

APEAS COMPLAINTS PROCEDURE

A block diagram of the key stages in the Complaints Procedure is shown in Appendix 1

1 Purpose of the Procedure

The purpose of this procedure is to provide a person with a means by which he/she can achieve a resolution of a complaint he/she has in connection with the APEAS Part 3 Examination.

2 Definitions

An APEAS appointee – includes practice examiners, external examiners, directors, CEO and administrator.

Complaint – An expression of dissatisfaction about the behaviour, conduct or performance of a candidate or an APEAS appointee. The nature of complaints can vary greatly and it is not possible to specify all the complaints that this procedure covers. Some examples of possible complaints are shown in section 9 of this Procedure.

CEO: – Chief Executive Officer of APEAS

Complainant – person, or persons, raising the complaint (this includes the person accompanying them where applicable)

Investigating Officer – a director of the APEAS Board or the CEO

Person accused in the complaint – person or persons accused in the complaint (this includes the person accompanying them where applicable)

Accompanying Person – should be identified to the Investigating Officer at least 48 hours prior to any meeting

3 Who Can Raise a Complaint?

A complaint may be raised by any of the following:

- a candidate
- a practice examiner
- an external examiner
- a director
- the CEO
- the administrator

4 Who is Not Covered by this Procedure?

Professional Studies Advisors (PSAs) are not covered by this Complaints Procedure. If a PSA wishes to raise a complaint against a candidate or APEAS appointee, or an APEAS candidate or appointee wishes to raise a complaint against a PSA they should use the complaints procedure of the PSA's own institution.

Candidates should use the APEAS Appeals Procedure and **not** this Complaints Procedure if they wish to appeal against the result of their Part 3 Examination.

5 Related Policies and Procedures

APEAS Appeals Procedure
APEAS Policy on Equality and Diversity
APEAS Re-sit Policy

6 The Procedure

6.1 The policy of APEAS is that as far as possible a complaint should be resolved on an informal basis between the complainant and the person(s) accused in the complaint. It would normally be expected that every reasonable attempt had been made to resolve a complaint informally

and only where this proves not to be possible should the formal part of the Complaints Procedure be implemented.

- 6.2 Where a person wishes to proceed to a formal complaint he/she should complete the APEAS Formal Complaint Form (see Appendix 2). Where the complaint is against the CEO, or is initiated by the CEO, the APEAS Formal Complaint Form should be sent to the Chairperson of the APEAS Board. In all other circumstances, the APEAS Formal Complaint Form should be sent to the CEO. The Chairperson of the Board or CEO will write to the complainant within 7 days of receiving the completed form to confirm that it has been received. At the same time the Chairperson of the APEAS Board/CEO will notify the person accused in the complaint that a complaint has been raised against him/her and provide him/her with full details of the complaint.
- 6.3 Where the complaint is against the CEO, or is initiated by the CEO, the Chairperson of the APEAS Board will appoint a director of the Board to investigate the complaint. In all other cases the complaint will be investigated by the CEO. The person undertaking the investigation will from this point onwards be referred to as the Investigating Officer.
- 6.4 In conducting the investigation the Investigating Officer may undertake some or all of the following steps:
 - Speak with the complainant on one or more occasions (the complainant may be accompanied by a person of his/her choice while speaking to the Investigating Officer)
 - Speak with the person accused in the complaint on one or more occasions (the person accused in the complaint may be accompanied by a person of his/her choice while speaking to the Investigating Officer)
 - Speak to both parties to the complaint together on one or more occasions (the complainant and the person accused in the complaint may each be accompanied by a person of their choice while such discussions take place)
 - Take further written evidence from the complainant
 - Take written evidence from the person(s) accused in the complaint
 - Take oral or written evidence from any witnesses to the complaint
 - Obtain oral or written evidence from any source which helps to inform the Investigating Officer's decision about the complaint.
- 6.5 The Investigating Officer will write to the complainant and the person accused in the complaint, within 28 days of the APEAS Formal Complaint Form having been received with his/her decision about the complaint and any remedy to be applied.
- 6.6 Where the Investigating Officer cannot complete the investigation within 28 days, because he/she cannot arrive at a final decision due to causes relating directly to the case the Investigating Officer will write to the complainant and the person accused in the complaint indicating that investigations are not yet complete. The Investigating Officer will also provide an estimate of how much additional time he/she will require to complete the investigation. This process will be repeated at 28 day intervals while the investigation is on-going.
- 6.7 On completion of the investigation, the Investigation Officer will write to both the complainant and the person accused in the complaint with his/her decision.
- 6.8 Where the complainant and the person accused in the complaint are satisfied with the outcome of the investigation and any remedy applied, the Investigating Officer will report the outcome and remedy to the APEAS Board at its next meeting.
- 6.9 Where the complainant, or the person accused in the complaint, is not satisfied with the decision of the Investigation Officer he/she may have the complaint considered by a sub-committee of the APEAS Board. In order to initiate this stage the complainant, or the person accused in the complaint, must write to the Chairperson of the APEAS Board stating clearly the reasons why he/she is not satisfied with the decision reached.
- 6.10 The Chairperson of the APEAS Board will establish a sub-committee to hear the complaint, normally within 42 days of receiving the letter from the complainant, or the person accused in the complaint. The sub-committee will consist of three Board members, one of whom should

be a lay member. The sub-committee will be chaired by the Chairperson of the APEAS Board or by a director appointed by the Chairperson (but not the director who has acted as the Investigating Officer in the case). In those cases where the complaint is not against the CEO, or has not been raised by the CEO, the CEO will act as secretary to the sub-committee. Where the complaint is against the CEO, or has been raised by the CEO, a director (not one of the three considering the case or the director who has acted as the Investigating Officer) will act as secretary to the sub-committee.

- 6.11 Members of the sub-committee, the complainant and the person accused in the complaint will receive a copy of the complainant's APEAS Formal Complaint Form; the letter sent to the Chairperson of the APEAS Board and any other documentation relevant to the complaint at least 7 days before consideration by the sub-committee.
- 6.12 The complainant will have the right to appear in person accompanied by a person of his/her choice. Likewise the person accused in the complaint will also have the right to appear in person accompanied by a person of his/her choice.
- 6.13 The sub-committee will normally follow the procedure outlined below:
 - i The Chairperson of the sub-committee will invite the Investigating Officer to present the reasons that he/she arrived at his/her decision.
 - ii Sub-committee members, the complainant and the person accused in the complaint will then have an opportunity to question the Investigating Officer with a view to seeking clarification on the decision made.
 - iii The Investigating Officer will be invited to call any witnesses he/she wishes and question them on matters relating to the complaint.
 - iv Sub-committee members, the complainant and the person accused in the complaint will then have an opportunity to question the witnesses on the evidence they have provided.
 - v The Chairperson of the sub-committee will then invite the complainant to present any additional information in support of his/her complaint. Such additional information may include information relating to the conduct of the investigation.
 - vi Sub-committee members, the Investigating Officer and the person accused in the complaint will then have an opportunity to question the complainant with a view to seeking clarification on the nature of the complaint or the complainant's objections to the remedy being applied.
 - vii The complainant will be invited to call any witnesses he/she wishes and question them on matters relating to the complaint.
 - viii Sub-committee members, the Investigating Officer and the person accused in the complaint will then have an opportunity to question the witnesses on the evidence they have provided.
 - ix The Chairperson of the sub-committee will then invite the person accused in the complaint to present any additional information in support of his/her arguments for the complaint not to be upheld and/or on the remedy being applied. Such additional information may include information relating to the conduct of the investigation.
 - x Sub-committee members, the Investigating Officer and the complainant will then have an opportunity to question the person accused in the complaint with a view to seeking clarification on the arguments being presented for not upholding the complaint and/or the remedy being applied.
 - xi The person accused in the complaint will be invited to call any witnesses he/she wishes and question them on matters relating to the complaint.
 - xii Sub-committee members, the Investigating Officer and the complainant will then have an opportunity to question the witnesses on the evidence they have provided.
 - xiii The sub-committee will adjourn so that they can summarise the evidence presented to them by the Investigating Officer, the complainant, the person accused in the complaint and any witnesses called.

xiv The sub-committee will then reconvene and the Chairperson will present a summary of the evidence as presented by all parties. The Investigating Officer, the complainant and the person accused in the complaint will be provided with an opportunity to seek clarification regarding the summary of evidence presented by the Chairperson.

xv The sub-committee will then adjourn again and arrive at its decision.

The decision reached by the sub-committee, including any remedy to be applied, will be final.

The complainant, the person accused in the complaint and the Investigating Officer will be informed of the decision of the sub-committee and any suitable remedy that will be applied within 7 days of the sub-committee decision.

The secretary to the sub-committee will report the decision of the sub-committee to the next meeting of the APEAS Board.

7 Remedies

The following remedies may be applied in the case where a complaint is upheld:

7.1 Candidate

- An oral apology is required
- A written apology is required
- The candidate is not permitted to come forward for oral examination for at least 12 months from the date the complaint is upheld
- The candidate is deemed to have failed the Part 3 Examination and is required to re-sit in line with the APEAS Resit Policy
- The candidate is failed and not permitted to sit the Part 3 Examination with APEAS again

7.2 Practice Examiners

- An oral apology is required
- A written apology is required
- The examiner is not allowed to examine for a fixed number of years as agreed by the sub-committee
- The examiner is not allowed to examine for APEAS again

7.3 External Examiners

- An oral apology is required
- A written apology is required
- The external examiner is not allowed to examine for a fixed number of years as agreed by the sub-committee
- The external examiner is not allowed to examine for APEAS again

7.4 Director

- An oral apology is required
- A written apology is required
- The director is suspended from any Board activities for a fixed period to be agreed by the sub-committee
- The director is instructed to step down from the Board with immediate effect and is never allowed to rejoin the Board

7.5 CEO

- An oral apology is required
- A written apology is required
- Disciplinary action is invoked against the CEO

7.6 Administrator

- An oral apology is required
- A written apology is required
- Disciplinary action is invoked against the administrator

It should be noted that given its limited financial resources APEAS will not normally provide any monetary compensation as a remedy for any complaint upheld by an Investigation Officer or a sub-committee of the APEAS Board.

8 Monitoring, Evaluation and Review

The CEO will prepare a paper on an annual basis detailing the number of formal complaints received, the nature of these complaints, whether they were upheld or not and the remedies applied.

The report will normally be considered at the December meeting of the APEAS Board. The Board will normally agree to put in place any appropriate measures to minimise the risk of the complaints reported in the paper occurring again.

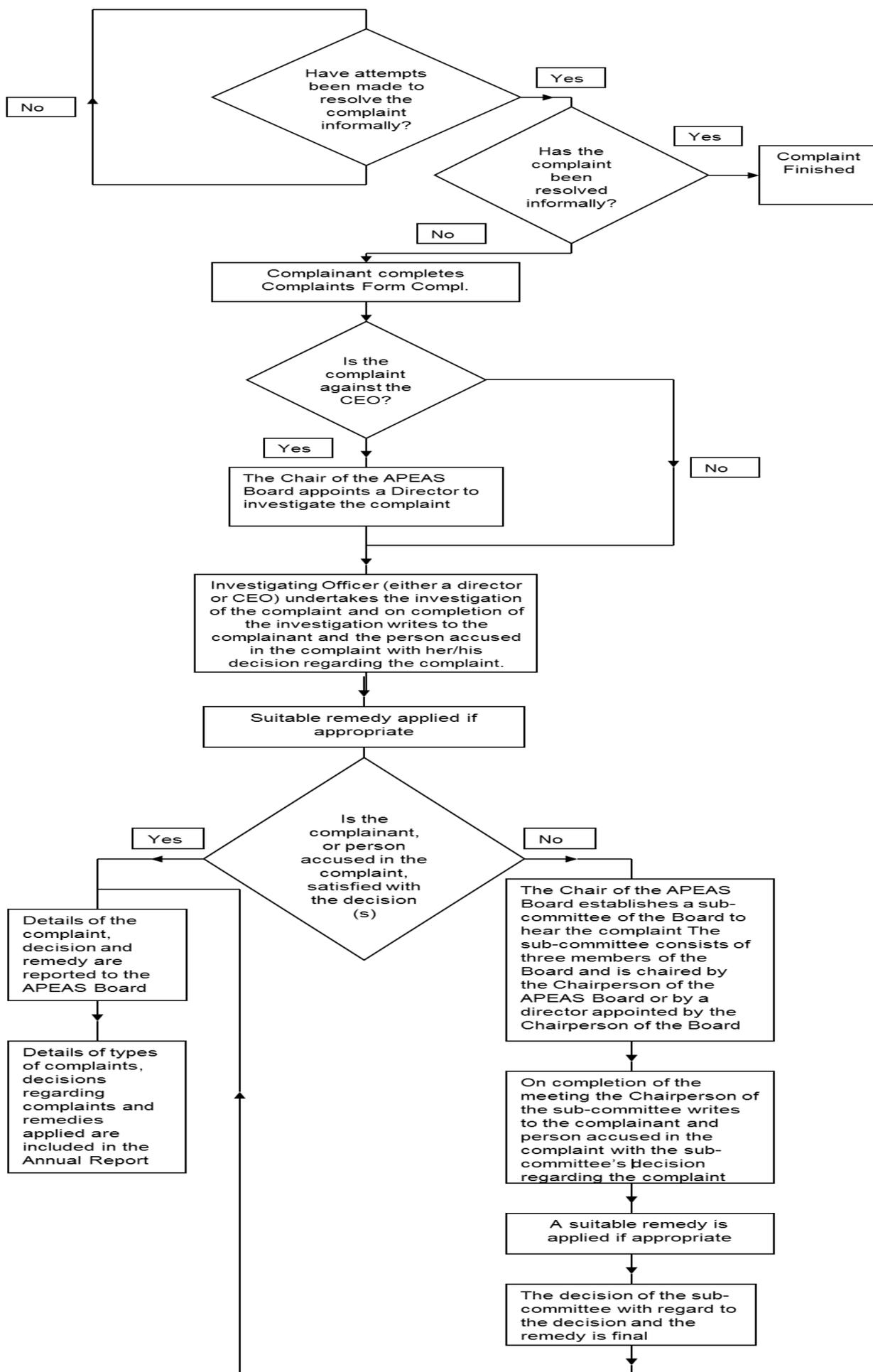
Details of the number of complaints, the nature of the complaints, whether they were upheld or not and the remedies applied will be published in the Architects Registration Board (ARB) Annual Monitoring Report. However, personal details of any individuals involved in a complaint will **not** be included in the Report.

9 Types of Complaints

The types of complaints which may fall within the scope of this Complaints Procedure include the following (this list is not intended to be exhaustive)

- Knowingly providing false or misleading information either orally or in writing
- Falsely challenging the professionalism of another person
- Failing to keep a matter, or matters, confidential when required
- Poor behaviour, conduct or performance due to the influence of alcohol or drugs
- Using foul or abusive language
- Using violent conduct towards another person
- Discrimination, eg
 - age
 - disability
 - gender reassignment
 - marriage or civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation.

APPENDIX 1: Block Diagram of Key Stages in APEAS Complaints Procedure



APPENDIX 2: APEAS Formal Complaint Form

Name of complainant:
Address:
Telephone No:
e-mail address:
<i>If more than one person is raising the complaint please list the name of the spokesperson for the complainants here and list the names, addresses, telephone numbers and e-mail addresses of all others raising the complaint in an additional document to be submitted with this form.</i>
Name(s) of Accused:
<i>If the complaint is against more than one person list the names of all persons accused in the complaint</i>
Details of the complaint <i>(state the complaint in as precise terms as possible and provide details of the date(s) and time(s) when the incident took place) (please submit additional documents as required)</i>
Witnesses <i>(provide the details below of any witness to the incident. If there was more than one witness to the incident please provide details of other witnesses in an additional document to be submitted with this form.)</i>
Name of Witness:
Address:
Telephone No:
e-mail address:
Documents <i>(please list below details of any documents you wish to present in support of your complaint. All such documents should be submitted with this Form)</i>
Additional Information <i>(please include any further relevant information in connection with your complaint on a separate document to be submitted with this Form)</i>

To the best of my/our knowledge and belief the information provided in this Form and in any documents submitted in support of the complaint are a true and accurate record of the incident.

Signature of Complainant(s):

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Date: