



# COMPLAINTS INVESTIGATION PROCEDURE

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## Terminology

“**ACIFC**” – Association of Concrete Industrial Flooring Contractors

“**ACIFC Member**” or “**Member**” – Member company, member company representative, honorary member

“**ACIFC Board**” – ACIFC Board of Governors

“**Complainant**” – Person or organisation lodging a written complaint with ACIFC

“**Third party**” – Person or organisation which is not a member of ACIFC

## 1. Definition

For the purpose of this procedure, the definition of a formal complaint shall refer to those complaints confirmed in writing.

## 2. Summary

This procedure outlines the general principles for the progression of written complaints received by the Association of Concrete Industrial Flooring Contractors (ACIFC). It covers the following types of complaints:

- i. A complaint raised by an individual/ organisation within the ACIFC against fellow ACIFC member(s).
- ii. A complaint raised by a third party against the ACIFC or its member(s).

## 3. Limits of Authority

The level of authority of the ACIFC in respect of complaint handling is limited to investigating whether the ACIFC Code of Members’ Conduct and/ or the ACIFC Constitution have been compromised and whether the actions of an ACIFC member have adversely affected the integrity of the ACIFC or the good name/ best practices of the concrete flooring industry.

The ACIFC will consider whether a member has acted responsibly following a written complaint but will not investigate the causes of any alleged dispute (for example where a floor defect is related to materials, workmanship, plant, or any other technical or logistical issue). ACIFC will not mediate,

arbitrate or rule on commercial disputes between ACIFC members or between ACIFC members and third parties.

The ACIFC will not arbitrate on the technical merits or the level of financial settlement of a dispute and will not become involved with matters that are subject to present litigation or likely to be subject to future litigation.

The ACIFC will not provide an expert consultant service but may suggest the services of a recognised expert. Any recommendation made by ACIFC is offered on a goodwill basis only and does not constitute a contract nor does it transfer any liability to ACIFC resulting from incorrect or misleading advice. This statement shall be confirmed in writing when making a recommendation.

#### **4. Responsibilities**

The ACIFC Secretariat is authorised to receive written complaints and recommend an investigation. However, the decision to action an investigation shall be made by the ACIFC Chairman and shall require ACIFC Board approval subject to the conditions set out in section 5 vi.

Prior to ACIFC involvement, the Secretariat or other designated Board Member shall encourage parties to resolve the issues by an alternative means of dispute resolution. Where this is not possible or where the issues involved implicate the ACIFC, then the Secretariat or other designated Officer (or Board Member) shall obtain the details of the complaint from each party. The complaint handling protocol and investigation route is given in appendix 1.

Where one or both parties are members of a quality scheme operated by an independent certification body, then where practicable, the progression of the complaint shall be referred to that authority by way of the accredited member(s) of the scheme party to the complaint.

#### **5. General Principles for Complaints Progression**

The following principles apply to all complaints:

- i. All complaints received in writing by the ACIFC Secretariat shall be formally acknowledged and, following consideration by the ACIFC Board, each party shall be advised in writing:
  - whether the complaint is to be progressed
  - where rejected, the reason(s) why ACIFC will not progress the complaint
  - where accepted, how the complaint will be progressed and the scope of any investigation.
- ii. Where a complaint is made verbally, the complainant shall be informed by the Secretariat that ACIFC requires confirmation of the complaint in writing prior to ACIFC considering an investigation.
- iii. The Board may elect a 'Complaints Committee' either to assist the Secretariat during an investigation or to fully manage an investigation. Members of the Complaints Committee

shall not be implicated in the dispute nor shall they have any connection or relationship with either party.

- iv. The result of the investigation, together with any recommendations, shall be confirmed in writing to each party involved in the dispute.
- v. A Complaints Register shall be held by the ACIFC Secretariat confirming the detail and outcome of each complaint. An example Complaints Register is shown in appendix 2.
- vi. Where a complaint is made by or against specific ACIFC Officers and/ or their organisations or the Secretariat, then the Secretariat shall be required to advise the ACIFC Board. Board Members shall then nominate at least three ACIFC Members (not necessarily Board Members) to form an 'Investigations Committee' reporting to the Board. Those implicated by the complaint shall not take part in any ensuing investigation but shall provide information where required in order to assist in the investigation. All correspondence relating to the complaint shall be handed over to the Investigations Committee chairman.
- vii. The outcome of the investigation and any actions/ sanctions shall be approved by the ACIFC Board prior to being confirmed to each party involved.

## **6. Complaints Register**

A comprehensive record similar to that given in appendix 2 shall be maintained for each complaint received. The following shall be recorded:

- Complaint reference number
- Date complaint received
- The individual/organisation initiating the complaint
- The individual/organisation against which the complaint is being made
- Nature of the complaint
- Outcome
- Date closed.

## **7. Records**

Records of all complaints received by ACIFC, together with details of any investigations carried out, shall be archived for a period of not less than fifteen years. In the event that the ACIFC is wound up during the retention period, then responsibility for archiving the records will be assigned to a former ACIFC Board Member.

## **8. Actions/ Sanctions**

1. Where it is ascertained that an ACIFC Member has compromised the ACIFC Code of Members' Conduct and/ or the ACIFC Constitution, the level of sanction shall be agreed by the Board by simple majority vote. The range of sanction is as follows:
  - reprimand
  - reprimand with six-month suspension from ACIFC

- reprimand with twelve-month suspension from ACIFC
- expulsion from ACIFC.

All ACIFC members shall be notified in writing of any ACIFC member who has been expelled from the ACIFC and/ or the ACIFC Board of Governors. The ACIFC Member shall have the right to appeal against the Board's decision if made in writing to the Secretariat within one month of the decision (see section 12).

2. Where it is ascertained that a complaint made against a member of the ACIFC by a fellow member or a third party is not justified, then this shall be confirmed in writing to the complainant on completion of the investigation. Where a complaint by a third party has resulted in loss in credibility of an ACIFC member, the ACIFC or the concrete flooring industry, the ACIFC Board shall decide whether representation should be made to the complainant or to their trade association.

## **9. Process of Complaint Investigation**

The process for investigating all types of complaints essentially follows the same route; however, a greater level of confidentiality shall be exercised where a complaint is made by an ACIFC member against a fellow member. In this case, the names of the parties shall not be released by the Secretariat unless that detail is required by the Chairman or Complaints Committee as being essential to the investigation. The nature of the complaint will be made available to the Board and the Board shall decide whether an investigation is to take place.

## **10. Complaints against Fellow Members**

Based on the Constitution, the Code of Members' Conduct and this Complaints Procedure, where a complaint is raised by a Member against a fellow member(s) in writing to the Secretariat or by way of a Board Member to the Secretariat, the route of investigation is:

- i. The Secretariat shall present the complaint to the ACIFC Chairman, who, together with the Deputy Chairman, shall decide on the investigation level. This is subject to the caveats given in section 5 vi.
- ii. Where it is deemed appropriate to recommend an investigation, the Secretariat shall obtain the complaint details and present them in outline to the Board. The Board will decide on the action required and whether a 'Complaints Committee' is needed to investigate the complaint.
- iii. Upon completion of the investigation, the Complaints Committee shall advise the Board of its findings and recommendations.
- iv. The Board will then decide on whether action is to be taken and will advise the Member of its decision.
- v. The Board will decide whether sanctions will be applied.

## 12. Complaints by Third Party Individuals/ Organisations

Based on the Constitution, the Code of Members' Conduct and this Complaints Procedure, where a complaint is raised by a third party against the ACIFC or an ACIFC member(s) in writing to the Secretariat or by way of a Board Member to the Secretariat, the route of investigation is:

- i. The Secretariat shall present the complaint to the ACIFC Chairman, who, together with the Deputy Chairman, shall decide on the investigation level.
- ii. Where it is deemed appropriate to recommend an investigation, the Secretariat shall obtain the complaint details and present them in outline to the Board. The Board will decide on the action required and whether a 'Complaints Committee' is needed to investigate the complaint.
- iii. Upon completion of the investigation, the Complaints Committee shall advise the Board of its findings and recommendations.
- iv. The Board will then decide on whether action is to be taken and will advise the complainant and the member of its decision.
- v. The Board will decide whether sanctions will be applied.

## 13. Appeals

The parties to the complaint have a right to appeal against the Board's decision provided they do so in writing to the Secretariat within a month of the date of the Board's decision.

Appeals against an ACIFC decision will be handled by an 'Appeals Committee' nominated by the Board. This committee shall comprise ACIFC Board members under direction of the ACIFC Chairman, ACIFC Deputy Chairman or ACIFC Secretariat depending on the circumstances. The members of the Appeals Committee will have had no involvement in the original complaint investigation.

## 14. Terms

The following shall be set out in the preliminary correspondence to each party:

### ***Terms & Data Protection***

*The Association of Industrial Flooring Contractors (ACIFC) will take care to ensure that any investigation following receipt of a complaint is carried out to a professional standard.*

*ACIFC takes all reasonable measures to ensure that the decisions made following an investigation are fair to all parties whether or not they are ACIFC members. However, ACIFC accepts no liability for any loss, damage or inconvenience caused as a result of or reliance on information and recommendations offered or its ruling. By reading this statement you accept the terms on which an investigation is carried out.*

*If you, as an individual, are the subject of personal data held by the ACIFC, then you have the right to expect that we are giving it due protection as well as to know what that information is. You can access any records containing personal information regarding you as an individual by written request to the ACIFC Secretariat.*

## Appendix 1 - Complaints Handling & Investigation Route

Written Complaint received by or referred to Secretariat

Written acknowledgement to complainant with written confirmation to individual/ organisation involved

Details of complaint referred to ACIFC Chairman - investigation requires ACIFC Board approval

ACIFC Chairman advises Secretariat whether investigation to be undertaken and whether investigation to be handled by Complaints Committee

### IF NO

Letter to both parties confirming that ACIFC is unwilling to investigate.

- Reasons
- Recommendation to settle locally

### IF YES

Secretariat sends letter to both parties confirming ACIFC will investigate complaint if parties are unable to settle locally.

- ACIFC Standard Letter of Acceptance
- Terms

Secretariat refers investigation to ACIFC Chairman who may nominate Complaints Committee to investigate and report to ACIFC Board

Outcome of investigation referred to ACIFC Board for decision

Secretariat confirms outcome in writing to each party.

- Outline Appeals procedure
- Sanctions where applied
- Representation to third-party

Note: Where complaints are made against fellow ACIFC members, the investigation may, at the discretion of the ACIFC Chairman, proceed on a confidential basis.

## Appendix 2



### Complaints Register

#### Example entry

Reference	Complainant Name/ organisation	Complaint about Name/ organisation	Date of Complaint	Nature of complaint	Outcome	Date Closed	Action
00001	<i>J Brown ABC Construction</i>	<i>DEF Flooring ACIFC member</i>	<i>01/01/2005</i>	<i>No response by contractor to complaints</i>	<i>Rejected</i>	<i>01/02/2005</i>	<i>Complaint refuted, letter to J Brown. No corrective action</i>
00002							
00003							
00004							
00005							