

The Complaints Process

Can PRISM take a complaint forward?

The first stage in processing a complaint is to establish whether the complaint is within the remit of PRISM. PRISM provides guidance on what can be investigated as misconduct (ie what PRISM can investigate). There is also guidance for complainants on options for resolving issues that are not within the remit of PRISM. For example in the case of service disputes between clients and PRISM members in practice, the complainant would be given information about making a complaint to the relevant representative body.

Once it has been established that a complaint or an allegation of misconduct falls within PRISM's remit then the case can progress through the complaints process.

A complaint case may take many months to conclude. This is because allegations are reviewed thoroughly by the complaints committees and the member is given time to respond to the allegations made.

Supporting evidence

The second stage is to establish whether the supporting documentation is sufficient to enable the investigation committee to reach an initial view on a complaint. If there is insufficient evidence to support the allegation, this will be communicated to the complainant. PRISM provides guidance on the type of evidence that typically may be expected.

Please note though that staff do not evaluate the evidence submitted; that function is carried out initially by the investigation committee who reserve the right to ask further questions or request more evidence as they see fit.

The complaint summary

The complainant provides a summary of the complaint on the notification of complaint form. The formal articulation of the complaint – ie setting out the specifics of the complaint and which aspects of the PRISM Members Code of Conduct are alleged to have been breached. A summary of the complaint is drafted to ensure fairness and consistency of approach across all complaints.

The summary is then sent to the member's Prism representative and they are given an opportunity to respond and provide evidence of their own to refute the allegation. The complaint, the response and all supporting evidence is then submitted to the investigation committee.

The investigation committee

PRISM will, in the first instance, decide whether there is a valid complaint that needs to be addressed. Where there is a valid claim to investigate this will be submitted to the complaints committee.

Once a complaint is submitted to the Investigation committee, the committee will determine the next steps and they may decide:

- That no further action should be taken.
- To offer the respondent a sanction by way of a consent order (this is an opportunity to admit to misconduct and accept a sanction without the need to progress to a full disciplinary hearing).
- To submit the complaint to the disciplinary committee.
- In cases of significant public interest, to submit the complaint to the relevant Government Department or Professional Standards Body.

The disciplinary committee

If a case is considered by the investigation committee to be too serious to be dealt with, or where the member has not accepted a consent order, the complaint is referred to the disciplinary committee.

This committee is made up from a range of independent leading industry experts.

The committee can impose a range of other sanctions, including suspension or removal from membership.

Any case referred to PRISM's disciplinary committee is heard at central London locations.

Adverse findings may be reported in the media and are listed on PRISM's membership website page.

The relationship between the PRISM Complaints process and other legal processes

The complaints process is in place to protect the public and maintain confidence in PRISM to maintain high standards of professional behaviour by its members. It is not in place to provide an outcome that can then support a complainant's attempts to obtain financial or other redress through other legal processes. For this reason, any conduct case may be postponed or halted if other legal processes are invoked and the outcomes of these legal processes will inform the complaints process of PRISM.