

**THE INSTITUTE OF THE MOTOR INDUSTRY
PROFESSIONAL CONDUCT - DISCIPLINARY PROCEDURE
(ACCREDITED TECHNICIANS)**

If you wish to make a complaint of misconduct against accredited technicians concerning a breach of the Accredited Technicians Code of Conduct you will need to follow the set procedure:

Step 1: Preliminary Matters - Complaints need to be made in writing to the IMI

- 1.1 Complaints can be made and accepted via electronic or non electronic means (such as by post, fax, e-mail or telephone). Where a complaint is made by telephone, the complainant must be followed up in writing otherwise it will not be acted upon. Anonymous complaints will not be accepted.
- 1.2 On receipt of a complaint a note will be placed on the accredited technicians file. This will contain no expression of opinion about the merit of the complaint and is without prejudice to any rights which the accredited technician may have.
- 1.3 The complaint will be passed to the IMI executive for review. If further action is necessary the complaint will be investigated. If further action is unnecessary the complainant will be notified of that fact and the IMI executive's decision will be final.

Step 2: Investigation - The accredited technician will be investigated and given the opportunity to respond

A letter will be sent to the accredited technician together with a copy of the complaint and the accredited technician will be asked to respond.

The accredited technician has [14] days from the date of the letter to provide a written response.

If the accredited technician fails to respond, or provides an inadequate response, the IMI executive may refer the matter to the Membership Standards Grading Committee Board ("the Board") who may, following a disciplinary hearing, impose a sanction against the accredited technician.

If having reviewed the complaint and it is concluded that the complaint is unjustified then the complaint will be withdrawn. The complainant and the accredited technician will be notified within [28] days of the decision being made.

If having reviewed the complaint and response and it is concluded that the complaint is justified then the complaint will be referred to the Board who will set up a disciplinary hearing. The IMI accredited technician will be notified within [28] days of the decision being made.

Step 3: Disciplinary Hearing - A disciplinary hearing will be set up, consisting of a disciplinary panel

- 3.1 Once a referral is proposed a disciplinary hearing is set up, the Board will appoint a disciplinary panel consisting of [5].

- 3.2 The accredited technician will be notified in writing (“the notice of hearing”) that a disciplinary hearing will be convened. The notice of hearing will state the composition of the disciplinary panel, where and when the hearing is to take place, and will give the accredited technician the option to make a personal appearance.
- 3.3 Within [7] days of the date of the notice of hearing the accredited technician must confirm to the Board whether or not they intend to make a personal appearance at the hearing. If it is their intention not to attend the hearing, the accredited technician must confirm whether or not they intend to submit written representations.
- 3.4 If the accredited technician elects to make a personal appearance he/she may be accompanied at the hearing by one other of his/her choice. The accredited technician may elect to be represented by his/her chosen companion.
- 3.5 At any time prior to the date of the disciplinary hearing the Board may ask the complainant to provide additional written comments. If the complainant provides additional written comments, this will be sent, or given, to the accredited technician prior to the disciplinary hearing commencing.

Step 4: Sanctions: Warnings or Revocation of Accredited Status - Appropriate disciplinary sanctions will be put in place

- 4.1 If the complaint is upheld the accredited technician will not normally have their accreditation revoked without first having received at least one written warning and having had the opportunity to improve their conduct. This principle does not prevent the Board from revoking accreditation.
- 4.2 If the complaint is an isolated incident and not a serious breach of the Code of Conduct, the accredited technician will normally receive a first written warning about their future conduct. Repeated or serious breach(s) of the Code of Conduct may result in a final written warning about their future conduct or revocation of accredited status.
- 4.3 If the complaint against the accredited technician is so serious that it would constitute gross misconduct the Board may determine that the accredited technician shall have their accredited status revoked.
- 4.4 In addition to any sanction referred to above, the Board may also require the accredited technician to apologise to the complainant and/or take such remedial action as is reasonable in the circumstances to remedy the complaint. A failure to comply with the Board’s request may result in further disciplinary action being taken. However, the Board does not have the power to order the accredited technician to pay financial compensation to the complainant.
- 4.5 If the complaint is not upheld it will be withdrawn. The Board will notify the complainant and the accredited technician of that fact within [10 working days] of the decision being made and the Board’s decision will be final.
- 4.6 Where the complaint is upheld the Board shall write to the accredited technician within [10 working days] days of the disciplinary hearing setting out the reasons for the decision and confirming any sanction given. The Board at its absolute discretion may also write to the complainant to confirm the outcome of the complaint.

Step 5: Appeals - The accredited technician is entitled to appeal against any disciplinary sanction

- 5.1 The accredited technician shall be entitled to appeal against any disciplinary sanction. The appeal shall be to The Institute of the Motor Industry Board.

- 5.2 An accredited technician who wishes to appeal against a disciplinary sanction must submit a written statement of appeal, including the grounds of appeal, within [14] days of the date of the written notification of that sanction.
- 5.3 The main grounds of appeal are likely to be:
 - 5.3.1 If the accredited technician wishes to contest the finding and/or the disciplinary sanction; or
 - 5.3.2 If new relevant evidence not available to the original hearing becomes available
 - 5.3.3 If there is an alleged lack of fairness in the original hearing
 - 5.3.4 If there is an allegation that this procedure was not followed correctly
- 5.4 On appeal the accredited technician may:
 - 5.4.1 maintain the original finding and sanction;
 - 5.4.2 maintain the original finding but modify the sanction (only in the most exceptional circumstances will the severity of the sanction be increased); or
 - 5.4.3 Not maintain the original finding and therefore remove the sanction.
- 5.5 Accredited technician will be notified in writing (“the notice of hearing”) that an appeal hearing will be convened. The notice of hearing will state when and where the appeal hearing is to take place and giving the accredited technician the option to make a personal appearance, or, if he/she elects not to make a personal appearance, to make written representations.
- 5.6 Within [7] days of the date of the notice of appeal hearing the accredited technician must confirm whether or not it is their intention to make a personal appearance at the appeal hearing. If they intend not to attend the hearing, the accredited technician must confirm whether or not they intend to submit written representations.
- 5.9 If the accredited technician can make a personal appearance or be accompanied at the appeal hearing by another IMI member of his/her choice. The accredited technician may choose to be represented by his/her chosen companion.
- 5.10 The decision of The Board shall be final.
- 5.11 If as a result of an a disciplinary complaint against an accredited technician is withdrawn, or is found to have been mistakenly initiated, any record of that action will be removed from the accredited technician’s file and destroyed.