



The Society of Construction Law Complaints Procedure

This document sets out the procedure for complaints in matters concerning the Society of Construction Law (“the Society”) for breach of the Society’s Constitution, Rules and/or Equality and Diversity Policy.

Complaints

1. The Society will treat seriously all complaints and will take action under this Complaints Procedure where appropriate. Complaints include but are not limited to complaints for breach of the Society’s Constitution, Rules and/or Equality and Diversity Policy and include complaints of unlawful discrimination, bullying or harassment on any prohibited ground (“Complaint” or “Complaints”).
2. All Complaints will be investigated in accordance with this Complaints Procedure.
3. If the subject of a Complaint (“the Respondent”) is a member of the Society’s Council, then the references to “Council” or “Hearing Committee” in this procedure are to the members of Council excluding the Respondent.
4. If the identity of the Respondent is such that it is impossible for the Hearing Committee or quorate Council to consider the Complaint, the Complaint should be referred for consideration to an independent third party appointed by Council.
5. The Society will monitor the number and outcomes of Complaints and keep a confidential record of these.

Procedure for Complaining

6. Any Member, Employee or Consultant of the Society or any speaker, guest or third party attending and/or working at a Society event may make a Complaint about their own or another person’s treatment by:
 - a. A Member, Employee or Consultant of the Society;
 - b. A speaker, guest or third party attending and/or working at a Society event.
7. Any person making a Complaint (“the Complainant”) may do so if they consider that there may have been a breach of the Society’s Constitution, Rules and/or Equality and Diversity Policy.
8. The Complainant may make a Complaint orally or in writing to a Council member. The Council member will refer all Complaints to the Chair of the Equality and Diversity Sub-Committee (“the E&DSC Chair”) within seven days of receipt of the Complaint.
9. The Society will treat all Complaints with strict confidentiality, except where it is necessary to disclose information to carry out a fair investigation.

Complaint Investigation

10. The E&DSC Chair will consider whether the Complaint concerns an incident or matter which:
 - a. Raises any fact or matter of potential legal liability or responsibility for the Society or Members; and/or
 - b. Concerns facts or matters over which the Society has any control or any responsibility to Members or others; and/or
 - c. Raises facts or matters which are otherwise covered by the Society's Constitution, Rules and/or Equality and Diversity Policy; and/or
 - d. Raises facts and matters which in the view of the E&DSC Chair, ought to be considered or investigated further; and/or
 - e. Raises potential criminal allegations.
11. The E&DSC Chair may decline to refer malicious, vexatious or frivolous Complaints. In the alternative, the E&DSC Chair may determine that the matter raised is not one which the Society has a duty to investigate. Upon rejection, the E&DSC Chair shall inform the Complainant with brief reasons within 14 days of receipt of the Complaint.
12. If the E&DSC Chair determines that the Complaint is one which requires further action or investigation by the Society, whether formal or informal, the E&DSC Chair shall: (i) within 14 days of receipt of the Complaint inform the Complainant of this determination and of the steps which will be taken; (ii) require the Complainant to submit written details of the Complaint, including a detailed description of the event(s)/conduct complained of, the outcome that is sought, details of any witnesses and copies of any other documents or evidence relied upon in support of the Complaint.
13. If the Complaint concerns potential or ongoing criminal investigations, any investigation, action or sanction under this Complaints Procedure shall take place following the conclusion of any criminal investigation.

Informal Action

14. The E&DSC Chair may determine that informal action is appropriate and may take any action set out in paragraph 16, or may take any other appropriate informal action.
15. If the E&DSC Chair determines that the Complaint should be considered further, they shall appoint three members of Council to include wherever possible at least one member of the E&DSC to form a committee ("Hearing Committee").
16. The Hearing Committee may determine, or the Complainant may request, that the matter is dealt with informally, and, if so, may decide to take any action which it considers appropriate, and which may include any of the following non-exhaustive examples of actions or any other action:
 - a. Nominate a person to speak to the Respondent to inform them of the Complaint and, where relevant, remind them of the Society's Constitution, Rules and/or Equality and Diversity Policy without further investigation;
 - b. Recommend to Council that a private venue or company is not used;
 - c. Recommend to Council that a speaker or their organisation is not used;

- d. Recommend to Council that reassurances for future conduct are obtained from a representative of any private venue or company or other supplier or commercial partner;
 - e. Ask any Member, Employee or Consultant to attend training on equality and diversity;
 - f. Ask any Member, Employee or Consultant to issue an apology;
 - g. Recommend that the Complainant and the Respondent consider mediation. This is only possible if both agree.
17. The Society will have no obligation to pay for each or any of the matters listed at paragraph 16 (including but not limited to training and mediation).

Formal Action

18. If the Hearing Committee decides that a formal hearing is required, they will agree the terms of reference of any hearing and will determine the timing of the hearing and will communicate the process to both the Complainant and the Respondent. The Hearing Committee will hear the Complaint and will determine whether the Complaint is well founded and, if so, any action to be taken.
19. All hearings will be conducted without legal formality and any person may be accompanied by a friend.
20. Any Respondent will have the right to be told the nature of the allegations made, to respond in writing in advance and to attend at any hearing and speak or answer questions.
21. There is no obligation upon a Complainant or Respondent to attend a hearing and there is no right for any party to cross-examine or question another party.
22. If the Hearing Committee decides that further action against a Respondent is appropriate, they shall record their decision and the reasons for it in writing and shall send a copy of the reasoned decision to the parties within 10 days.
23. The sanctions that may be imposed under this procedure include but are not limited to:
 - a. Suspension of access to the Society's events for a fixed period;
 - b. Suspension of membership of the Society for a fixed period;
 - c. The Society not using a private venue or company;
 - d. The Society not using a speaker or their organisation;
 - e. Requirement for any Member, Employee or Consultant to attend training on equality and diversity at their own expense;
 - f. Requirement for any Member, Employee or Consultant to issue an apology;
 - g. Removal from Council and/or any post on Council, including an Officer or other position or role related to the Society;
 - h. Removal of membership;
 - i. Termination of any consultancy agreement or employment contract;
 - j. A written warning that one of the sanctions above will be imposed if the conduct complained of is repeated.

24. Where an apology is given under paragraphs 16, 23 or 27, the E&DSC Chair, Hearing Committee or Investigator as appropriate shall consider the adequacy of the apology and whether any further sanction is required. Where any Member, Employee or Consultant is asked or required to attend training on equality and diversity or is asked or required to issue an apology and does not do so, the E&DSC Chair, Hearing Committee or Investigator as appropriate shall investigate and where it is appropriate impose another sanction.

Serious Cases

25. If in the reasonable opinion of the E&DSC Chair, the Complaint is of a serious nature, the E&DSC Chair may in her/his discretion appoint an independent person (“the Investigator”) to conduct an enquiry into the allegations made and report to the Hearing Committee.
26. The person appointed as Investigator may be a current or former Member of the Society or other independent person appointed by the E&DSC Chair.
27. The E&DSC Chair may instruct the Investigator to do any or all of the following, or take any other appropriate action:
 - a. Ask the Complainant for further details;
 - b. Discuss informal measures with the Complainant;
 - c. Speak with or interview any Member or other person;
 - d. Take advice on legal responsibilities of the Society or others;
 - e. Recommend a sanction in accordance with paragraph 23.

Appeals

28. Any Respondent may appeal against any sanction, action, finding or determination to the Chair of the Society within two months of that sanction, action, finding or determination. The Chair of the Society will review the sanction, action, finding or determination and their decision will be final. The Chair may in her/his discretion appoint an independent person to consider and decide such appeal.

Costs

29. The Society will not be responsible for any costs or expenses incurred by any party in connection with this Complaints Procedure.