

# Institute of Workplace and Facilities Management

**IWFM Complaints & Disciplinary Policy**

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## Introduction

The IWFM acknowledges the right of its members to complain if the services offered are not provided to an acceptable standard; appropriate and constructive complaints all contribute towards improving levels of service. This procedure also gives us as service providers the opportunity to explain to members why tasks are carried out in a certain way and, perhaps, why our internal processes cannot be changed. All parties should work hard to achieve good communication between them and look upon this as being part of a quality control procedure. Over time, this flow of information will help us to develop better services.

This policy covers complaints against service, staff (including volunteers in their work for the Institute) and members. Volunteers are those members whose activities to support the Institutes affairs are not remunerated. Complaints by non-members about Members will be handled by the Company Secretary, in the first instance, who may refer them to the Chair of the Audit and Risk Committee to review the brand damage and risk implications as appropriate and to Chair a Disciplinary Committee as needed.

IWFM always conducts its business, with the highest standards of integrity and honesty. The IWFM expects all relevant individuals to maintain high standards of behaviour in everything they do which is connected, in any way, with the work of the IWFM.

Section 8 of the IWFM Board Regulations lays out the Code of Professional Conduct which all Members (including those working as a volunteer for the IWFM) are expected to adhere to. This policy explains how alleged misconduct by Members will be identified and, once identified, how allegations will be investigated and managed.

### **1. Constitution and Ethics Committee.**

IWFM's Constitution and Ethics Committee will have overall responsibility for this policy, ensuring that it is followed, reviewed and kept up to date. The terms of reference for the Committee state, within the context of Complaints & Discipline, that its role is:

- To review as required the Membership discipline principles and practices and the IWFM Code of Professional Conduct
- To ensure that there is a robust and independent process in place for any matters needing a final appeal (within the governance of IWFM) and where earlier stages of complaint have failed to resolve a matter to the satisfaction of the either or both parties, to be the Committee of final appeal. The Board may appoint additional Board members to the committee as necessary to hear any final appeal, but the Committee will decide the outcome.

## 2. Types of breaches handled under this policy

Alleged breaches of the Code of Professional Conduct may come to light in the following ways:

- **External complaints procedure** – This is where a third party has made a complaint about the IWFM itself & its members. This can include complaints about the Institute's processes, or the conduct of a member of its staff or a volunteer working on its behalf. Essentially, when IWFM investigates a complaint under these procedures it is investigating its own processes or conduct, or those of somebody working on its behalf. See Section 2.1.
- **Whistleblowing policy** – This is where someone within the IWFM (Member, member of staff, Executive Director, NED, Volunteer) identifies conduct which may be contrary to the Code of Professional Conduct and reports the matter. See Section 2.2.
- **Internal identification of conduct by Members which may amount to a breach of the Code of Professional Conduct** – This is where conduct comes to the attention of an office holder (Volunteer, Region/SIG Chair, Committee Member, Board Member, Member of Staff, etc.) within IWFM that indicates a breach of the Code of Professional Conduct by a Member. See Section 2.3.

IWFM positively encourages persons to raise genuine concerns about malpractice or unprofessional conduct and to report those concerns immediately. The aim of the Public Interest Disclosure Act 1998 is to protect 'whistle-blowers' who suffer a detriment, being dismissal or otherwise, because of a disclosure they make in relation to their employer. IWFM will seek to follow the spirit of this Act at all times.

Once an apparent breach of Professional Conduct has been identified it will be investigated in accordance with the procedure shown in Section 3 below.

### 2.1 External Complaints Procedure

This IWFM external complaints procedure deals with complaints about IWFM itself and its Members, including Associate and Corporate Members and Volunteers. An external complaint is defined as any matter being reported by an external person or body that claims that the Member has allegedly demonstrated conduct that breaches (or is deemed to breach) the Code of Professional Conduct. If the complaint is brought against a Corporate Member it will need to be shown that the organisation itself, and not just individual members of its staff, have breached the Code.

Formal complaints regarding potential breaches under the Code must be made in writing to the Company Secretary. They should be sent to The Company Secretary, IWFM, Charringtons House, 1st Floor South, The Causeway, Bishop's Stortford, Hertfordshire, CM23 2ER or emailed to [governance@iwfm.org.uk](mailto:governance@iwfm.org.uk) They should be marked "confidential".

Alleged conduct coming to light in this way will be investigated/managed in accordance with Section 3 below.

In order that the complaint can be given full and proper consideration, the complainant should be encouraged to provide as much of the following information as possible namely but not limited to:

- name and contact details of the complainant
- name of the Member/Volunteer/Staff member who is the subject of the complaint
- disclosure of the relationship between the complainant and the complained of (if any)
- a clear and concise summary of the allegation (including date(s))
- details of how the Code of Professional Conduct may have been breached
- any supporting documentation that substantiates the complaint
- confirmation as to whether any legal or other proceedings are intended, or have already commenced, or if the complaint has also been made to another professional or regulatory body
- consent that all documentation that has been submitted may be disclosed to the member complained of; and to other relevant third parties

If the complaint that is raised is subject to employment tribunal proceedings, other legal proceedings or other employment proceedings (e.g. disciplinary or grievance hearings) or consideration by another professional or regulatory body, pending or taking place, the investigation will be suspended until after the tribunal or legal proceedings have concluded. This will enable the Investigating Officer to examine the outcome of the investigation by the other body, including the evidence presented, and the conclusions reached.

There is no time limit on which the IWFEM will consider external complaints, however the Company Secretary will decide whether the relevant evidence is available to fully consider the complaint.

Potential Complainants should be aware that even if a Member/Volunteer is found to have breached the Code, IWFEM cannot pay any compensation nor require a Member to do so. Potential penalties for Members found to have breached the Code are limited to those described in the 'Disciplinary Procedures'

## **2.2 Whistleblowing Policy.**

The Whistle Blowing policy should be read in conjunction with this guidance. Allegations made under the Whistleblowing Policy shall be managed/investigated in accordance with Section 3. below. The additional safeguards contained within the Whistleblowing Policy to support the reporter of wrongdoing and to ensure compliance with the Public Interest Disclosure Act 1998 will be fully complied with.

The Whistleblowing policy is published on the IWFEM website.

### **2.3 Internal Identification of Breaches of Standards of Professional Conduct by Members.**

It is highly possible that conduct which falls below the standard of professional conduct expected of Members could be identified overtly by other Members and/or post holders within the institute. Such conduct could include drunken and abusive conduct at social functions which are witnessed by a number of Members and guests; misuse of post-nominal letters by a Member misrepresenting their status within the IWFM; threatening, insulting or abusive conduct by a Member towards another Member or member of IWFM staff; misuse of data or other information acquired as a result of their professional dealings for their personal advantage; misappropriating IWFM funds; etc. Alleged conduct coming to light in this way will be investigated/managed in accordance with Section 3 below

## **3. Management / Investigation of Allegations Received.**

### **3.1 Stage 1. Validation of submission (Company Secretary).**

Upon receipt of an allegation as detailed in Section 2 Above, the Company Secretary, or their deputy, will confirm within 5 working days that it is valid and does not need to be put on hold: i.e.

- that it relates to a current Member of IWFM (and a Member at the time the action complained of was carried out)
- falls within the remit of the Code of Professional Conduct
- is not subject to any legal or other proceedings, or whether the complaint has also been made to another professional or regulatory body

The Company Secretary, or their deputy, will undertake the following, within 20 working days of receipt of the allegation:

- If further information is required to inform decision making – request this from the complainant or witness
- If the allegation is invalid or needs to be put on hold, write to inform the complainant (where there is one) of this fact
- Where there is a named complainant, acknowledge the complaint and inform them what happens next.

The Company Secretary will also:

- Conduct a documented severity assessment and decide on the most appropriate course of action, this will include full consideration of existing IWFM policies and working practices
- Where the allegation involves a member of staff, (whether as the reporter, witness or victim) that individuals Manager *must* be consulted

- Consider the best method to preserve evidence of the alleged conduct (for example saving documents, membership records, emails, CCTV footage, etc.)
- Decide if any other action is necessary to prevent any further instances of the alleged conduct, this could include restricting access to IT systems, files, cash-flow systems or emails
- Consider how the Member(s) suspected of the alleged conduct should be notified and their response elicited, always balancing the need to ensure the suspected Member is fully informed of the allegations against them with the need to secure and preserve evidence of the wrongdoing (including any possible future criminal investigation or external audit). Where the Company Secretary feels the Member can safely be notified of the allegation without compromising any future investigation they will write to the Member complained of by recorded delivery, or email; advising them of the details of the allegation that has been made against them and the procedures IWFM will follow in handling the matter and the possible sanctions. The Member complained of will be requested to send a written response to the allegation within 30 days from receipt, or to write within 30 days with an explanation of why a response cannot be given within that timescale.

The Company Secretary will present the Audit & Risk Chair with the following options for ratification/endorsement. The allegation will then proceed in one of the following ways, depending upon the outcome of the review of the allegation(s) made and the severity assessment:

- No further action required
- Action to be taken under other IWFM policies and/or procedures i.e. Grievance / Disciplinary Procedures
- An internal investigation in accordance with this policy (see Section 3.2 below)
- Pass evidence over to the police or other enforcement agency (i.e. Information Commissioners Office, HMRC, etc.)

### **3.2 Stage 2. Investigation**

**Undertaken by; the IWFM Company Secretary or an appointed Investigating Officer.**

After completing the validation of the complaint; where an internal investigation is necessary the appointment of a suitable person will be made to carry out the investigation. The appointment of the Investigating Officer will be made by the Company Secretary and ratified by the Chair of the Audit & Risk Committee. Where a decision on appointment cannot be made then the IWFM Board Chairman will be required to make a final decision.

- Appoint a suitably placed member of the organisation to undertake the investigation. They will be referred to as the Investigating Officer. The status of the Investigating Officer will vary dependent upon the nature of the allegation it could be the Company Secretary themselves, a Committee Member, SIG Chair, Regional Chair, NED, Executive Director or other IWFM Manager with the requisite skills and impartiality. On some occasions, the Investigating Officer could be an external (independent) person with advanced skills and ability to investigate the allegation.

- If a complaint is regarding the Company Secretary, the Chairman of the Audit & Risk Committee would be required to manage the process with the CEO and Chairman of the Board. In this scenario the complaint should be sent directly to the CEO/ Board Chairman or Chair of A&R committee.
- The Company Secretary, in conjunction with the Chair of the Audit & Risk Committee will set the specific terms of reference for the investigation to aid the Investigating Officer
- Appoint a Disciplinary Chair; this is the individual who the Investigating Officer will ultimately submit their report and make their recommendations to. They will also, if disciplinary proceedings are decided upon, Chair the Disciplinary Panel, this would normally be the Chair of the Audit & Risk Committee or a Board Member.

The Investigating Officer and the Disciplinary Chair should not be appointed to, or accept appointment to the role if they have had previous dealings with the Member/Volunteer/Staff member subject to the investigation, whether personally or professionally or if they have taken part in any previous consideration of the matter to be investigated.

The Company Secretary (if not the investigator themselves) will discuss with the Investigating Officer (once appointed) the scale of the investigation, where necessary, the Investigating Officer can request assistance to support the investigation.

These individuals will be referred to as investigators and will be appointed by the Company Secretary and the Chair of the Audit & Risk Committee. Any investigators will work under the express direction of the Investigating Officer OR Company Secretary and will sign appropriate Non-Disclosure agreements.

The Company Secretary will forward the file to the Investigation Officer, if not undertaking the investigation themselves, under confidential cover. The Company Secretary will also forward any response received from the Member/Volunteer/Staff member complained of to the Investigation Officer (where one has been requested) and will notify the Investigating Officer if a response is not received within 30 days.

If no response is received from the Member/Volunteer/Staff member complained of within 30 days, or if one is not requested in accordance with 3.1 above, or the reason given for a full response not being available is not accepted by the Investigation Officer, the Investigation Officer will proceed on the basis of the information available.

Where the Company Secretary or the Investigating Officer identify that legal proceedings are intended, or have already commenced, or a complaint has also been made to another professional or regulatory body (including where the Company Secretary decides to refer the allegation to the police or other statutory agency who will undertake an investigation in to the matter), or it comes to the attention of the Investigation Officer that either circumstance has arisen, s/he may determine that the investigation is put on hold by the IWFM until the outcome of such investigations are known. The complainant and the individual complained about will be notified that a decision to defer has been made by the Company Secretary / or Investigating officer.

It is the responsibility of the Investigating Officer to establish the facts of the case, and to do so s/he may:

- Consult with the complainant and other witnesses as appropriate, including taking witness statements from significant witnesses
- Have power to call for such information, including papers and records, as is necessary to enable him or her to discharge his or her functions, and it will be the duty of any Member/Volunteer/Staff member to provide such information or documents that they can legitimately provide.
- Interview the Member/Volunteer/Staff member suspected of the alleged conduct, including producing comprehensive written records of such interviews

The investigating Officer will prepare a report which contains the following:

- Terms of Reference as set by the Chair of the Audit and Risk Committee
- Methodology
- Details of witnesses spoken to, lines of enquiry, etc.
- The findings of the investigation
- Opinion - on the basis of the evidence collected during the investigation and applying the “balance of probability” burden of proof
- Make recommendations on how the matter should be proceeded with (see section 3.3)

This report will form part of the evidence and will be used at the hearing in the event that the matter is heard as part of the Disciplinary Procedures. The report will be prepared within 90 days of the written response regarding allegation, being received by the Company Secretary from the Member [As per section 3.1].

If this is not possible, for exceptional circumstances, the Disciplinary Chair (see below) will be informed of the delay and will need to agree to it or determine if no further action is to be taken. The complainant and the Member complained of will be kept informed, if an investigation conclusion is delayed.

### **3.3 Stage 3. Decision on How to Proceed (Disciplinary Chair). Undertaken by; Disciplinary Chair who will normally be the Chair of the Audit & Risk Committee or a Board member.**

On the completion of the investigation report, the Investigating Officer will forward their report of the investigation to the Disciplinary Chair. The Disciplinary Chair will consider the report and recommendations and will then decide how to proceed. This decision, where possible, will be taken within 15 working days of receiving the investigating officers report. Where the Disciplinary Chair is not available within the timeframe the delay will be advised and justified to the Member. The options available to the investigating officer are:

1. Take no further action
2. Refer the matter to the mediation process
3. Initiate disciplinary proceedings
4. In exceptional circumstances, refer the allegation to the Constitution & Ethics Committee for support on ethical decisions or directly to Board

Once a decision on how to proceed is reached, the Company Secretary will inform the complainant and the Member complained of, of the decision within 10 working days.

As stated above, the Disciplinary Chair may decide to take no further action. Examples of such circumstances that may give rise to such a conclusion include but are not limited to are:

- Trivial, frivolous or obviously malicious allegations
- In the case of complaints from the public, the complaint was submitted too long after the alleged conduct so that proper discovery of the facts is not possible; as a guide the complaint should be submitted within 12 months of the alleged misconduct, however this is not always necessary and is dependent on the relevance of the evidence available.
- Insufficient evidence has been found during the investigation

The Disciplinary Chair, upon the recommendation of the Investigating Officer, may decide to refer an allegation to the Board for a decision to expel or to suspend a Member/Volunteer with no need for the matter to be reviewed by a Disciplinary Committee. This will usually occur only when a Member has been found guilty by a criminal court of an offence that could prejudice his or her ability to comply with the Code of Professional Conduct of IWFM. This may also occur, in exceptional circumstances, where the Investigation Officer and the Disciplinary Chair agree that the breach of the Code of Professional Conduct so significant that a failure to take action as soon as possible would bring IWFM into disrepute or be prejudicial to the interests of IWFM

### **3.4 Stage 4. Disciplinary Proceedings (Disciplinary Chair and Disciplinary Committee)**

A Disciplinary Committee will consider a matter, normally no more than 30 days after the decision is reached, to go to disciplinary proceedings unless the complainant and the Member complained of agree to a delay. The Disciplinary Committee will be appointed by the Chair of the Audit and Risk Committee and will consist of the Disciplinary Chair, the Company Secretary and not less than two other Members. Except for the Disciplinary Chair, Board Members will be excluded from Membership of the Disciplinary Committee. All Members of the Disciplinary Committee must have experience in the industry and will ideally be members of the IWFM.

A Disciplinary Committee Member should not be appointed to or accept appointment to the role if they have had previous dealings with, or are known too, the Member/Volunteer subject to the investigation, whether personally or professionally or if they have taken part in any previous consideration of the matter to be investigated.

Before the date of any hearing, the Member complained of will be informed of the identity of the Members of the Committee and will have the right to give notice to the Disciplinary Chair objecting to any of the Members, stating his or her objections. Upon receipt of such a notice the Disciplinary Chair, if satisfied that the objection is properly made, will require the Member in question to abstain from taking part in the proceedings, and a new panel being found, although this may result in a delay to the hearing. The Member complained of will be informed of the identity of any alternative appointed in the place of that Member and will have the like right to give notice of objection.

### **3.5 Stage 5. Hearings (Disciplinary Chair and Disciplinary Committee).**

The hearing will be held at a location determined by the Disciplinary Chair. The Investigation Officer will report his or her findings to this hearing.

At least 10 working days' notice of the hearing will be given to both the complainant and the Member complained of.

The Member complained of will have the right to attend the hearing. They may be represented or supported by another IWFM member or their own legal advisor at their own cost.

The complainant will also have the right to attend the hearing.

If either party does not attend the hearing and the Disciplinary Committee is satisfied that correct notice was given, it may proceed in their absence.

Witnesses may be called by any party, cross-examined and evidence presented.

A hearing will be held in private, unless the Disciplinary Chair considers that there are circumstances in which, in the interests of public interest and a fair hearing, the matter (or part of the matter) should be held in public; before making this decision, the Disciplinary Chair must consult the CEO and Chair of the IWFM Board.

The Disciplinary Committee may have the assistance of its own legal advisor to advise on matters of law and procedure as it sees fit who may be appointed by the Disciplinary Chair with the agreement of the Chief Executive Officer, and or Board as necessary. The legal advisor may be present at the hearing and may advise the Disciplinary Committee in private. Where the legal advisor advises the Disciplinary Committee in private, he or she will inform the parties of the advice he or she has given.

The order in which a hearing before the Disciplinary Committee will normally proceed, subject to the discretion of the Disciplinary Chair, will be as follows:

- a. The Member complained of will be called before the Disciplinary Committee.
- b. The Disciplinary Chair will make the Members of the Disciplinary Committee known to the Member complained of. If the Member complained of is accompanied by others, he or she will make them known to the Disciplinary Committee, or the representative of the Member complained of will make him or herself and those with them known to the Disciplinary Committee.
- c. The procedure to be followed will be explained by the Disciplinary Chair.
- d. The allegation(s) will be read out and then the written response from the Member complained of will be read out.

- e. The Investigation Officer's report will be read.
- f. The Disciplinary Committee will put to the Member complained of any questions arising out of these matters which the Disciplinary Committee considers pertinent.
- g. Any witnesses will be heard, including the complainant if s/he wishes to speak.
- h. The Member complained of (or his or her representative) will be given the opportunity to address the Disciplinary Committee.
- i. After the Disciplinary Committee has heard the Member complained of (or his or her representative) and any witnesses, the Member complained of and any persons with him or her will be asked to withdraw while the Disciplinary Committee considers if the Code of Professional Conduct has been breached and if so, in what way.
- j. The Member complained of (and those with him or her) will be recalled and the Disciplinary Chair will pronounce the findings on the matter under consideration. If the finding is that the Member complained of has breached the Code of Professional Conduct, s/he (or his or her representative) will be invited to address the Disciplinary Committee in mitigation.
- k. The Member complained of (and those with him or her) will again be asked to withdraw while the Disciplinary Committee decides on the nature of any sanctions to be made.
- l. The Member complained of (and those with him or her) will be recalled and the decision of the Disciplinary Committee regarding sanctions will be pronounced.

The Disciplinary Chair may postpone or adjourn the hearing at any point. The Member complained of can request such an adjournment to give him or her time to provide additional evidence and testimony if new matters have arisen during the proceedings. The Disciplinary Chair will give due consideration to such a request, but it will be his or her final decision whether or not to adjourn.

The IWFM Company Secretary will act as Secretary to the Disciplinary Committee and will be responsible for ensuring that a record of the proceedings at a hearing is kept; unless they are cited in the complaint, in this instance the Disciplinary Chair will request of the CEO, an impartial IWFM staff member to be secretariat.

Records will usually be both audio recorded and by way of hand-written notes. A copy of the recording and the notes of the proceedings will be made available to the Member complained of if s/he requests one within three months of the date of the hearing.

All decisions of the Disciplinary Committee will be by majority vote of all members appointed to the committee.

After the Disciplinary Committee has made their decision, the Disciplinary Chair will prepare a written report within 15 working days of the completion of the hearing process. The report will outline the events of the hearing, set forth the reasons for the Disciplinary Committee's decision(s) and will form part of the minutes of the Disciplinary Committee along with the record of the proceedings and be kept accordingly.

### 3.6 Stage 6 – Sanctions

The Disciplinary Committee can determine the following sanctions

- a. Explicit Reprimand of the member; followed up by a warning letter requiring the offender not to repeat their actions which are being upheld
- b. Public reprimand of the member; in extreme circumstances this could also include media publication
- c. Require the member to provide an undertaking to refrain from continuing or repeating the conduct in question;
- d. Suspend or retire a member from serving as a Board Member, Committee Member, volunteer or in any other capacity of service to IWFM;
- e. Suspend the member from the IWFM for a period not exceeding 2 years. If the member holds a grade of Fellow, they will lose their Fellow grade and will not be considered for Fellowship for another 5 years after re-joining the IWFM. If eligible, the individual would re-join at Certified grade
- f. Permanent Expulsion; remove the member from the IWFM. The member would not be reconsidered for membership at any time if expulsion was the final sanction.

The Disciplinary Committee may also decide to issue a letter of advice in regard to a Member complained of, if it considers that the matter laid before it has arisen because of the inefficient governance or professional standards of the Member's business or the business in which the Member is employed. Such a letter will be to the Member's employer and where relevant, the Committee may seek the employer's assistance in the implementation of advice given.

In the instance an individual enquires about a sanctioned member, information will not be disclosed without explicit consent from the sanctioned member. This is to protect the privacy rights of the individual and remain compliant with data protection Regulations

### 3.7 Time periods:

If the sanction requires action or compliance by the Member complained of, the Disciplinary Committee will also determine at the same time the action to be taken if the Member fails to comply, usually within three months, or within the time set by the Disciplinary Committee.

The Disciplinary Committee will determine for how long the record of the sanction should be held (see section 6). Records of expulsion are permanent, and records of any sanctions should be held for a minimum of seven years.

Within 25 working days of the hearing the IWFM Company Secretary will send to the Member complained of and the complainant, written notice of the Disciplinary Committee's decisions, including the reasons, and will notify them that they have a right to appeal within 25 working days of the date of notification.

Notice of sanctions, including censure, when considered appropriate, will be published on the IWFM website. Such notice will be in the form approved by the Disciplinary Chair and IWFM's legal advisors. Such notice may disclose the name of the Member subject to the disciplinary process and outcomes, depending on the circumstances of individual cases. Where it is proposed to name the

Member, who has received a sanction, the advice of the IWFM Legal advisors, the CEO and the Chair of the Board of the IWFM should be sought.

#### **4. Appeals by Members**

A Member wishing to appeal against the process, a finding or a sanction should give notice by registered letter to IWFM Company Secretary within 25 working days of written notification of the decision of the Disciplinary Committee Chair being sent. The exact grounds for appeal should be clearly stated on the registered letter, accurately and legibly, including any reasons for the reversal and / or dismissal of any sanctions.

The Company Secretary, or their representative, will acknowledge this within 15 working days. The Company Secretary will confirm the grounds for appeal in the acknowledgement letter. After this, the grounds for appeal will not be amended except with the leave of the Constitution and Ethics Committee.

The Appeal will be heard by the Constitution and Ethics Committee, within 21 working days.

If any member of the Constitution and Ethics Committee have had previous dealings with the Member subject to the investigation, whether personally or professionally, or if they have taken part in any previous consideration of the matter being investigated, they will be omitted from the Appeal hearing.

The Constitution and Ethics Committee will meet and consider the case and sanction(s) imposed. The Company Secretary will provide all relevant information to the committee to aid the appeal hearing and any decision. The Appellant is entitled to attend the proceedings but will be required to leave the meeting whilst the Committee make their decision.

The Constitution and Ethics Committee, following consultation with the IWFM Chief Executive, may instruct a solicitor or brief counsel to act as a legal adviser on any appeal.

On any appeal, the Constitution and Ethics Committee will take into consideration the record of the evidence given before and the original documents produced to the Disciplinary Committee in its formal hearing but may in its absolute discretion rehear any witness originally called before the Disciplinary Committee and may on special grounds (as to which the Constitution and Ethics Committee will be sole judge) receive fresh evidence.

On any appeal, the Constitution and Ethics Committee may recommend that the Board should affirm, vary or rescind any original order of the Disciplinary Committee and may recommend that the Board substitute any other order or orders on such terms and conditions (if any) as it thinks appropriate. If the Constitution and Ethics Committee considers it appropriate, it may recommend that the matter be considered afresh by the Disciplinary Committee, it may also instruct that new members are appointed to the Disciplinary Committee.

The Constitution and Ethics Committee, on behalf of the IWFM and with the support of the Company Secretary, will state in writing, clearly, accurately and legibly their decision and reasons for designating any sanctions to the Member and other parties in writing.

The Constitution and Ethics Committee may recommend that any order take effect as from the date thereof or may recommend that the order-take effect as from some date (not being earlier) than the date of the order appealed against.

The decision of the Constitution & Ethics Committee will be final.

#### **4.1 Reinstatement**

An individual who has been suspended from the IWFM Membership may apply to the Board for reinstatement. In the case of suspension, an application for reinstatement may be made no sooner than one month prior to the expiry of the period of suspension.

An individual who has been expelled from the IWFM Membership may not apply for reinstatement under any circumstance.

## **5. Records of Complaints and Disciplinary Actions**

Records, data, evidence and manuscripts relating to cases that are resolved by the Company Secretary, or mediation will be held for seven years from the date of resolution and then destroyed.

Records, data, evidence and manuscripts relating to cases that are referred to the Disciplinary Committee (including the Investigation Report) will be held for ten years from the date of the final hearing and then destroyed.

If an allegation is upheld by the Disciplinary Committee and a sanction agreed, this will be placed on the individual record of the Member complained of. As part of its decision on the sanction, the Committee will determine for how long the record should be held, but for guidance, records of expulsion should normally be permanent, and records of any sanctions should be for a minimum of ten years.

The Chief Executive Officer, the Chair of the Audit & Risk Committee and the Chair of the Constitution & Ethics Committee will receive a report (prepared by the Company Secretary) of every matter dealt with under this process and the outcome. There is a standing Governance Update at every Board meeting and all complaints & Disciplines are reported and recorded.

The Audit & Risk Chair and Constitution & Ethics Chair will report annually to the IWFM Board a summary of all matters dealt with under this policy and the outcomes.

The Company Secretary will maintain a register of all matters dealt with under this policy including the number of complaints, number of allegations under the whistleblowing policy, cases referred to investigating Officers, the number of Disciplinary Committee's convened, a record of Disciplinary

Committee decision making and sanctions taken.

The name of the Member complained of will be held on the register for ten years following the sanction.

## **6. Disputes**

If any questions or differences arise with regard to the interpretation or application of this policy or on any matter whatsoever concerning the conduct of an investigation, Disciplinary Hearing, or sanction, it will be referred to and settled conclusively by the Chair of the Constitution and Ethics Committee in conjunction with the Company Secretary (unless involved in the dispute) who will take whatever advice thereon considered necessary.

## **7. Confidentiality (and anonymity)**

Any third party (whether a member of the public, Member of the IWFM or staff member) providing information or evidence in support of this process will be asked to provide his or her name and contact details. IWFM does not usually accept complaints that are made anonymously.

When such a third party provides information or evidence in support of this process, they will also be asked to agree that the information that s/he provides can be disclosed. IWFM will not reveal the witness's identity to the Member/person complained of, however, witnesses should bear in mind that the nature of the process means that anonymity cannot be guaranteed. For example, IWFM will need to inform the Member subject of the allegation about the allegation, and give him or her an opportunity to respond, and this may not be possible without in some way revealing the identity of the person providing the evidence or making the complaint.

All related correspondence, statements and submissions of the witness and the Member subject to the matter being investigated will be treated with confidentiality by IWFM.

All witnesses and Members subject to this procedure will be asked to treat the allegation with confidentiality and will be reminded that not doing so may prejudice the proceedings.

The requirement for confidentiality also extends to the Investigating Officer, all Investigators, the Disciplinary Chair, Members of the Disciplinary Committee and Members of the Constitution and Ethics Committee without limit of time.

## **8. Resignation of Membership**

Resignations from Members subject to this policy will not be accepted whilst an investigation or Disciplinary Panel process is ongoing. Even if a resignation has been received the Member will be treated as still being a Member until the disciplinary process has been concluded.

## 9. Mediation

Whenever possible IWFM will seek to resolve a complaint from a member of the public or any other member of the IWFM by mediation provided all of the following conditions apply:

- The allegation is relatively minor in nature and does not involve any form of discriminatory behavior, financial loss (or gain), or violence (including the threat of violence)
- Even if proven and considered by a Disciplinary Committee, would be unlikely to attract more serious sanctions i.e. would be unlikely to result in any form of suspension, retirement from a volunteering role, loss of grade or removal of IWFM membership
- the standards set out in the Code of Professional Conduct can be maintained e.g. mediation could provide a way of bringing a Member back into compliance with these standards;
- the reputation of IWFM or the profession will not be damaged;
- both the complainant and the person complained of consent to mediation; and
- The Investigating Officer recommends, and the Disciplinary Chair agrees, to the mediation process being followed.

IWFM will, whenever possible, make arrangements to provide the machinery for such resolution. The mediation process may begin at any point during the investigation procedure; as a result of the investigation procedure; or at the conclusion of the disciplinary procedures. If mediation is entered into, and at any time it becomes apparent that the criteria above will no longer be met, the mediation will be concluded and the investigation procedure, or sanctions following disciplinary procedures, will recommence. This decision will be taken by the Disciplinary Chair on the recommendation of the Investigating Officer.

In some circumstances, an external third party (with relevant skills and experience in mediation) may be appointed to act as a conciliator, and if a complaint is referred for mediation the Chief Executive Officer or Board will have the power to appoint such a person.

For mediation to be considered resolved, the complainant must state in writing that s/he is satisfied that the course of action proposed by the mediation process will resolve the issue. In addition, the Member complained of must agree in writing to any course of action proposed. If a course of action is agreed, and is not carried out within three months, or within the time agreed by the mediation process, the allegation will be referred directly to the Disciplinary Committee for further consideration.

Matters resolved by mediation will be recorded as such in the register of complaints and reported to Board along with the summary of all allegations and outcomes.

### Definitions

Disciplinary Chair	The Chair of the Disciplinary Committee, who will normally be the Chair of the Audit & Risk Committee or a current Board Member.
Disciplinary Committee	The committee established to deal with disciplinary matters. Its Membership will be drawn from members, as set out in the procedures.
Constitution & Ethics Committee	The committee of the Board appointed to hear appeals and make the final decisions
Investigation Officer	The Officer who is responsible for receiving, interpreting and investigating allegations of misconduct on behalf of the Board and IWFM. The Investigation Officer is appointed by the Company Secretary and ratified by the Chair of the Audit & Risk Committee
Investigators	The team appointed by the Company Secretary and ratified by the Chair of Audit & Risk Committee from amongst the Membership of IWFM to support the Investigation Officer in carrying out investigations into allegations.
Expulsion	Remove member from membership & volunteering roles indefinitely with no appeal to return
Suspend	Remove the member from membership or volunteer role for a specific time period
Retire	Retire a member from a Volunteering/ambassadorial role. The member would no longer ever be able to fulfil any roles across the institute

## Contact us

Any queries about the contents of the policy please contact:

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