

IEMA Professional Conduct and Disciplinary Policy

INTRODUCTION

It is a condition of all membership applications and renewals occurring after 1st March 2008 that IEMA members abide by the [IEMA Code of Professional Conduct](#), which may be amended by the Institute from time to time.

A complaint may be lodged against an IEMA member if there is doubt that their professional conduct complies with the Code of Professional Conduct.

IEMA will investigate complaints made against any member in accordance with the principles of Natural Justice and the terms set out in this Policy. This Policy has been developed in accordance with the Articles of Association of IEMA.

The primary purpose of the Professional Conduct and Disciplinary Policy is not to punish members, but to protect the public, to maintain public confidence in the integrity of the profession, to uphold proper standards of professional behaviour and, where appropriate, to direct the member in breach as to how to improve their practice to an acceptable standard.

As per the IEMA Terms and Conditions of Membership:

“All members of IEMA are required to uphold a high standard of professional conduct and adhere to IEMA’s Code of Professional Conduct.”

“If IEMA receives a complaint about a member and their conduct, or is aware of potential misconduct, we will always investigate the matter fairly and thoroughly in accordance with our Professional Conduct and Disciplinary Policy.”

“IEMA members are required to comply fully and constructively with any investigation IEMA conduct.”

DEFINITIONS

‘The Committee’ and **‘PSC’** refers to the Professional Standards Committee unless specified otherwise. The PSC is a sub-committee of the IEMA Board, responsible for maintaining and upholding IEMA’s professional standards, assessments, and training. The PSC acts as the guardian of the profession’s reputation, including oversight of IEMA’s Code of Professional Conduct.

‘Professional Standards’ and **‘Professional Standards Team’** refers to the internal team at IEMA responsible for the ongoing management and administration of IEMA’s professional standards. This team implements policies, oversees professional assessments, and ensures that recommendations from the PSC and the IEMA Board are effectively actioned.

‘The Board’ refers to the IEMA Board as detailed in the Articles of Association.

‘Disciplinary Committee’ refers to the group of individuals nominated by the chair of the PSC to hear a case.

‘Disciplinary Hearing’ refers to a formal meeting to review evidence and determine the outcome of a case.

‘Member’ refers to a member of IEMA.

‘Complaint’ refers to a written document provided by a Complainant or other evidence regarding the conduct of an IEMA member.

‘Complainant’ refers to the individual or organisation making the complaint.

‘Code’ refers to IEMA’s Code of Professional Conduct.

‘Conflict of Interest’ occurs when a Committee Member is in a position of making a decision which requires them to exercise judgment on behalf of IEMA in a situation where they also have interests or obligations of the sort that might interfere with the exercise of their judgment.

‘Defendant’ refers to the IEMA member against whom a complaint has been made.

‘IEMA’ and **‘Secretariat’** refers to the staff employed by IEMA to provide the administration of the organisation and its Regulations

‘Vexatious’ intended to harass, distress, annoy, tease, agitate, disturb or otherwise cause trouble.

HOW WE HANDLE COMPLAINTS

This Professional Conduct and Disciplinary Policy outlines the steps IEMA follow to address membership complaints, ensuring that:

- Any complaints are handled transparently and fairly; and
- Any breaches of IEMA’s Code of Professional Conduct shall receive a proportionate response.

Our primary interest is to:

- Ensure that IEMA members are acting competently and conducting themselves in a professional manner
- Establish if IEMA members have breached the IEMA Code of Professional Conduct; and
- Decide whether it is necessary to impose sanctions in order to protect the integrity of the profession.

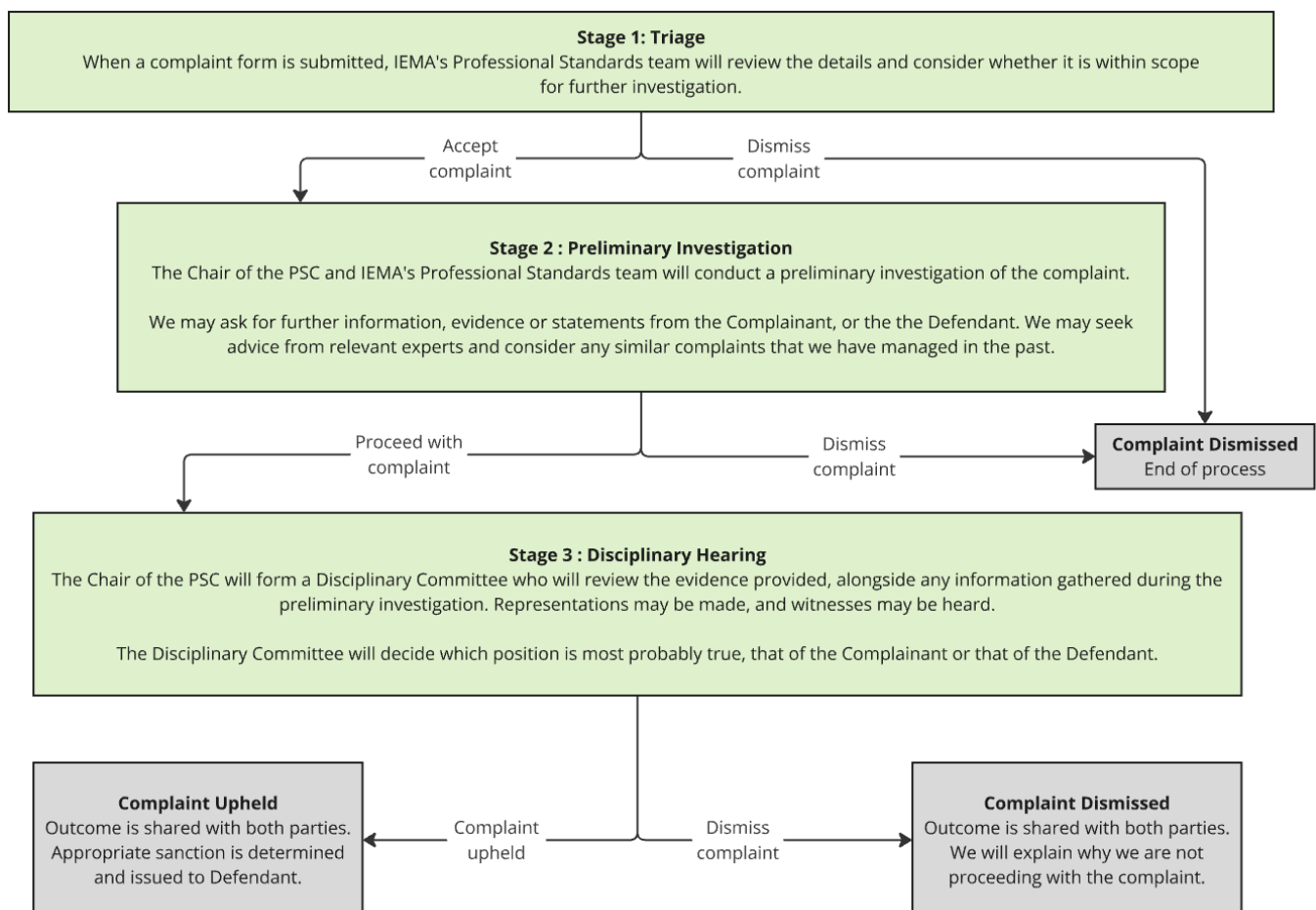
Please note: if your complaint relates to an ongoing dispute or litigation, we may not be able to investigate your complaint if it is deemed that IEMA’s activity may prejudice the outcome of any such external proceedings.

IEMA cannot:

- Deal with complaints regarding anyone who is not currently an IEMA member, or was not an IEMA member at the time of the incident
- Pay compensation, or instruct a member to do so
- Determine whether a member has acted negligently
- Interfere with, or become involved in, civil or criminal court action

- Deal with any matter where no evidence can be provided; or
- Deal with complaints that concern employment matters, these include but are not limited to the following;
 - Unfair dismissal
 - Breach of employment contract
 - Discrimination in the workplace

OVERVIEW OF THE PROCESS



HOW TO RAISE A COMPLAINT

Any person or organisation can make a complaint regarding the conduct of an IEMA member. IEMA may be the Complainant where a member does not adhere to the IEMA Code of Professional Conduct or requirements of membership, or where IEMA is aware of or has a reasonable suspicion of improper conduct.

In the first instance, we encourage the Complainant to try and resolve their concerns with the member, prior to submitting a formal complaint to IEMA. Please see our [guide](#) to resolve professional dilemma's. We will, however, still investigate complaints that have not been raised first with the member.

If your complaint relates to a service provided by an organisation where the IEMA member is either employed or involved in a specific project, the complaint should first be raised directly with that organisation.

All Complainants must complete the IEMA complaints form in full, provide suitable, relevant evidence and send this to info@iema.net.

We would normally expect complaints to be made within 6 months of the alleged breach(es), however we reserve the right to consider substantial complaints made outside of this period, provided a reasonable explanation is given as to the delay in submitting the complaint.

SANCTIONS AVAILABLE

After initial investigation by the Chair of the PSC and IEMA's Professional Standards, if the conduct of the member is considered to be a breach of the Code, a Disciplinary Committee will be formed to determine whether to uphold the complaint and decide whether to issue an appropriate sanction.

Any sanction applied must be:

- Proportionate to the seriousness of the offence;
- Only decided upon once the member has been asked to respond to the complaint and the response has been considered and the Disciplinary Committee has reviewed all supplied evidence;
- Decided in accordance with the principles of equity and Natural Justice (i.e. the basic fundamental principles of fair treatment).

The Disciplinary Committee may;

- Request a member to make a written undertaking of their future conduct
- Reprimand the member and require one or more of the following:
 - Training
 - Re-apply and retake any required assessment to retain membership

Where the conduct of the member is considered to be serious and liable to bring the Institute into disrepute, all privileges of membership may be forfeited.

In some circumstances, when deemed appropriate by IEMA's Professional Standards team and the Chair of the PSC, where an allegation of misconduct does not require the need to form a Disciplinary Hearing, IEMA

may opt to choose informal routes of resolution by bringing the matter to the members attention to remind them of their obligations under the Code.

DISCIPLINARY COMMITTEE

The Professional Standards Committee (PSC) has overall responsibility for matters relating to the professional conduct of members and any related complaints. The process is as follows:

- Where a complaint is made or disciplinary action may be required, the Chair of the PSC will ask up to six IEMA members, or members from IEMA's committees, to form a Disciplinary Committee to address the matter.
- The Chair of the PSC will then Chair the Disciplinary Committee.
- The quorum for the Disciplinary Committee shall be four members including the Chair
- Members of the Disciplinary Committee must declare any Conflict of Interest with the Complainant or Defendant, and they will not be entitled to participate in the Disciplinary Committee.
- The Chair of the Disciplinary Committee will:
 - Ensure that the exact nature of the complaint is presented in a fair and appropriate manner to the Committee.
 - Ensure that all information relevant to the complaint is presented to the Committee.
 - Make the Disciplinary Committee aware of any mitigating circumstances that the Respondent wishes to rely upon, as detailed in any statement
- The Disciplinary Committee will consider all relevant material and make a decision on the complaint in accordance with this Policy and with the principles of Natural Justice.
- Virtual meetings for the Disciplinary Committee will be the norm. Although, they can meet in person to discuss the complaint, if they wish.

RE-APPLICATION OF MEMBER

On receipt of a re-application for membership, the application will be processed in accordance with normal procedure. In certain cases, the Disciplinary Committee may request the result of re-application is to be put to the PSC for ratification, prior to the result being issued to the candidate.

The PSC will review this during the next quarterly PSC meeting, and will consider the application itself, alongside the reasons for the original sanction. The PSC's decision is final.

PUBLICITY

At the sole discretion of the IEMA Board, a statement may be issued concerning the withdrawal of membership or sanctions imposed on an individual. Any such statement will be issued in a publication of IEMA and may be further publicised if deemed necessary in the sole discretion of the Board.

CONFIDENTIALITY

All materials relating to the complaint will be retained by IEMA and marked confidential, however under EU General Data Protection Regulation known as the 'UK GDPR' and the Data Protection Act 2018, the person against who the complaint was made has the right to see any papers that contains their personal data relating to the complaint.

The decision will be recorded in the minutes, no discussion will be recorded, and the minutes will be non-attributive.

APPEALS

The Defendant has the right to appeal the final outcome of the Disciplinary Hearing. All appeals must detail the grounds of appeal and be sent in writing to info@iema.net.

In the event that a final hearing is requested, the Defendant shall be asked to make a verbal statement regarding the complaint to the Board at their next meeting, whereby the Board will then either uphold or overturn the original decision. The decision of the Board is final.

ADMINISTRATION OF PROCESS

The process comprises three stages:

STAGE 1: TRIAGE

- 1.1 An acknowledgement of receipt of the complaint shall be sent to the Complainant within **5 working days**, together with a copy of IEMA's Professional Conduct and Disciplinary Policy. The acknowledgement shall confirm that an investigation will be undertaken in accordance with the Policy.
- 1.2 Complaints will be triaged by IEMA Professional Standards, who will establish if it falls within scope, is Vexatious, in bad faith, or is better resolved through an alternative process. We may ask for further information during this phase, or consult with subject matter experts, if required
- 1.3 The Complainant will be informed of the outcome of the triage within **10 working days** from the date of the acknowledgement email.
- 1.4 Upon completion of the triage stage, IEMA will:
 - 1.4.1 Confirm if the complaint will be taken to the next stage of the process, in accordance with the Policy.
 - 1.4.2 Confirm that the complaint does not fall within the scope of the Code.

STAGE 2: PRELIMINARY INVESTIGATION

- 2.1 The Chair of the Professional Standards Committee (PSC) and IEMA Professional Standards will conduct a preliminary investigation into the complaint, to assess its validity and severity. This includes:

- 2.1.1 Reviewing the initial complaint and any additional information provided during the triage stage.
- 2.1.2 Requesting further information, evidence, or statements from both the Complainant and the Defendant, and any other third party who can provide further information on the complaint, if necessary, to ensure a thorough investigation.
- 2.1.3 Seeking advice from relevant experts to gain a comprehensive understanding of the issue, where applicable.
- 2.1.4 Considering any similar complaints that have been managed in the past to ensure consistency and fairness in the investigation process.
- 2.2 The preliminary investigation should be completed within **15 working days** from the conclusion of the triage stage.
- 2.3 Upon completion of the preliminary investigation, IEMA will:
 - 2.3.1 Confirm if the complaint will be taken to the next stage of the process, in accordance with the Policy.
 - 2.3.2 Explain why we are not proceeding with the complaint. If applicable, providing clear reasons and any relevant evidence or rationale for this decision.

STAGE 3: DISCIPLINARY HEARING

- 3.1 If the Chair of the Professional Standards Committee (PSC) and IEMA Professional Standards agree that the case should be put forward for a Disciplinary Hearing:
 - 3.1.1 The Chair of the PSC will form a Disciplinary Committee to review the complaint, and agree on a date for the Disciplinary Hearing to be held.
 - 3.1.2 IEMA will provide secretariat support for the Disciplinary Hearing.
 - 3.1.3 A Disciplinary Hearing will be held virtually
- 3.2 The Defendant has the right to be heard by the Disciplinary Committee and must be **informed 15 working days'** in advance of the Disciplinary Hearing at which the complaint will be considered.
 - 3.2.1 Defendants can provide evidence and a written or verbal statement to the Disciplinary Committee.
 - 3.2.2 The Defendant must notify IEMA in advance of the hearing, confirming which form of statement will be provided.
 - 3.2.3 The Defendant may request to be accompanied at the Disciplinary Hearing by a fellow member and this request including details of the person accompanying the Defendant must be provided to the Disciplinary Committee in advance of the Disciplinary Hearing.
- 3.3 The Complainant will also be **informed 15 working days'** in advance of the Disciplinary Hearing at which the complaint will be considered.
 - 3.3.1 Complainants can provide a written or verbal statement to the Disciplinary Committee, if required.
 - 3.3.2 The Complainant must notify IEMA in advance of the hearing, confirming which form of statement will be provided.
- 3.4 Written statements and additional evidence must be provided in advance of the Disciplinary Hearing.

- 3.5 IEMA will collate the original complaint letter, any evidence provided, the outcomes of previous stages of the investigation, written statements, Defendants membership details, a copy of the IEMA Code of Professional Conduct; and provide these to the Disciplinary Committee in advance of the Disciplinary Hearing.
- 3.6 The Disciplinary Hearing will be held virtually, during which the Disciplinary Committee will:
 - 3.6.1 Review the evidence provided in the initial complaint and any information gathered during the previous stages of the investigation.
 - 3.6.2 Allow both the Complainant and the Defendant to make representations. This may include submitting additional evidence or presenting their case verbally.
 - 3.6.3 Hear from witnesses, if any, to gain further insights into the complaint.
- 3.7 After statements have been made and the Disciplinary Committee has considered all relevant materials, the Chairperson shall ask the Disciplinary Committee to vote on whether to accept or dismiss the complaint.
- 3.8 Where the Disciplinary Committee decision is split, the Chair shall have the deciding vote.
- 3.9 The Disciplinary Committee may adjourn the hearing to allow more time to consider all the evidence before reconvening to undertake the vote and relay the determination.
 - 3.9.1 The Disciplinary Committee can dismiss the complaint where the Disciplinary Committee feel that:
 - 3.9.1.1 The member has not failed to adhere to the Code of Professional Conduct; or
 - 3.9.1.2 The complaint is beyond the scope of the IEMA Code of Professional Conduct.
 - 3.9.2 If the Disciplinary Committee accepts the complaint, the Disciplinary Committee must then agree on the sanction that is appropriate.
- 3.10 The outcome from the Disciplinary Hearing and any sanctions will be sent to the Defendant and Complainant within **10 working days** from the date of the hearing.
- 3.11 The outcome of the hearing will be recorded on the individual's membership record on the IEMA database.
- 3.12 In the event that a complaint is upheld, IEMA shall have the right to recover its reasonable administrative costs from the Defendant.

APPEAL

- 4.1 Defendants can appeal against the outcome of the Disciplinary Hearing.
- 4.2 Detailed Grounds of Appeal must be sent in writing to IEMA within **5 working days** of receipt of the decision from the Disciplinary Hearing.
- 4.3 If an appeal has been raised, the Defendant shall be asked to make a verbal statement regarding the complaint to the Board at its next meeting.
- 4.4 The Board will review the complaint, the findings from the Disciplinary Hearing, and the verbal statement provided by the Defendant.
 - 4.4.1 The Board will vote to uphold or overturn the original decision made by the Disciplinary Committee.
 - 4.4.2 The vote must pass by a majority of at least three-fourths of the members present and voting at the Board meeting. The decision of the Board is final.

- 4.5 Notification of the Board's decision will be sent in writing to both the Complainant and the Defendant within **10 working days** of the Board meeting.
- 4.6 The decision will be recorded on the individual's membership record in the IEMA database.
 - 4.6.1 In the event that the complaint is upheld, IEMA shall have the right to recover its reasonable administrative costs from the Defendant.