

Professional Conduct Procedure

Triage

About this document

The Institution's member conduct and disciplinary procedures are governed by its Royal Charter, By-laws and Regulations. As a supplement to these the Institution publishes a series of information documents, of which this is one. The relationship between these different types of document is shown below.

1	Royal Charter	The Royal Charter is an instrument of incorporation granted by the UK monarch. It confers independent legal personality on the Institution and defines its objectives, constitution and powers to govern its own affairs including the power to make By-laws.
2	By-laws	The By-laws are approved by the Privy Council. They set out the rules that govern the actions of the Institution. They set out the general standards of conduct required of Institution members and require the Trustee Board to make Code of Conduct Regulations. They also define improper conduct, require the Trustee Board to make Disciplinary Regulations and set out members' liability to be penalised if found guilty of improper conduct.
3	Regulations	The Regulations set out the directives made by the Institution Trustees in defined subject areas, including the Code of Conduct Regulations and the Disciplinary Regulations.
4	Information	Information documents supplement the Regulations and are intended to help people who engage with the Disciplinary Procedures.

All of the documents listed above are available on the Institution's website.

Triage

This document was created, approved and published by the Investigating Panel pursuant to DR40. It sets out the procedures used by the Clerk to the Assessors and the Assessors when reviewing complaints about the conduct of Institution members. It also includes additional material for the guidance of those undertaking investigations.

These procedures cater for most complaints but may, from time to time and depending on the nature of the complaint, need to be altered in the interests of fairness. The Assessor may, with the agreement of the Investigating Panel Chair, make such alterations but must record and explain to all parties what changes are being made and why the changes are needed.

INTRODUCTION

This document provides information about the Triage stage of investigations into complaints about the conduct of Institution members. It is not exhaustive and is not intended to restrict the exercise of judgement on the part of those investigating the complaint. It will change and be added to over time.

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| What is Triage? | 1. Triage is a process in which a complaint is reviewed to determine whether it is in scope and whether it should be formally investigated. The Triage process also, where appropriate, recommends alternative and more relevant methods of dispute resolution. |
| The principle of public interest | 2. Consistent with its responsibilities as a charity, the Institution prioritises the public interest over the rights of its individual members. Public interest is an abstract notion that is difficult to define. When used in relation to the declaring and upholding of proper standards of conduct the public interest is deemed to include: <ul style="list-style-type: none"> a. The protection of members of the public; b. The maintenance of public confidence in the profession and in the Institution. |
| Origin of complaints | 3. Anyone can make a complaint about an Institution member using a Complaint Form available on the Institution's website. The form may be accompanied by additional information that supports the allegations made in it.

4. We strongly recommend that a potential claimant reads the information on the Institution's website before making a complaint. |

- Clerk to the Assessors**
5. The Clerk to the Assessors (the Clerk) is an Institution staff member appointed to that role by the Chief Executive, subject to the Approval of the Trustees. The role of the Clerk is to provide administrative support to the Assessors, including the first stage of Triage.
- Assessors**
6. Assessors are Institution members, appointed as set out in the Disciplinary Regulations, who's role is to make initial assessments about complaints.
- Training
7. All Assessors will be provided with regular training relevant to their role.
- Conflicts of interest
8. Assessors are required to declare any conflicts of interest when asked to consider a complaint. Where there is doubt about a possible conflict of interest, the Assessor should err on the side of caution and not assess the complaint that gives rise to the conflict.
9. Further information about conflicts of interest is provided separately on the Institution's website.

THE TRIAGE PROCEDURE

- Receipt of the complaint**
10. The Clerk will acknowledge receipt of the complaint.
- Preliminary review**
11. The Clerk will undertake a preliminary review of the complaint to determine whether it is complete and in scope. No judgements will be made about the nature of the complaint other than that required to check that it is in scope.
12. If the complaint appears to be in scope but the Complaint Form is not sufficiently complete, or if any additional information is needed, the Clerk will ask the Complainant to complete the form and resubmit it or to send the additional information needed.
13. If the complaint is not in scope, the Clerk may dismiss the complaint and:
- a. inform the Complainant that the complaint is not in scope, explaining how the decision was reached and inform them of their right to a review of that decision;
 - b. offer the Complainant, where relevant, guidance about alternative ways to resolve their concerns.

14. When the complaint is in scope, the Complaint Form is complete and any additional information provided, the Clerk will:

- a. assign a complaint category (this sets the timescales for handling the complaint; more information is available on the Institution's website);
- b. identify and assign a suitable Assessor, subject to any concerns about conflicts of interest;
- c. inform the Complainant of the preliminary review outcome and complaint category;
- d. pass the complaint to the Assessor.

The Assessment

15. When a complaint is received from the Clerk, the Assessor will review the Complaint Form and any supporting evidence, to:

- a. confirm or change the complaint category, informing the Complainant if the category is changed and explaining why the change was made;
- b. identify the nature of the improper conduct alleged to have occurred;
- c. identify whether there is a current or planned criminal or civil legal action regarding the alleged improper conduct that requires the Institution to adjourn its consideration of the complaint until that action is complete;
- d. assess whether the complaint:
 - i. is in scope;
 - ii. appears vexatious, frivolous or in bad faith;
 - iii. should be referred for resolution through an alternative process, either within the Institution or elsewhere;
 - iv. does not amount to improper conduct or that there is no potential improper conduct indicated by the alleged events but not identified by the Complainant.

Other proceedings

16. Where there is a known current or planned criminal or civil legal action regarding the alleged improper conduct the Institution shall not normally consider the complaint until the civil and/or criminal action is complete. In such cases, we will inform the complainant of the decision to postpone the procedure until the action is complete.

17. The Assessor will review the outcome of and any available and verifiable information about the proceeding that led to the postponement, to ensure that any relevant information disclosed during that proceeding is taken into account during their review.

- Additional information**
18. The Assessor may ask the Complainant to provide additional written information or evidence. This will be limited to matters of fact.
- Interim suspension**
19. The Assessor will consider whether the complaint is such that it is necessary to order the interim suspension from Institution roles of the member who is the subject of the complaint. More information about interim suspension is available on the Institution's website.
- Outcomes**
20. The Assessor will inform the Complainant of the outcome of the assessment.
21. If in doubt about whether to refer the complaint to the Investigating Panel, the Assessor should take account of the need to prioritise the public interest and refer the complaint.
22. If the Assessor decides to dismiss the complaint they will write to the Complainant to:
- a. inform them of the decision;
 - b. explain the reasons for the decision;
 - c. set out the rights of appeal;
 - d. where appropriate, refer the Complainant to an alternative complaint process.
23. If the Assessor decides to refer the complaint for investigation, they will write to:
- a. the Complainant to inform them of the decision and to ask them to inform the Investigating Panel Clerk of any Investigating Panel members that they object to being involved in the investigation;
 - b. the Clerk to the Investigating Panel to refer the complaint for investigation.
24. If an interim suspension is ordered, the Assessor will inform the:
- a. member who is being suspended from Institution roles because of the complaint, the decision to suspend and their rights to a review of that decision;
 - b. Institution Chief Executive, for the purposes of initiating the suspension, subject to any review;
 - c. Complainant

PROCEDURAL NOTES

Correspondence deadlines

25. When the Assessor asks the Complainant for additional information they will, initially, provide three weeks for the Complainant to provide the information. Delays may be permitted in line with the guidance provided in the procedures for Investigations, available on the Institution's website.

Telling the subject of the complaint

26. During Triage the Assessor will not normally inform the member who is the subject of the complaint that the complaint has been made; normally this is done when the Investigating Panel has decided that there is a case to investigate.

27. The exception to this is in the rare cases in which the Assessor orders the member to be suspended from Institution roles while the disciplinary process takes place; we refer to this as interim suspension. More information about interim suspensions is available of the Institution's website.