

# Complaints Procedure



# COMPLAINTS PROCEDURE

## Introduction

This leaflet is intended to tell you about the Institution of Structural Engineers and its role should you be considering making a complaint against a member.

## The Institution

The Institution's main purpose, in accordance with its Royal Charter, is to promote for the public benefit the general advancement of the science and art of structural engineering. As well as being an international learned society, it is also a qualifying body with high entry standards and members are encouraged to undertake continuing professional development. The Institution has over 23,000 members, all of them as individuals, working in 105 countries around the world.

The Institution is not a trade association and firms and companies are not members. It is not able to act as a mediation or an arbitration body between members and their clients. Complaints can only be considered in relation to the Institution's Code of Conduct (see below), which all members have to observe.

## Membership

The preparatory classes of membership are Student and Graduate.

Those who qualify as Incorporated Structural Engineers are elected Associate-Members, with the designatory letters 'AMIStructE'.

Those with appropriate academic qualifications and experience are elected Chartered Structural

Engineers, as either Fellows ('FIStructE'), Members ('MIStructE') or Associates ('AIStructE').

The Institution is always willing to state whether an individual is in membership. Some organisations use the Institution's logo to indicate that at least one partner or director is a member.

## Professional conduct

The Institution's Royal Charter gives it the power to devise, promulgate and enforce high standards of professional conduct for its members. The Bye-laws provide that members shall be obliged at all times to uphold the reputation of their profession and to observe the Laws of the Institution (defined as the Charter, Bye-laws and Regulations together with the Code of Conduct, guidance notes and similar material).

A member may be subject to disciplinary action by the Institution if alleged to have been guilty of misconduct by

- (a) failing to comply with the laws of the Institution, or
- (b) sustaining a conviction in respect of an offence relevant to membership of the Institution.

The procedure for dealing with complaints against members, and the penalties that the Institution may impose on members found guilty of misconduct, are set out in the Regulations and the Disciplinary Procedural Rules.

The Institution's Code of Conduct is also contained in its Regulations :

### **Members shall**

- 1 act with integrity and fairness,
- 2 have regard to the public interest and to the interests of all those affected by their professional activities,
- 3 uphold the reputation of the profession,
- 4 maintain and broaden their competence, and assist others to do so,
- 5 undertake only those tasks for which they are competent,
- 6 exercise appropriate skill and judgement,
- 7 not maliciously or recklessly injure or attempt to injure the reputation of another person, and
- 8 avoid conflicts of interest.

Members shall forthwith disclose to the Institution if they have been convicted of a criminal offence.

The Code deals with members' ethical behaviour. It does not relate to commercial matters such as fees, contract terms or copyright, for which there are legally enforceable remedies. Furthermore, it is not within the remit of the Institution to decide whether or not a member has been negligent.

On request, the Institution will send you a copy of the guidance notes relating to the Code of Conduct.

## **Complaints procedure**

The Institution has a rigorous and impartial procedure for the consideration of allegations of professional misconduct. The operation of this procedure is the responsibility of the Professional Conduct Committee (PCC), one of the permanent committees of the Institution.

The PCC meets five times a year, and it usually takes two or three meetings before a final decision is reached on any complaint. The PCC will not normally investigate a matter that is to be considered by a court, although it will do so after legal action has been completed.

Your complaint must be made on the form available from the Institution, identifying the member concerned and the article(s) of the code of conduct you consider to have been infringed. With the completed form, you should send a copy of all relevant documentation.

When it receives the completed form, the Institution will send it to the member concerned, for a response on a separate form. The member's response will be disclosed to you and you may reply to it, but you may not raise any new allegations at that stage. If you reply, this will be passed to the member. The complaint undergoes an initial investigation by specially appointed Assessors who advise the Institution whether there is a possible case to answer. In the case where Assessors do not find a possible case to answer, the Institution will offer the opportunity to have the complaint reviewed independently. In the case where Assessors do find a possible case to answer, the complaint is referred to and determined by the PCC.

If the PCC concludes that no case has been established or that the matter is outside the Institution's Code of Conduct, the Institution can take no further action.

If there is a case for the member to answer, but the misconduct is not serious, the committee may take one or more of the following courses of action:

- 1 give guidance to the member;
- 2 issue a training order to the member, which order may include for the training to be supervised by a person appointed by the PCC;
- 3 request the member to issue an apology;
- 4 issue a warning to the member;
- 5 issue a reprimand to the member;

This will conclude the matter.

Should the case be more serious, however, the PCC will refer the complaint against the Member to the Disciplinary Board where it will be investigated anew.

## Penalties

In cases of serious misconduct the Disciplinary Board may, in addition to the sanctions available to the PCC, issue a severe reprimand, suspend or permanently expel the member. You should note, however, that the Institution has no power to award you compensation — either from its own funds or by an order to a member — for any loss you may have suffered.

## Further Information

The whole procedure is set out in the Institution's Regulations and Disciplinary Procedural Rules, which will be sent to you should you wish to make a formal complaint.

Institution staff can give further information on this procedure, but may not discuss the merits of complaints or the progress of cases under consideration. The Institution will write to you should the committee require further details, and in any event once the investigation has been completed.

For further information visit:  
[www.istructe.org/about\\_institution/running\\_institution](http://www.istructe.org/about_institution/running_institution)

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