
COMPLAINTS PROCEDURE

1. The purpose of this complaints procedure is not so that TEG can arbitrate in disputes over fees, acknowledgements and other details. Instead it should be used where a member feels that the treatment it is receiving or has received from another member of the Group is so unprofessional, serious and irretrievable that the latter should not remain in membership. Its purpose is to act as TEG's ultimate sanction, both to deter bad practice and to protect other members from similar experiences. It uses a peer review approach to test the complaint and to decide whether a membership should be terminated.
2. The procedure should be used as a last resort, after all other avenues have been explored. TEG will require evidence that informal methods have been tried and exhausted before it becomes involved. It will also seek to resurrect bilateral discussions and make the effort in good faith to seek informal resolution of a problem if, in its view, the fault is not grievous. If both parties request it, the clock on the complaints procedure may be stopped for a period satisfactory to both parties to allow for any attempt in good faith to resolve the conflict or disagreement through mediation. TEG will use termination of membership only as a last resort where a fault is systemic or irretrievable.
3. A member with a complaint against another member should send a detailed statement in writing, with supporting evidence, to the Secretary. The Secretary should then serve notice to both parties that:
 - the complaints procedure has been initiated;
 - a sub-committee has been called into being to consider the case;
 - an opportunity is available to answer the complaint, either in writing or in person;
 - a deadline is fixed for answering the complaint in writing; and
 - a date will be fixed for a hearing.
4. If either party elects to present their case in person, then the Secretary must invite the other party to be there.
5. The Secretary shall engage three members of the Executive Committee to hear the complaint. They will be selected on the basis of their fairness, objectivity, integrity and open-mindedness. The Secretary shall advise both parties of the composition of the sub-committee, so that they can object to anyone who they feel might have an interest. The sub-committee will be reminded of the duty and scope of its responsibility:
 - to judge the case on the facts and evidence presented by both sides;
 - not to be intimidated or coerced by either party;
 - to be willing to question witnesses respectfully to gain further insight and clarification of their statements as well as to assess credibility;
 - to render a fair decision, based solely on "just cause" and not on personal or emotional considerations; and
 - to recommend a just penalty.
6. As far as possible, the date and place of the hearing will be arranged to suit the needs of all participants. Either party has the right to be accompanied by up to two people. Except in exceptional cases, travel and subsistence costs will be at the parties' own expense. The complaint will be considered on the basis of the last written answer if one or other party fails to appear at a scheduled review. The Secretary shall minute the proceedings. The parties will withdraw for the sub-committee to make its decision, although they should remain on the premises for an agreed period, in case further clarification is sought. Decisions should be unanimous. The Secretary shall inform both parties in writing within 5 days of the hearing.

continued over leaf

7. If the complaint is upheld, and if termination of membership is agreed, then that membership will be suspended until the following Executive Committee agrees formally to terminate membership or unless an appeal is lodged in the meantime. Following termination, the case will appear in the Committee's minutes, in the monthly newsletter and on the website, so that members are made aware that the professionalism of the individual or organisation concerned is in doubt.
8. An individual or organisation whose membership that has been terminated as a result of a complaint can re-apply for membership, not sooner than six months after termination and on production of evidence that it has improved its procedures and will abide by TEG Standards.
10. All members have the right to appeal if they are not satisfied with a decision. The Member must notify the Secretary of their decision to appeal, in writing within 14 days from the date of mailing of the notice of decision. The appeal should include a written statement of the findings or conclusions being appealed and the result being sought. The Secretary will inform the other party of the appeal.

Appeals procedure

9. The appeals procedure is TEG's risk management tool, to test the validity of a decision, especially where it terminates membership and, by implication, impugns the professionalism of the ex-member. The appeals procedure will:
 - give the Executive Committee a chance to review its sub-committee's decision, to account for any additional information or considerations, to ensure that a decision has been fully informed and made fairly, to allow procedural mistakes to be corrected or to reverse decisions that are contrary to law; and
 - provide a safety valve to avoid unnecessary litigation, and flag up any dispute that is likely to result in litigation, in the process examining the actions that are likely to be challenged and putting further information on record, to support its decision should the action be challenged in the courts.
11. All appeals are dealt with by the Executive Committee, at one of its quarterly meetings. Normally, notice will be given at least 10 days prior to the hearing. Written presentations are allowed if one or other party cannot attend; otherwise oral presentations are required. Withdrawal of an appeal is allowed. Both parties have the right to attend the relevant section of the agenda which will, as far as practicable, be scheduled for the convenience of the visitors. Either party has the right to be accompanied by up to two persons. Except in exceptional cases and only by prior agreement, travel and subsistence costs will be at the parties' own expense.
12. Appeal will be on a de novo basis, so that the case can be reviewed without giving weight to the original decision. The appeal should be based upon the original case. If new evidence is produced, it should be submitted not less than 10 days before the hearing, so that the Committee can refer the matter back to the sub-committee which originally reviewed the complaint. The process will be minuted. At the end of the hearing, the parties will withdraw, although they should remain on the premises for an agreed period in case further clarification is sought. The Committee will vote by secret ballot, either "appeal is upheld" or "appeal is rejected". A majority vote of those present is required to reverse the original decision. The Secretary shall inform both parties in writing within 5 days of the hearing.