

The CQI process for Code of Conduct complaints

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Contents

Revision history	2
1. Context	3
2. Purpose	4
3. Process Description	4
4. Roles and Responsibilities	4
5. Timelines for Process Stages	5
6. Associated Templates and forms	6
7. Measures of Process effectiveness	6
Appendix 1 – Disciplinary Procedure	7

Revision history

Revision number	Description	Revised by	Date and time
0	Original document	Helen Flannery	May 2019
1	Major changes to how major sanctions are recommended and for the Appeal Panel to be drawn from the CQI Board.	Helen Flannery	June 2022

1. Context

The code of conduct complaints process is to be used in the event of a code of conduct complaint being lodged. Staff and volunteers must be trained on their part of this process before using it. There is a complementary external process for complainants/defendants to use on the website CQI0070. These should be reviewed and updated simultaneously.

When is it used?

This process is used for all code of conduct complaints that come through the web form on the website. If a code of conduct complaint comes from a Volunteer, please ensure they have exhausted the Volunteer problem-solving process first. If a code of conduct complaint comes through via another means (eg via telephone, email), please guide the complainant to the online code of conduct complaints process. If the complainant does not wish to fill out the online form but would like to proceed with a code of conduct complaint, please collect the relevant details from them. Complainants must not feel that they are being fobbed off.

NOTE: If you receive a code of conduct complaint from another source (eg CQI inboxes other than the Complaints one) please forward it to complaints@quality.org ASAP so the correct process can be followed.

This process should be read alongside CQI Regulation 11 and Form QUAL.F.092.

Definitions:

Code of Conduct Complaint:

A code of conduct complaint is an alleged breach of our code of conduct by CQI/IRCA member.

Minor sanction:

Minor sanctions include warnings, up to 6 months suspension from membership or volunteer post, reduction in grade, enforced recertification, enforced training.

Minor breach:

A breach of the code of conduct or byelaws which is not deemed very serious. A Minor Breach is not a negotiation with the member. It is the means through which minor incidents of improper conduct can be addressed quickly and efficiently.

Major sanction:

Major sanctions involve suspension for more than 6 months from membership or volunteering, expulsion, ban from volunteer position, removal from specific volunteering position, expulsion from schemes.

Major breach:

A breach of the code of conduct or byelaws which is deemed very serious eg sexual misconduct, fraud

Disciplinary panel:

The Disciplinary Panel will determine the facts on the balance of probability, whether the member has engaged in improper conduct and if so, whether a sanction should be imposed and which sanction, and if not that the complaint should be dismissed.

Appeal:

Appeal against the outcome of the initial decision. During an appeal the Board reviews how, the decisions were made and if the outcome is appropriate. There is no appeal from the decision of the appeal panel. If upheld an appeal can only go through the appeals process once.

Who can complain?

A code of conduct complaint can be lodged by any member of society including the CQI/IRCA itself, however, the defendant must be a CQI/IRCA member. The complaint will usually come through the online complaints form.

2. Purpose

The purpose of this process is to enable trained staff and volunteers to acknowledge, assess, investigate, and escalate code of conducts complaints and appeals in a transparent, fair, professional, and timely manner. The owner of this process is the CQI Executive. This process has been approved by the Board of Trustees.

3. Process Description

See Appendix 1 for the detailed process description.

4. Roles and Responsibilities

Role	Responsibility	Skills/competencies Required
CQI Executive	Owner of the process. Accountable for the process, appoints the process roles and defines their responsibilities, review process performance, request, and close out appropriate actions for improvements on the process.	Understanding of the code of conduct complaints process.
Quality Manager	Monitoring the complaints inbox. Escalating code complaints to the Executive Director of Corporate Services, facilitating the process, monitoring the progress of code of conduct complaints and the	Understanding of the code of conduct complaints process.

	number and frequency of complaints.	
Executive Director Corporate Services	Point of contact for the complainant and the defendant. Assesses if there is a case to answer. Receives appeals.	Understanding of the code of conduct complaints process.
Head of Membership	Investigates the alleged breach when there is a case to answer. Recommends the appropriate minor sanction.	Understanding of the code of conduct complaints process. Investigation template training.
Executive Director of Membership and Commercial Services	Approves case to answer decision, approves minor sanctions and has a review of major sanctions before the panel of fellow approve	Understanding of the code of conduct complaints process.
Panel of Fellows	Disciplinary hearing. Major sanctions	Understanding of the code of conduct complaints process.
Board of Trustees	Hears appeals Approves the process	Understanding of the code of conduct complaints process.

5. Timelines for Process Stages

The following are the timelines once the process is triggered:

- Auto acknowledgement email – within 24 hours
- Qualification review – 10 days
- Investigation carried out within 10/20 working days.
- Appeal review carried out within 20 working days.

The CQI will accept code of conduct complaints for up to 180 days.

The CQI will accept appeals usually up to 20 working days after the initial decision has been communicated.

Good Practice

- ✓ Attach a copy of the process and communicate next steps to the complainant and member whenever you email them.
- ✓ Every occasion of the contact with the complainant, investigation, decision, and outcome must be recorded and referenced through provided templates and logs. Where the

complainant has an iMIS record it must be recorded on it for visibility to other staff. Marketing and content must also be informed. There must be traceability throughout the investigation and afterwards.

- ✓ In all your communications with the parties involved you must consider the importance of not just resolving an issue but of having a positive customer service outcome hence protecting the integrity of our professional standard.

6. Associated Templates and forms

The following documents are associated with the process:

Complaints Process on the website - QUAL.PR.070b
Complaints log
Complaints Investigation Form QUAL.F.092
Code of conduct

7. Measures of Process effectiveness

Code of conduct complaints are closed within specified timelines (see item 5)
Less appeals.

Appendix 1 – Disciplinary Procedure

1.0 Improper Conduct

- 1.1 In accordance with the CQI's Byelaws and CQI Regulation 11, this procedure has been approved by the Board of Trustees to deal with any allegation of improper conduct which is made about its CQI members and IRCA certificated auditors. The Board of Trustees delegates the powers as set out in these Regulations to the Executive Director Corporate Services, the Executive Director Membership and Commercial Services, the Head of Membership and the Disciplinary Panel of Fellows to investigate and adjudicate on alleged breaches of the CQI's Bye-laws and Professional Code of Conduct, and if a breach is established, to apply appropriate sanctions in accordance with the Bye-laws and CQI Regulation 11.
- 1.2 If at any point a person becomes aware that any criminal or civil proceedings related to the alleged misconduct are under way or are likely, they are to inform the Executive Director Corporate Services as soon as practicable for a decision as to whether proceedings under these Regulations should be suspended pending the outcome of the criminal or civil proceedings.
- 1.3 Where a decision is made to suspend proceedings under paragraph 1.2 above, the CQI shall:
 - 1.3.1 Inform the complainant of the decision to suspend the proceedings and the reasons for that; and
 - 1.3.2 Inform the member of the decision to suspend the proceedings and the reasons for that.

2.0 Allegation

- 2.1 Any allegation, not able to be resolved through informal means, about a member's improper conduct should be dealt with under this procedure.
- 2.2 The following would constitute an allegation of improper conduct for the purpose of this procedure:
 - 2.2.1 Any breach of the CQI's Byelaws or CQI and IRCA Professional Code of Conduct.
 - 2.2.2 Personal status (eg criminal offences unconnected with work), refer to the Rehabilitation of Offenders act.
- 2.3 The CQI may consider a complaint of misconduct in connection with the member's professional capacity and may investigate a concern of misconduct where no complaint is received (eg on the basis of a news item, whistleblowing).
- 2.4 The following allegations cannot be dealt with under this procedure:
 - 2.4.1 people who are not in current CQI membership or hold current IRCA auditor certification
 - 2.4.2 events that took place more than 180 days ago unless in exceptional circumstances
 - 2.4.3 behaviour that falls outside the CQI professional code of conduct and CQI Byelaws
 - 2.4.4 CQI products or services, which are dealt with under the CQI complaints process
 - 2.4.5 CQI volunteer disputes, which are dealt with under the CQI volunteer processes.
- 2.5 Any complaint must be made:
 - 2.5.1 To the CQI Quality Manager or Executive Director Corporate Services; and
 - 2.5.2 In writing (which includes electronic means).

- 2.6 A member who resigns, or whose membership or certification lapses through non-payment of fees or subscriptions, after a complaint has been lodged against them with the CQI, shall be deemed to remain in membership until completion of the disciplinary process.

3.0 Communications with members

- 3.1 Any communication with a member under these proceedings may be carried out using any of the contact details held by the CQI for that member, including postal address and/or email and for the avoidance of doubt, the phrase "in writing" includes email or similar electronic communication.

4.0 Qualification Review

- 4.1 Upon receiving a complaint, the Executive Director Corporate Services will consider whether additional information or detail from the complainant is required and if so, may ask the complainant for further details or information.
- 4.3 The Executive Director Corporate Services will escalate the complaint to an Investigation (see 5) unless:
- 4.3.1 The complaint does not raise an allegation of improper conduct against a member of the CQI or IRCA certificated auditor.
 - 4.3.2 Any further information requested is not provided within 10 working days of being requested.
 - 4.3.3 The issue (and/or the complainant) should be referred to the police or any other agency, authority, or body; and/or
 - 4.3.4 The issue should be addressed under another procedure of the CQI.
- 4.4 If the Executive Director Membership and Services approves that one of the matters set out in 4.3.1 to 4.3.4 apply, the Executive Director Corporate Services will inform the complainant of the decision not to refer the case and the reasons for that within 10 working days of receipt of the complaint. They will also inform the complainant of the right for appeal under 11; and consider informing the member about the making of the complaint, the decision not to refer the case and the reasons for that.
- 4.5 There is no right of appeal from the decision of the Executive Director Corporate Services not to refer a complaint where further information requested is not provided within the stated timescale.

5.0 Investigation

- 5.1 The Executive Director Corporate Services will appoint the Head of Membership to conduct the detailed investigation unless there is a conflict of interest affecting the Head of Membership's ability to conduct the investigation; or they are unable to conduct the investigation in a timely manner. In this case the Executive Director Corporate Services will appoint an alternative suitable person to conduct the detailed investigation. The investigator may delegate elements of the investigation to others.
- 5.2 The Head of Membership or other appointed investigator may take any action appropriate to the investigation which may include the following:
- 5.2.1 Ascertaining, to the extent possible, whether any criminal or civil proceedings related to the alleged misconduct are under way.
 - 5.2.2 Informing the member of the factual allegation against him or her and inviting the member to comment.
 - 5.2.3 Informing the member of how it is said the facts amount to improper conduct and inviting the member to comment.

5.2.4 Inviting the member to provide any evidence or the names of any witnesses in response to the allegation; and

5.2.5 Following any directions received from the qualification review.

5.3 When speaking with any relevant witness the Head of Membership or investigator will take notes and a statement will be produced which is to be signed by the witness or agree in writing.

5.4 Following the investigation, the Head of Membership or investigator will provide to the Executive Director Corporate Services a report setting out:

5.4.1 The allegation made about the member.

5.4.2 The steps taken by the investigation.

5.4.3 All the evidence that the investigation has obtained; and

5.4.4 The issues that the Executive Director Corporate Services is asked to consider.

5.4.5 Recommendation one of:

a. No further action. This may be appropriate where: (i) The matter does not raise an issue of improper conduct; (ii) The complaint has no merit; (iii) The complaint is trivial; (iv) There is no case to answer; and/or the complaint is vexatious.

b. Refer the matter to another body or procedure (for example employers' whistleblowing, police etc).

c. Propose a minor breach and minor sanction; or

d. Refer the matter to a Disciplinary Panel of Fellows (where a major sanction is recommended).

6.0 Recommendation Review

6.1 Upon receipt of the report from the Head of Membership/investigator, the Executive Director Corporate Services will decide what further action is taken from one of 5.4.5 a, b, c, or d.

6.2 If the Executive Director Corporate Services decides that no further action should be taken:

6.2.1 The Executive Director Corporate Services shall inform the member and the complainant of the decision and the reasons for the decision, including a copy of the report at 5.4 and that

6.2.2 The complainant may appeal against that decision as set out at 1 below.

6.3 If the Executive Director Corporate Services decides to propose a Minor Breach and Sanction, the process at 7 below.

6.4 If the Executive Director Corporate Services decides to refer the matter to a Disciplinary Panel of Fellows, the Executive Director Corporate Services will provide to Disciplinary Panel:

6.6.1 The factual issues giving rise to the allegation of improper conduct.

6.6.2 How the factual issues amount to improper conduct (including the particular element of the Professional Code of Conduct that has been breached); and

6.4.3 How the improper conduct is alleged to impair the member's practice.

7.0 Minor Breach

7.1 A Minor Breach is not a negotiation with the member. It is the means through which minor incidents of improper conduct can be addressed quickly and efficiently.

7.2 Where the Executive Director Corporate Services directs that a Minor Breach and Sanction is to be offered, they will write to the member setting out:

7.2.1 The factual matters to which the member is invited to agree.

- 7.2.2 The improper conduct (including the Rule(s) of Conduct that were breached) the member is invited to agree occurred.
 - 7.2.3 The sanction that the member is invited to accept.
 - 7.2.4 The date by which the member is to accept the Minor Breach and Sanction.
 - 7.2.5 How the member is to indicate their acceptance.
 - 7.2.6 That if the member accepts the Minor Breach and Sanction, the improper conduct will be recorded with the sanction and a note that it was addressed by a Minor Breach and Sanction.
 - 7.2.7 That if the member does not agree by the date at 7.2.4, the member may seek review by a Disciplinary Panel of Fellows as set out at 8 below.
- 7.3 If the member does not accept the offer or request review by a Disciplinary Panel of Fellows within the specified timeframe the CQI shall expel the member to which there will be no appeal.
 - 7.4 If the member accepts the Minor Breach and Sanction, the CQI will record the outcome of the matter which shall remain on the member's record for 6 years, and the CQI shall inform the complainant that the matter has been concluded (but not the outcome).

8.0 Disciplinary Panel of Fellows

- 8.1 Disciplinary Panel shall be appointed by Executive Director Corporate Services and shall comprise 3 members at the Fellow grade, excluding Fellows who may form part of any appeal panel. The Executive Director Corporate Services will identify a Chair of the Disciplinary Panel.
- 8.2 When convening the Disciplinary Panel, the Executive Director Corporate Services will inform proposed members of the Disciplinary Panel of the identity of the member and any relevant witnesses in order that the proposed members of the Disciplinary Panel can consider whether there are any conflicts of interest affecting their eligibility to be on the Disciplinary Panel.
- 8.3 Any meeting or hearing of the Disciplinary Panel may take place through any mode of simultaneous communication including telephone and/or video conferencing provided that each person at the meeting or hearing is able to hear every other person.

9.0 Formal Hearing

- 9.1 The Executive Director Corporate Services will write to the member setting out:
 - 9.1.1 The allegation made about the member.
 - 9.1.2 The nature of the improper conduct and the basis for considering it is improper conduct.
 - 9.1.3 The time(s) and date(s) on which the Disciplinary Panel will consider the matter.
 - 9.1.4 The date by which the Executive Director Corporate Services will send to the member the evidence and material that will present to the Disciplinary Panel and details of any witnesses that will be called.
 - 9.1.5 That the member has the right to make written submissions and provide any evidence (including witnesses) in support of their case to the Executive Director Corporate Services in line with the date by which the submissions and evidence has to be provided.
 - 9.1.6 That the member has the right to be accompanied at any hearing if called for interview by the Disciplinary Panel or if they wish to make a verbal submission, but that the CQI will not be responsible for any costs incurred by the member.
 - 9.1.7 The identity of the members of the Disciplinary Panel and a statement of how the member may object to the inclusion of a member of the Disciplinary Panel; and
 - 9.1.8 A copy of these procedures.

- 9.2 The member may object to the inclusion of any individual on the Disciplinary Panel on the grounds of a conflict of interest, by providing the objection, with reasons, to the Executive Director Corporate Services in writing. The Chair of the Disciplinary Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Executive Director Corporate Services to replace the individual objected to. If the member objects to the Chair, Executive Director Corporate Services will consider the objection.
- 9.3 The Executive Director Corporate Services shall write to the complainant informing of them of the time(s) and date(s) on which the Disciplinary Panel will consider the matter and invite them to attend the hearing (accompanied if desired by another person) if the Disciplinary Panel wishes to interview them.
- 9.4 The Disciplinary Panel will have discretion over the conduct of the Formal Hearing and which witnesses shall be called for interview. Notes of the hearing will be taken.
- 9.5 The Disciplinary Panel will determine the facts on the balance of probability, whether the member has engaged in improper conduct and if so, whether a sanction should be imposed and which sanction, and if not that the complaint should be dismissed
- 9.6 The Disciplinary Panel may give informal guidance to any member of the CQI who has appeared before it.
- 9.7 The Disciplinary Panel may give its decision on the day of the hearing or may adjourn the hearing to consider the issues.
- 9.8 As soon as practicable following the hearing the Disciplinary Panel will give its decision and reasons which will be communicated to the member and the Executive Director Corporate Services in writing and inform the member of the right of appeal.

10.0 Sanctions

- 10.1 The Executive Director Membership & Commercial Services may propose minor sanctions in relation to 7.
- 10.1.1 Provide guidance to the member which the member is to follow.
 - 10.1.2 Issue a written warning to the member.
 - 10.1.3 Require the member to attend training on specified matters within a specified period of time.
 - 10.1.4 Admonish the member.
 - 10.1.5 Require the member to apologise to another person in connection with the allegation.
 - 10.1.6 Propose the suspension of any sanction upon condition of the member not engaging in further improper conduct for a specified period.
- 10.2 The Disciplinary Panel may impose one or more of the minor sanctions in 10.1 or the major sanctions below:
- 10.2.1 Downgrade the member.
 - 10.2.2 Impose a period of suspension on the member.
 - 10.2.3 Expel the member.
- 10.3 The Disciplinary Panel will define the action to be taken if, after the period for an appeal has expired, the member fails to comply with the sanction imposed by the Disciplinary Panel.
- 10.4 If a member is found guilty of improper conduct and the member is expelled or suspended from membership of the CQI or as an IRCA certificated auditor, the Disciplinary Panel shall (unless it determines there are reasons not to do so), arrange for the decision to be published after the

period for an appeal has expired. If a member is found guilty of improper conduct but is not expelled or suspended, the decision shall not be published.

- 10.5 If a complaint of improper conduct is dismissed, the Disciplinary Panel may, and at the request of the member shall, arrange for the decision to be published.
- 10.6 The complainant shall be informed that the matter has concluded.

11.0 Appeal by Complainant

- 11.1 Where a complainant is informed that either:
- 11.1.1 a complaint does not raise an issue of improper conduct worthy of further investigation; or
 - 11.1.2 no further action should be taken in relation to a complaint,
- the complainant may appeal against the relevant decision, however, the complainant has no right of appeal against the decisions of a Disciplinary Panel.
- 11.2 To make an appeal, the complainant must send written notice of appeal to the Executive Director Commercial Services within 20 working days of being informed of the decision, setting out:
- 11.2.1 The decision being appealed.
 - 11.2.2 The reason(s) for making the appeal; and
 - 11.2.3 Any facts or matters in support of the appeal.
- 11.3 Upon receiving an appeal from the complainant, the Executive Director Corporate Services will select three independent members of the Board of Trustees to review the appeal.
- 11.4 The Executive Director Corporate Services will provide the appeal panel with:
- 11.4.1 The information that was before the Executive Director Membership & Commercial Services in making the decision being appealed; and
 - 11.4.2 The written notice of appeal provided by the complainant.
- 11.5 The appeal panel will consider the material provided and decide whether, in the light of the information, the Executive Director Membership & Commercial Service's decision was reasonable.
- 11.6 If the appeal panel concludes that the original decision was reasonable, they will reject the appeal and will:
- 11.6.1 Inform the complainant of the decision and the reasons for that decision.
 - 11.6.2 Consider informing the member about the complaint, the appeal, their decision, and the reasons for their decision.
- 11.7 If the appeal panel concludes that the original decision was not reasonable, they will accept the appeal and:
- (i) Inform the complainant of the decision and the reasons for that decision.
 - (ii) Consider informing the member about the complaint, the appeal, their decision, and the reasons for their decision.
 - (iii) Direct the Executive Membership & Commercial Services to investigate under consideration under 5 or refer the complaint to a Disciplinary Panel.
- 11.8 There is no appeal from the decision of the appeal panel.

12.0 Appeal by Member Who is the Subject of the Complaint

- 12.1 The member who was the subject of the complaint may appeal against a decision of the Disciplinary Panel of Fellows.

- 12.2 Appeals to the CQI must be made by the member within 20 working days of the decision letter. The member may appeal either or both of the Disciplinary Panel's finding that the member engaged in improper conduct and the sanction imposed.
- 12.3 To make an appeal, the member must send written notice of appeal to the Executive Director Corporate Services setting out:
- 12.3.1 The ground(s) of appeal.
 - 12.3.2 The reasons for the appeal.
 - 12.3.3 The matters relied upon in support of the appeal; and
 - 12.3.4 Why the decision is considered unfair.
- 12.4 Appeals can only be made on one or more of the following grounds:
- 12.4.1 The decision is unjust (e.g., there was a serious procedural error or other irregularity that renders the decision unfair or unsafe).
 - 12.4.2 The decision is wrong (eg that it was not supported by the evidence or based on an error or misunderstanding); or
 - 12.4.3 Evidence, relevant to the case, has come to light which was not considered during the hearing, and which could not have been reasonably produced at the hearing.
 - 12.4.4 The sanction imposed is disproportionate to the gravity of the misconduct.
- 12.5 In the event of an appeal, the decision of the Disciplinary Panel of Fellows will not be carried out until the appeal procedure is concluded.

13.0 Consideration of an Appeal by the Member

- 13.1 Upon receiving written notice of an appeal, the Executive Director Corporate Services will convene an independent Appeal Panel of 3 individuals drawn from a the CQI Board of Trustees to review the appeal. The Appeal Panel will have discretion over the procedure to be followed and the Chair of the Appeal Panel may deal with any procedural issues that may arise. 1
- 13.2 The Executive Director Corporate Services will write to the member setting out:
- 13.2.1 The time and date on which the Appeal Panel will consider the matter.
 - 13.2.2 The date by which any additional information that the member wants the Appeal Panel to consider must be received.
 - 13.2.4 The identity the members of the Appeal Panel and a statement of how the member may object to the inclusion of a member of the Appeal Panel.
- 13.3 The member may object to the inclusion of any individual on the Appeal Panel by providing the objection, with reasons, to the Executive Director Corporate Services in writing. The Chair of the Appeal Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Executive Director Corporate Services to replace the individual objected to. If the member objects to the Chair, the Chair of the Board of Trustees will consider the objection.
- 13.4 The Appeal Panel procedure will include the following:
- 13.4.1 The opportunity for the member or their representative to address the Appeal Panel.
 - 13.4.2 The opportunity for the Disciplinary Panel of Fellows Chair (or appointed presenter) to address the Appeal Panel; and
 - 13.4.3 The opportunity for the Appeal Panel to ask questions of the member and Disciplinary Panel of Fellows Chair (or appointed presenter)

13.5 The Appeal Panel's decision will be provided in writing and will include reasons. The decision and reasons will be conveyed to the member as soon as practicable following the decision being made.

13.6 In disposing of an appeal, the Appeal Panel may:

13.6.1 dismiss the appeal; or

13.6.2 allow the appeal in whole or in part.

13.7 If allowing any part of the appeal, the Appeal Panel must also quash that part of the decision appealed against and either:

13.7.1 dismiss the complaint; or

13.7.2 where allowing an appeal against a finding of improper conduct, refer the matter for fresh consideration by the Disciplinary Panel; or

13.7.3 where allowing an appeal against a sanction only, substitute for the sanction any other sanction that could have been imposed by the Disciplinary Panel.

13.8 There is no appeal to an Appeal Panel Decision

End