

## How we will deal with concerns about members of CNHC's Board of Directors ('the Board') or CNHC Profession Specific Boards ('PSBs')

### Introduction

- 1 This procedure covers concerns about members of the Board or PSBs, in their capacity as a Board or PSB member. It is separate from the process for dealing with concerns about:
  - CNHC registrants in relation to their providing professional services to members of the public, and
  - CNHC staff.
- 2 We will follow this procedure whenever we receive a complaint about a member of the Board or one of the PSBs which is directly related to their role as a member of the Board or PSB. If the member who is the subject of the complaint is a CNHC registrant, any complaint that is upheld will have no bearing on their status as a registrant.
- 3 We have designed this procedure so that we deal with complaints as fairly, transparently, quickly and effectively as possible.
  - a All communications about the complaint between CNHC and the person making the complaint (the complainant) must be in writing.
  - b All communications about the complaint between CNHC and the member against whom the complaint is made (the member) must be in writing.
  - c Both the complainant and the member must see all the correspondence about the complaint.
  - d The complainant may withdraw the complaint at any stage.
- 4 There is no right of appeal against the CNHC Board's decision on a complaint.

### How to complain

- 5 Complaints must be in writing and signed by the complainant. The complainant needs to give us enough detail about the behaviour they are complaining about so that we can understand the problem. Usually, we need the complainant to write to us within three months of their knowing about the behaviour that is relevant to the complaint.
- 6 The complainant should send the complaint to the CNHC, marked for the attention of the Chief Executive & Registrar. We will acknowledge receipt within 3 working days.

### Who does what

- 7 The CNHC Board makes the final decision about a complaint against a member of the Board or a PSB.
- 8 The Chair of CNHC does not play a part in the procedure except at the final stage, when the Board considers the recommendations of the Complaints Panel and makes the final decision. If the complaint is against the Chair, the Chair must not be involved in the Board's final decision.

- 9 The Vice Chair of CNHC is responsible for pursuing the complaint. If the complaint is against the Vice Chair, a designated lay Board member will be responsible for deciding whether to formally pursue the complaint<sup>1</sup>.
- 10 The Vice Chair may decide to try to resolve the issue informally.
- 11 If the Vice Chair decides that the formal procedure should be used, they will put together a Complaint Panel. This will be made up of two other CNHC Board members, usually one lay and one registrant member.
  - a The CNHC Chair is not a member of the Complaint Panel.
  - b The Complaint Panel may consider the case and make its recommendations to the CNHC Board based on the papers alone, without the member and the complainant being present.
  - c The Complaint Panel may decide to hold an Oral Hearing, with both the member and the complainant present.
- 12 The complainant must provide evidence to support their complaint.
- 13 A member of CNHC staff may be a witness.

## The action we will take

### First steps

- 14 The Chief Executive & Registrar will send the complaint to the Vice Chair for them to decide how to deal with the complaint in line with this procedure.
- 15 The Vice Chair will decide whether to try to resolve the issue informally, using mediation or another way of resolving the issue, before starting the formal part of the procedure. The decision will be based on:
  - a the nature and seriousness of the issue being complained about, and
  - b the seriousness of the consequences if the complaint is upheld.

### **The member does not have the right to ask for the formal procedure.**

- 16 If the Vice Chair decides to try to resolve the issue informally, we will usually stop using this procedure. Instead, we will send the member a copy of the complaint and tell them in writing that we will follow an informal process. We will also tell the complainant in writing that we are using an informal process to deal with the complaint. (Also see paragraph 17.)

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<sup>1</sup> Throughout, if the complaint is against the Vice Chair, read 'designated Board member' instead of 'Vice Chair'.

- 17 At any stage the Vice Chair may decide to offer informal advice to the member about their future behaviour. The advice should usually be given during a face-to-face meeting and confirmed to the member afterwards in writing. We will send a copy of the informal advice to the complainant.
- 18 If informal steps are unsuccessful, or if the Vice Chair decides not to resolve the issue informally, the formal phase will start.

### The formal phase

- 19 We will tell the complainant and the member that the complaint is to be considered by a Complaints Panel.
- 20 We will send all written communications with the complainant and the member by special delivery.
- 21 We will ask the complainant to provide any additional evidence to support their complaint. We will ask them to send this to us within 14 days of receiving this request. We will send a copy of any additional evidence to the member.
- 22 We will ask the member to submit a written response to the complaint, with any supporting evidence, within 28 days of receiving our notification that the complaint will be considered by a Complaints Panel.
- 23 We will send a copy of the member's response to the complainant. We will ask them to say within 7 days of receiving the response whether, in light of the response, they want to withdraw the complaint or continue with it.
- 24 We will tell the member immediately if the complaint is withdrawn.
- 25 If the complainant wants to continue with the complaint, we will set up a panel of three CNHC Board members to consider the complaint. The panel will consider whether:
  - a to dismiss the complaint without a hearing, or
  - b to ask for written information from any relevant person mentioned in the complaint or in the response of the member. We will send a copy of any such written information by special delivery to the complainant and the member.

The panel will also consider whether:

- c to hold a hearing to decide whether to uphold the complaint, having considered all the available information, including any written information received under b above, and
  - d to decide the hearing on the papers alone or whether it should be an oral hearing.
- 26 A member of CNHC staff who is not a witness will give the panel administrative support.

- 27 The panel will usually consider a complaint under paragraph 25 within three months of the start of the formal process.
- 28 If the panel decides to hold an oral hearing, the member and the complainant will be given at least 28 days' notice of the hearing.
- 29 If the panel decides to hold a hearing:
  - a the panel will sit with a Legal Adviser, and if it is an oral hearing any legal advice will be given in the presence of the complainant and the member. (If the complaint is being decided on the papers alone, we will send the complainant and the member a copy of any legal advice when we tell them the panel's decision)
  - b the panel may hear oral evidence, including from any relevant person who has provided written information under paragraph 25b above
  - c the complainant and the member may choose a person to be with them at the hearing. This will not include legal representation and the person will not be entitled to speak.
- 30 The panel may decide to dismiss the complaint at any stage of the formal phase.
- 31 It is up to the complainant to prove the facts of the complaint. The standard of proof we use is 'the balance of probabilities'.
- 32 If a complaint against a member is upheld, the panel will make a recommendation to the Board.
- 33 The panel may recommend that the Board:
  - a takes no further action
  - b suspends the member for a set time from CNHC business, or
  - c removes the member from the Board or the PSB, for a set time or permanently.
- 34 If the panel decides that the complaint is unfounded or that there is not enough evidence to prove it, it must dismiss the complaint.
- 35 The panel will write a report on the complaint for the Board, giving its findings and recommendations.
- 36 We will send a copy of the panel's report to the member and the complainant.
- 37 When it receives the panel's report the Board will decide what action to take about the member, taking account of the panel's recommendation in paragraph 33.
- 38 We will write to the complainant and the member, giving them the Board's decision.
- 39 The Board's decision will be final.

**Other arrangements**

- 40 At any stage of the process the panel may receive legal advice from a solicitor or barrister appointed by CNHC.
- 41 The panel will agree between themselves which of them will be the chair.
- 42 All the decisions of the panel will be made by a majority vote.
- 43 The panel will hold its meetings in private.



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