The STEP disciplinary process: Guidance for STEP Members

This leaflet explains the STEP Disciplinary Process for STEP members who have been notified that we have received a complaint about them.

Where possible we ask complainants to write to you setting out their complaint to try to resolve the matter directly through your in-house complaints process or similar. We do not insist on this, however. **We do not offer a mediation service.**

We will not investigate a complaint if it is solely about fees with no additional breach of a STEP Code.

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 matters do we investigate?**

STEP is able to investigate complaints where a complainant believes 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 you as a member have agreed to uphold.

- **STEP Code for Will Preparation in England and Wales** highlights the transparent service and competency standards clients can expect from members who draft wills in England and Wales.

- Compliance with **Professional Conduct in Relation to Taxation** is obligatory for all members who advise on UK tax matters.

**The investigation process**

This is described in detail in the **STEP Disciplinary Rules**.

**I have been notified of a complaint, what happens next?**

When we notify you of the complaint, we will send you a copy of all the information we have received. We ask you to respond to us within 28 days. If you need an extension, please put your request in writing and explain why. Any response you send will normally be shared with the complainant.

You may wish to seek independent advice on the complaints process.

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

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 complainant on the disciplinary process, outcome of the complaint and the reasons for any decision made. They carry out the instructions of the Disciplinary Panel.

**Interim suspension**

The Chair of the Disciplinary Panel may suspend a member for up to six months where:

- a serious concern arises from the complaint;

- a member does not respond; or
- the Chair considers the response unsatisfactory.

**Investigation Panel**

The Investigation Panel is comprised of three members of the Disciplinary Panel, one of whom is a nominated member from your branch. This will usually be the Branch Chair. Where there is a conflict of interest, the Chair of the Disciplinary Panel will appoint all three members.

If a complaint is referred for consideration by the Investigation Panel, you will be notified and may be asked to submit a further response if we have received additional information.

**Case consideration by the Investigation Panel**

The Investigation Panel considers all the information available to it. They may ask you, the complainant or a third party for further information. You will be provided with a copy of any further information. You will also be given the opportunity to provide a further written response.

**Can I attend a meeting of the Investigation Panel?**

Our meetings are held in private and neither you nor the complainant is invited to attend. Any queries regarding attendance should be addressed to the Professional Standards team.

**What are the outcomes of an Investigation Panel?**

The Panel may advise that the case should be closed as there is no case to answer. If the Investigation Panel decides the complaint is valid they can recommend:

- A Consent Order; or
- To refer the matter to the Disciplinary Hearing Panel.

In some circumstances the Investigation Panel can decide to close a case by agreement with the Member. This is called a Consent Order. The outcomes available under a Consent Order are:

- Reprimand
- Suspension for a specified period of time
- Place conditions on your membership, for example, until specified Continuing Professional Development has been completed.
- Removal from membership
- Issue a fine of up to £10,000 (or equivalent)

You do not have to accept the consent order if one is offered. If a consent order is not appropriate or you do not accept it then 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. You have the option of asking for the Disciplinary Hearing Panel to meet to
consider the case on the papers or you can ask for an oral hearing where you can appear before the Panel. Witnesses may also be called to give evidence.

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.

If you are ordered to pay a fine or costs, these should be paid within 28 days of you being notified.

**How long will the investigation take?**

The length of the investigation will depend on the complexity of the complaint made against you or the issue under investigation. 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.

**Appealing the decision**

Appeals against a decision of the Disciplinary Panel should be submitted within 28 days of the decision being made to the Professional Standards Manager. A notice of appeal should be made in writing and state clearly the grounds on which you intend to reply in the appeal.

An Appeal Committee will then be appointed to consider the case. Further information on appeals can be obtained from the Professional Standards team.

**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 3762