this procedure. Instead, we will send the member a copy of the complaint and tell them that we will follow an informal process, using mediation or another way of resolving the issue. We will also tell the complainant (but please see paragraph 5.6).

- 5.5 At any stage the Vice Chair or Designated Board Member may decide to offer informal advice to the member about their future behaviour. The advice should normally be given during a face-to-face meeting and confirmed afterwards in writing. We will send a copy of the informal advice to the complainant.
- 5.6 If informal steps are unsuccessful, or the Vice Chair or Designated Board Member decides not to resolve the issue informally, the formal phase will start.

6 The formal phase

- 6.1 We will tell the complainant and the member that the complaint is to be considered by a panel.
- 6.2 We will ask the complainant to send us within 14 days any other evidence they have to support their complaint. We will send a copy of this to the member.
- 6.3 We will ask the member to submit a written response to the complaint, with any supporting evidence, within 28 days.
- 6.4 We will send a copy of the member's response to the complainant. We will ask them to say within 7 days of receiving the response whether, in light of the response, they wish to withdraw the complaint or continue with it.
- 6.5 We will tell the member immediately if the complaint is withdrawn.
- 6.6 If the complainant wants to continue with the complaint, we will set up a panel of three CNHC Board members to consider the complaint. The panel will not include any member who has considered the complaint already under paragraph 5.3 above. The panel will consider whether:
- a to dismiss the complaint without a hearing, or
 - b to try to get written information from any relevant person mentioned either in the complaint or the response of the member. We will send a copy of any written information we get to the complainant and the member, and/or
 - c to hold a hearing to decide whether to uphold the complaint, having considered all the available information, including any written information received under paragraph 6.6b above
- 6.7 A member of CNHC staff will provide administrative support to the panel.
- 6.8 The panel will usually consider a complaint under paragraph 6.6 within three months of CNHC receiving it.
- 6.9 If the panel is considering whether to hold a hearing, the member will be told they have a right to an oral hearing within a reasonable time. The panel will decide what time is reasonable. If the member does not ask for an oral hearing the panel may decide whether to uphold the complaint based on the papers alone.

- 6.10 If the panel decides to hold a hearing:
- a the panel will sit with a Legal Adviser, and if it is an oral hearing any legal advice will be given in the presence of the complainant and the member
 - b if the complaint is being decided on the papers alone, we will provide the complainant and the member with a copy of any legal advice when we give them the panel decision
 - c the panel may hear oral evidence, including from any relevant person who has provided written information under paragraph 6.6b above
 - d the complainant and the member may choose a person to be with them at the hearing, though this will not include legal representation and the person will not be entitled to speak
- 6.11 A member of CNHC staff will provide administrative support to the panel during the hearing.
- 6.12 The panel may decide to dismiss the complaint at any stage of the formal phase.
- 6.13 It is up to the complainant to prove the facts of the complaint. The standard of proof we use is 'the balance of probabilities'.
- 6.14 If a complaint against a member is upheld, the panel will make a recommendation to the Board.
- 6.15 The panel may recommend that the Board:
- a takes no further action
 - b suspends the member for a set time from CNHC business, or
 - c removes the member from the Board or the Profession-Specific Board, for a set time or permanently
- 6.16 If the panel decides that the complaint is unfounded or that there is not enough evidence to prove it, it must dismiss the complaint.
- 6.17 The panel will write a report on the complaint for the Board, giving its findings and recommendations.
- 6.18 We will provide a copy of the panel report for the member and the complainant.
- 6.19 When it receives the panel's report the Board will decide what action to take about the member, taking account of the panel's recommendation in paragraph 6.14.
- 6.20 We will write to the complainant and the member being complained about, giving them the Board's decision.
- 6.21 The Board's decision will be final.

Other arrangements

- 7.1 At any stage of the process the panel may receive legal advice from a solicitor or barrister appointed by CNHC.
- 7.2 The panel will agree between themselves which of them will be the chair.
- 7.3 All the decisions of the panel will be made by a majority vote.
- 7.4 The panel will hold its meetings in private.



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