

How we will deal with complaints against members of CNHC's Board or committees

Introduction

- 1 We will follow this procedure whenever we receive a complaint about a member of the Board, the Professional Committee or one of the Profession-Specific Boards which is about their behaviour as a member of the Board, Professional Committee or Profession-Specific Board.
- 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 and give you an answer. 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.

The action we will take

5 First steps

- 5.1 The Chief Executive & Registrar will normally consult the Chair on how to deal with the complaint in line with this procedure.
- 5.2 If the complaint is about the Chair, the Chief Executive & Registrar will consult with the Vice Chair
- 5.3 The Chief Executive & Registrar and the Chair or Vice Chair 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 Chief Executive & Registrar and the Chair or Vice Chair decide to try to resolve the issue informally, we will normally stop using this procedure. Instead, we will follow an informal process, and use mediation or another way of resolving the issue. (But please see paragraph 5.6.)
- 5.5 At any stage the Chair or Vice Chair 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.

5.6 If informal steps are unsuccessful, or the Chief Executive and Board member decide 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 being complained about that a formal complaint is to be considered by a panel.

6.2 We will ask the complainant to provide any evidence to support their complaint within a reasonable time. The Chief Executive & Registrar will decide how long to allow.

6.3 At all times we will give the member being complained about all the information we have that is relevant to the complaint.

6.4 We will ask the member being complained about to submit a written response, with any supporting evidence, within a reasonable time. The Chief Executive & Registrar will decide how long to allow.

6.5 We will set up a panel of three CNHC Board members to consider the complaint. The panel will not include any member who has worked with the Chief Executive & Registrar in line with paragraph 5.3 above. The panel will decide whether:

- a to dismiss the complaint without a hearing
- b to hold a final hearing to decide whether to uphold the complaint, or
- c to ask the complainant or the member for more information, so it can make a decision

6.6 The Chief Executive & Registrar will give the panel administrative support.

6.7 The panel will usually consider a formal complaint within three months of CNHC's receiving it.

6.8 The member has 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 complaint may be considered on the papers alone.

6.9 If the panel decides to hold a hearing:

- a the panel may hear oral evidence, and
- b the complainant and the member may choose a person to be with them at the hearing

- 6.10 The Chief Executive & Registrar will give the panel administrative support during the hearing.
- 6.11 The panel may decide to dismiss the complaint at any stage of the formal phase.
- 6.12 It is up to the complainant to prove the facts of the complaint. The standard of proof we use is 'the balance of probabilities'.
- 6.13 If a complaint against a member is upheld, the panel will make a recommendation to the Board.
- 6.14 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, the Professional Committee or the Profession-Specific Board, for a set time or permanently
- 6.15 If the panel decides that the complaint is unfounded or that there is not enough evidence to prove it, it must dismiss the complaint.
- 6.16 The panel will write a report on the complaint for the Board, giving its findings and recommendations.
- 6.17 When it receives the panel's report the Board will:
- a decide whether to uphold or overturn the panel's findings about whether the complaint is well founded
 - b if it agrees that the complaint is well founded, decide what action to take about the member, taking account of the panel's recommendation in paragraph 6.14
- 6.18 We will write to the complainant and the member being complained about, giving them the Board's decision.
- 6.19 The Board's decision will be final.

Other arrangements

- 7.1 When appointing a panel, the Chief Executive & Registrar will appoint a panel chair. All the decisions of the panel will be made by a majority vote.
- 7.2 The panel will hold its meetings in private, unless the panel chair decides otherwise.
- 7.3 The panel may ask for any advice it wants, including legal advice or administrative support.

- 7.4 Any legal advice for the panel will be given by lawyers chosen by the Chief Executive & Registrar.
- 7.5 The member being complained about is not entitled to recover their legal costs from the CNHC or the complainant.