



Investigation and conduct procedures

Chartered Institute of Linguists

Introduction

Please note the Investigation and Conduct Procedures (ICPs) were approved by CIOL Council in April 2018 and should be used in conjunction with the latest Disciplinary Procedures (approved by CIOL Council in June 2019).

CIOL is committed to setting, maintaining and upholding the highest standards of professional conduct. It sets out the standards and behaviours expected of its members (irrespective of grade) and Chartered Linguists in its Code of Professional Conduct (the Code), which can be requested by email membershipteam@ciol.org.uk or accessed via the [CIOL website](#).

The ICPs apply to all current CIOL members and to all registered Chartered Linguists.

If you feel that a CIOL member or Chartered Linguist has breached the Code please ensure that you read this document in full before proceeding any further as it is important that you understand what CIOL will investigate and what we won't. You must also understand the role and remit of CIOL, the limits of our powers and what sanctions can be applied if an allegation is upheld.

Once you have read this document you are then asked to undertake a quick online eligibility check which will determine whether or not you should proceed to the next stage, which is submitting the allegation by completing the online Referral form

CIOL's Investigation and Conduct Procedures (ICP) set out the processes and timescales CIOL will follow to determine if there has been an alleged breach of the Code and for any subsequent investigation. CIOL recognises that it can be frustrating if you experience difficulties with a CIOL member and any subsequent investigation may be stressful (for all parties concerned). CIOL will therefore endeavour to reduce the stress and will aim to keep you informed of progress in a timely manner in line with the ICPs and published timescales.

It is not the role of CIOL to review or act in an appellate capacity over decisions made in any other related proceedings (legal or otherwise). CIOL's remit only relates to the professional *conduct* of the member.

When submitting an alleged breach or breaches of the Code you are required to provide evidence to support your allegation. If evidence cannot be provided then the allegation may not be referred further.

Not all conduct by a member will necessarily imply a breach of the Code or lead to action being taken against them.

Who can raise an allegation?

You can raise an allegation if you:

- have directly procured the services of the member (such as a translator, interpreter, language teacher etc.)
- are an employer of the member
- are an agency which has engaged with the member

- are a professional linguist who has worked with or alongside the member or are associated with the member in another professional capacity

The Investigation and Conduct Procedures are not legal proceedings. If a breach of the Code is determined, CIOL has the power to consider and impose a range of sanctions which include but are not limited to:

- permanent exclusion from membership
- suspension from membership for a specified period of time
- revoking chartership either temporarily or permanently
- advising the member of best practice and their future conduct
- requiring the member to take positive action or to meet certain conditions to improve their practice such as CPD
- publicising the outcome of the investigation

Compensation

If a member is found to be in breach of the Code, CIOL will not be liable to cover any monetary losses or any form of compensation. Neither can we ask the member to cover any monetary losses or pay any compensation. Sanctions for members in breach of the Code are explained above. If you are seeking financial compensation you should seek independent advice on the appropriate course of action available to you.

Commercial disputes

CIOL cannot make any judgement on any issues which are of a commercial nature or are considered to be a breach of contract. In such cases you should seek independent advice on the appropriate course of action available to you.

Likewise if you engaged the services of a CIOL member via an agency, then you should seek redress through the complaints procedure of the agency concerned.

Employment disputes

CIOL cannot investigate matters which are covered by an employer's own internal disciplinary procedures.

Criminal activity and legal advice

CIOL cannot investigate allegations that a member has broken the law. If you suspect this is the case you should report the member to the relevant authorities. CIOL is unable to provide any sort of legal advice.

Parallel proceedings

If the member is currently subject to another external investigation such as a tribunal, disciplinary or grievance hearing (or other related proceedings, legal or otherwise) then these are known as Parallel Proceedings and the allegations against the member for potential breach of the Code will be put on hold until the parallel proceedings have concluded.

Anonymity

CIOL will not investigate anonymous complaints and you, as the complainant must be prepared to be identified. Likewise, CIOL will not investigate vexatious complaints; evidence of the alleged breach must be provided in a clear and concise manner when the allegation is submitted.

The following will not be covered by the Investigation and Conduct Procedures:

- Complaints about linguists who are not in current CIOL membership
- Complaints that relate to events which took place more than 12 months ago
- Complaints about CIOL's service or products – these should be addressed under the [Complaints Procedure](#)
- Behaviours which falls outside of the Code
- Anonymous complaints

How to raise an alleged breach of the Code

Stage 1 – Enquiry

1. Ensure you are familiar with the Code of Professional Conduct. A copy can be requested by email from membershipteam@ciol.org.uk or downloaded from www.ciol.org.uk.
2. Check the individual is in current CIOL membership. You can do this by using the CIOL [Member Check](#) facility
3. If the individual is in membership, complete this short online [eligibility check](#) to determine whether or not there is a potential case to investigate.
4. If there is a potential case to investigate, complete the online Referral form (which will be made available to you on completion of the eligibility check form). Please note that you will need to identify the relevant section or sections of the Code that you feel have been breached.
5. You must be able to supply factual evidence of the allegation at the point of submitting the Referral form in a clear and concise manner. Hearsay will not be accepted as evidence.
6. You must clearly cross-reference the evidence to each alleged breach and the area of the Code it relates to. Failure to do so may result in the investigation being delayed and your documents returned.

Confidentiality

All information supplied to CIOL will be treated in the strictest confidence, but it will be shared with all personnel relevant to the enquiry (and any subsequent investigation), **including the member about whom you are making a complaint**. All parties included in the process are expected to treat all information as confidential and to not disclose any aspect of the allegation to any other person.

All information relating to the enquiry and any subsequent investigation will be retained securely on record for up to six years, after which it will be securely destroyed. Statistics regarding alleged breaches and outcomes will be anonymised and retained indefinitely for the purpose of monitoring trends.

Stage 2 – Referral

On receipt of the Referral form CIOL will review the allegations and the evidence supplied. The Head of Membership, in conjunction with the Chief Executive (or nominated deputy) will determine whether the allegation:

- Should be referred for investigation to the Professional Conduct Committee in whole or in part
- Stay on hold awaiting the completion of parallel proceedings
- Cannot be referred for one or more of the following reasons:
 - the allegations are inadmissible as the evidence provided has not clearly supported the alleged breach
 - the allegations do not refer to specific behaviours or actions covered by the Code
 - the allegations fall outside CIOL's remit as a complaints-handling body

If the alleged breaches are not referred for investigation, you will be advised accordingly. This will bring the allegation to a close and no record will be held against the member's record (the member will only be notified if the complaint is referred for investigation). CIOL's decision at this stage will be final.

Timescale: CIOL will endeavour to respond to you (the complainant) with a decision within 20 working days; CIOL reserves the right to extend this period of time to gather and assess more evidence if necessary. You will be kept fully informed throughout this process.

Stage 3 – Investigation

If it is determined that the allegation has met the threshold to proceed to the investigation stage, this will be conducted by CIOL's Professional Conduct Committee (PCC). The committee will consist of the Chair, plus one member, from a pool of members and one lay member.

If the allegation is referred (in whole or in part), the member concerned will be notified. The member will be sent a full copy of the allegation and supporting evidence and will be given the right to reply.

Timescale: the member will be given 20 working days to respond from the date the notification is issued.

If the member responds, you will be sent a copy of the reply and given a further chance to reply.

Timescale: you will be given 10 working days to respond from the date the member's response is issued.

The PCC will fully assess the referral which will be prepared by the Head of Membership which will include:

- the original complaint and evidence
- any additional evidence sought by CIOL at Stage 2

- the response from the member (as applicable)
- the subsequent response from the complainant (as applicable)

The PCC may seek further information, via the Head of Membership, from you or the member and may also seek evidence or clarification from any other appropriate source(s). The PCC will not hold a hearing; it will conduct its business by email or teleconference e.g. Skype.

Following completion of the investigation the Head of Membership will receive a report produced by the PCC with one of the following recommendations:

1. The allegation(s) should be dismissed for one (or more) of the following reasons:
 - there is insufficient evidence to support the allegation
 - the allegation is deemed vexatious
 - the allegation is deemed trivial in substance
 - the allegation is deemed a misuse of the procedures
 - the allegation does not justify further action
2. Where the PCC determines that there is sufficient evidence to support the allegation that there has been a breach but has also determined that the issue does not warrant referral to full formal Conduct Proceedings, it may advise the member as to their future conduct and/or direct the member to apologise to the complainant. The PCC's decision at this stage is final.
3. Where there is evidence that the Code has been breached, the allegation(s) will be taken forward and formal Conduct Proceedings should commence.

Note: some parts of the allegation may be dismissed or not referred for one or more of the reasons stated above; other parts may be referred to full formal Conduct Proceedings.

Timescale: the PCC will endeavour to consider the allegations and to produce its report within 20 working days. The PCC reserves the right to extend the timings to gather and assess more evidence if necessary. The Head of Membership will ensure the complainant and member are kept fully informed.

Stage 4 – Conduct Proceedings

If the PCC determines that Conduct Proceedings should commence, a case officer will be appointed by CIOL. The case officer will be responsible for presenting evidence of the alleged breach/breaches of the Code to the Disciplinary Panel (DP), which will conduct the formal hearing. The Disciplinary Panel will consist of two CIOL members, from a designated pool of members and one lay member all distinct from the PCC.

Once the date of the hearing has been agreed, you and the member will be invited to attend in person or if this is not possible you/the member will be invited to participate by Skype or other means. You and the member will be sent full details of how the hearing will be conducted.

Timescale: you and the member will be sent written notice by email of the hearing no less than 40 working days before the planned date.

The DP will endeavour to reach a conclusion on the allegation and the action to be taken immediately after the hearing and will submit a report to the Head of Membership. If the

alleged breach of the code is upheld, the DP will detail the sanction to be applied. The range of sanctions available include (but are not limited to):

- advising the member about their future conduct
- asking the member to satisfy certain conditions
- suspending membership
- suspending chartership
- expulsion from membership (and the register of Chartered Linguists as applicable)
- if deemed in the public interest or the interests of the profession, publishing details of the allegations and the sanction(s) applied on the CIOL website

Timescale: The DP shall submit a full report to the Head of Membership within 5 working days of the hearing being held. Copies of the report will be sent to you and the member as soon as practicable, by email, normally within 10 working days of the hearing.

Withdrawals

You may withdraw the allegation at any time. However, if CIOL has commenced the investigation, it may choose to continue with the process.

Can the member resign during the process?

Yes, but the investigation will continue and if the allegation is upheld full details may be published on the CIOL website.

What happens if the member does not engage with the process, fails to respond or does not attend the hearing?

The Investigation and Conduct Proceedings will continue as outlined above.

Appeal

You and the member will have the right to appeal the decision of the DP, in regard to the outcome or to the sanction imposed. The appeal must include sufficient detail to enable it to be assessed. New evidence may be submitted by either party at this stage. Should you choose to appeal you will be sent full details of the appeals procedure.

The appeal will be heard by The Chair of the Disciplinary Appeals Committee (DAC) who shall appoint a panel to consider the appeal. The panel will consist of three persons – the Chair of the DAC, a CIOL member and a lay member from a pool of volunteers – all distinct from the PCC and DP.

Timescale: The appeal must be lodged no more than 15 working days from the date the decision was received. The appeal will be considered within 30 days of it being lodged. CIOL reserves the right to extend this timeframe.