

Guidance for Complainants:

Complainants are expected to read the following guidance carefully before submitting a professional conduct complaint. If you have any queries at any point of the conduct complaint process, or have questions that relate to the Disciplinary Rules, please contact the Professional Standards team for assistance.

Complaint Criteria

The RIBA initially review all complaint forms submitted to ensure the minimum criteria for opening a Professional Conduct complaint against a member or Practice has been met.

Does the complaint/information relate to a matter under Byelaw 5 and/or Regulation 5 of the RIBA constitution? I.e. – is there a reference to which Codes have been breached?

Does the complaint/information relate to a current RIBA member or Chartered Practice?

If proved, could the facts amount to a breach of Byelaw 5 and/or the Code(s)?

Is the subject matter sufficiently serious (i.e. not frivolous or vexatious) to warrant investigation?

Is there sufficient evidence to support the raising and investigation of a complaint?

Is it of merit in safeguarding the public interest in standards of the profession?

The Professional Standards team are able to refuse a complaint where the above criteria have not been met.

It is therefore important for Complainants to be aware of the Disciplinary Rules and Procedures. Complainants are expected to be aware of the process that is being used to address the complaint.

The professional standards team will keep Complainants up to date of the various stages of the process. You may request clarification or assistance at any point during the process.

An established preferred method of communication will be used for all correspondence during the complaint process, usually by email. If at any point the Complainant wishes to be notified, or have correspondence conducted in a different manner, they must notify the RIBA.

Submitting Evidence

When filling out the complaint form under 'Complaint Details', you are asked to describe factual events and provide supporting evidence that supports your case.

The Page limit for Evidence is 20 A4 pages, submissions larger than the stated size may be returned to you for resubmission. If your complaint form is above the limit, you can include an index which lists 'further information and evidence' which is available on request.

Complainants are responsible for prioritising evidence in their complaint.

The Director of Professional Standards has discretion to permit longer submissions however, clear reasoning as to why needs to be provided.

Complaints which are very lengthy, rambling in nature or repetitive, may be returned to you for resubmission.

Allegations made which do not link directly to evidence provided may be dismissed by the Appraisal Team on the grounds of insufficient evidence.

The standard of proof on which Appraisal teams consider if allegations are proved are 'on the balance of probabilities.'

The balance of probabilities means that based on the evidence you submit, the panel are satisfied that the evidence proves the allegation occurred, more likely than not.

As per S.3 of the Disciplinary Rules, complainants are not permitted to respond further once the RIBA member or Practice submit their response. Information is shared for transparency so both parties see the same information as the Appraisal Panel.

Complainants are not usually permitted to respond at this stage, in rare circumstances you may wish to request a further response from the Director of Professional Standards, however, the decision to accept this request is at their discretion.

Complainants are permitted to redact sensitive information on their submissions if they wish, but please note the redacted version will be shared with the Appraisal Team. Complainants are responsible for redacting information themselves, prior to submitting any information to the Professional Standards Team.

Vexatious complaints

The RIBA will reject complaints which are vexatious in nature.

Examples of vexatious complaints include:

- Making unjustified complaints about staff who are implementing the Disciplinary Rules.
- Changing the basis of the complaint as the investigation proceeds.
- Failing to submit evidence to corroborate allegations and or, requesting for opportunities to do so at stages where this is not permitted during the procedure.
- Changing or denying statements that were included in earlier stages of the complaint.
- Complaints made on matters which do not constitute as professional misconduct or are not sufficiently serious eg: difference of opinion on social media posts, simple mistakes which can be corrected, a matter which has inconvenienced the complainant.
- Introducing trivial or irrelevant information at a later stage.

The Professional Standards team are not obliged to endure impolite, or rude behaviour from any party involved in the Disciplinary Process.

ARB, Litigation and Legal proceedings

The RIBA will place a Professional Conduct investigation on hold in the following scenarios:

- A similar or related complaint has been made to the Architects Registration Board (ARB).
- The parties are undertaking a form of Alternative Dispute Resolution in the matter.
- Litigation or legal proceedings between the parties, and or a relevant matter is due to start or in progress.

The RIBA will place the conduct complaint on hold until the ARB have concluded their investigation or closed the matter. It is the Parties' responsibility to inform the RIBA of this fact once they have been notified of the outcome.

When Alternative Dispute Resolution or Litigation has concluded, it is the Parties' responsibility to contact the RIBA to advise if they wish to continue with the conduct complaint.

The professional conduct complaints process does not seek to replicate the process of the ARB, Alternative dispute resolution, or legal proceedings. The professional conduct complaints process relates strictly as to whether the Member or Practice has breached the Code, or Byelaws.

The professional conduct complaints process is unable to provide a remedy or financial compensation to the Complainant if a breach of the Code has been upheld.

If damages are sought by the Complainant, they may wish to obtain independent legal advice.

RIBA's Remit

The RIBA can investigate professional conduct complaints where any RIBA Members or Chartered Practice are alleged to have breached RIBA Byelaw 5 and/or the Code of Professional Conduct or Code of Practice respectively.

Complainants are not protected by Consumer Rights during this process.

The RIBA has limited disciplinary powers and can only impose disciplinary sanctions by reference to a Member or Practice's status within the RIBA.

The RIBA professional conduct process is unable to consider matters such as:

- Negligence
- Copyright infringement
- Intellectual property
- Defamation or Libel
- Fraud
- Planning disputes
- Any other matters which should be for the HM courts and Tribunals to consider
- Matters which call under the purview of local council or the planning committee

A Member's conduct outside the practice of architecture may not fall within the remit of the Code, unless such conduct generally offends against the honour, integrity and/or reputation of the profession of architecture and RIBA membership.

The RIBA does not have jurisdiction to provide sanctions without investigation unless in specific circumstances (eg, where there has been a criminal conviction). The RIBA will not consider complaints about individuals or Practices who do not hold active membership status.

Outcome of Appraisal

All complaints are expected to be responded to by the Member/ Practice. The professional standards team will do their best to obtain a response from the Member/ Practice within the 28 day period as outlined in the Disciplinary Rules.

Once a response is received from the Member/Practice. The response will be shared with the Complainant for their information only. Complainants are not permitted to submit a further submission in response to this information as per Section 3.6, therefore it is important to include as much information in your complaint as possible at the start.

Complaint forms and the Member/Practice's response will be assessed by an independent Disciplinary Panel of experts.

The Appraisal Panel will confer and discuss the complaint and response. They are responsible for providing the Professional Standards team with their decision. The RIBA issues the decision on the Panel's behalf.

Depending on the outcome, the Complainant has the right to appeal on certain grounds within 28 days of the date of the decision letter.

Appraisal Panel's have the right to refer the matter to a Professional Conduct Hearing, if they believe further investigation on the complaint is required. At this stage, Charges are drafted for further investigation and no breach of the Code has been upheld yet.

The Appraisal Panel may add or amend specific Breaches of the Code they believe are important to discuss at a Hearing. Therefore, new breaches other than what is included in the Complaint may be raised at this stage.

Attending a Hearing

If a complaint has been appraised and it has been decided a Hearing is required, a Complainant has the right to attend.

Professional Conduct Hearings by majority take place virtually on Microsoft Teams, Complainants can attend via their laptop, or request to be dialled in.

If you wish to attend a Hearing, please ensure you are in a private and confidential space where distractions are limited, and you are comfortable. You should also have easy access to a copy of the Hearing Papers.

When arranging the date for the Hearing, the Professional Standards team give priority to the Panel members, Member/Practice and then consider the Complainants availability. A Hearing taking place giving preference to a Complainant over the Member/Practice, is considered unfair and may be adjourned as the Panel may not wish to proceed in the Member/Practice's absence.

Complainants will be notified of a date to attend the Hearing and will be provided the Hearing Papers on which the Panel will form their decision.

Hearing Papers compile information which both parties would have had access to during the Procedure and are usually issued a month before the Hearing takes place. Hearing Papers consist of information both parties have seen through the disciplinary process. For example:

- The original complaint
- The Member/ Practice's Response
- The outcome of the Appraisal listing the allegations
- The Member/ Practice's Response to the allegations
- Confirmation of the date and time of the Hearing

If for any reason complainants have not had access to the Hearing papers prior to the Hearing, they should contact the Professional Standards department as soon as possible.

Complainants have a limited role in the Hearing procedure and can attend to answer any questions the Panel may have about the complaint or chain of events.

Complainants are not permitted to cross examine the Member/Practice.

Complainants may request an opportunity to provide further submissions at the Hearing prior to attending. Please contact the Professional Standards team for guidance on this. Further responses or submissions may not always be accepted by the Panel at Hearing stage, it is at the Panel's discretion to permit further evidence at this stage.

Complainants are permitted to give oral statements or read from a pre-prepared written statement at the Hearing.

At any point during the Hearing, the Complainant or Member/Practice may ask for a short adjournment in a private break-out room. Please alert the Professional Standards Manager in charge of the Hearing on the day or Chair of the Hearing if you would like to request a break.

Complainants may not be permitted to stay for the entirety of the Hearing, once the Panel have finished with their questions, the Complainant may be asked to leave.

All discussions and deliberations of the Panel are conducted in private, neither Complainant nor Member/Practice are permitted to observe.

The outcome of the Hearing and the written reasons for the Panels decision will be provided to the Complainant within 7 days of the date of the Hearing using the common method of communication, unless specifically requested otherwise.

Complainants may wish to Appeal or request an independent review (by CEDR) of the RIBA procedure used. Requests must be made within 28-days of the date of the decision. Clear reasons on why an Appeal should be considered, must be provided. The Director of Professional Standards has discretion on allowing Appeals to progress.

Requests made for a RIBA Appeal outside of the 28-day period will not be considered.

Requests made to CEDR for an Independent review outside of the 28-day period are made at CEDR's discretion.

Glossary

Allegation – A statement that someone has done something wrong, without proof

Alternative Dispute Resolution – Adjudication, Arbitration, Mediation, Third Party Opinion

Evidence – Facts or information indicating if an allegation is true or valid

Concern – Expression or worry

Complaint – Expression or statement of dissatisfaction about actions or omissions

Misconduct - Unacceptable or improper behaviour, especially by an employee or professional person