

IBCT Complaints Procedures

The IBCT Code of Conduct complaints procedure is an alternative dispute resolution system for managing the professional conduct and professional ethics of IBCT members and acts as a professional self-regulating body.





Complaints Procedure

General

Complaints against IBCT members/trainers who allegedly breach the IBCT Code of Conduct and Ethics may be received from clients, participants, and colleagues, from the public or other IBCT members, or from the QAEC.

The IBCT Code of Conduct complaints procedure is an alternative dispute resolution system for managing the professional conduct and professional ethics of IBCT members and acts as a professional self-regulating body.

While complainants may have rights to legal recourse where (eg) contracts are in dispute, the IBCT, for legal reasons, may not be drawn into any complaint which is before a court or likely to be placed before a court. Nor will it be a party to any dispute, which is likely to lead to mediation or arbitration by a third party.

Where legal action is not likely to be pursued, the complainant may submit a formal complaint against a member to the IBCT. The IBCT can only receive complaints against individual members as firms are not members of the board.

The IBCT under its current policies has appointed a Quality Assurance and Ethical Issues Committee (QAEC) to act on its behalf in hearing complaints against members.

Submission of a Complaint and Initial Procedures

All complaints must be submitted on the Standardised Complaint Form available upon request from the IBCT or from the IBCT website. The QAEC reports violations in the form of a written report to the director. Anyone telephoning a complaint will be referred to the website or, if they do not have such access, will be sent a Standardised Complaint Form.

The complaint must include all details and supporting documents (or extracts from such documents) referred to in the complaint or requested in the Standardised Complaint Form. Cases can also be raised by the QAEC itself based on actual situations.

All complaints are to be treated as CONFIDENTIAL and all paper work marked as such by the IBCT staff.

Completed Standardised Complaint Forms will be received, in the first instance, by the local IBCT director.

The local IBCT director is to review each complaint received and will discuss the complaint with the complainant and advise the options available to the complainant and the processes to be taken to progress the complaint.

If the complainant asks the Director that they wish to proceed with submitting the complaint, the complaint will be forwarded to the affected member. The member will be given ten (10) working days to provide an initial response to the complaint.

After receiving a response from the member to the complaint, the Director will conduct an initial investigation into the complaint and determine if it is:

- a frivolous complaint; or
- of sufficient concern to warrant further action.

If the Director decides that the complaint is a frivolous one, he/she shall advise the complainant that there appear to be no grounds for their complaint. The Director will invite them to appeal this advice to the QAEC if they so wish.

If the Director decides that the complaint requires further action,



Complaints Procedure

or if a complainant seeks to appeal the Director's decision, the Director will advise the member that the complaint is to be investigated and invite the member to attempt to resolve the matter by negotiation with the complainant before any further action is taken by the IBCT. Where both parties desire it, the Director may act as a facilitator in such negotiations. The member and the complainant will be requested to formally advise the Director of the outcome of such resolution. No further action will be taken by the IBCT where the matter is satisfactorily resolved by the parties. The complaint will be retained on the IBCT Code of Conduct file but not on the member's file. Where the parties are unable to resolve their dispute, the Director will request the member to provide a formally written response/explanation to the complaint and the complaint will be referred to the IBCT QAEC for investigation and decision. The member will have 14 days to provide their written response. The IBCT will report annually on the number of completed Standardised Complaint Forms it receives.

Within 30 days of receiving the complaint, the QAEC will review the complaint and the written evidence before it, including the member's written response to the complaint.

The QAEC may request additional information, documents or evidence from the parties and may, if deemed necessary by the QAEC, require the parties to present such evidence in a face to face hearing before the QAEC.

The QAEC will ensure that all its proceedings are conducted in a manner which conforms to the requirements of natural justice.

The QAEC hearing is not a court and as such legal representation will not be allowed for either party.

The QAEC reserves the right to question both parties after the presentation of each party's statements and evidence submission.

After considering all the information and evidence before it, the QAEC will either: - dismiss the complaint; or - find the complaint proven and prepare a recommendation to the IBCT Director for disciplinary action against the member.

Both parties have the right to appeal the Committee's decision to the IBCT Global HQ within 14 days. The IBCT HQ will not consider any such appeal which is not received by close of business on the 14th day after the Committee's ruling on the complaint. Appeals must be in writing and state the grounds on which the appeal is lodged. An appeal will not be heard unless there are substantial grounds to warrant such an appeal. It will be the IBCT Global Board's right to decide if such grounds exist.

Appeals Procedures

The IBCT Global will form a sub-committee of the board to hear the appeal. None of this Appeals Committee will have sat in the QAEC which heard the complaint. The Appeals Committee may call for the parties to appear before it or call for additional information or responses to new information placed before it. The Appeals Committee will make its recommendation on the appeal to the IBCT Global HQ within 45 days of its being formed. The IBCT Global HQ will receive the Appeals Committee report and within 45 days either: - uphold or dismiss the appeal; or - where the appeal result goes against a member, the board may decide to vary the disciplinary action recommended to it by the QAEC.



Complaints Procedure

Disciplinary Action

The IBCT membership application which all members agree to abide by when joining the IBCT, provides the board with disciplinary powers against members found to be in breach of the Code of Conduct and Ethics.

The Director, after discussion with the QAEC report with the global Director, at its discretion, may impose a penalty upon a member found guilty of a Code of Conduct and Ethics violation including: - written warning; - formal written admonishment; - suspension of the certification/membership for a specified period; - cancellation of the certification/membership; and require a member to pay the Institute's costs in hearing the complaint.

Suspended member/trainers will be (temporarily) removed from the online directory. Cancelled member/trainer must return the IBCT certificate and IBCT decorations to the IBCT office within one week and remove the IBCT credentials from their CV and online publication.

A copy of any written censure or suspension shall be retained on the Code of Conduct and Ethics file and the member's file. The director at its discretion may decide to suspend a penalty against a member found guilty of a Code of Conduct violation dependent upon that member successfully undertaking a related professional development program. The IBCT may: - require such a member to attend a related professional development course or courses; and/or - assign a mentor to such a member.

The IBCT shall also report upon the outcomes of complaints: - the IBCT will publish in the quarterly journal, the names of members whose membership has been suspended or cancelled as a result of a violation of the Code of Conduct and Ethics; - the IBCT can publish in the quarterly journal and newsletter, the details of complaint cases where members have received a warning or admonishment with a view to providing a learning opportunity for other members. In such cases, however, the name of the member will not be reported; and the Director will report to the IBCT HQ on complaints deemed to be frivolous.

Audit of Complaints Procedures

The IBCT will engage a suitably qualified independent party to audit all aspects of its complaints procedure every five-year and review the procedure. The IBCT will report on the findings and recommendations of the audit in its Annual Report.

∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞ ∞