



Association of Noise Consultants is a company limited by guarantee, registered in England under No 05289002, and the address of whose registered office is Fox House, 26 Temple End, High Wycombe, Buckinghamshire HP13 5DR.

## **RULES & BYLAWS OF THE ASSOCIATION OF NOISE CONSULTANTS ("the Company")**

### **NO 1: MEMBERSHIP**

#### *Eligibility for Membership*

1. All individuals, firms, corporations and other entities engaged in the provision of consultancy on the subject of noise, acoustics and vibration ("**Field**") are eligible in principle to apply for membership of the Company ("**Membership**").

#### *Applications for Membership*

2. **Information to be supplied to the Company by applicants for Membership ("Applicants")**

Applicants will be required to supply the following information to the Company in writing:

- 2.1 an organisational chart showing the relation of the Applicant to the other companies forming the corporate group (if any) of which it is part ("**Group**");
- 2.2 a list of its technical employees and of their respective general functions and qualifications, professional memberships;
- 2.3 a general description of the Applicant's history, organisation and technical experience in the Field;
- 2.4 evidence of the professional indemnity insurance referred to in paragraph 4.6 of this Rule 1 in the form of a certified copy of the insurance document, an affidavit, or such other documentation as the Company may in its discretion prescribe;
- 2.5 a statement concerning relevant financial interests of the Applicant in products, and/or in manufacturing activities, related to the Field;

- 2.6 a duly-completed application form as prescribed by the Company from time to time, signed by the Applicant or by a duly authorised person on its behalf; and
- 2.7 copies of 2 (two) reports by the Applicant, each in a different application area within the Field (e.g. industrial noise, environmental noise, architectural etc), that reflect the major areas of acoustic consultancy undertaken by the Applicant, and that include recommendations and/or design content rather than merely measurements.

### **3. Processing of Applications for Membership ("Applications")**

Correspondence with an Applicant relating to its Application will be handled by the Secretary. Following receipt of an Application, a minimum of 2 (two) members of the Board of the Company ("the **Board**") will interview the person nominated by the Applicant to represent it, but only if the Application *prima facie* satisfies the requirements of paragraph 2 of this Rule 1. The Board may, if it wishes, seek from or through the Applicant further information in support of the Application, which the Applicant shall promptly provide to the Board. Following the interview procedure the Board will decide to accept or reject the application, according to a majority vote, after which the Secretary will notify the Applicant of the result. In rare cases, the Board may request further information from the Applicant, post interview, in which case the decision to accept or reject will be deferred to a later date. The Board may, at its discretion, award Associate Membership or Full Membership. Rejected applicants shall be advised of the reasons for rejection and may be given outline advice to assist with a future application. The Company shall be informed of the outcome of the interview at the next Company meeting.

#### *Conditions of Membership*

### **4. Conditions of Membership**

The following conditions (a) shall, as appropriate, be used by the Board in order to assess the eligibility of the Applicant for Membership and (b) shall bind and apply to each member of the Company ("**Member**") from and including the date of the approval of its Application:-

#### **4.1 Sub-contracting**

No Member may, in any financial year, sub-contract in excess of 25% (twenty-five per centum) of its total turnover in the Field, and each Member must be primarily responsible to

its client for the quality of the work done under sub-contract, unless prior agreement to the contrary is clearly made between the Member and the client.

#### 4.2 **Staff Qualifications**

No less than 50% (fifty per centum) of the permanent technical staff of a Member shall:-

4.2.1 have graduate or equivalent status, and

4.2.2 hold Corporate Membership of the Institute of Acoustics or (in respect of jurisdictions other than the United Kingdom) equivalent membership of the primary acoustics association, society or institute in that jurisdiction, e.g. the Australian Acoustical Society, *Société Française d'Acoustique*, *Deutschen Gesellschaft für Akustik* etc. For the avoidance of doubt "Corporate Membership of the Institute of Acoustics" as defined by the Institute means the grades thereof described as "Honorary Fellow", "Fellow" and "Member" **only**.

#### 4.3 **Organisational Structure**

The principal, head, manager [senior partner or chairman, as the case may be (together "**Principal**") of a Member organisation must be a competent, practising acoustician and shall be able to commit the Member technically and financially, meaning that he or she is a senior decision-maker within the Member organisation, with the authority to make technical and financial decisions on behalf of the organisation. The Member organisation must be able to demonstrate substantial independence of service.

#### 4.4 **Acoustic Products and Hardware**

The Member shall not receive commissions or any other form of financial advantages from others for the recommendation of acoustic products and hardware. Any commercial relationships with such products and hardware shall be clearly declared to the client or potential client. Each Member shall, if so required by the Board, supply to it relevant information concerning interlocking directorships, consulting agreements, licences, franchises etc. in order to enable the Board to assess compliance with this condition.

#### 4.5 **Sound Insulation Testing and the ANC Registration Scheme.**

Members shall not undertake Pre Completion Testing, i.e. mandatory sound insulation testing to demonstrate compliance with Approved Document E of the building regulations, unless they are;

- a) Registered with the ANC Registration Scheme or have an application in progress.
- b) Accredited through UKAS for pre-completion sound insulation testing
- c) Testing only in Scotland and registered with the Institute of Acoustics as competent to test in Scotland.

This rule applies to all UK regions where Approved Document E of the building regulations or its equivalent applies and which are covered by the ANC Registration Scheme. *This presently includes England, Wales, the Isle of Wight and the Isle of Man and Scotland where the Scottish Building Standards apply. It may in due course cover Northern Ireland.*

#### 4.6 **Professional Indemnity Insurance**

Each Member shall carry appropriate professional indemnity insurance consistent with the work undertaken by it. This must be at least £200,000 (two hundred thousand pounds sterling), but in most cases considerably higher cover will be appropriate.

#### 4.7 **Conflict of interest**

Notwithstanding the conditions set out in paragraph 4.4, if any Member is wholly or partially owned by any company or organisation concerned with the manufacture or sale of acoustic products, particulars of such ownership are to be declared by the Member in advance in each instance to prospective clients whenever there is any possibility of a conflict of interests.

#### 4.8 **Independent Entity**

Where a Member is part of a Group, the Member must satisfy the Company that it is an independent entity which is able to carry on its consultancy activities according to the conditions of Membership, without interference from other parts of the Group.

#### 4.9 **Compliance with Rules & Bylaws**

Each Member shall comply with the requirements and recommendations applicable to Members that are contained in the Company's Rules and Bylaws as the same may be amended from time to time.

#### 4.10 **Compliance with Code of Ethics**

Each Member shall comply with the Company's Code of Ethics.

#### 4.11 **Continuity of Service**

Each member shall ensure that a satisfactory standard of continuity of service is maintained.

## **RULES & BYLAWS**

### **NO 2: MEMBERSHIP GRADES**

#### **1. Associate Membership**

Associate Membership is the grade of Membership that will be offered to all successful Applicants. Associate Members must be staffed by technically-competent people and must demonstrate the same high standards in this respect as for Corporate Members. The maximum period of Associate Membership is 3 (three) years. During this period an Associate Member will be expected to seek Corporate Membership.

#### **2. Corporate Membership**

2.1 The grade of Corporate Member is available to Associate Members who, within three years after admission as an Associate Member, have successfully demonstrated to the Board the necessary continuing technical expertise and professional excellence over a sustained period.

2.2 No additional benefit is associated with Corporate Membership, and membership subscriptions shall be the same as for Associate Membership

#### **3. Membership Applications**

3.1 All new applicants for membership will be automatically considered as Associate Members.

3.2 Once admitted as an Associate Member, a company may seek Corporate Membership at any time within the next three years. No company may remain an Associate Member for longer than three years. The decision to grant Corporate Membership will rest with the Board.

3.3 Where lack of experience in operating as a consultancy in the Field is a primary concern when admitting an Applicant to Associate Membership, the Applicant shall undertake to gain the requisite experience.

## **RULES & BYLAWS**

### **NO 3: COMPLAINTS PROCEDURE**

#### **Introduction**

This document is designed to guide and support those involved in the ANC Complaints Procedure. This guidance is intended for all parties to a dispute: complainants, witnesses, members and others involved in the operation of the procedures. The guidance is available on the ANC website.

This guidance will be regularly reviewed to ensure that it evolves in response to changes in the law and in the Association's byelaws, conforms to best practice and continues to be effective in use.

#### *Purpose of the guidance*

This document is designed to assist those involved in the Association's complaints procedures to achieve a consistently high quality of process leading to sound decision making. It sets out the expectations of the process and outcomes of the ANC Complaints procedures consistent with the basic aim of achieving clarity and transparency.

#### *Management of process*

When an enquirer first contacts the Association about a problem involving a member or the services provided by a member, he or she will be sent guidance which explains the possible options for dispute resolution as well as information on how to make a formal complaint. These are:

- Mediation and conciliation.
- Litigation

The enquirer is informed that the Association's powers are limited and, in particular, that it cannot:

- award compensation; or
- award damages against a member; or
- fine a member; or
- guarantee the quality of a member's work; or
- compel a member to undertake remedial works.

#### **Definitions**

Complainant: The person or organisation raising the complaint  
Respondent: The member company which is the subject of the complaint  
Chairman: The ANC Chairman in office at the time the complaint commences  
Investigating Committee: The panel appointed by the Chairman to review the complaint

#### **1. Who can complain and in what form this should be done**

1.1 You can complain to the Association of Noise Consultants (ANC) if you think that an acoustic consultant who is a member of the Association is guilty of "improper conduct". This means that the member of the ANC has not been honest, trustworthy or ethical in the way the work was done or in anything to do with their work.

1.2 Improper conduct does not mean "negligence". Making simple mistakes, or being careless, or unintentionally not doing something that should be done does not

usually count as improper conduct. If you have suffered loss or damage as a result of the actions of a member of the ANC, and you have not been able to reach an agreement with the member through negotiation, the usual course would be to seek redress through the courts. However, if the negligence concerned was serious, and there seems to be no reasonable excuse, it may count as improper conduct. See the ANC's "Code of Ethics" for more information.

1.3 Complaints must be in writing, but before doing so, the complainant is encouraged to make the complaint directly to the member organisation. This may well resolve what may have been an honest mistake or misunderstanding by either side. The member being complained about may have their own procedure for handling complaints which will give a satisfactory outcome to all concerned.

1.4 However, if a complainant is not satisfied with this approach, or feels that a direct complaint is not appropriate, a written complaint can be made to the ANC and should include the following:-

#### What You Are Complaining About

This should be a statement of exactly what it is that you think the member has done, stating your reasons for regarding his or her behaviour as amounting to improper conduct. This should be a straightforward, logical account in simple language.

#### A Record in Date Order of What Has Happened

Besides the statement of what you are complaining about, you may wish to provide a record of all the important events in the order in which they occurred. This will be particularly helpful if there is a series of related incidents spread over a period of time which, if taken together, could be considered to amount to improper conduct, but which, if viewed separately, would not necessarily be seen to be so serious.

#### Evidence to Support Your Complaint

You should send in copies of whatever evidence is available to support your complaint, that is, to prove, as far as possible, that what you are saying is true. This can mean items such as letters, plans, drawings, photographs, bills or invoices.

You should only send in evidence that has a direct bearing on what you are complaining about.

## **2. Timescales for all parts of the process**

2.1 To obtain the most satisfactory outcome for the complainant and respondent (and the wider acoustics industry) the process needs to be thorough, fair, decisive and quick.

2.2 To achieve this, the ANC Chairman should ensure that, wherever possible, all parties involved follow the process and timescales set out below:

<p><u>Settling the Matter 'Amicably'</u>  Upon receipt of a complaint, the ANC will contact the complainant by phone and/or email, to check that the complainant has not started legal proceedings. Assuming they haven't, the ANC will check that the complainant has taken all reasonable steps to resolve the matter. The ANC should help the complainant set up a meaningful dialogue with the respondent. If this is not possible or does not lead to the issue being resolved, then more formal dispute resolution should be considered. The ANC should also at this point inform the respondent of receipt of the complaint.</p>	<p>As long as required but the target is 3 days.</p>
<p><u>Assess Validity of Complaint</u>  If the complaint cannot be resolved directly with the respondent, the ANC Chairman shall decide whether it is worthy of investigation.</p> <ul style="list-style-type: none"> <li>- If it is deemed not worthy, the complainant will be notified (with reasons)</li> <li>- If it is deemed worthy, the complainant will be told that the ANC will take the matter up on their behalf</li> <li>- If the ANC Chairman is uncertain that there is a case worthy of investigation, the Chairman may refer the decision to the ANC Board.</li> </ul>	<p>1 week to consider and if required an additional week to seek opinion from the Board</p>
<p><u>Obtain Respondent 's response and Set up Investigating Committee</u>  The ANC Chairman will decide which Clause(s) of the Code the complaint relates to and:</p> <ul style="list-style-type: none"> <li>- inform the respondent of the charge against them and ask them to provide a written 'defence' within 2 weeks (or request an extension of time to respond)</li> <li>- set up an appropriate Investigating Committee (telling them which Clause in the Code it relates to)</li> </ul>	<p>2 weeks to respond plus 2 weeks to set up Committee</p>
<p><u>Investigation Process</u>  The investigating Committee to consider the case and report their findings and recommendations to the ANC Chairman.  <i>If the committee feels there is insufficient information or evidence from either or both parties, or needs to obtain further clarification from the Complainant based on the response from the Respondent , the committee can ask for an extension which the ANC Chairman can grant in exceptional circumstances</i></p>	<p>2 weeks to consider plus any time required to obtain further details</p>
<p><u>Actions</u>  The ANC Chairman discusses the committee's findings with the rest of the ANC Board at the next scheduled board meeting.  Assuming the Board agree with the report, the ANC Chairman notifies both complainant and respondent of the outcome.  The ANC Chairman will notify the investigating committee of the Board's decision.  <i>If the Board believe they have Good Reason to disagree with the Committee's findings, the Board and the Committee must resolve their differences as quickly as possible.</i></p>	<p>2 weeks or to suit the Board meeting Schedule.</p>

### **3. Guidance for the ANC Chairman as to what constitutes a complaint worthy of investigation**

- 3.1 Initially any complaint submitted to the ANC will have been reviewed to confirm that the complainant has (a) attempted to resolve the complaint directly with the company concerned (respondent) and (b) followed the complaints handling procedure set out by the respondent. Note that the ANC have a generic complaints handling procedure model for ANC members to adopt and improve upon (See Appendix A).
- 3.2 If the complainant has begun legal proceedings against the respondent, the Chairman should inform the complainant directly that such proceedings take precedence and no further action can be considered until the outcome of the court proceedings is known.
- 3.3 If there are no court proceedings but (a) and (b) above in 3.1 have not been followed then the initial response to the complainant should be to follow such procedures first.
- 3.4 If the above action has been followed but direct resolution has failed and the complaints handling procedure set out by the respondent has not resulted in a satisfactory solution, the Chairman should then consider the merits of the complaint.

#### *What constitutes a complaint worthy of investigation?*

- 3.5 The ANC has a Code of Ethics and a set of Rules & Bylaws which are clear and any contravention of these could warrant investigation.
- 3.6 If there is no breach of the ANC Code of Ethics or Rules & Bylaws, or if the issue is considered too trivial, but the member's conduct has been below the standard that the ANC would expect of its members, the Chairman can instigate the issue of a letter advising the member as such, and if appropriate, advise the member of what should have been done. Alternatively, at his discretion, the Chairman can refer the matter to the membership committee for peer review.
- 3.7 Matters that would warrant an investigation, if given sufficient evidence, could for example include the following:
- Being dishonest, untrustworthy or unethical in respect of the way the work was done.
  - Provision of sub-standard or erroneous technical reports.
  - Providing professional advice which is significantly technically deficient or erroneous
  - Failure to act in the Clients best interests.
  - Disclosure of Client confidential information to third parties without agreement of the client.
  - Accepting payment for work which was not carried out.
  - Accepting compensation, financial or otherwise, from more than one party for the same services pertaining to the same work, without the consent of all interested parties

- Undertaking any action which brings the ANC and/or the acoustics industry into disrepute.
- Doing anything which threatens the reputation of another noise consultant.

*What constitutes a complaint that is not worthy of investigation?*

3.8 If there has been no direct contravention of the ANC Code of Ethics or Rules & Bylaws and there is no obvious indication that the respondent has brought the ANC into disrepute, the complaint may be considered to be unfounded.

3.9 If the complainant clearly describes a case which if true would be in contravention of the ANC Code of Ethics or Rules & Bylaws, but the evidence does not appear to justify further action, the Chairman might respond stating as such and advising that the complaint does not have sufficient merit or adequate evidence to proceed.

3.10 Matters that might not warrant an investigation could for example include the following:

- The complaint is outside of the ANC Code of Ethics or Rules & Bylaws.
- The complaint has no reasonable supporting evidence, for example the complainant provides no evidence, or provides anonymous evidence only.
- The complaint is about a noise consultant who is not an ANC member.
- The complaint relates to disputes about the terms of contractual arrangements.
- The complaint has no grounds, for example spiteful response because the respondent chose not to submit a quotation or subsequently withdrew a quotation, provided such communications were undertaken in a professional manner.

*What action should be taken if the case for complaint is unclear?*

3.11 If the Chairman is uncertain as to whether or not there is a case to answer, or unsure about whether or not there is adequate evidence for a case, then he may present the complaint to the ANC Board for further guidance.

#### **4. Mediation and conciliation.**

4.1 If the ANC Chairman considers that conciliation is appropriate to the complaint the ANC may offer both parties a conciliation service, and retains the right to levy a charge to be paid by both parties for this service, which is to be carried out by the ANC Chairman or in his absence the Vice Chairman.

4.2 The conclusion of conciliation will be confirmed in writing to both parties. Recommendations arising from conciliation are not legally binding on the parties.

## **5. The formation/composition of an investigating committee and the appointment of its chairperson.**

If the complaint is deemed to be worthy of investigation:

5.1 The Chairman shall invite three ANC members to form the investigating Committee.

5.2 The Chairman of the Association shall appoint a Chairman of the Investigating Committee.

5.3 The members of the Investigating Committee shall be from the current members of the Association, at the Chairman's discretion.

5.4 The Chairman of the Association shall not participate in the investigating committee's deliberations.

## **6. Rules for handling and confidentiality**

6.1 Individuals agreeing to serve on an Investigating Committee will be required to sign a confidentiality and impartiality statement and to indicate that they have no conflicts of interest. This will include declaring if they have previously served on an Investigating Committee concerning the same member company. Any individual who fails to sign such a statement or who acts (or has acted) in breach of the principles of confidentiality and impartiality will not be eligible to serve on an Investigating Committee and if already selected will be removed.

6.2 The Investigating Committee shall hold all matters confidential relative to each complaint.

6.3 The Chairman and Association Secretariat shall hold all matters confidential relative to each complaint except in relation to reporting the outcome to the Board.

6.4 On completion of any action in response to a complaint, all correspondence and papers shall be securely filed electronically by the Secretariat of the Association for safe keeping. The Secretariat shall be empowered to release any items only on receipt of a written request signed by both the Chairman and Secretary of the Association in office at the time of the request.

6.5 Members of an Investigating Committee will be required to delete all items relating to the complaint from their electronic filing systems and destroy any paper copies. An undertaking to this effect forms part of the confidentiality statement.

## **7. Duties of member under investigation (respondent)**

7.1 Upon receipt of a written complaint, the respondent will be sent written details of the complaint. The respondent will be asked to respond within a certain time period (see section 2). The respondent may apply for a longer period but this will only be granted for exceptional circumstances.

- 7.2 It is possible that the respondent may feel that the complaint has been made in personal, offensive or vindictive terms or motivations, but must do everything they can to resist responding in kind. Their primary duty is to respond rationally, unemotionally, honestly and factually to the allegations made.
- 7.3 Once the complaint has begun to go through the ANC Complaints procedure, the respondent should not approach the complainant directly regarding the complaint unless it has been agreed with the ANC.
- 7.4 The respondent should cooperate at all stages, for instance to further requests for information. The investigating committee may have questions which they might like to put to the respondent and, for more serious allegations; the respondent may be called to attend an interview. The respondent will be expected to cooperate fully.
- 7.5 The respondent should abide by the decision of the investigating committee, as must the complainant.

## **8. Duties of the members on the investigating committee**

- 8.1 The members of the Investigating Committee shall act with integrity and fairness at all times.
- 8.2 The Investigating Committee shall act with discretion in order to uphold the professional standing of the Association.
- 8.3 The Investigating Committee shall undertake their responsibilities in accordance with the timescales set out in Section 2.0.
- 8.4 The Investigating Committee shall obtain from the Chairman of the Association the details of the complaint(s), including the respondent's written defence, as requested by the Chairman.
- 8.5 The Investigating Committee may request further information from either or both parties, or obtain further clarification from the Complainant based on the response from the Respondent.
- 8.6 In exceptional circumstances only, the Investigating Committee can ask the Chairman for an extension of time and, in accordance with Section 10.0 Interviews of Respondent and Complainant, can also ask the Chairman for permission to convene an interview with one or both parties.
- 8.7 The Investigating Committee shall, where possible, attempt to achieve an agreed solution to the matter complained of by conciliation, advice and by using its good offices.
- 8.8 The Investigating Committee is authorised to manage the complaint as it feels is appropriate provided that the Investigating Committee is unanimous in its decisions as to what is appropriate.

- 8.9 The Investigating Committee in reaching its decisions shall not commit the Association or its Members in any respect and all correspondence shall be marked 'confidential, without engagement and without prejudice'.
- 8.10 Should the Investigating Committee be unable to reach a conclusion, it shall report the fact to the Chairman of the Association.
- 8.11 The Investigating Committee shall not inform any party of the Investigating Committee's deliberations/outcomes, nor shall they initiate any disciplinary or warning action against a Member thought to have been at fault.
- 8.12 The Investigating Committee shall report to the Chairman of the Association concerning its deliberations and, where possible, the conclusion(s) reached, including any action(s) it may wish to recommend.
- 8.13 No Investigating Committee shall be in existence for more than three months.

## **9. Respondents written submissions and their contents**

- 9.1 The ANC does not have a standard form as they rarely cover all areas that need to be covered. However, the following should be regarded as a minimum requirement for what you will need to cover in response to most types of complaint.
- 9.2 Agree or disagree with the basic facts where they exist. This should be a statement of exactly what happened in a straightforward, unemotional account in simple language.
- 9.3 Explain why you think the complainant is:
- a) Incorrect
  - b) Partially correct
  - c) Basically correct, but with mitigating circumstances or misunderstandings
  - d) Correct and justified
- 9.4 Provide notes of any attempts made by the complainant or respondent to resolve the issue before the ANC complaints procedure was instigated.
- 9.5 Copies of all evidence relating to the complaint should be included. This can mean items such as letters, emails, plans, drawings, photographs, bills or invoices. Only evidence that has a direct bearing on what is being complained about should be included.
- 9.6 Try to resist emotional reactions to the complaint, tit-for-tat allegations and counter claims. The only evidence that the investigating committee will consider is that relating to the current complaint against the member.
- 9.7 Finally, please be patient. The ANC and the investigating committee understand that the process will be stressful and will endeavour to have it resolved as soon as possible.

## **10. Interviews of Respondent and Complainant**

10.1 It is expected that complaints will be able to be assessed on the basis of the written, photographic and other evidence presented and, if required, following written submission of answers to written questions presented by the Investigating Committee.

10.2 In exceptional circumstances only, the Investigating Committee has within its remit the ability to convene interviews of the Respondent, the Complainant or both. Such exceptional circumstances would only be expected to occur in complicated cases where for example written questions and answers would be overly time intensive or would be unlikely to provide clarity regarding the complaints.

10.3 If the Investigating Committee considers that interviews are a necessity this would need to be ratified by the Chairman and/or ANC secretariat.

10.4 Wherever practicable as much of the committees work as possible shall be conducted by e-mail and telephone. Meetings may be necessary but should only take place when there is no viable alternative.

## **11. Reporting by the investigating committee**

11.1 Once they have reached their conclusions, the Committee Chairman shall issue a written report of their findings to the ANC Chairman. The report will be divided into the following sections:

### **11.2 Conclusion**

Did the committee find that the respondent had contravened the specified clause(s) of the Code? Did the committee find the respondent had contravened any other clause(s) of the Code?

If the committee finds that the respondent's behaviour did not contravene the Code, the committee shall indicate whether, in their opinion and based on the evidence provided, the complainant had in any way acted unreasonably in filing their complaint

### **11.3 Degree of Seriousness**

If the committee believes that the respondent has breached the Code, they shall give their opinion on the seriousness:

Minor: warranting a "wrap on the knuckles" and a simple "don't do it again"

Medium: not as far as a suspension, but requiring a review of processes and training.

Major: requiring the respondent to "mend their ways" (probably used in conjunction with suspension until the ANC are happy with the improvements made)

Gross: likely to lead to expulsion from the ANC altogether

If the committee believes the respondent had acted properly, state whether or not they feel any action should be taken against the complainant if they are a member of the ANC.

#### 11.4 Reasoning

The committee shall summarise the reasons behind their decisions in sections 11.2 and 11.3. In simple terms they shall state the key part(s) of the dispute, including:

- Why the complainant believed the Code had been contravened by the respondent
- The committee's reason for agreeing/disagreeing with the complainant (giving clear evidence for their decision)
- The committee's opinion on whether there were any mitigating circumstances for the respondent's behaviour which would alter their judgment in terms of the seriousness of the offence given in section 11.3.

### **12. Range of potential disciplinary actions**

12.1 At the conclusion of the deliberations, the investigating committee may decide either to take no further action, or to recommend that the ANC Board impose one of the following sanctions;

- Formal letter; or
- written reprimand; or
- suspension (for a period to be decided by the Board); or
- expulsion.

12.2 In the case of a reprimand, the investigating committee may also attach certain requirements, such as training, and compliance may be monitored. Failure to comply may result in a further sanction being imposed on the member.

12.3 In the case of a suspension the investigating committee will recommend to the ANC Board a suitable period for the suspension (punishment) or specific actions which must be taken before the suspension can be lifted (correction). This will automatically bar the respondent from membership of the ANC PCT Registration Scheme for the duration of the suspension.

12.4 If expulsion is recommended by the committee to the Board then membership of the ANC will cease from the date the recommendation is ratified by the ANC Board.

### **13. Provision of feedback to both the complainant and the respondent**

13.1 The Chairman of the ANC shall write to the respondent's company, advising them of the decision and the action required. If appropriate the Chairman may require a written acknowledgement from the respondent's company that actions required are being taken. A right of appeal will only exist in the event of new information being available.

13.2 The Chairman of the ANC shall write to the complainant stating whether or not the complaint has been upheld and if upheld that appropriate action has been taken in accordance with the complaints procedure. The complaints review process is an internal matter to the ANC and no information about the complaint review shall be made available to other parties.

13.3 The ANC Chairman shall advise the Investigating Committee of the Chairman/ANC Board's final decision. At this point the Investigating Committee shall delete/destroy the relevant documents as per section 6.5 of this procedure.

#### **14. Right of Appeal**

14.1 In the event that the respondent believes new information has become available, and wishes to exercise the right of appeal, this should be done in writing to the President of the ANC within 28 days from the date of the written decision notice. When requesting that a right of appeal be granted the respondent must provide appropriate evidence on which the President will base his/her decision which will be final and without appeal.

14.2 The President of the ANC has the power to revoke, vary or uphold the decision of the Investigating Committee. The President's decision is final and conclusive. There is no right of appeal by the person who made the complaint against the member.

## **RULES & BYLAWS**

### **NO 4: QUALITY OF MEMBERS' WORK**

1. The Company requires the high standard of technical, professional and educational competence demonstrated by each Applicant in order to gain Membership of the Association to be maintained and (where applicable) improved during Membership.
2. The Company requires that all Members give regular consideration to the maintenance and improvement of their standards for the benefit of themselves, their clients and all other Members. To this end, the Company recommends that (*inter alia*)
  - 2.1 Continuing Professional Development programmes be implemented by Members for all their relevant staff,
  - 2.1 A suitable Quality Assurance Scheme is implemented by the Member which requires that reports and significant correspondence prepared by technical staff on the Member's behalf, be reviewed before issue and countersigned by a senior consultant or Principal where such procedure is not already implemented. Where a Member comprises only one individual, or is a sole-trader, then the individual shall carefully read and review his/her own work before issue and countersign the document to that effect.
3. The Company requires prompt notification if the Principal changes. If in any rolling three year period, more than half of the technical staff at MIOA grade or higher have left the Member, this shall be notified to the Company as soon as possible. The Member shall continue to comply with Rule 1, paragraph 4.2 and may be required to provide evidence of compliance with Rule 1, paragraph 4.11.
4. In the event that a Member's work is audited under provisions of Rule No. 3, Complaints Procedure, the Company and its Investigating Committee may take cognisance of the degree to which the Member has adopted the Company's recommendations and may draw conclusions accordingly.
5. Members are required to provide updated information about their status from time to time as may be reasonably requested by the Board in order to establish their continued compliance with the Rules & Bylaws.