

The Independent Registration Panel

IRP

for
British Sign Language/English Interpreters

COMPLAINTS AND DISCIPLINARY PROCEDURE FOR BSL/ENGLISH INTERPRETERS 2008-2009

Introduction

All Members of the Register of BSL/English Interpreters, and Trainee and Junior Trainee Interpreters registered by the Independent Registration Panel (IRP), are expected to abide by the Code of Ethics and the Guidelines for Professional Practice. They should also be familiar with the Complaints and Disciplinary Procedure. A complaint may be made if a registered interpreter is believed to have breached the Code of Ethics and/or the Guidelines for Professional Practice.

The IRP operates the Complaints and Disciplinary Procedure. The basis of any complaint is considered in the first instance by two members of the IRP known as Nominated Persons. A record is kept of all decisions that the Nominated Persons make and any new issues raised will be passed to them for consideration as to whether the nature of the issue raised in the complaint would constitute a breach of the Code of Ethics and/or the Guidelines for Professional Practice. If the issue raised would appear to constitute a breach of the Code of Ethics and/or Guidelines for Professional Practice, the complaint is passed to the IRP's Complaints and Disciplinary Committee.

This Committee is made up of three members of the IRP. They consider and rule on the complaint. If an appeal is made against their decision(s), it is considered by an Appeals Committee. The Appeals Committee is made up of three members of the IRP who have not been engaged in considering the complaint at a previous stage in the proceedings. The ruling of the Appeals Committee is final in relation to matters of fact and evidence. A further appeal may be made to a named independent Ombudsperson but only in relation to a point(s) of procedure or natural justice.

If either party to a complaint chooses to attend a Complaints Committee meeting s/he is expected to present her/his own case in BSL or English, but may take advice from a 'friend' if desired. A 'friend' is a relative, friend, professional advisor or colleague chosen by the complainant or the interpreter to accompany him/her throughout the above procedure for advice and support.

The Panel does not require that the parties to a complaint(s) obtain professional legal advice or be represented by a legal professional eg solicitor, etc. If either party chooses to engage the services of a legal professional s/he, and not the IRP, is responsible for meeting any financial costs incurred. Legal professionals may not represent a party to a complaint at a meeting of a Complaints and Disciplinary Committee or an Appeals Committee. They may however submit evidence in writing or by video letter to a Committee on behalf of a party to a complaint or act as a 'friend'.

The Independent Registration Panel

The Registration Department, c/o CACDP, Mersey House, Mandale Business Park,
Belmont, Durham, DH1 1TH

Telephone: 0191 383 1155 (voice) or 0191 383 7915 (textphone)

Email: administration@independentregistrationpanel.org.uk

Stage 1 - Initial Complaint

- 1.1 Wherever possible, minor complaints should be made during or after the event to the interpreter and/or to the organisation responsible for providing or organising the interpreting service. Every effort should be made to sort out problems promptly and amicably.
- 1.2 If a complaint cannot be resolved under 1.1, or where a serious breach of the Code of Ethics and/or the Guidelines for Professional Practice is alleged, the complaint should be made to the IRP. The procedure for making a complaint is as follows:
 - i. All complaints should be sent to the Registration Manager in writing or in a video letter normally within 1 month of the interpreting assignment. Complaints cannot be made by telephone or text telephone, email or fax.
 - ii. Within 5 days of receipt of the complaint the Registration Manager will:
 - a. send a reply to the complainant acknowledging receipt of the letter or video letter and, if necessary, request the completion of a form giving full particulars of the complaint;
 - b. send a letter to the interpreter requesting the completion of a form confirming the date, time and venue of the event in question.
- 1.3 The basis of the complaint will normally be considered in the first instance by two members of the IRP known as Nominated Persons. Any new issues raised will be passed to them to consider. They decide whether the issue raised in the complaint would constitute a breach of the Code of Ethics and/or Guidelines for Professional Practice. A record is kept of all past decisions made by Nominated Persons. On receipt of a complaint:
 - i. A letter will then be sent from the Registration Manager to the interpreter and the complainant informing them of one of the following:
 - a. the issue raised has previously been considered as constituting a breach of the Code of Ethics/Guidelines for Professional Practice and therefore Stage 2 of the Complaints and Disciplinary Procedure is invoked;
 - b. the issue raised has previously been considered as not constituting a breach of the Code of Ethics/Guidelines for Professional Practice and the complaint is therefore not upheld;
 - c. the issue raised has not previously been considered by the Nominated Persons and has been sent to them for consideration. The Registration Manager will specify a date by which one of the following decisions of the Nominated Persons will be communicated to all parties:
 - i the issue raised would constitute a breach of the Code of Ethics/ Guidelines for Professional Practice. The Complaints and Disciplinary Procedure Stage 2 will be invoked and the facts of the particular case will be considered;
 - ii the issue raised does not constitute a breach of the Code of Ethics/ Guidelines for Professional Practice. The complaint is therefore not upheld.

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Stage 2 - Complaints and Disciplinary Committee

- 2.1 All formal complaints will be dealt with by a Complaints and Disciplinary Committee including any appeal against the decision of the Nominated Persons. The members of this Committee will be members of the IRP. The Committee will be made up of three members, drawn whenever possible from different categories of the membership of the IRP. The Committee will, whenever possible, be chaired by the Chair or Vice-Chair of the IRP. The Committee will have the power to obtain or refer to further professional expertise if it deems this to be necessary.
- 2.2 The Complaints and Disciplinary Committee will usually meet at least three times a year to consider cases. The Registration Manager will inform all parties to a complaint of the date on which their case will be considered by the Committee.
- 2.3 If, in the opinion of the Chair of the Committee, the nature of the allegations warrants such action, the Committee may suspend the interpreter's registration*, without prejudice, for up to twenty-eight days, pending the outcome of its deliberations.
- 2.4 The Committee will review all the relevant correspondence and may request further evidence on matters relating to the complaint from those involved in the case and if appropriate from the organiser or contractor (responsible for providing or organising the interpreting service). Both the complainant and the interpreter will also be able to submit further information by letter or video letter and/or in person. The Committee will review all the available information and take into consideration the interpreter's previous record and may agree to one or more of the following:
 - i. Rejection of the complaint - on the grounds that it is unfounded.
 - ii. Acceptance of the complaint without taking disciplinary action against the interpreter - if, for example, an interpreter was functioning under difficult circumstances but did her/his best to provide an acceptable service. A file note would be kept for the record for twelve months from the date of the Committee's decision.
 - iii. If the Committee finds that there was no reasonable justification for the Code(s) being broken, they will issue a formal written warning outlining the Committee's findings, which will remain on file for two years. If another complaint is made in the future, and after the same process of investigation this is upheld by the Committee, the interpreter's name may be removed from the Register.
 - iv. If appropriate, the Committee may decide to remove the interpreter's name from the Register either temporarily or permanently*.
- 2.5 The Registration Manager will inform the person who made the complaint and the interpreter against whom the complaint was made, of the Committee's findings.

* In the event of an interpreter's name being removed from the Register either temporarily or permanently this will be indicated on the open pages of the online Directory.

Stage 3 - Appeals Committee

- 3.1 If either the person who has made the complaint or the interpreter is not satisfied with the Committee's decision and wants to appeal, s/he must appeal within twenty-eight days of the date of communication referred to in paragraph 2.5, in writing or on videotape to the Chair of the Appeals Committee stating why s/he is appealing. The appeal will be considered by three members of the IRP, whenever possible drawn from a different category of membership of the Panel, excluding any of its members who were involved in the initial decision or proceedings. The Chair or Vice-Chair of the Panel will chair the Committee wherever possible.
- 3.2 Grounds for appeal are:
 - i. errors in the procedure or conduct of the Complaints and Disciplinary Committee;
 - ii. availability of substantial and relevant new evidence.
- 3.3 The Appeals Committee will consider the appeal and the person making the appeal may be invited to submit further information.
- 3.4 The Appeals Committee will make known the outcome of the appeal within two weeks of their meeting through the Registration Manager. The Registration Manager will inform both parties to the complaint of the findings of the Appeals Committee, and advise CACDP of any change to the interpreter's registered status.

Stage 4 - Appeal to Ombudsperson

- 4.1 The decision of the Appeals Committee is final in relation to the complaint made. However, a further appeal may be made on the grounds of a point(s) of procedure or natural justice (but not on the grounds of the facts or evidence of the case).
- 4.2 Any further appeal following a decision of the Appeals Committee, will be dealt with by a named independent Ombudsperson. The Ombudsperson will have had no previous involvement in the case and not be connected with the field of BSL/English Interpreting.
- 4.3 The decision of this Ombudsperson will be final.

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