

CIC Approved Inspectors Register (CICAIR) Complaint Interview Protocol



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- 1.0 This protocol sets out how CICAIR Limited (*herein referred to as CICAIR*) will conduct interviews convened under the *CICAIR Complaints Protocol*.
- 2.0 An interview can be convened with the complainant and/or the Approved Inspector if the investigations of a complaint panel establish that additional clarification is required in order to reach a decision.
- 3.0 The complaint panel investigating the complaint can propose to CICAIR that the Approved Inspector, and any staff or consultants of the Approved Inspector that the complaint panel may wish to speak to, attend an interview with the complaint panel to clarify any remaining queries that the panel may have. The Approved Inspector must attend an interview if requested to do so.
- 4.0 The complaint panel investigating the complaint can propose to CICAIR that the complainant attend an interview with the complaint panel to clarify any remaining queries that the panel may have. The complainant can choose not to attend the interview and, if the complainant opts to not attend, the complaint panel will rely on the complaint documentation provided to CICAIR through the complaint investigation process and the interview with the Approved Inspector in order to reach a decision. If the complainant opts to not attend this protocol will be adapted accordingly.
- 5.0 The complaint panel Chair has full discretion as to whether the Approved Inspector and the complainant are interviewed separately or combined.
- 6.0 The interview panel will consist of at least two members of the complaint panel. If the complaint panel Chair cannot attend the interview, another member of the complaint panel will be appointed to chair the interview. The Registrar or Assistant Registrar will attend in an advisory capacity.
- 7.0 Only information that has been provided through the complaint investigation process will normally be considered at the interview. Should new evidence be submitted by either party this must be declared and must only be evidence that was not available prior to the notification of the interview and must be accompanied by an explanation. Any new evidence introduced to the interview process will only be considered with the approval of the interview panel Chair.
- 8.0 **Interview Notification**
- 8.1 CICAIR will notify the date of the interview to the complainant and/or the Approved Inspector in writing.
- 8.2 The Approved Inspector may be represented at the interview and the interview panel may require named individual(s) to attend the hearing if they deem it necessary. The Approved

Inspector can be accompanied by up to two individuals in addition to any Approved Inspector personnel. The Approved Inspector must notify CICAIR of the names of the individuals that will accompany them to the interview within 10 working days from the date of the interview notification. Any individuals that have not been notified to CICAIR will not be admitted into the interview without the approval of the interview panel Chair.

8.3 Should the complainant opt to attend the interview, they can be accompanied by up to two individuals in addition to the complainant(s). The complainant must notify CICAIR of their intention to attend and the names of the individuals that will be attending the interview within 10 working days of the interview notification. Any individuals that have not been notified to CICAIR will not be admitted into the interview.

8.4 The complainant and/or the Approved Inspector will be responsible for their own costs incurred in attending the interview.

9.0 **The Order of the Interview**

9.1 The interview panel Chair has full discretion to alter the order and timings of the interview at any point. Should the interview panel Chair decide to interview the Approved Inspector and the complainant separately this protocol will be adapted accordingly.

9.2 ***Opening Statement by the Registrar or Assistant Registrar***

9.2.1 The Registrar or Assistant Registrar will welcome attendees and provide an overview of the CICAIR complaints handling process and the purpose of the interview.

9.2.2 The parties will be advised that the interview will be recorded.

9.3 ***Open of Interview***

9.3.1 The interview panel Chair will open the interview, conduct introductions and outline the interview procedure, rules of questioning and the expected conduct from both parties.

9.4 ***Statement by the Complainant***

9.4.1 The complainant and/or their representative(s) have up to 30 minutes to provide an overview of their complaint, including the reasons why they believe the Approved Inspector to be in breach of the Code of Conduct for Approved Inspectors. If the complainant is not in attendance, the complaint panel will rely on the complaint documentation provided to CICAIR.

9.5 ***Statement by the Approved Inspector***

9.5.1 The Approved Inspector representative(s) have up to 30 minutes to provide an overview of their understanding of the complaint, the events that led to the complaint being lodged with CICAIR and why they believe the complaint or parts of the complaint to be either valid or unfounded.

9.6 ***Interview Panel Questioning***

9.6.1 The interview panel will seek clarification on any matter that is necessary in order for them to reach a decision by questioning the parties.

- 9.6.2 Should one party wish to ask a question of the other party, this must be done via a request to the interview panel Chair. The Chair may consult with the other interview panel members and, if they believe the question to be relevant, may grant the request.
- 9.6.3 **Neither the complainant nor the Approved Inspector may directly address or question the other party at any stage during the interview without approval from the interview panel Chair. Failure to observe this rule may result in the offending party being ejected from the interview without warning.**
- 9.7 ***Summing up by the Complainant***
- 9.7.1 The complainant and/or their representative(s) have up to 15 minutes to sum up their complaint.
- 9.8 ***Summing up by the Approved Inspector***
- 9.8.1 The Approved Inspector representative(s) have up to 15 minutes to sum up their position.
- 9.9 ***Close of Interview***
- 9.9.1 The interview panel Chair will close the interview and outline the timeframe for the notification of the decision.
- 10.0 **Complaint Panel Decision**
- 10.1 As a result of the interview the complaint panel has the power to dismiss the complaint, uphold the complaint in full or in part and issue a caution to the Approved Inspector, or to refer the case to the CICAIR disciplinary committee.
- 10.2 If, as a result of the interview, the complaint panel recommends that the complaint is dismissed or that the complaint is upheld in full or in part with a caution issued to the Approved Inspector, the Registrar shall notify the complainant and the Approved Inspector of the decision within a recommended 10 working days. This would conclude the complaint and no further action would be taken and no further correspondence or communication from either party would be considered.
- 10.3 If, as a result of the interview, the investigations establish that the complaint or part of the complaint is valid and sufficiently serious, the complaint will be referred to the CICAIR disciplinary committee and the CICAIR *Disciplinary Protocol* will be enacted, a copy of which will be supplied to the complainant and the Approved Inspector. This would conclude the involvement of the CICAIR complaints committee and the complaint panel.
- 10.4 There is no right of appeal for either party against a decision of a CICAIR complaint panel. If either party is dissatisfied with how the complaint has been handled by CICAIR, they can ask their MP to take the matter to the independent Parliamentary and Health Service Ombudsman (PHSO) in England or the Public Services Ombudsman for Wales (PSOW).