

RPA 2000 General Documents
G5: Complaints and Disciplinary Procedure

Table of contents

1	Introduction.....	1
2	Making a Complaint.....	1
3	Preliminary Investigation.....	2
4	Panel of Enquiry (PoE).....	3
5	Sanctions	3
6	Appeals.....	4
7	Further Information.....	5

1 INTRODUCTION

- 1.1 The holder of any Certificate of Competence issued by RPA 2000 has agreed to abide by our Code of Technical Conduct (Document G4), and has accepted that any alleged breach of that Code will be investigated by RPA 2000. This procedure describes the process RPA 2000 will follow if such an allegation is made. It specifies how the allegation should be made, the process of dealing with the allegation and the possible outcomes if the allegation is upheld. It also describes the process to be followed in the event of an appeal against the decision.
- 1.2 As an Assessing Body, RPA 2000 is recognised by Competent Authorities to assess core competence of individuals. As such, we can only address complaints against a certificate holder in relation to their competence. This is the only circumstance under which this procedure can be invoked and for that reason a “Complaint” in this procedure equates solely to an allegation that the certificate holder has failed to uphold the Code of Technical Conduct.

2 MAKING A COMPLAINT

- 2.1 Complaints should, wherever possible, be made in writing, addressed to the Secretary of RPA 2000, and emailed to admin@RPA2000.org.uk, marked as confidential. If the complainant is unable to put their complaint in writing, they should request that it is recorded by other

Document Name	Version	Date	Author	Page
G5	1.3	01 Jan 2022	KLA/PM/JS	1 of 5

means. The complaint must contain the name of the individual or organisation making the complaint, the name of the certificate holder, the specialism (RPA, RWA, MPE or LPA) and the nature of the complaint.

- 2.2 Please note that RPA 2000 cannot pursue anonymous complaints against a certificate holder, nor complaints unrelated to the RPA 2000 Code of Technical Conduct. Allegations of professional misconduct which are not related to the Code of Technical Conduct should be directed to the Professional Body of the certificate holder, where they hold such membership.
- 2.3 Complaints against RPA 2000 should be made to the relevant Statutory Body, namely the Health and Safety Executive for RPA certification, the UK Environment Agencies' RWA Approval Board for RWA certification and the UK Health and Social Care departments / directorates for MPE certification.

3 PRELIMINARY INVESTIGATION

- 3.1 On receipt of a complaint, the Secretary will write to the Complainant, acknowledging receipt. The Secretary will also notify the relevant Assessment Secretary, who will recruit an Assessor who is not a Board member, has no knowledge of the certificate holder under question and who does not work in the same industry sector. The Secretary, Assessment Secretary and Assessor will form a Preliminary Investigation Panel (PIP).
- 3.2 Within 20 days of the receipt of the complaint, the PIP will determine
 - whether the complaint is valid, in that it is in writing or otherwise recorded, that it identifies the complainant and the certificate holder against whom the complaint is made, and describes the nature of the complaint;
 - That RPA 2000 has the authority to investigate the complaint, in that it relates to a possible breach of the Code of Technical Conduct; and
 - That there is not another authority to which the complaint should be referred.
- 3.3 If the complaint does not meet the above criteria, the Secretary will write to the Complainant, indicating that investigation of the complaint cannot proceed and what the Complainant must do, either to have the complaint accepted or to direct the complaint elsewhere. If the PIP believes that the complaint relates to professional behaviour, the Secretary will refer the complaint to the certificate holder's professional body, where membership of such a body exists, and will advise the Complainant of this.
- 3.4 In the case of there being a higher or another authority, the RPA 2000 investigation should be suspended pending the outcome of the investigation of that authority.
- 3.5 The PIP can request further documentary evidence from the Complainant before reaching their decision and/or before passing the complaint to the next stage of the investigation.
- 3.6 The PIP meeting is not in itself part of the investigation, but to determine whether the complaint can be taken forward.
- 3.7 A finding of 'no case to answer' would dismiss the complaint, as would withdrawal of the complaint by the Complainant. In these circumstances a record will be maintained (consistent with the Data Protection Act) in the minutes of the PIP meeting although the certificate holder's name will be omitted.

Document Name	Version	Date	Author	Page
G5	1.3	01 Jan 2022	KLA/PM/JS	2 of 5

- 3.8 A finding of ‘case to answer’ would require that the next stage of the disciplinary procedure be activated. The PIP shall produce a written summary of the case and send it and any documented evidence to the relevant Assessment Secretary with a request to convene a Panel of Enquiry. The Secretary of the Board will inform the Certificate holder of the complaint and of the intention to set up a review into the holder’s continuing competence to hold a Certificate.

4 PANEL OF ENQUIRY (POE)

- 4.1 The Assessment Secretary will set up a PoE that will comprise at least three appropriate assessors. In this case, “appropriate” means that they are assessors for the same assessment scheme to which the complaint relates, not be a work colleague of either the certificate holder or the Complainant, and have not recently assessed the certificate holder either for initial certification or renewal. At least one of the PoE should be from a different industry sector to the certificate holder against whom the complaint has been made.
- 4.2 The PoE will send the Certificate holder written particulars of the complaint and an invitation to send, within a stated timescale, a written response and observations to the PoE. The holder will be informed that they are not obliged to make any response but that, in the absence of a response, the review will still proceed.
- 4.3 On receiving the Certificate holder’s response and observations, the PoE may decide to dismiss the complaint if it is satisfied that the allegation is either unfounded or of such a trivial nature that no action is required.
- 4.4 The PoE may, at its discretion and as appropriate to the nature of the complaint, seek assistance from specialist advisers.
- 4.5 The PoE will obtain relevant information including, where appropriate, interviewing the parties involved. Any information that is received will be made available to those parties.
- 4.6 Once the PoE is satisfied with the amount of information received, it will decide on whether or not to uphold the complaint. The decision shall be by majority and based on balance of probabilities.
- 4.7 If the complaint is upheld, the PoE will recommend the appropriate sanction from the list below and inform the appropriate Assessment Secretary, who will advise the Board of their recommendation.
- 4.8 It is the responsibility of the Board to make the final decision regarding the outcome of the complaint and, if appropriate, the sanction to impose and can, if necessary, question the PoE regarding their recommendation. The Secretary will notify the certificate holder and the Complainant of the outcome of the enquiry.

5 SANCTIONS

- 5.1 In the event of a complaint being upheld, the available sanctions to impose on the certificate holder are:

Document Name	Version	Date	Author	Page
G5	1.3	01 Jan 2022	KLA/PM/JS	3 of 5

5.1.1 A **written warning** but no further action.

A requirement to improve specified aspects of the certificate holder’s performance. The specified improvement actions would need to be completed to the satisfaction of the Board within a stated time scale. In the case where incorrect advice has been given, evidence to demonstrate that the individual has adjusted their advice and passed on any relevant lessons learned to their client/employer will be required.

5.1.2 A **suspension of the certificate**. A suspension would normally be imposed if:

- Previously specified improvement actions were not satisfactorily completed within the stated time-scale, or
- The Board deemed that the initial breach had been sufficiently serious to warrant immediate suspension. In this case specified improvement actions would be imposed on the holder in order to avoid eventual withdrawal of the certificate.

The certificate holder would normally be given a mutually acceptable final deadline by which time relevant improvement actions must be completed, to the satisfaction of the Board.

The Administration Secretary will advise the previous holder of the need to inform all relevant employers that during the suspension, they do not hold a valid certificate of competence. The letter will stress that the applicant is no longer able to satisfy the legal requirements associated with RPA, RWA or MPE appointments.

5.1.3 A **withdrawal of the certificate**. This would normally be imposed if:

- A review of competence concluded that the individual did not have the required core competence;
- The holder failed meet the mutually acceptable final deadline specified in 5.1.2. Such circumstances would result in immediate withdrawal of the certificate with no right of appeal, other than on the grounds of extreme extenuating circumstances, normally of a medical nature; or
- The Board deemed that the initial breach had been sufficiently serious to warrant immediate withdrawal.

The certificate holder will be allowed one month to appeal against the intended withdrawal. In the event of an appeal, the certificate would remain valid until the outcome of the appeal was determined.

Any further application would have to be as for an initial application (i.e. involving a full portfolio of evidence).

The Administration Secretary will advise the previous holder of the need to inform all relevant employers that they no longer hold a valid certificate of competence. The letter will stress that the applicant is no longer able to satisfy the legal requirements associated with RPA, RWA or MPE appointments.

6 APPEALS

6.1 In the event of an Appeal, the Board will appoint an Appeal Panel consisting of an independent chairman and two Assessors, not previously associated with the Appellant or the PoE.

Document Name	Version	Date	Author	Page
G5	1.3	01 Jan 2022	KLA/PM/JS	4 of 5

- 6.2 The Appeal Panel will receive a copy of the statement from the Appellant setting out the grounds for the appeal, all available information from the PoE and a copy of the final decision by the Board.
- 6.3 The Panel should consider all the information provided and call for such additional information as it might consider necessary to clarify the previously available material, but not seek or accept additional evidence that effectively augments the original complaint.
- 6.4 The Appeal Panel shall reach a majority decision based on balance of probabilities. The options available are to reject the appeal, uphold the appeal, or recommend that the sanction be changed.
- 6.5 The Panel will produce an Appeal Report with recommendations to the Board. The Board will determine the outcome of the Appeal and the Assessment Secretary will inform the Appellant through the Administration Secretary. The Board's decision is final.

7 FURTHER INFORMATION

Document G4: RPA 2000 Code of Technical Conduct (CoTC)

Document Name	Version	Date	Author	Page
G5	1.3	01 Jan 2022	KLA/PM/JS	5 of 5