

# Complaints Procedure for Communication Professionals

Effective from 1 June 2010

## Introduction

All registered communication professionals are expected to abide by the Code of Conduct. They should also be familiar with and accept the Complaints Procedure. A complaint may be made if a communication professional is believed to have breached the Code of Conduct.

The Complaints Procedure can only be used if a communication professional is registered with NRCPD. If a complaint is received about an unregistered communication professional the Registration Manager will write to the complainant explaining that no further action can be taken.

The Complaints Procedure is operated by the NRCPD Professional Standards Panel (PSP). Complaints raising new issues are considered in the first instance by a member of the PSP known as a Nominated Person. The Nominated Person will decide whether the issue raised in the complaint may constitute a breach of the Code of Conduct. If so, the complaint is passed to the PSP's Complaints Committee. A record is kept of all decisions made by Nominated Persons which will be used for the initial filtering of complaints received.

The Complaints Committee is made up of three members of the PSP excluding any member who was involved previously as a Nominated Person. They consider and rule on the complaint. If an appeal is made against their decision it is considered by an Appeals Committee. The Appeals Committee is made up of three members of the PSP who have not been engaged in considering the complaint at a previous

stage in the proceedings. The ruling of the Appeals Committee is final. A permanent record of breaches and sanctions imposed is kept without reference to the individuals involved.

If either party to a complaint chooses to attend a meeting of the Complaints Committee s/he is expected to present her/his own case (in whatever method of communication is appropriate), but may take advice from a 'friend' if desired. A 'friend' can be a relative, friend, professional advisor or colleague chosen by the complainant or the communication professional to accompany him/her throughout the above procedure for advice and support.

The PSP does not require that the parties to a complaint obtain professional legal advice or be represented by a legal professional, eg solicitor, etc. If either party chooses to engage the services of a legal professional s/he, and not the NRCPD, is responsible for meeting any financial costs incurred. Legal professionals may not represent a party to a complaint at a meeting of a Complaints Committee. They may however submit evidence in writing or by video letter to a Committee on behalf of a party to a complaint or act as a 'friend'.

## Stage 1 - Initial Complaint

- 1.1 Wherever possible minor complaints should be made during or after the assignment to the communication professional and/or the organisers. Every effort should be made to resolve problems locally.
- 1.2 If a complaint cannot be resolved under 1.1, or where a serious breach of the Code of Conduct is alleged, the complaint should be made to the NRCPD. All complaints should be sent to the Registration Manager, using the form in Appendix 1. Complaints by video letter should follow the structure of the questions in Appendix 1. Complaints cannot be made by telephone or text telephone, or by fax. Anonymous complaints will not be accepted. Unless there are exceptional circumstances, complaints must be submitted within one month of the assignment.

1.3 Where appropriate the process can make use of a member of the PSP known as a Nominated Person who decides whether the issue raised in the complaint may constitute a breach of the Code of Conduct. A record is kept of all past decisions made by Nominated Persons. The Registration Manager will refer to these decisions to see if there has been a ruling on a similar complaint previously. If an issue has not been raised previously it will be considered by the Nominated Person (see 1.3.3 below). Within ten working days of receipt of the complaint the Registration Manager will send a response to the person complaining. At this stage there are three possible options:

1.3.1 If the issue raised has previously been considered as not constituting a breach of the Code of Conduct, the complaint will not be upheld, and the Registration Manager will inform the complainant.

1.3.2 If the issue raised has previously been considered to be a potential breach of the Code of Conduct a Complaints Committee will be convened to deal with the matter (see Stage 2 below).

1.3.3 If the issue has been sent to the Nominated Person for consideration the Registration Manager will specify a date by which one of the following decisions by the Nominated Person will be made:

- the issue raised may constitute a breach of the Code of Conduct and a Complaints Committee will be convened to deal with the matter; or
- the issue raised does not constitute a breach of the Code of Conduct and is therefore not upheld.

1.4 If a complaint is not upheld in 1.3.3 and the complainant disagrees with this decision, and can provide substantial and relevant additional information, this will be referred to the Nominated Person. The complainant must do this within 20 working days from the receipt of a decision letter.

1.5 If a Complaints Committee is to be convened the Registration Manager will:

1.5.1 Contact the complainant and

- provide them with details of the Complaints Committee process;
- inform them that their First Statement (Appendix 1) will be shared with the other party and that they will have a further opportunity to respond in a Second Statement before all the papers are sent to the Complaints Committee.

1.5.2 Contact the communication professional and

- inform them that a complaint against them has been received, outline the details of the complaint and the points of the Code of Conduct that they are alleged to have breached;
- inform them that a Complaints Committee is to be convened to deal with the matter, and provide details of the Complaints Committee process;
- request a response to the complaint from their viewpoint (First Statement) by a given deadline;
- inform them that their First Statement will be shared with the other party and that they will have a further opportunity to respond in a Second Statement before all the papers are sent to the Complaints Committee.

1.5.3 On receipt of the First Statements in 1.5.1 and 1.5.2 these will be sent to the other party and comments requested (Second Statement), both of which will be sent to the Complaints Committee and both parties prior to the meeting.

## Stage 2 - Complaints Committee

- 2.1 All formal complaints will be dealt with by a Complaints Committee including any appeal against a decision that the complaint is not upheld in Stage 1, provided that substantial and relevant additional information is available. The Committee will be made up of three members of the PSP excluding any member who was involved previously as a Nominated Person used for that complaint. One person will be chosen to chair the Committee. The Committee will have the power to obtain or refer to further professional expertise if it deems this to be necessary.
- 2.2 The Registration Manager will inform all parties to a complaint of the date on which their case will be considered by the Complaints Committee. This is likely to be approximately two months from the date on which both parties are contacted in 1.5 above.
- 2.3 If, in the opinion of the Chair of the Complaints Committee, the nature of the allegations warrants such action, the Committee may suspend the communication professional's registration, without prejudice, for up to twenty-eight days, pending the outcome of its deliberations.
- 2.4 The Complaints Committee will review all the available information and agree to one of the following:
  - 2.4.1 They may reject the complaint on the grounds that it is unfounded. No record will be kept.
  - 2.4.2 They may uphold the complaint without taking disciplinary action if, for example, the communication professional was working under difficult conditions but did his/her best to provide an acceptable service. It will be at the discretion of the Complaints Committee whether a record is kept on file.

- 2.4.3 If the Committee finds that there was no reasonable justification for the Code being broken, they may issue a formal written warning outlining the Committee's findings and indicating ways in which similar breaches can be avoided in future, and may include a requirement for appropriate Continuing Professional Development (CPD). A record will be kept on file.
- 2.4.4 If appropriate, the Committee may decide to remove the communication professional from the Register or suspend them for a period of time determined by the Committee. In the event of a communication professional being removed from the Register or suspended this will be published on the NRCPD website.
- 2.4.5 Following a formal written warning in 2.4.3, if another complaint against the same communication professional is upheld within two years (see 2.6 below), and is deemed to warrant such action, the communication professional may be removed from the Register or suspended for a period of time determined by the Committee. In the event of a communication professional being removed from the Register or suspended this will be published on the NRCPD website.
- 2.5 The Complaints Committee Chair will send a report to the Registration Manager summarising the case, outlining the decision made and sanctions imposed (if any). On receipt of the report the Registration Manager will inform the complainant and the communication professional against whom the complaint was made of the Committee's findings, wherever possible, within two weeks of the decision being taken.
- 2.6 Where a record of the Committee's decision taken in 2.4 results in a note being placed on file, it will remain on the communication professional's file either for two years or for the period of suspension from the Register, whichever is the greater. After that period, unless removal from the Register is permanent, the record will be removed from the individual's file.

## Stage 3 - Appeals Committee

- 3.1 If either the complainant or the communication professional is not satisfied with the Complaints Committee's decision and wants to appeal, s/he must appeal within twenty-eight days of the date of the communication in 2.5, by letter, email or video letter, to the Appeals Committee stating why s/he wants to appeal. The appeal will be considered by three members of the PSP, excluding any of its members who were involved in the initial decision or proceedings.
- 3.2 Grounds for appeal are:
  - 3.2.1 errors in the procedure or conduct of the Complaints Committee;
  - 3.2.2 availability of substantial and relevant new evidence.
- 3.3 The Appeals Committee will consider the appeal within two months of the receipt of the communication in 3.1. The person making the appeal may be invited to submit further information prior to the case being considered by the Appeals Committee.
- 3.4 The Appeals Committee will review the grounds for appeal and agree to one of the following:
  - 3.4.1 They may find in favour of the appellant and overturn the original decision. In that case they will determine appropriate sanctions, if necessary, following the procedures in 2.4.2, 2.4.3 and 2.4.4 above.
  - 3.4.2 They may agree with the original decision but, where relevant, change the sanction imposed.
  - 3.4.3 They may agree with the original decision and, where relevant, the sanction imposed.

- 3.5 The Appeals Committee Chair will send a report to the Registration Manager outlining the outcome of the appeal and any changes to the sanctions imposed where relevant. Within two weeks the Registration Manager will inform both parties to the complaint of the decision, and take any action that is required concerning the communication professional's registration status.
- 3.6 Following the decision of the Appeals Committee the communication professional's file will be amended appropriately where necessary.
- 3.7 The decision of the Appeals Committee will be final.

## Appendix 1

### Information required from Complainants

(Please refer to the Code of Conduct and Complaints Procedure)

This form needs to be completed and returned to: Registration Manager, NRCPD, Mersey House,  
Mandale Business Park, Belmont, Durham DH1 1TH

1. Name of communication professional(s) complaint refers to:

2. We advise anyone with a grievance to try to resolve any issues with the communication professional directly in the first instance. Has any effort been made to contact the communication professional to discuss the assignment? Yes/No

Please give details

3. In order for a complaint to be pursued the communication professional must have potentially breached the NRCPD Code of Conduct. Please indicate which points of the Code of Conduct you think the communication professional did not follow.

4. Details of the incident(s):

5. Assignment date:
6. Time:
7. Place:
8. People present*:
9. Other relevant witnesses*:
* If for confidentiality reasons you cannot provide names, please explain the people's role/reason for being present
10. Who booked the communication professional?
11. Any other relevant information:
12. Date of complaint:
13. Is date of complaint within 1 month of assignment? Yes/No If 'No' please give reasons for the delay

Name of person making complaint:.....

Date: .....

## Appendix 2

### NRCPD Complaints Flowchart

CC = Complaints Committee

CoC = Code of Conduct

CPD = Continuing Professional Development

PSP = Professional Standards Panel

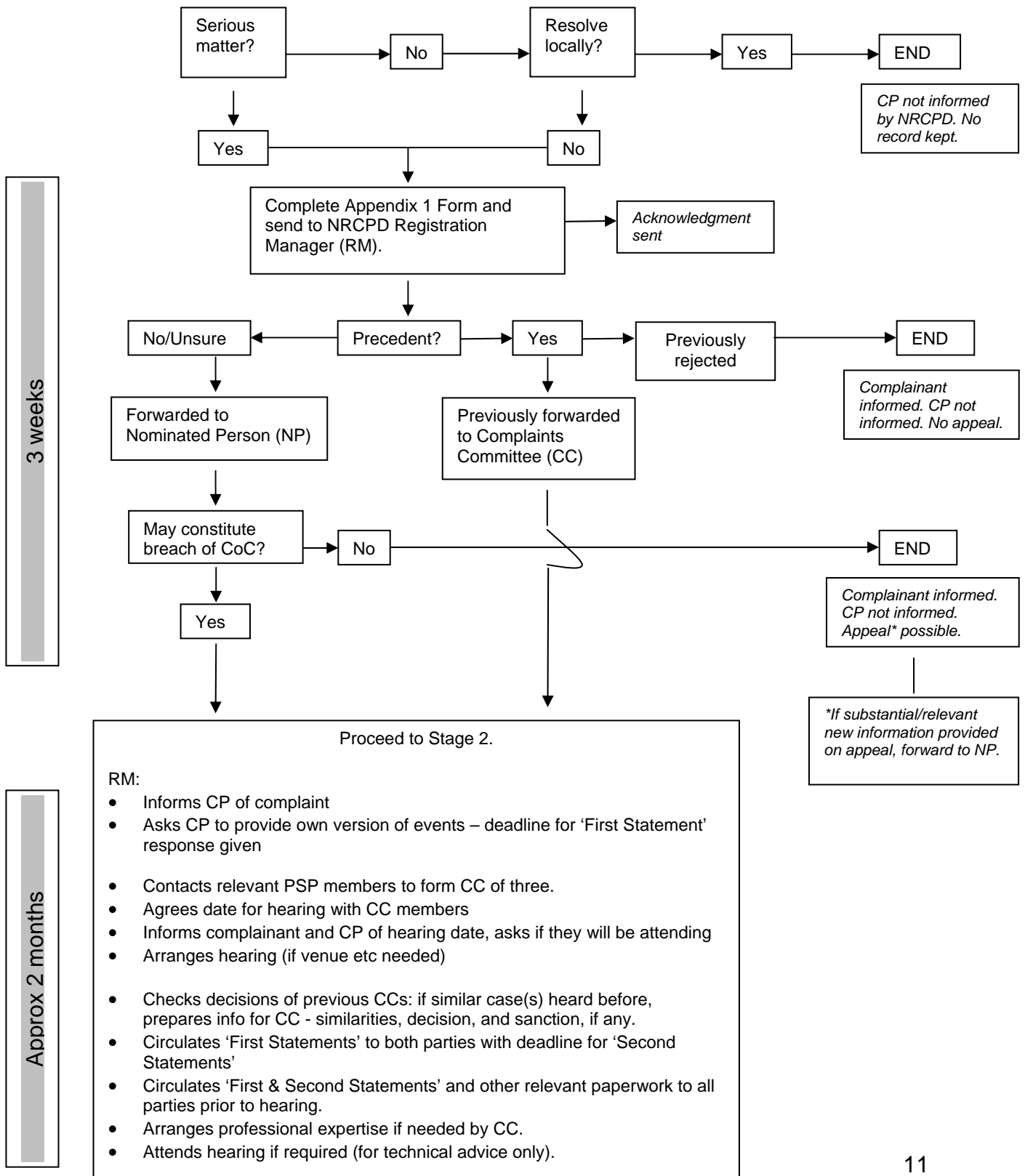
AC = Appeals Committee

CP = Registered Communication Professional

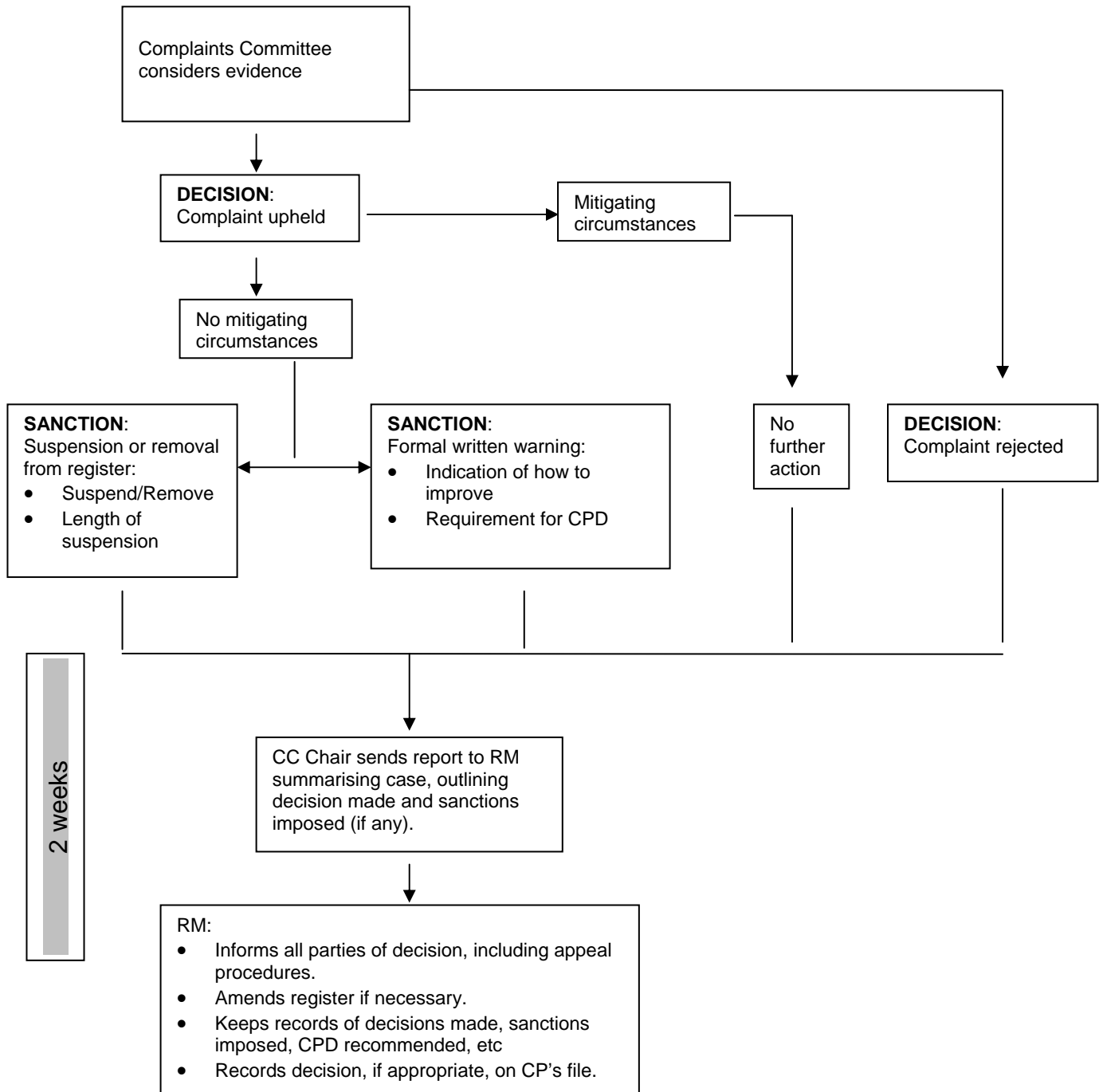
NP = Nominated Person

RM = Registration Manager

#### Stage 1 – Initial Filtering Process



## Stage 2 – Complaints Committee



### Stage 3 – Appeals Committee

