

Complaints

- complaints procedure for breach of Code of Professional Conduct

1. Type of complaint?

The aim of this document is to outline the complaints procedure should someone wish to make a complaint against a member of Cymdeithas Cyfieithwyr Cymru (CCC Cyf.), the association of Welsh translators and interpreters, due to breach of its Code of Professional Conduct and how CCC Cyf. will deal with the complaint.

This procedure is not relevant to the following cases:

- complaint about a translation. CCC Cyf. has a formal consultation service – the Translation Quality Assessment Service – to deal with the quality of a single translation rather than the conduct of a member. There is a charge for this service. For further information, please contact the Chief Officer.
- CCC Cyf. does not intervene in any fee-related disputes or where a member has provided a service that the client deems to be deficient and that results in financial and/or commercial loss. Such disputes should first be pursued with the member concerned and, failing that, through arbitration, through the involvement of a Professional Indemnity insurer or through the courts. If, however, the dispute cannot be resolved, or where a member is proved to be regularly providing deficient services, this may be grounds for complaint.
- CCC Cyf. will not become involved in disputes deemed to be of a personal nature unless there appears to be a breach of the Code.

2. Introduction

CCC Cyf. is committed to the highest standards of professional conduct and takes complaints seriously. All members of CCC Cyf. are bound by its Code of Professional Conduct. A copy is available on our website:

<https://www.cyfieithwyr.cymru/en/how-to-join/professional-conduct>

Anyone may submit a complaint against a member of CCC Cyf., be that a fellow member, a customer or client, an individual, a company or organization. Complaints must be made against members of CCC Cyf. only. It will not consider complaints against other translators/interpreters who were not members when the alleged incident took place.

CCC Cyf. itself may investigate a member's conduct if it deems that the member is in breach of the Code of Professional Conduct and that it is appropriate for it do so in order to maintain its reputation.

Complaints must be made using the Complaint Form for each complaint submitted. If the complaint relates to more than one member, a separate form must be used for each. The

complainant must include all relevant information when submitting the complaint. The complainant must also acknowledge any relationship to or involvement with the member.

CCC Cyf. is committed to the principles of self regulation and seeks to use its resources efficiently and effectively to ensure that its complaints handling procedure is proportionate, consistent, transparent and accountable.

3. Is a complaint necessary?

- 3.1 Before a complaint is submitted, both parties should have done their utmost to settle the dispute as quickly as possible, either through reasonable discussions, or failing that, through arbitration or independent mediation. CCC Cyf. may decide not to pursue an investigation of a complaint if both parties have not made real attempts to resolve the dispute.

The complainant should only submit a complaint, using the Complaint Form, when both parties have failed to resolve the dispute.

- 3.2 Before submitting a complaint against a member, the complainant should be satisfied that his/her facts are correct. The complainant should refer to the following documents:

- any written or verbal agreement between the complainant and the member;
- the terms of business agreed between the complainant and the member;
- any supporting communication between the complainant and the member;
- CCC Cyf.'s Code of Professional Conduct.

4. Making a complaint

The complaint should be submitted as soon as possible after the alleged breach of the Code and only if both parties are unable to settle the dispute. A complaint made 6 months or more after the alleged breach must include the reasons for the delay and evidence that both parties had done their utmost to settle the dispute (see 3.1 above). CCC Cyf. will not consider the complaint if it deems that the reasons given are unacceptable.

Complaints must be made against a member of CCC Cyf. and must be specific, and allegations must be verifiable and factually correct.

The official Complaint Form should be used, following the instructions contained therein, to submit a complaint which must be in writing and sent for the attention of the Chief Officer of CCC Cyf. who will act as clerk for the whole process.

Anonymous or verbal complaints will not be considered.

5. Confidentiality

Investigations under the complaints procedure are private and confidential. No correspondence or information that the complainant, member or any representatives submit to CCC Cyf. will be disclosed or discussed with unrelated parties. The complainant must also refrain from discussing the matter publicly during the investigation by CCC Cyf.

6. Who handles the complaint?

- 6.1 CCC Cyf. usually aims to deal with the complaints within 3 months of receipt.

6.2 The following steps will be taken when dealing with a complaint:

Step 1: The Chief Officer will acknowledge receipt of the complaint submitted with a signed copy of the Complaint Form, within 3 working days.

Step 2: The Chief Officer will, at the same time as acknowledging receipt of the complaint, send an exact copy of the Complaint Form with any correspondence and supporting documentation submitted by the complainant to the member for comment. The member must send his/her response within 10 working days.

Step 3: On receipt of the member's response, CCC Cyf.'s Chief Officer and Chairman will consider the evidence submitted by both parties and determine how to deal with the complaint. They may request legal advice. In determining their action they may:

- reject the complaint for being unfounded or because it contains unreliable factual information;
- decide not to proceed where civil or criminal proceedings related to the complaint are pending. In such a case, the investigation may be reconsidered on completion of such proceedings;
- recommend independent arbitration where the Chairman and Chief Officer decide that, for whatever reason, CCC Cyf.'s complaints procedure could not provide a fair investigation;
- deal with the complaint informally by seeking conciliation by both parties;
- refer the complaint to the Disciplinary Panel.

Step 3 will usually take up to 15 working days. However if more time is required, the Chief Officer will inform both parties of the reason for the delay.

Usually within 15 working days, the Chief Officer will inform both parties of his and the Chairman's decision.

Should the complaint be referred to the Disciplinary Panel, the Chief Officer will give notification of the procedure to be followed and the Panel's assumed schedule in dealing with the complaint.

6.3 **Disciplinary Panel**

The Disciplinary Panel will be appointed by CCC Cyf.'s Chairman and Chief Officer.

The Chairman of the Disciplinary Panel will be the Chairman of CCC Cyf.'s Membership and Professional Standards Committee. The two other members will be chosen from amongst CCC Cyf.'s members, based on their experience, the severity of the complaint, and the skills required to deal with the complaint. Any possible conflict of interest will be cause for not choosing a specific member. No Director or co-opted member of its Board of Directors, apart from the Chairman of the Membership and Professional Standards Committee, may serve on the Disciplinary Panel. A specialist (legal or lay) with experience in dealing with disciplinary cases may be appointed to advise the Disciplinary Panel.

In considering how to deal with the complaint, the Disciplinary Panel will consider all evidence submitted by both parties, as well as any comments submitted by CCC Cyf.'s Chairman and Chief Officer. (see Step 3 above).

The Disciplinary Panel may choose to meet face to face or discuss via e-mail and/or telephone, as appropriate.

The Disciplinary Panel may choose to hold a hearing. All parties will have the right to be present at the hearing to present their case orally and to answer the questions of members of the Disciplinary Panel. The member and complainant may bring one other person to the meeting, and that person will be given the right to speak.

The Chief Officer will send a written official notice of the Disciplinary Panel's decision to all parties within 5 working days of the meeting of the Disciplinary Panel where the decision was made.

Should the Disciplinary Panel decide that the member has breached the Code of Professional Conduct, one or more of the following steps will be taken:

- verbal warning;
- written warning;
- request that the member apologize to the complainant;
- undertaking by the member as to future behaviour;
- any steps deemed appropriate by the Disciplinary Panel for the member to undertake resulting from his/her behaviour in the case under consideration, including any appropriate training;
- temporary suspension of membership for a period commensurate with the nature of the complaint;
- expulsion of the member;
- public notice of the complaint posted on CCC Cyf.'s website.

In considering the appropriate penalty, the Disciplinary Panel will consider:

- the severity of the complaint;
- any remorse shown by the member and whether an apology has been made;
- any other breach of the Code of Professional Conduct by the member which has led to penalties in the past;
- the need to send a clear message to other members of CCC Cyf. about the consequences of behaviour like that seen in the complaint.

The Chief Officer will write to all parties to inform them of the decision, any penalty imposed, and the reason for the decision.

The letter will also give all parties notice of their right to appeal against the Disciplinary Panel's decision, the penalty imposed, or both.

7. Appeals Procedure

Any appeal must be submitted in writing to the Chief Officer within 21 working days of notification of the Disciplinary Panel's decision, specifying the basis and reasons for appealing.

On receipt of an appeal, CCC Cyf.'s Chairman and Chief Officer will appoint an Appeal Panel who will include three of its Directors. No Director with any knowledge or previous direct or indirect involvement with the matter in hand will sit on the Appeal Panel. Members of the Appeal Panel will appoint a Chairman from amongst its members.

The appeals procedure will take up to a month.

In undertaking its duties, the Appeal Panel may consider only the facts submitted to the Disciplinary Panel. This will include all documents and information provided to the Disciplinary Panel and the minutes of the meeting. The Appeal Panel may not consider any new information or evidence.

The Appeal Panel may decide:

- to uphold the original decision;
- to uphold the original penalty;
- to reverse the original decision in favour of the plaintiff and dismiss the compliant against the member;
- to reverse the original decision in favour of the member and impose an appropriate penalty;
- to alter the original penalty and impose a lesser or greater penalty.

The Chief Officer will send written notice of the Appeal Panel's decision to all parties within 5 working days of the date when the decision was made. The communication will note the decision and reasons for the decision.

The Appeal Panel's decision will be final and no further appeal will be allowed.