



# PROFESSIONAL CONDUCT - COMPLAINTS POLICY

*For IMI Membership, IMI Accreditation,  
Professional Registration, and the IMI  
Employer Recognition Scheme*



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## Introduction

This document sets out the Institute of the Motor Industry (IMI) complaints policy and procedure which applies to complaints from members of the public against individuals who hold IMI Membership, IMI Accreditation and Professional Registration, or businesses who are members of the IMI Employer Recognition Scheme (referred to as IMI recognised persons from this point forward).

## Scope

This procedure will be used in all cases where complaints are made against individuals who hold IMI Membership, IMI Accreditation and/or Professional Registration concerning alleged breach(es) of the IMI Code of Conduct and where complaints are made against organisations who are members of the IMI Employer Recognition Scheme concerning alleged breach(es) of the IMI Employer Recognition Scheme Code of Conduct.

This procedure does not cover general complaints, whether made by members of the public or IMI members, about the IMI itself. These are to be covered by the IMI's Group Complaints Procedure.

The determination of a complaint against an IMI recognised person under this procedure is final and there is no further right of appeal.

## Professional Conduct Complaints Policy

Complaints may be made and accepted via electronic or non-electronic means (such as by post, fax, e-mail or telephone). We will send you an acknowledgement of your complaint within two days of receiving it, enclosing a copy of this procedure. However, in order for a complaint to be acted upon it must be in writing, using the IMI's standard form. This form will be issued within two days of receipt of an initial complaint, together with the acknowledgement.

Anonymous complaints will not be accepted or investigated.

Upon receipt of a written complaint a note of that fact will be placed on the electronic record of the IMI recognised person named in the complaint. However, this note will contain no expression of opinion about the merit of that complaint and is without prejudice to any rights which the IMI recognised person may have.

The complaint will then be passed to the IMI's Case Manager for review. The Case Manager will assess whether an investigation is appropriate. If an investigation is deemed unnecessary (for example because the complaint does not involve allegations which could amount to a breach of the relevant IMI Code of Conduct) the complainant will be informed in writing within two days of the review and that complaint will be considered concluded.

If an investigation is deemed necessary the complainant will be informed in writing within two days of the review. Where the Case Manager determines that an investigation is appropriate, the Case



Manager will first of all obtain a response from the person whom the complaint is against (see Information Gathering below) and subject to that process the Case Manager may decide that the complaint should be investigated by a nominated investigator(s), which may include external legal support if appropriate.

Any decision made by the IMI's Case Manager in relation to the need for an investigation or the identity of the investigator(s) shall be final.

### Information Gathering

The Case Manager will notify the IMI recognised person named in the complaint, informing them of the nature of the complaint, which will include sufficient information for that individual or organisation to make a thorough response.

The IMI recognised person named in the complaint will have 10 working days from the date of the notification in which to provide a written response to the complaint. The IMI recognised person is under an obligation to co-operate with any investigation being undertaken and shall respond promptly to any correspondence received from the IMI.

If, having reviewed the complaint and response, the IMI's Case Manager concludes that the complaint is unjustified, the complaint will be dismissed. The decision of the IMI's Case Manager shall be final. The IMI's Case Manager will notify both the complainant and the IMI recognised person named in the complaint of the dismissal decision within three days of the review.

If, within the prescribed time, the IMI recognised person named in the complaint fails to respond, or (in the opinion of the IMI's Case Manager) provides an inadequate response or the IMI Case Manager considers that the complaint may be justified then the IMI's Case Manager shall refer the matter to nominated investigator(s).

The IMI's Case Manager will notify both the complainant and the individual named in the complaint of the decision to investigate further within three days of the review.

### Investigation

An investigator or panel will be assembled for the purposes of investigating the complaint and formulating a recommendation. The investigations panel will consist of technical experts (where required) and non-technical experts and may include external legal support.

The investigator or panel shall, at its or their absolute discretion, take one or more of the following steps:

- review the evidence and make recommendations for disciplinary or other appropriate action.
- Nominate a person to act as a technical investigator, where it is deemed appropriate. The technical investigator will have the authority to seek clarification or additional evidence of a technical nature to aid the investigator's or the panel's final recommendation. The technical



investigator will have authority to interview relevant witnesses during the course of the investigation. The technical investigator will provide a summary report to the investigator or panel to aid the final recommendation. A copy of this summary report will be provided to the individual or organisation named in the complaint upon request.

All recommendations from the investigator or panel will be reviewed by a senior IMI staff member and (if they have not already been involved in the investigation) the IMI's solicitors. Recommendations from the investigator or panel will be endorsed or rejected at this point.

All parties will be notified of the outcome and further action within three days of this decision.

### Disciplinary Hearing

As a consequence of a breach of the relevant Code of Conduct being identified, the IMI's Case Manager will appoint a disciplinary panel and convene a hearing. The disciplinary panel will consist of three individuals but shall exclude individuals involved in the original investigation and recommendation process. Individuals eligible to participate in a disciplinary panel include those who hold IMI membership, accreditation or Professional Registration.

All parties will be notified in writing within three days of this decision and shall include the composition of the disciplinary panel, where and when the hearing is to take place, and shall give the IMI recognised person named in the complaint the option to make a personal appearance, or, if he/she elects not to make a personal appearance, to make written representations.

Within 10 working days of the date of the notice of hearing the IMI recognised person named in the complaint must confirm to the IMI's Case Manager whether or not it is their intention to make a personal appearance at the hearing. If it is their intention not to attend the hearing, that person must confirm whether or not they intend to submit written representations.

If the IMI recognised person:

- elects not to make a personal appearance; or
- having elected to make a personal appearance fails to attend the hearing without reasonable explanation; or
- elects to make representations in writing only

the disciplinary hearing will be held in their absence.

If the IMI recognised person elects to make a personal appearance he/she may be accompanied at the hearing by another person of his/her choice.

At any time prior to the date of the disciplinary hearing the disciplinary panel may ask the complainant to provide additional written comments. If the complainant provides additional written comments,



these will be sent, or given, to the IMI recognised person named in the complaint prior to the disciplinary hearing.

The procedure at the disciplinary hearing will be at the discretion of the disciplinary panel. The IMI recognised person subject to the disciplinary hearing will not usually be entitled to call witnesses to appear on their behalf unless he/she has given the IMI's Case Manager not less than 10 working days prior notice of his/her wish to do so and, in the opinion of the disciplinary panel, such oral evidence is necessary to enable the complaint to be disposed of. In reaching its decision as to whether oral evidence from witnesses should be heard, the panel will have regard to the availability of written witness evidence.

The complainant shall not be entitled to attend the disciplinary hearing, other than in exceptional circumstances.

Upon the conclusion of the disciplinary hearing, the disciplinary panel will present its findings and the sanction to be imposed (if any) to the IMI's Case Manager. The outcome of the complaint and any sanction shall be at the absolute discretion of the disciplinary panel.

If the matters to which the complaint relates are, or become, the subject of legal proceedings in any court or tribunal, whether in the United Kingdom or overseas, the Case Manager may halt the complaint and any disciplinary proceedings or processes (including investigations or mediation) pending the outcome of those proceedings. During any such stay, the disciplinary panel may, at its absolute discretion, suspend the IMI recognised person named in the complaint pending the outcome of the proceedings.

### **Sanctions: Warnings or Revocation of Recognition Status**

Where a complaint is not upheld it will be dismissed. The IMI Case Manager will notify the complainant and the IMI recognised person named in the complaint of the IMI's decision within a reasonable time of the decision being made, and the disciplinary panel's decision shall be final.

Where a complaint is upheld the IMI recognised person named in the complaint should not normally have their IMI status suspended or revoked without first having received at least one written warning and having had the opportunity to improve their conduct. This principle does not prevent the IMI from revoking membership, accreditation, professional registration or employer recognition in serious cases.

If the complaint is an isolated incident and/or not a serious breach of the relevant Code of Conduct, the IMI recognised person will normally receive a first written warning about their future conduct. Repeated or serious breach(es) of the Code of Conduct may result in a final written warning about their future conduct, suspension of their IMI status for a period the IMI considers reasonable.

The IMI may determine that the IMI recognised person shall have his/her status revoked only if the finding against the IMI recognised person is so serious that his/her actions constitute gross misconduct. Gross misconduct includes (but is not limited to) serious and intentional breach of the



relevant Code of Conduct. If the IMI recognised persons status is suspended or revoked, the IMI may direct that he/she or they shall not be entitled to re-apply for a specified period.

In addition to, or in substitution of, any sanction referred to above, the IMI may also require the IMI recognised person to apologise to the complainant and/or take such remedial action as the IMI considers reasonable in the circumstances to remedy the complaint. A failure to comply with the IMI's decision may result in further disciplinary action being taken. However, the IMI does not have the power to order the IMI recognised person to pay financial compensation to the complainant.

Where the complaint is upheld the Case Manager shall write to the IMI recognised person within three days of the outcome being decided upon setting out the reasons for the decision and confirming any sanction given. The IMI Case Manager will write to the complainant to confirm that a disciplinary sanction has been imposed but will not go into detail as to the nature of that sanction, other than in exceptional circumstances.

### Appeals Policy

Where a disciplinary sanction is imposed the IMI recognised person shall be entitled to appeal against that sanction. The appeal needs to be in writing to the IMI's Case Manager and will be heard by the IMI's Board. The IMI Board shall nominate three of its members to hear any appeal and they shall exercise the powers of the whole IMI Board.

An IMI recognised person who wishes to appeal must submit a written statement of appeal, including the grounds of appeal, within 10 working days of the date of the written notification of the IMI's sanction(s) imposed.

The main grounds of appeal are likely to be limited to:

- If the IMI recognised person wishes to contest the sanction as being manifestly wrong; or
- If new relevant evidence not available to the original hearing becomes available; or
- If there is an alleged lack of fairness in the original hearing; or
- If there is an allegation that this procedure was not followed correctly.

The IMI Board shall nominate one of its members to review any statement of appeal received ("Appeal Assessor"). If the Appeal Assessor considers that the grounds of appeal are wholly without merit, the appeal may be dismissed at that stage. The IMI recognised person will be notified as soon as reasonably practicable upon the summary dismissal of his appeal.

Otherwise, the IMI recognised person will be notified in writing ("the notice of appeal hearing") as soon as reasonably practicable that an appeal hearing will be convened. The notice of appeal hearing shall state when and where the appeal hearing is to take place and give the IMI recognised person the option to make a personal appearance, or, if he/she/they elect not to make a personal appearance, to make written representations.

Within 10 working days of the date of the notice of appeal hearing the IMI recognised person must confirm whether or not it is their intention to make a personal appearance at the appeal hearing. If it



is their intention not to attend the hearing, the IMI recognised person must confirm whether or not they intend to submit written representations.

If the IMI recognised person:

- elects not to make a personal appearance; or
- having elected to make a personal appearance fails to attend the hearing without reasonable explanation; or
- elects to make representations in writing only

the appeal hearing will be held in their absence.

If the IMI recognised person elects to make a personal appearance he/she may be accompanied at the appeal hearing by another person of his/her choice.

The procedure at the appeal hearing will be at the absolute discretion of the IMI Board. The appeal hearing will not, except with the prior consent of the IMI Board, involve the re-hearing of evidence. The IMI recognised person shall not be entitled to call witnesses to appear on their behalf, unless in the reasonable opinion of the IMI Board it is necessary in order to hear new evidence that was not, and could not have been made, available at the disciplinary hearing.

On appeal the IMI Board may:

- Uphold the original sanction(s);
- Modify the sanction(s) (in exceptional circumstances the severity of the sanction may be increased); or
- Not uphold the original finding(s) and therefore remove the sanction(s).

The decision of the IMI Board shall be final.

If as a result of an appeal or at any other stage under this procedure, a disciplinary complaint against an IMI recognised person is withdrawn, dismissed or is found to have been mistakenly initiated, any record of that action will be removed from the IMI recognised person's file.