

Professional Complaints Procedures

1.0 Introduction

- 1.1 The Chartered Institute of Internal Auditors ('the Institute') is committed to promoting and upholding the highest level of professional standards in the delivery of internal auditing so as to safeguard the trust and confidence invested in the profession by the public. To this end the Institute has issued a Code of Professional Conduct ('the Code') to provide clear guidance to its members ('Members') on the expectations placed upon them in respect of their behaviour and ethical responsibilities.
- 1.2 The Institute treats breaches of the Code as a matter of serious concern. These procedures explain the process for raising complaints in relation to such breaches, potential or actual, both from the perspective of the party making the complaint (the 'complainant') and the individual Member who is the subject of the complaint ('the Member subject to complaint').
- 1.3 In devising these procedures the Institute has endeavoured to reflect a number of key principles:
 - 1.3.1 The procedures must reflect the will of the Institute to deal with breaches, or alleged breaches, of the Code in a manner that is timely, direct, impartial, transparent and, as far as is possible, confidential.
 - 1.3.2 The legitimate scope of these procedures must be to consider complaints raised in respect of a Member's professional behaviour or character as an internal auditor and concerning an alleged breach of the Code.
 - 1.3.3 The overriding aim of these procedures is to ensure that standards of professional conduct are upheld and that Members behave in an appropriate fashion in accordance with the Code. While it may be necessary to instigate disciplinary proceedings in order to deal with the complaint, the Institute will never enter such undertakings lightly.
- 1.4 The Institute's Chief Executive Officer (CEO) will have overall responsibility for these procedures, ensuring that they are implemented as intended, held under review and updated when required.

2.0 Definitions

A Member or Members	Being a member or members of the Chartered Institute of Internal Auditors, as defined by its charter and byelaws
Council	Being the governing committee of the Chartered Institute of Internal Auditors, as defined by its charter and byelaws
Disciplinary Committee	Being the committee appointed by the Disciplinary Chair to deal with disciplinary matters and whose membership will be drawn from the pool of Disciplinary members (excluding Council members), appointed by the Council

Disciplinary members	Being a pool of Members appointed by Council from which members of the Disciplinary Committee are drawn, being representative as far as is practicable of a cross-section of the Institute's membership
Disciplinary Chair	Being the chair of the Disciplinary Committee, who is appointed by Council and will normally be a Chartered Member in accordance with the Institute's criteria, although this requirement may be varied at the discretion of the Council
Disciplinary Appeals Committee	Being the committee appointed by Council to hear appeals
Investigation Officer	Being a member of Council and appointed by Council to receive, interpret and investigate allegations of misconduct on its behalf for a term of one year, renewable for a maximum of three years
Investigators	Being a pool of Members appointed by Council to support the Investigation Officer in carrying out investigations into complaints

3.0 Principles governing the procedures

- 3.1 These procedures deal with complaints about individual Members of all membership classes. The grounds for such complaints must be that the Member has demonstrated conduct that breaches (or is deemed to breach) the Code.
- 3.2 Any individual, whether or not they are a Member, may bring such a complaint to the Institute.
- 3.3 The Code places a responsibility on Members to take into consideration the public interest. As a consequence Members are required to bring a complaint against another Member if they consider that the Code has been breached.
- 3.4 Where information concerning the conduct of a Member has come to the attention of the Institute by means other than by the receipt of a complaint and it is considered appropriate that the matter should be investigated, the CEO or Institute's president will proceed as the complainant.
- 3.5 In disciplinary proceedings the standard of proof will be satisfied on a balance of probabilities, with a higher burden required the more serious the alleged offence but so that at all times this will be consistent with the prevailing law relating to the statutory claim of unfair dismissal (as appropriate).
- 3.6 Confidentiality (and anonymity):
 - 3.6.1 As part of the procedures for making a formal complaint, a complainant will be asked to provide personal details in addition to information relating to the alleged breach of the Code, including own name and contact details. The Institute will not accept complaints that are made anonymously except under exceptional circumstances as judged acceptable by the CEO.
 - 3.6.2 When a complaint is made, the complainant will be asked to agree that the information so provided can be disclosed. The Institute will not reveal the complainant's identity to the Member subject to complaint. However, complainants should bear in mind that the nature of the process means that anonymity cannot be guaranteed. The Institute will need to inform the

Member subject to complaint about the complaint, providing an opportunity to respond, and this may not be possible without in some way revealing the identity of the complainant.

- 3.6.3 Once a complaint has been made, the substance of the complaint and all related correspondence, statements and submissions of the complainant and the Member subject to complaint will be treated with confidentiality by the Institute.
- 3.6.4 Both the complainant and the Member subject to complaint will be asked to treat the complaint with confidentiality and will be reminded that failure to do so may prejudice the proceedings.
- 3.6.5 The requirement of confidentiality will extend to the Investigation Officer, all Investigators, the Disciplinary Chair, members of the Disciplinary Committee and members of the Disciplinary Appeals Committee without limit of time.
- 3.7 In the event of a complaint being received, the Member subject to complaint will not be expected to resign (if at all) until after the complaint has been fully dealt with. If the Member chooses to resign before the complaint has been fully dealt with, the resignation will be accepted on the condition that there shall be no option for subsequent re-admittance.
- 3.8 Whilst the complainant retains the right to withdraw a complaint at any time, if the Institute has initiated the investigation process or disciplinary proceedings, the Investigation Officer or the Disciplinary Chair may choose to proceed with the matter.

4.0 Making a complaint

- 4.1 Formal complaints regarding potential breaches under the Code must be made in writing to the secretary of the Institute. They should be sent to Chartered Institute of Internal Auditors, 13 Abbeville Mews, 88 Clapham Park Road, London SW4 7BX or emailed to secretary@iia.org.uk and should be marked 'confidential'. A form will be provided for this purpose. If a complaint is made in another format, the form will be sent to the complainant for completion. The Institute will use this form as a way of ensuring that it has all the information it requires, in the most accessible format.
- 4.2 So that it can be given full and proper consideration, the complaint should contain all of the following information:
 - 4.2.1 the name and contact details of the complainant
 - 4.2.2 the name of the Member subject to complaint
 - 4.2.3 disclosure of the relationship between the complainant and the Member subject to complaint, if any
 - 4.2.4 a clear and concise summary of the complaint, including date(s)
 - 4.2.5 a description of how the Code has been breached by the matters described in §4.2.4
 - 4.2.6 any supporting documentation that substantiates the complaint together with confirmation that the documentation has been obtained legally
 - 4.2.7 confirmation of whether the complainant knows if the complaint has been reported to the police or if other legal action is contemplated

- 4.2.8 confirmation of whether the complainant knows if the complaint has been made to or is being considered by another professional or regulatory body
- 4.2.9 consent that all documentation that has been submitted may be disclosed to the Member subject to complaint and to other relevant third parties.

5.0 Stage 1: Validation of the complaint

- 5.1 Upon receipt of a complaint, the secretary of the Institute will determine whether the complaint is valid. A complaint shall be deemed to be valid if all of the following conditions apply:
 - 5.1.1 it relates to an alleged breach of the Code
 - 5.1.2 it relates to a current Member of the Institute who was a Member at the time of the alleged breach
 - 5.1.3 all details in support of a complaint as described in §4.2 are complete.
- 5.2 If further information is required to make this determination (for example if the form has not been fully completed) the secretary will request this from the complainant within 15 working days of the receipt of the complaint.
- 5.3 If the complaint is not valid, the secretary of the Institute will write to inform the complainant of this fact within 15 working days of the receipt of the complaint or of any additional information provided.
- 5.4 If the complaint is valid the secretary of the Institute will send an acknowledgement to the complainant within 15 working days of the receipt of the complaint or of any additional information provided.
- 5.5 If the complainant has confirmed that legal proceedings are intended or have already commenced (see §4.2.7) then the secretary of the Institute will advise the complainant in writing at the point of acknowledging receipt of a valid complaint (§5.4) that the complaint will not be investigated until those proceedings are concluded.
- 5.6 If the complainant has confirmed that the complaint has been made to or is being considered by another professional or regulatory body (see §4.2.8) then the secretary of the Institute will seek the opinion of the Investigation Officer as to whether to proceed.
- 5.7 If the complaint is valid and is to proceed, subject to the opinion of the Investigation Officer where required (§5.6), the secretary of the Institute will also write to the Member subject to complaint by recorded delivery with the details of the complaint, the procedures the Institute will follow in handling it and the possible sanctions that may ensue. The Member subject to complaint will be requested to send a written response to the Institute within 25 working days of being notified of the complaint or to provide an explanation of why a response cannot be given within that timescale.
- 5.8 If the complaint is valid the secretary of the Institute will send a copy of these procedures to both the complainant and the Member subject to complaint.

6.0 Stage 2: Investigation of the complaint

- 6.1 On validating a complaint the secretary of the Institute will forward the complaint to the Investigation Officer under confidential cover. The secretary will also forward any response received from the Member subject to complaint to the

Investigation Officer, or notify the Investigation Officer if a response is not received within 25 working days.

- 6.2 If no response is received from the Member subject to complaint within 25 working days, or the reason given for a full response not being available is not accepted by the Investigation Officer, the Investigation Officer will proceed on the basis of the information available.
- 6.3 Where it comes to the attention of the Investigation Officer that the complaint is subject to external legal proceedings (whether criminal or civil) the investigation may be deferred until those proceedings are complete. Where it comes to the attention of the Investigation Officer that the complaint is being considered by another professional or regulatory body the Investigation Officer may determine that investigation into the complaint is to be deferred until the outcome of such proceedings is known. Where a decision to defer is made in such circumstances the complainant and the Member subject to complaint will be notified in writing.
- 6.4 It is the responsibility of the Investigation Officer to determine the facts of the case, and to do so the following methods may be deployed:
 - 6.4.1 consultation with the Member subject to complaint, complainant and other parties as appropriate
 - 6.4.2 appointment of an Investigator to investigate the matter
 - 6.4.3 call for such information, including papers and records, as is necessary, where it is the duty of any Member to provide such information or documents that they can legitimately provide
 - 6.4.4 seek additional resources or further assistance in rare instances and with the agreement of the CEO.
- 6.5 At the instigation of the Investigation Officer, the opportunity will be given to the Member subject to complaint to discuss the complaint with the Investigation Officer, whether in person or by telephone according to the wishes of the Member.
- 6.6 The Investigation Officer will prepare, or will ask an Investigator to prepare, a report that lays out the findings and conclusions, which should include an opinion on the facts of the complaint. This report will form part of the evidence and will be used at the hearing in the event that the complaint is heard as part of the Disciplinary Procedures. The report will be prepared within 70 working days of the complaint being received by the Investigation Officer. If this is not possible, for exceptional circumstances, the Disciplinary Chair will be informed of the delay and will need to agree to it, or determine if no further action is to be taken. The complainant and the Member subject to complaint will be informed if an investigation or its conclusion are delayed.
- 6.7 The Investigation Officer and Investigators will abstain from taking part in the consideration of a complaint if they have had previous dealings with the Member subject to complaint personally or professionally or have taken part in any previous consideration of the complaint or aspect of it. If the Investigation Officer needs to abstain, the Disciplinary Chair will appoint one of the Investigators to act as Investigation Officer for the purpose of the investigation.

7.0 Stage 3: Conclusion of the investigation

- 7.1 On the completion of the investigation, one of the following conclusions will be made:

- 7.1.1 To take no further action (see §7.4)
- 7.1.2 To instigate disciplinary proceedings (see §8)
- 7.1.3 In exceptional circumstances, to refer the complaint directly to Council (see §7.5).
- 7.2 The Investigation Officer and the Disciplinary Chair will take a decision on the conclusion of the investigation within 10 working days of the investigation being completed. If the conclusion is to be that no further action is to be taken (§7.1.2) then the Investigation Officer and Disciplinary Chair must concur. If the conclusion is to refer the complaint directly to Council (§7.1.3) then the Investigation Officer and Disciplinary Chair must concur. In all other cases disciplinary proceedings will be instigated (§7.1.2).
- 7.3 Once the conclusion has been reached the secretary of the Institute will inform the complainant and the Member subject to complaint within 10 working days.
- 7.4 The conclusion that no further action is warranted may be reached in a number of circumstances including (but not limited to):
 - 7.4.1 insufficient evidence has been found to support the complaint
 - 7.4.2 the allegations are found to be trivial, frivolous or malicious
 - 7.4.3 the time elapsed since the alleged breach of the Code is such that proper discovery of the facts is no longer possible. As a guide, this is likely to be the conclusion if the complaint is submitted more than 12 months after the alleged breach.
- 7.5 In exceptional circumstances the Investigation Officer and the Disciplinary Chair may agree to refer a complaint to Council for a decision to expel or to suspend a Member with no need for the matter to be reviewed by the Disciplinary Committee. This may be done only when one of the following has occurred:
 - 7.5.1 where the ethics committee of IIA Inc or an affiliate body of IIA Inc has agreed a disciplinary action to suspend or expel the Member subject to complaint
 - 7.5.2 where the Member subject to complaint has been found guilty by a criminal court of an offence that could be prejudicial to the ability to comply with the Code
 - 7.5.3 where the Investigation Officer and the Disciplinary Chair agree that the complaint is substantial and has been established by a third party, and that the breach of the Code is such that a failure to take action promptly and pre-emptively would bring the Institute into disrepute or be prejudicial to the interests of the Institute.

8.0. Stage 4: Disciplinary proceedings

- 8.1 A Disciplinary Committee will consider a case referred to it normally no more than 20 working days after the decision is reached to progress a complaint to disciplinary proceedings, unless the complainant and the Member subject to complaint agree to a delay.
- 8.2 Disciplinary Committee:
 - 8.2.1 The Disciplinary Chair will appoint a Disciplinary Committee of three (including the Disciplinary Chair) from the pool of Disciplinary members. With the exception of the Disciplinary Chair, Council members will be excluded from membership of the Disciplinary Committee.

- 8.2.2 Any Disciplinary member who has had previous dealings with the Member subject to complaint personally or professionally or has taken part in any previous consideration of the complaint or any aspect of it will not be appointed, or accept appointment, to the Disciplinary Committee. If the Disciplinary Chair has had previous dealings with the Member subject to complaint personally or professionally or has taken part in the previous consideration of the complaint an alternate Disciplinary Chair will be appointed by the Institute's president for the purpose of these proceedings.
- 8.2.3 Before the date of any hearing, the Member subject to complaint will be informed of the identity of the Disciplinary members and will have the right to raise objections with the Disciplinary Chair regarding the appointment of any of the Disciplinary members with stated reasons. Upon receipt of such a notice the Disciplinary Chair, if satisfied that the objection is justified, will require the Disciplinary member in question to abstain from taking part in the proceedings. The Member subject to complaint will be informed of the identity of any replacement and will have the like right to give notice of objection.

8.3 Hearings:

- 8.3.1 In consultation with the complainant and the Member subject to complaint, the Disciplinary Chair will determine the format for the disciplinary hearing. With the agreement of both the complainant and the Member subject to complaint, the hearing will proceed with only the members of the Disciplinary Committee present, deliberating over the evidence submitted in advance including the written report from the Investigation Officer.
- 8.3.2 The hearing will be held at a location determined by the Disciplinary Chair.
- 8.3.3 At least 10 working days' notice of the hearing will be given to both the complainant and the Member subject to complaint.
- 8.3.4 The Member subject to complaint will have the right to attend the hearing and may be represented or supported by legal advisors (which may include a trade union officer or solicitor) or any other person at the cost of that Member.
- 8.3.5 The complainant will also have the right to attend the hearing.
- 8.3.6 If either party, having announced an intention to attend, does not attend the hearing and the Disciplinary Committee is satisfied that correct notice has been given, it may proceed in their absence.
- 8.3.7 A hearing will be held in private, unless the Disciplinary Chair directs that there are circumstances in which, on the grounds of public interest and a fair hearing, the matter (or part of the matter) should be held in public.
- 8.3.8 The Investigation Officer will report the findings of the investigation to this hearing. Witnesses may be called by any party, cross-examined and evidence presented. The Disciplinary Committee may have the assistance of its own legal advisor to advise on matters of law and procedure as it sees fit, appointed by the Disciplinary Chair with the agreement of the CEO. The legal advisor may be present at the hearing, and may advise the Disciplinary Committee.
- 8.3.9 The Disciplinary Chair may postpone or adjourn the hearing at any point.

The Member subject to complaint can request such an adjournment to allow time to provide additional evidence and testimony if new matters arise during the proceedings. The Disciplinary Chair will have discretion whether to accede to any such requests.

- 8.3.10 The secretary of the Institute will act as secretary to the Disciplinary Committee and will be responsible for ensuring that a record of the proceedings at a hearing is kept.
 - 8.3.11 Records will usually be hand-written notes and a copy of the notes of the proceedings (or of any other record of the proceedings made at the discretion of the Disciplinary Chair) will be made available to the Member subject to complaint if it is so requested within three months of the date of the hearing.
 - 8.3.12 Subject to these regulations the procedure of the hearing will be determined by the Disciplinary Chair.
- 8.4 Decisions of the Disciplinary Committee:
- 8.4.1 The Disciplinary Committee will decide upon one of the following outcomes:
 - 8.4.1.1 to uphold the complaint
 - 8.4.1.2 to reject the complaint
 - 8.4.1.3 to withhold judgement
 - 8.4.2 The decision of the Disciplinary Committee will be made by the unanimous vote of the three members on the basis of an equal vote by each member, including the Disciplinary Chair. If the Disciplinary Committee is unable to reach a unanimous decision or decides to withhold judgement then a new Disciplinary Committee will be established and the hearing undertaken afresh. The original Disciplinary Committee will be required to state the basis of its difficulty to make a judgement (such as insufficient evidence) in order to direct the new hearing.
 - 8.4.3 The Disciplinary Chair will prepare a written report within 10 working days of the completion of the hearing process. The report will outline the events of the hearing, set forth the reasons for the Disciplinary Committee's recommendation(s), and be attested to by the Disciplinary Chair. It will form part of the minutes of the Disciplinary Committee along with the record of the proceedings and be kept accordingly.

9.0 Stage 5: Sanctions

- 9.1 The Disciplinary Committee can determine one or more of the following sanctions:
 - 9.1.1 issuing a reprimand
 - 9.1.2 imposing conditions for continued membership (eg completing further training or periods of mentoring)
 - 9.1.3 ordering a suspension from membership for a specified period not exceeding three years
 - 9.1.4 ordering a permanent expulsion from membership.
- 9.2 Time periods:

- 9.2.1 If the sanction requires action or compliance by the Member subject to complaint, the Disciplinary Committee will also determine at the same time the action to be taken if the Member fails to comply, usually within three months, or within the time set by the Disciplinary Committee.
- 9.2.2 The Disciplinary Committee will determine for how long the record of the sanction should be held (see §11). Records of expulsion will be permanent, and records of any sanctions will be held for a minimum of three years.
- 9.3 The Disciplinary Committee may recommend to the Institute's president and Chief Executive that, where a complaint has been upheld, a letter be sent by the Institute to the Member's employer to advise them of this fact.
- 9.4 The Disciplinary Committee may also decide to issue a letter of advice in regard to a Member subject to complaint if it considers that a complaint laid before it has arisen because of the governance or professional standards of the Member's organisation or the organisation in which the Member is employed. Such a letter will be to the Member's employer and where relevant the Committee may contact the employer to discuss the implementation of advice given.
- 9.5 Within 25 working days of the hearing the Institute's secretary will send to the Member subject to complaint and to the complainant written notice of the Disciplinary Committee's decisions, including the reasons, and will notify them that the Member subject to complaint has a right to appeal within 25 working days of the date of notification (see §10).
- 9.6 Notice of sanctions will be published in the Institute magazine and on its website. Such notice will be in the form approved by the Disciplinary Chair and the Institute's legal advisors. Such notice may disclose the name of the Member subject to complaint, depending on the circumstances of individual cases. Notification of disciplinary action taken will also be made to IIA Inc.
- 9.7 A Member who has been suspended will not be reinstated as of right after the completion of the period of suspension but may apply to Council for reinstatement. An application for reinstatement may be made no sooner than one month prior to the expiry of the period of suspension. In the case of expulsion no applications for reinstatement will be considered.

10.0 Appeals by Members

- 10.1 A Member wishing to appeal against the process, a finding or a sanction will be required to give notice by registered letter to the secretary of the Institute within 25 working days of written notification of the decision of the Disciplinary Committee. The Member seeking an appeal will be required to state the grounds of appeal and the grounds so stated will not thereafter be amended except with the leave of the Disciplinary Appeals Committee. The secretary will acknowledge receipt of the request for an appeal within five working days.
- 10.2 The Council will appoint a chair of the Disciplinary Appeals Committee who will decide whether there are sufficient grounds to support the appeal, including significant evidence not considered by the original hearing. The secretary of the Institute will write to advise the Member wishing to make an appeal within 20 days of receipt of the request for an appeal whether it is to be heard by a Disciplinary Appeals Committee or not.
- 10.3 The appeal will be heard within 15 working days by a Disciplinary Appeals Committee appointed by the Institute's president.

- 10.4 The Disciplinary Appeals Committee will consist of a chair and two other Disciplinary members. No member of the Disciplinary Committee that imposed the sanction will be eligible to hear the appeal.
- 10.5 A Member who has had previous dealings with the appellant personally or professionally or has taken part in the previous consideration of the complaint or any aspect of it will not be appointed to the Disciplinary Appeals Committee.
- 10.6 The Disciplinary Appeals Committee will notify the appellant of the time and place of the hearing. At least 10 working days notice shall be given. The Member making the appeal will be entitled to be heard before the Disciplinary Appeals Committee and to be represented as desired. The Member making the appeal may call witnesses and cross-examine anyone testifying on behalf of the Institute. If the Member making the appeal does not attend the hearing, provided that the Disciplinary Appeals Committee is satisfied that notice of the hearing was properly given, the Disciplinary Appeals Committee may proceed to hear the appeal.
- 10.7 The Disciplinary Appeals Committee may instruct a solicitor to act or to brief counsel to act as legal advisor on the hearing of any appeal.
- 10.8 The Disciplinary Appeals Committee will take into consideration the record of the evidence and the documents presented to the Disciplinary Committee in its formal hearing but at its discretion may rehear any witness called before the Disciplinary Committee or receive fresh evidence.
- 10.9 The Disciplinary Appeals Committee will make a judgement concerning the original findings of the Disciplinary Committee in accordance with §8.4.4 to uphold or reject the complaint. Where the Disciplinary Appeals Committee decides to uphold the complaint it will also recommend to Council one of the following courses of action:
 - 10.9.1 to reassert the original sanction imposed
 - 10.9.2 to propose an amendment to the original sanction imposed, which may include its full removal.
- 10.10 The Disciplinary Appeals Committee may further recommend that Council substitute any other order or orders (on such terms and conditions (if any) as it thinks appropriate) that the Disciplinary Committee has made or may recommend that the matter be considered afresh by the Disciplinary Committee. The Disciplinary Appeals Committee may recommend that any order take effect as from the date thereof or may recommend that the order will take effect as from some date not being earlier than the date of the order appealed against, as will be specified in the order.
- 10.11 All decisions of the Disciplinary Appeals Committee will be made by unanimous vote. If the Disciplinary Appeals Committee is unable to reach a unanimous decision or decides to withhold judgement then a new Disciplinary Appeals Committee will be established and consideration of the appeal undertaken afresh. The original Disciplinary Appeals Committee will be required to state the basis of its difficulty to make a judgement (such as insufficient evidence) in order to direct the new appeal.
- 10.12 The decision of the Disciplinary Appeals Committee will be final.

11.0 Records of complaints and disciplinary sanctions

- 11.1 Records, data, evidence and manuscripts relating to cases that are resolved by the Investigation Officer or by conciliation will be held for three years from the

date of resolution and then destroyed.

- 11.2 Records, data, evidence and manuscripts relating to cases that are referred to the Disciplinary Committee (including the report of the Investigation Officer) will be held for six years from the date of the final hearing and then destroyed.
- 11.3 If a complaint is upheld by the Disciplinary Committee and a sanction agreed, this will be placed on the individual record of the Member subject to complaint. As part of its decision on the sanction, the Disciplinary Committee will determine for how long the record should be held, but for guidance, records of expulsion should normally be permanent, and records of any sanctions should be for a minimum of three years.
- 11.4 The CEO will receive a report of every complaint and outcome, prepared by the secretary of the Institute.
- 11.5 The Disciplinary Committee and Investigation Officer will report annually to Council a summary of all complaints and outcomes.
- 11.6 The secretary of the Institute will maintain a register of all complaints received and the decision of the Investigation Officer and, if relevant, the action of the Disciplinary Committee and the decision of the Disciplinary Appeals Committee. Where it has been determined that there is no case to answer, the register entry will be anonymous so that no details of the Member subject to complaint appear. Otherwise, the name of the Member subject to complaint will be held on the register for six years following the sanction imposed.

12.0 Disputes

- 12.1 If any question or difference arises with regard to the interpretation or application of these procedures or on any matter whatsoever concerning the conduct of the hearing of a complaint, it will be referred to and settled conclusively by the Institute's president, who will take whatever advice considered necessary.

Appendix 1 Timeline/summary

<i>Action by</i>	<i>Action</i>	<i>Time</i>
Validation of complaint		
Complainant (C)	Make a complaint to the Institute via the Company Secretary (CS) in writing or by email using the required form.	
Company Secretary (CS)	<p>Determine the validity of the complaint:</p> <ul style="list-style-type: none"> • Relates to a breach of the Code • Relates to a current Member who was a Member at the time • The complaint is complete. <p>Send acknowledgement to C.</p> <p>If form not used request C to complete it.</p> <p>Request further details if required.</p> <p>If not a valid complaint let C know.</p> <p>If other proceedings are contemplated or in hand liaise with Investigation Officer (IO) for opinion on whether to proceed.</p> <p>Advise the Member subject to complaint (M) by recorded delivery with the details of the complaint.</p> <p>Send copy of procedures to C and M.</p>	15 working days.
Member subject to complaint (M)	Send a written response or provide an explanation of why a response cannot be made in the timescale.	25 working days
Investigation		
CS	<p>On validation forward complaint to IO.</p> <p>Forward any response from M to IO.</p> <p>Notify IO of a non-response after 25 working days.</p>	
IO	<p>Commence investigation on receipt of complaint and response from M.</p> <p>Commence investigation even if no response is received from M within 25 working days or reason for not being able to make a response is accepted by IO.</p> <p>Appoint Investigator (I) if required.</p> <p>Deliver a report of findings and an opinion of the facts.</p>	70 working days
IO and Disciplinary Chair (DC)	<p>On receipt of the IO's report decide whether to:</p> <ul style="list-style-type: none"> • Take no further action • Instigate disciplinary proceedings • In exceptional circumstances refer complaint to Council directly 	10 working days

CS	Advise C and M of the decision.	10 working days
Disciplinary proceedings		
Disciplinary Committee	Consider a case referred to it once a decision has been made to proceed.	20 working days
DC	Appoint the Disciplinary Committee.	
CS	Advise M of the identity of the Disciplinary Committee members.	Prior to any hearing
M	Raise any objections to members of the Disciplinary Committee.	Prior to any hearing
DC	Make any adjustments to the composition of the Disciplinary Committee as required.	Prior to any hearing
CS	Advise M accordingly.	Prior to any hearing
Hearings		
CS	Advise M and C of format, location and timing of hearing as decided by DC.	10 working days prior to hearing
CS	Maintain a record of the hearing and make a copy available to M or C if requested within three months of the hearing.	
DC	Prepare a written report of the completion of the hearing process and the outcome and sanctions based on unanimous vote.	10 working days
CS	Notify M and C of outcomes.	25 working days
M	Right to appeal made in writing.	25 working days
Appeals		
CS	Acknowledge receipt of appeal	5 working days
Council	Appoint chair of Disciplinary Appeals Committee (DAC) decide whether there are sufficient grounds for an appeal.	
CS	Advise M whether the appeal is going to be heard by DAC	20 working days
DAC Chair	Decide on time, location and format of appeal and hear the appeal.	15 working days
CS	Notify M of time, location and format of appeal	10 days prior to the hearing

Appendix 2 Professional Complaints form (from 1 April 2012 onwards)

Individuals (whether a Member or not) wishing to raise a complaint about a Member of the Chartered Institute of Internal Auditors (IIA) are required to complete this form and submit it to the Company Secretary at Chartered Institute of Internal Auditors, 13 Abbeville Mews, 88 Clapham Park Road, London SW4 7BX or by email to secretary@iia.org.uk, marked 'Confidential'.

Name of complainant		
If complainant is a Member please provide Membership number		
Contact details of complainant	<i>Address</i>	<i>Telephone</i>
Name of Member subject to complaint		
Relationship that exists between the complainant and Member subject to complaint (if none write 'none')		
A clear and concise statement of the complaint, including dates of key events		
A description of how the Code of Professional Conduct has been breached by the events described		
Please itemise any documentation or other evidence that is included with this complaint		
As far as you are aware, has this matter been referred to the police or if other legal action is contemplated? Give details.		
As far as you are aware, has this matter been referred to or is being considered by another professional or regulatory body? Give details.		

It is essential that the complainant consents that all documentation that has been submitted may be disclosed to the Member subject to complaint and to other relevant third parties as required. Please enter 'Agreed' in this section.