The STEP disciplinary process: Guidance for Complainants

Before making a complaint

If you have a complaint about the service you have received from a STEP member, we may be able to help. The individual must have been a STEP member at the time of the events being complained about for us to review the matter. It is less likely there will be evidence available to support your complaint if the incident occurred some time ago.

You can check if someone is a STEP member using our Member Directory.

We may be able to assist you with obtaining an explanation of what has gone wrong and why.

We cannot make a member:

- apologise to you
- provide a refund of fees paid
- redo any work you consider unsatisfactory
- award compensation.

Before writing to STEP we advise that you write to our member setting out your complaint and try to resolve the matter directly with them in the first instance. We expect all our members to have an in-house complaints process. Please note we do not offer a mediation service.

If your complaint is solely about fees with no additional breach of a STEP Code, you are advised to seek legal advice to aid recovery.

If a matter is being investigated by the Police or a regulatory body we may delay taking action until their investigation has been concluded.

What can you complain about?

STEP is able to investigate complaints where you believe our member may have breached one of our Codes of Professional Conduct:

- **STEP Code of Professional Conduct** is our core guidance which highlights the principal professional standards our members agree to uphold.
- **STEP Code for Will Preparation in England and Wales** highlights the transparent, service and competency standards clients can expect from our members who draft wills.
- Compliance with **Professional Conduct in Relation to Taxation** is obligatory for all members who advise on UK tax matters.
Information we will need from you

In order to review a complaint we require the following information:

- The full name of the STEP member
- The member’s company/firm address
- A summary of the complaint, what has happened and what, in your opinion, has gone wrong
- Information regarding whether a complaint has been made to another body
- Whether legal proceedings have been instigated
- Your full contact details
- A list and/or copies of available evidence supporting your complaint
- A waiver of legal professional privilege if relevant
- Your consent to STEP processing all of the personal data in line with current data protection requirements
- Your consent to disclose your complaint to our member.

The best way to ensure that you have provided all of the required information is to complete the STEP complaints form.

The investigation process

This is described in detail in the STEP Disciplinary Rules.

What happens once you have submitted a complaint?

You will be sent confirmation that your complaint has been received within five working days. We will undertake a preliminary assessment to ensure that we have all of the information we require and may ask for more information from you.

Your contact at STEP will be the Complaints and Committee Support Officer. Their role is to administer the complaint in accordance with the Disciplinary Rules. They are neutral and can advise you and the Member on the disciplinary process, outcome of the complaint and the reasons for any decision made. They carry out the instructions of the Disciplinary Panel.

Can I remain anonymous?

We will need to disclose your identity to allow the STEP member to prepare their response to your complaint. If you have concerns about disclosing your identity, please contact the Complaints and Committee Support Officer to discuss.

What happens next?

We will write to the STEP member notifying them of the complaint and sending them a copy of the information we have received. They will be asked to respond to your complaint within 28 days. Any response we receive will be shared with you.

Your complaint and their response will be reviewed by the Professional Standards Manager. They can close the case, refer the matter to another agency, or refer the Professional Standards 2020
matter for an investigation by the Investigation Panel. The Professional Standards Manager may obtain advice from the Chair of the Disciplinary Panel.

The professional standards team will contact you to advise you on the outcome of your complaint and the reasons for any decision made. You may also be asked to provide further information.

In some circumstances we can suspend the STEP member whilst we investigate the complaint.

Investigation Panel

The Investigation Panel will review the complaint and can make further inquiries which it considers necessary.

If the Investigation Panel decides that the complaint is valid and that there is a case to answer they can:

- Resolve the matter by Consent Order
- Refer the matter to the Disciplinary Hearing Panel

What is a Consent Order?

In some circumstances the Investigation Panel can decide to close a case by agreement with the Member. This is called a Consent Order. The facts will usually have been admitted or the evidence is sufficiently strong that the Panel do not need to refer the matter to a Disciplinary Hearing. The Member does not have to accept the consent order. If they do not, the matter will be referred to the Disciplinary Hearing Panel.

Disciplinary Hearing Panel

A formal hearing will be held where the Investigation Panel have decided that there is a case to answer.

If the Disciplinary Hearing Panel finds a Charge proved it can make the following decisions:

- No Order
- Give advice
- Reprimand
- Suspend membership for a specified period of time
- Place conditions on membership, for example, until specified Continuing Professional Development has been completed.
- Remove from membership
- Issue a fine of up to £10,000

Decisions made by the Disciplinary Hearing Panel are published and can be found on our website and in the STEP Journal. The Member has a right to appeal any decision made by the Disciplinary Hearing Panel.
How long will the investigation take?

The length of the investigation will depend on the complexity of the complaint made. We aim to resolve every investigation within six months of the initial complaint being made, although in some cases this may not be possible. We will provide you with regular updates on the progress of the case.

Complaints about STEP

STEP aims to deal with all complaints referred to us in a timely manner ensuring that both the Member and you are dealt with fairly. If you are unhappy with the way your case has been handled you can complain to the Director of Policy, who will review the case. Such a review is limited to the conduct of the staff and not the decision which has been taken by the Panel.

Contact Professional Standards for further information or advice by email standards@step.org or telephone: +44 (0)20 3752 3711