

# **Structural Engineers Registration Ltd**

## **Complaints and Appeals Procedures**

### **1 Introduction**

This document sets out the procedures that will be followed by Structural Engineers Registration Ltd when it receives a complaint about the conduct of any Approved Certifier or Approved Body who are members the Scheme for Certification of Design (Building Structures) (the Scheme) in connection with their activities with regard to the certification of design under the Building (Scotland) Act 2003 and the Building (Scotland) (Procedures) Regulations 2004. It also covers the procedures for making an appeal against a decision relating to membership of the Scheme.

### **2 Submitting a complaint**

Anyone wishing to make a complaint against any Approved Certifier or Approved Body who are members of the Scheme should do so in writing, detailing the substance of their complaint, to the Head of Certification, Structural Engineers Registration Ltd, 47-58 Bastwick Street, London, EC1V 3PS.

### **3 Submitting an appeal against a decision relating to membership of the Scheme**

Any appeal against a decision relating to membership of the Scheme must be lodged with the Head of Certification, Structural Engineers registration Ltd, 47-58 Bastwick Street, London, EC1V 3PS, in writing, within 10 working days of the notification of that decision.

### **4 Conduct Panel**

#### **4.1 Responsibilities**

The Conduct Panel is responsible for deciding whether a complaint

- merits consideration by the Disciplinary Panel
- may be resolved by requiring specific work or other action (except fines)
- should be rejected

#### **4.2 Constitution**

The Panel will consist of:

- The Head of Certification (or a named deputy)
- A member of the Board of Directors of Structural Engineers Registration Ltd, who is not an employee of either the Institution of Structural Engineers or the Institution of Civil Engineers

### 4.3 Powers

The Panel may reject a complaint on the grounds that:

- it does not directly concern certification of design under the Building (Scotland) Act 2003
- it is outside the scope of the Scheme

The Panel must refer to the Disciplinary Panel any complaint alleging:

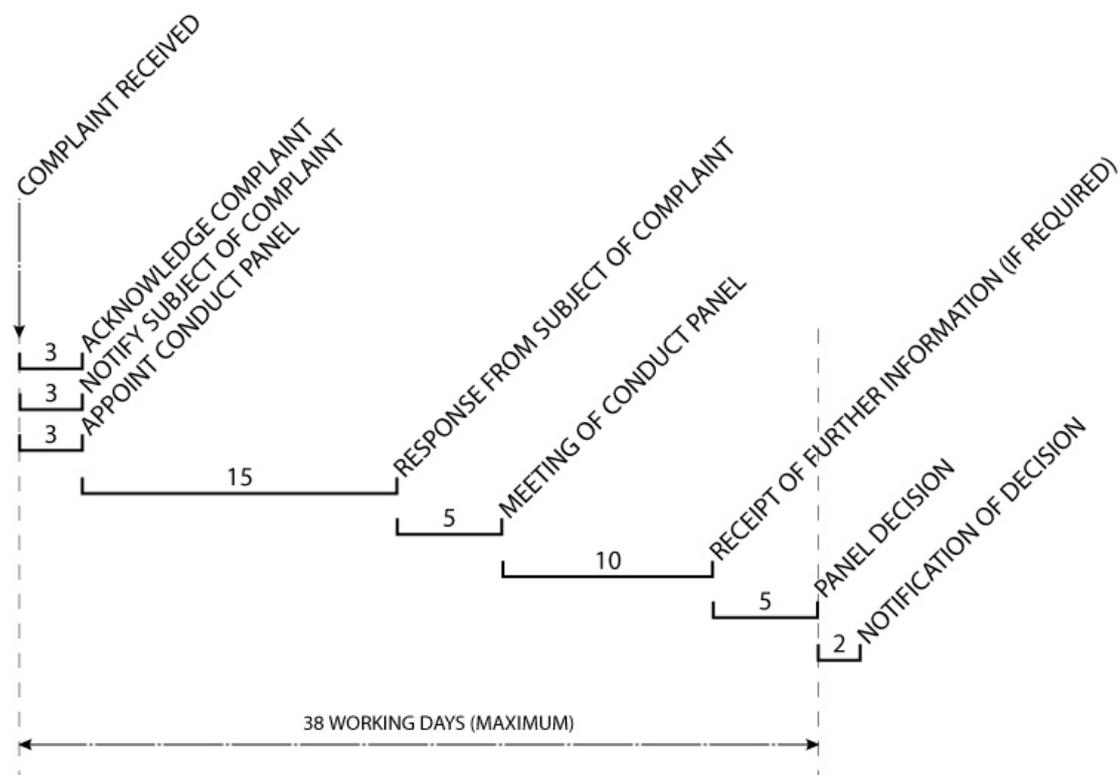
- a breach of section 11(4) of the Building (Scotland) Act 2003
- that an Approved Certifier of Design has not acted in accordance with other rules, limitations, or conditions of the Scheme

If the complaint appears to concern a simple mistake, the Panel may recommend that the complaint would merit a hearing by the Disciplinary Panel if the subject of the complaint does not satisfactorily complete certain work within a specified time.

### 4.4 Procedures

Within 3 working days of receipt of a complaint, the Head of Certification (or a named deputy) will:

- Acknowledge receipt of the complaint to the complainant, in writing.
- Appoint a Conduct Panel to consider the complaint.
- Notify the Approved Certifier or Approved Body that is the subject of a complaint, in writing, and request them to submit a written response within 15 working days



**Figure 1 - Conduct Panel procedures**

The Panel may conduct its business in what ever manner (including physical meetings, telephone conversations and exchange of both hard copy or electronic correspondence) as it deems appropriate in the particular circumstances.

The Panel will convene within 5 working days of receipt of the response to the complaint from the subject of the complaint. If, in order to make a decision, the Panel concludes that it requires further information from either the complainant or the subject of the complaint, it may do so requesting a response within 10 working days. The Panel will then reconvene, to reach its decision, within 5 working days of receipt of the further information.

Within 2 working days of the decision of the Panel:

- The complainant and the subject of the complaint will be informed, in writing, of the decision
- The SBSA will be informed, in writing, if the complaint is to be heard by the Disciplinary Panel
- The relevant Local Authority will be informed, in writing, if the complaint alleges that an Approved Certifier has acted in breach of section 11(4) of the Building (Scotland) Act 2003

Any appeal against the decision of the Panel must be lodged with the Head of Certification, in writing, within 10 working days of the notification of that decision (see Section 6 below).

## **5 Disciplinary Panel**

### **5.1 Responsibilities**

The Disciplinary Panel is responsible for hearing and determining any complaint concerning a member of the Scheme that alleges a breach of section 11(4) of the Building (Scotland) Act 2003 or any other complaint that the Conduct Panel considers merits a hearing.

### **5.2 Constitution**

The Panel will consist of:

- Two members of the Institution of Structural Engineers (IStructE) nominated by the President of the IStructE
- Two members of the Institution of Civil Engineers (ICE) nominated by the President of the ICE
- A member of the Board of Directors of Structural Engineers Registration Ltd, who is not an employee of either the Institution of Structural Engineers or the Institution of Civil Engineers

Only one member of the Panel may be a member of the Conduct Panel that considered the complaint. At least three members of the Panel must not be directly involved in the assessment, approval, or auditing of members of the Scheme.

The Panel may choose to have a legal adviser in attendance at its meetings.

### 5.3 Powers

The Panel must always terminate membership of the Scheme if it considers that an Approved Certifier has acted in breach of section 11(4) of the Building Scotland Act 2003.

The Panel may recommend sanctions if an Approved Certifier or Approved Body has not acted within other rules, limitations, or conditions of the Scheme. Sanctions may include:

- Termination
- Reprimand with an extraordinary audit within six months
- Reprimand

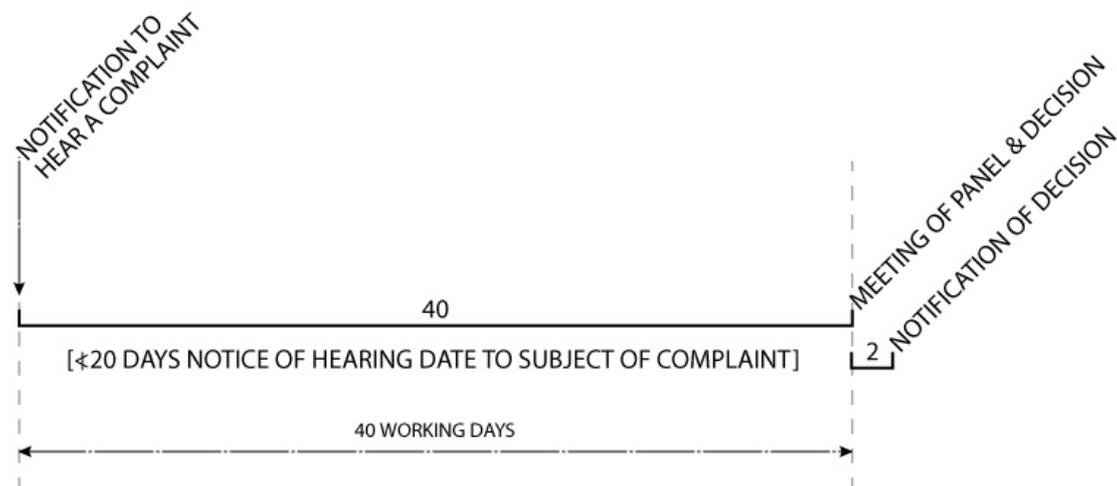
but not fines.

Decisions of the Panel are, subject to appeal, binding on the subject of the complaint.

### 5.3 Procedures

The Panel will normally convene a hearing within 40 working days of notification that it is to hear a complaint.

A minimum of 20 working days notice of the proposed date of the hearing will be given to the subject of the complaint. They will normally be required to attend for interview by the Panel in person and may choose to be accompanied by their legal adviser. Membership of the Scheme may be terminated by the Panel where the subject of the complaint fails to attend without valid reason.



**Figure 2 - Disciplinary Panel procedures**

The decision of the Disciplinary Panel will be notified to:

- The complainant
- The subject of the complaint
- SBSA,

in writing, within 2 working days of the meeting.

Any appeal against the decision of the Panel must be lodged with the Head of Certification, in writing, within 10 working days of the notification of that decision (see Section 6 below).

## **6 Appeals Panel**

### **6.1 Responsibilities**

The Appeals Panel is responsible for determining any appeal against a decision of the Conduct Panel or the Disciplinary Panel or any decision regarding membership of the Scheme.

### **6.2 Constitution**

The Panel will be chaired by a person independent of Structural Engineers Registration Ltd, IStructE and ICE, appointed by the Building Standards Advisory Committee (BSAC). The Chairman will then nominate two other persons to sit on the Panel in a personal capacity.

No member of the Panel may have an interest in Structural Engineers Registration Ltd, IStructE, ICE, the complainant or the subject of the complaint. No member of the Panel may have been a member of either the Conduct Panel or the Disciplinary Panel which previously considered the complaint.

The Panel may choose to have a legal adviser in attendance at its meetings.

### **6.3 Powers**

The only grounds for an appeal against the decision of the Conduct Panel or the Disciplinary Panel are that the Panel was not properly constituted or conducted.

In the case of appeals against a decision on membership taken following assessment of an application for membership or renewal of membership, or following audit, the appeal may be rejected if the complainant:

- Does not attend an interview with the Panel in person, if requested to do so
- Fails to demonstrate that the assessment or audit was not properly conducted or the rules, limitations, or conditions of the Scheme were not correctly applied

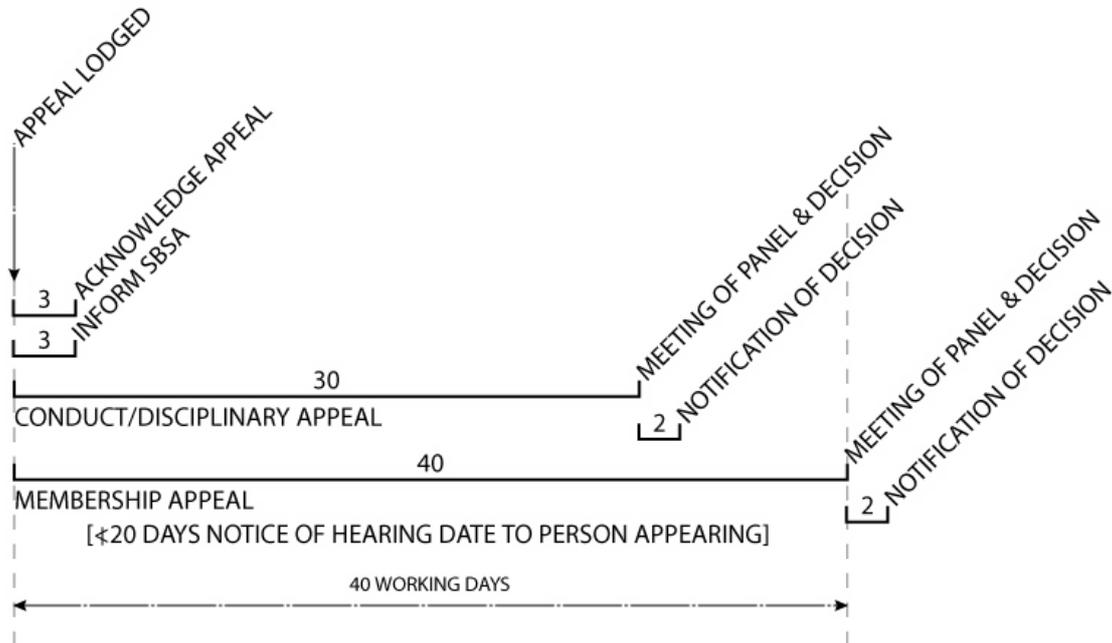
### **6.4 Procedures**

Acknowledgement of receipt of notification of an appeal being lodged will be made within 3 working days of receipt. SBSA will be informed at the same time.

In the cases of appeals against decisions of the Conduct or Disciplinary Panels, the Panel will normally convene within 30 working days of the receipt of the notification of the appeal.

In the case of appeals against decisions on membership, the Panel will normally convene within 40 working days of the receipt of the notification of the appeal. A

minimum of 20 working days notice of the proposed date of the meeting will be given to the person lodging the appeal. They will normally be required to attend for interview by the Panel in person and may choose to be accompanied by their legal adviser.



**Figure 3 – Appeals Panel procedures**

The Decision of the Panel will be notified to the person who lodged the appeal and SBSA and, if appropriate, the original complainant, within 2 working days of the meeting.

Head of Certification  
 Structural Engineers Registration Ltd  
 April 2005