



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

The home of the conservation professional



The Institute of Historic Building Conservation

Complaint Form

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Making a complaint to the IHBC

Members of the Institute of Historic Building (IHBC) are expected to abide by professional standards contained in the Institute's Code of Conduct.

This form is for situations where a complainant believes an IHBC member has acted contrary to the professional standards of the Code of Conduct and wishes to pursue an allegation of improper conduct by lodging a formal complaint.

We do hope that before any formal complaint is made other avenues have been explored to resolve the issue and reach a settlement or understanding and the Institute is happy to help in this.

The Institute requests all parties to maintain confidentiality and will seek to ensure that all inquiries are treated in confidence, but it will not accept any liability arising from failure by any person to observe confidentiality. The complainant should be aware the complaint may be copied in its entirety to the IHBC Member who is being complained about.

Complaints should be made within a year of the conduct being complained about occurring

Before completing this form you must read the IHBC's Disciplinary Regulations, which are the means for the hearing and ruling by the Institute on allegations of improper conduct.

Please do not use this complaint form to report complaints which fall within the jurisdiction of a criminal court, civil court, industrial tribunal, Local Government Ombudsman or other duly appointed tribunal. The institute will not commence its proceedings until the end of any civil, criminal or other judicial proceedings related to an allegation of improper conduct.

Your Details

1. **Title:**
2. **Full Name:**
3. **Address:**
4. **Postcode:**
5. **Email address:**
6. **Phone number:**
7. **How would you like us to contact you?** **Phone** **Letter** **Email**
8. **Do you agree that this complaint can be copied to the IHBC Member concerned?**
Yes **No**

Please note that we cannot take your complaint forward unless you agree to this.

Details of the IHBC Member you are complaining about

1. Name of the IHBC member:

2. Name of IHBC members employer, company or organisation:

3. Address of IHBC members employer, company or organisation:

4. Phone number of IHBC members employer, company or organisation:

5. Have you raised your complaint directly with the IHBC Member?

Yes No

If yes, what response did they give?

If no, please say why you have not raised the complaint directly.

6. Have you lodged a complaint with the IHBC members employer, company or organisation?

Yes No

If so, please provide a copy of your complaint and any response received.

7. Has the matter been subject to any legal proceedings?

Yes No

If so, please provide brief details and, if the proceedings have been concluded, please provide a copy of any judgement.

8. Have you complained through any other formal process?

Yes No

This could include the Local Government Ombudsman (LGO) or other relevant professional bodies. If so, please provide a copy of your complaint and any response received.

9. In your contact with the IHBC Member were you:

Client

Contractor

Employee

Employer

Fellow Professional

Other (please specify)

Details of your complaint

1. **Please describe your concerns here as clearly as possible in chronological order.**

Please attach copies of all relevant documents to support your complaint.

We may send a copy of this form to the member for their comments.

2. **Please describe which clauses of the IHBC Code of Conduct you believe to have been breached and for what reasons.**

The Code of conduct can be found from page 10 of this form.

Your Agreement

I would like the Institute of Historic Building Conservation to consider my complaint.

Signature:

Date:

INSTITUTE OF HISTORIC BUILDING CONSERVATION

Disciplinary Regulations

Brief Overview

- 1 The Institute is an organisation set up to police standards in the conservation of the historic environment specifically by assessing the qualifications and the experience of applicants who, on receiving membership at whatever category, are then expected to abide by professional standards contained in the Institute's Code of Conduct.
- 2 From time to time allegations may be raised that a member has acted contrary to the professional standards of the Code of Conduct. We hope that the members concerned would be able to come to an informal settlement or understanding and the Institute will always seek to encourage such an outcome. However, the Institute is aware that there may be cases where it may not be possible to come to agreement in that way and the Complainant may wish to pursue an allegation of improper conduct by lodging a formal complaint. This will necessarily require the institution of formal disciplinary proceedings.
- 3 This paper gives a brief overview of the regulations which are the means for the hearing and ruling by the Institute on allegations of improper conduct and the way they allow each party opportunity to make his or her case and to defend themselves, and allow for appeal against the findings and/or recommendations of the Inquiry Panel.
- 4 The system which the Institutes uses is based on three tiers:
 - consideration by the Secretary, in consultation with the Chair of the Disciplinary Committee and Membership Secretary (the Preliminary Inquiry Panel) to assess whether a case to answer has been substantiated;
 - investigation of a case by the Inquiry Panel;
 - and referral to the Disciplinary Appeals Panel to consider appeals against the findings and/or the recommendations of the Inquiry Panel.
- 5 Council has no part in these proceedings and is limited to overall responsibility for ensuring that the Regulations are administered appropriately and correctly, and then by endorsing the decisions of the Inquiry Panel and the Disciplinary Appeals Panel. Council also confirms the sanction which has been recommended against the member alleged to have acted improperly.
- 6 Although confidentiality is important, and the Institute requests all parties to maintain confidentiality, it is also important that the regulations allow full justice and that the Institute should be able to give an adequate and fair hearing to all cases. On the other hand the Institute cannot be held responsible for breaches of

confidentiality by any of the parties to the proceedings.⁷ Anybody planning to complain formally to the Institute must read the full Disciplinary Regulations which are the means for the hearing and ruling by the Institute on allegations of improper conduct. The Regulations give details of liabilities, adjournments, costs, confidentiality of proceedings, rules of conduct for panels, expulsions and reinstatements.

Definitions

8 The following definitions are used in this paper:

Improper conduct	Conduct contrary to the Institute's Code of Conduct
The Complainant	The person or body by whom a complaint has been made alleging that a member has engaged in improper conduct
The Respondent	The member against whom a complaint has been laid
The Appellant	A member who has been found by the Disciplinary Panel to have engaged in improper conduct and who has appealed to Institute against the finding
Disciplinary Committee	The panel which acts as the reserve from which members of Inquiry Panels and Disciplinary Appeals Panels are selected
Preliminary Inquiry Panel	The Panel which assesses whether a substantive case to answer has been made
Inquiry Panel	The Panel which carries out the main investigation of such a case
Disciplinary Appeals Panel	The Panel which assesses appeals against the findings of the Inquiry Panel

Disciplinary Committee

9 The Disciplinary Committee is appointed by Council at its first full meeting after the AGM. It has not less than twelve members, including four members who are former members of Council and four members who are not serving and have not served on Council. The Disciplinary Committee functions as a reserve from which the members of both Inquiry Panels (five members) and Appeals Panels (three members) are drawn. Appointment is for three years, save in the circumstances of an on-going inquiry, but re-appointment can happen after one year of non-service.

Preliminary Inquiry Panel

10 Complaints are made to the Secretary, within a reasonable time of the conduct complained of occurring (currently one year). It is important that the Complainant allows the complaint to be copied to the Respondent in its entirety. Where the Chair of the Disciplinary Committee, Secretary or Membership Secretary (the Preliminary Inquiry Panel) is involved in the

complaint, the Vice-Chair of the Institute will take their place.

- 11 All complaints are first referred to the Preliminary Inquiry Panel, made up of the Chair of the Disciplinary Committee, the Secretary and the Membership Secretary. This Panel will assess whether a case to answer has been established. The Preliminary Inquiry Panel may inform Council of the allegation of improper conduct. The Chair of the Disciplinary Committee may seek conciliation between the Complainant and the Respondent through written communication or by mediating between them.
- 12 After conducting its enquiries the Preliminary Inquiry Panel may
 - a dismiss the case
 - (i) if it considers that a *prima facie* case is not made; or
 - (ii) if the alleged improper conduct is of so trivial nature as not to need action
 - b seek to obtain the withdrawal of the complaint through conciliation between the parties
 - c if it considers that a *prima facie* case is made, appoint an Inquiry Panel to investigate the case
- 13 If the Preliminary Inquiry Panel dismisses the complaint, it will inform Council, the Complainant and the Respondent.

The Inquiry Panel

- 14 In the case of 12(c) above, the Preliminary Inquiry Panel shall select five members of the Disciplinary Committee to make up an Inquiry Panel, to investigate the allegation of improper conduct and report its findings to Council. The Inquiry Panel shall contain at least two members who have never been members of Council and it shall select one of its members to be Inquiry Panel Chair (IP Chair).
- 15 Importantly, the Inquiry Panel shall be free to examine all aspects of the original complaint and shall not be bound by the findings of the Preliminary Inquiry Panel in respect of any aspects of the complaint (i.e. it may decide that there is not a *prima facie* case to answer, notwithstanding the views of the Preliminary Inquiry Panel).
- 16 Investigation of the allegation can be by hearing, with the date of the hearing being given to the Complainant and the Respondent not less than 42 days before the hearing (the date can be subject to negotiation).
- 17 If four members of the Inquiry Panel are unable to agree that the case is proved, it will be dismissed. If four members agree that it is proved, the

Inquiry panel can take evidence in mitigation, and then decide its recommendation to Council of the sanction on the Respondent, recommending either

(a) no action

(b) a written warning to the Respondent of his or her future conduct

(c) expulsion from membership for a specified time under Article 2.6 of the Articles of Association

- 18 If four members of the Inquiry Panel cannot agree, then no action is taken.
- 19 On being informed, with the Respondent, of the decision of the Inquiry Panel and the recommended sanction, the Respondent shall be informed of their rights of appeal against the decisions. Any appeal must be made to the Chair of the Disciplinary Committee in writing within 30 days. The Respondent must provide a statement of his or her grounds for appeal which must include new evidence or matters not fully or properly examined by the Inquiry Panel.
- 20 The Chair of the Disciplinary Committee then informs Council of the decision and any sanction chosen. The Respondent can make a statement in person to Council at that stage. The Chair of the Inquiry Panel should be present. Council's job then is to review the procedures used and confirm the sanction or approve a lesser one; it cannot approve a greater sanction.

The Disciplinary Appeals Panel

- 21 If the Respondent appeals against the findings and/or recommendations of the Inquiry Panel, the Chair of the Disciplinary Committee shall select a Disciplinary Appeals Panel of three members from the members of the Disciplinary Committee, other than those who have already sat as the Inquiry Panel; it then chooses a Chair from amongst its members.
- 22 The Disciplinary Appeals Panel shall address itself solely to the grounds of appeal submitted by the Respondent, the first task being to determine whether the appeal as received includes new evidence or raises matters which were not fully or properly examined by the Inquiry Panel. It will conduct its inquiries in the same way as the Inquiry Panel.
- 23 If two members of the Disciplinary Appeals Panel agree, then it can decide that
 - (a) the appeal should be rejected
 - (b) a less severe penalty than that recommended by the Inquiry Panel be recommended to Council, or
 - (c) the appeal be upheld.

- 24 The decision of the Disciplinary Appeals Panel and a statement of the reasons for its decision are then given to the Chair of the Disciplinary Committee in writing. He tells the Appellant of the decision of the Disciplinary Appeals Panel and the reasons for its finding, explaining, if the appeal is rejected, that Council is to be informed, giving the Complainant an opportunity to make a statement to Council. Both Inquiry and Disciplinary Appeals Panels Chairs may attend that meeting.

Announcement of decision by Council and reinstatement

- 23 It is important, in the case of the expulsion of a member, that the membership of the Institute is informed of the name, membership number and category of membership of an expelled member but in cases for which a lesser sanction has been imposed members shall be informed of the decision but not the name. The normal way to do this is to put a notice in the next available edition of the Institute's journal *Context*.
- 24 A member who has been expelled from membership may be readmitted to membership at the expiration of a period to be decided by Council on reaffirmation in writing of his or her intention to act in accordance with the Memorandum and Articles of Association of the Institute, to be guided by the objects for which the Institute is established, and to be bound by the provisions of the Institute's *Code of Conduct*.

INSTITUTE OF HISTORIC BUILDING CONSERVATION

Code of Conduct

The object of this Code is to promote those standards of conduct and self-discipline required of a member of the Institute of Historic Building Conservation in the interests of the public and the protection of the built heritage.

The main object of the Institute of Historic Building Conservation is the promotion, for the benefit of the public, of the conservation of, and education and training in, the conservation and preservation of buildings, structures, areas, gardens and landscapes which are of architectural and historical interest and/or value in the United Kingdom. This built heritage of the United Kingdom, which is part of society's common heritage and which should be available to everyone, is, however, a limited and irreplaceable resource. It is therefore the duty of all members of the Institute of Historic Building Conservation to act for and to promote the protection of this built heritage.

Subscription to this *Code of Conduct* for individuals involved in the conservation and preservation of the built heritage assumes acceptance of these responsibilities. Those who subscribe to it and carry out its provisions will thereby be identified as persons professing specific standards of competence, responsibility and ethical behavior in the pursuit of historic building conservation work.

This Code therefore indicates the general standard of conduct to which members of the Institute are expected to adhere, failing which its governing body may judge them guilty of conduct unbecoming to a member of the Institute and may reprimand, suspend or expel them. It is established under the terms of Article 7.3 of the Articles of Association of the Institute of Historic Building Conservation and all members and affiliates shall subscribe to it. To this end the Council has agreed the following clauses giving more detail of the requirements of the Code, which requirements shall apply notwithstanding any permission or agreement to the contrary by or with any body or client employing or consulting any member.

1. Those engaged in the conservation of historic buildings, areas and landscapes will adhere to the highest standards of ethical and responsible behaviour in the conduct of the conservation of such buildings and sites.
2. Members shall conduct themselves in a manner which will not bring the conservation of the built heritage or the Institute into disrepute.
3. Members shall not discriminate on the grounds of race, sex, creed, religion, disability or age in their professional activities and shall seek to eliminate such discrimination by others and to promote equality of opportunity.
4. Members shall present historic buildings, areas and landscapes and the conservation and preservation thereof, in a responsible manner and shall avoid and discourage exaggerated, misleading or unwarranted statements about conservation matters.
5. Members shall not offer advice, make a public statement or give legal testimony involving the conservation of the built heritage, without being

as thoroughly informed on the matters concerned as might reasonably be expected.

6. Members shall take all reasonable steps to maintain their professional competence throughout their working lives and shall comply with the Institute's continuing professional development regulations; as employers and managers, members shall take all reasonable steps to encourage and support other members in maintenance of professional competence and in compliance with the Institute's continuing professional development regulations.
7. Members shall not undertake work for which they are not adequately and appropriately qualified and experienced. They should ensure that adequate support, whether of advice, personnel or facilities, has been arranged.
8. Members shall not appropriate credit for work done by others, and shall not commit plagiarism in oral or written communication, and shall not enter into conduct that might unjustifiably injure the reputation of another individual engaged in the conservation of the built environment.
9. Members shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions and shall not knowingly enter into any contract or agreement which requires them so to do.
10. Members shall know and comply with all laws applicable to their conservation activities whether as employer or employee.
11. Members shall abstain from, and shall not sanction in others, conduct involving dishonesty, fraud, deceit or misrepresentation in historic building conservation matters, nor knowingly permit the use of their name in support of activities involving such conduct.
12. Members, in the conduct of their historic buildings conservation work, shall not offer or accept inducements which could reasonably be construed as bribes.
13. Members shall respect the interests of employees, colleagues and helpers. They shall give due regard to the welfare of employees in terms of pay, conditions, security of employment, health and safety and career development.
14. Members shall not reveal confidential information unless required by law; nor use confidential or privileged information to their own advantage or that of a third party.
15. Members shall take account of the legitimate concerns of those others involved in the conservation and preservation of the built heritage.
16. Members have a duty to ensure that this Code is observed throughout the membership of the Institute, and also to encourage its adoption by others.
17. Those involved in the conservation of the built environment have a responsibility for its conservation, preservation and enhancement.
18. Members shall strive to conserve and preserve historic buildings as an artistic, archaeological, academic, educational and economic resource and as a source of enjoyment now and in the future. Where such

conservation is not possible they shall seek to ensure the creation and maintenance of an adequate record through appropriate means of research, recording and dissemination of results.

19. Members shall seek to encourage owners and managers of historic buildings and sites to respect and enjoy their buildings and sites and consider repairs, alterations and extensions in a sensitive and caring manner.
20. Members may, as part of their duties, legitimately work with salvaged building materials as long as the primary objective of the work is the conservation and preservation of the historic building or site and as long as they do not knowingly permit their names or services to be used in a manner which may promote the recovery and re-use of such salvaged material in deference to commercial interests.
21. Members shall report to the Institute any alleged breach of this Code of which they become aware and thereafter assist the Institute in its investigations, subject to any restrictions imposed by law or the courts.
22. Members who are the subject of complaint shall assist the Institute in its investigations to their utmost.
23. Council shall discipline any member who, in the opinion of Council, is personally responsible for a contravention of this Code of Conduct; or who is, in the opinion of Council, personally guilty of gross professional misconduct or incompetence or of such conduct as to render him or her unfit to continue as a member of the Institute.