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# Guidance on the BIID Complaints Procedure

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The British Institute of Interior Design requires all its members to sign up to our Code of Conduct. Whilst we demand high standards of professionalism from our members, we recognise that occasionally a member of the Institute may breach this Code. If you feel that one of our members has breached the Code and wish to make a formal complaint please see below for details of our complaints process.

Please note that the Institute cannot:

- Award compensation to a complainant
- Impose any fines on our members
- Restrict one of our members from practicing as an interior designer

## **Dispute Resolution:**

You may want to explore one of the following dispute resolution methods for contractual or commercial disputes:

### Mediation:

An independent person (someone who won't take sides) will help you and the other person or company find a solution to the problem. The people involved in the dispute, not the mediator, decide what will happen and the terms of any agreement. The Mediator cannot impose a resolution and cannot award costs, but the resolution is legally binding if a Settlement Agreement is signed by both parties. Mediation is held 'in confidence' which means anything discussed cannot be used in subsequent litigation or disciplinary proceedings by the BIID.

### Arbitration:

This involves an independent arbitrator who hears both sides of the disagreement and makes a decision that will solve the problem. It is sometimes described as a private version of going to court. Arbitration is usually binding on both sides, so you can't take your case to court after the arbitrator has made a decision. Arbitration is held 'in confidence' which means anything discussed cannot be used in subsequent litigation or disciplinary proceedings by the BIID.

### Adjudication:

The Housing Grants, Construction and Regeneration Act 1996 introduced adjudication to provide a quick solution to construction disputes - it is a time limited form of resolution that is not held in a court. However, it is a formal procedure that takes into consideration the facts of the case and the law and where the Adjudicator (a construction industry expert) will make a ruling and can award costs. Expert witnesses are often called and lawyers are generally needed to advise and represent the parties. Adjudication is not held 'in confidence' therefore the proceedings and outcomes are in the public domain and any information from them can be used in further legal proceedings or in disciplinary proceedings by the BIID.

Please email [info@biid.org.uk](mailto:info@biid.org.uk) for the BIID list of mediators/arbitrators/adjudicators

## **Complaints**

Complaints against members of the British Institute of Interior Design (BIID) are dealt



with by the Executive Manager in accordance with the following procedure:

**1. Initial Complaint**

- 1.1 Any complaint should be detailed in writing and sent to the attention of the Executive Manager at the address below.
- 1.2 The Executive Manager will then forward the complaint to the Preliminary Investigation Panel (PIP).

**2. Preliminary Investigation Panel (PIP)**

- 2.1 This is a standing committee that will meet whenever a complaint is received. The PIP will comprise three persons (approved by the BIID Council) of whom two will be senior members of BIID and the third will be an independent non-designer. At this stage the PIP may wish also to have a lawyer adviser present in a non-voting capacity.
- 2.2 The PIP will consider the complaint only in respect of whether there has been a possible breach of the BIID Code of Conduct. It has no authority to do more.
- 2.3 It will decide on one of two courses of action:
  - a) If it decides that there has been a possible breach of the Code of Conduct it will recommend that the matter be referred to a Disciplinary Panel;
  - b) If it decides that there has not been a possible breach of the Code of Conduct it will direct the Institute Manager to inform the complainant of this.
- 2.4 If the PIP determines that there has been a possible breach of the Code of Conduct, both the complainant and the subject of the complainant will be informed of this outcome and of the fact that a Disciplinary Panel will be called.

**3. Disciplinary Panel (DP)**

- 3.1 The DP will comprise three persons (approved by Council) of whom two will be senior members of BIID and the third will be an independent non-designer. These will not be the same persons who sat on the PIP. At this stage the DP may wish also to have a lawyer adviser present but in a non-voting capacity.
- 3.2 The complainant and the subject of the complaint will be invited to attend a meeting of the DP and bring any witnesses or other evidence. If one or both do not attend, the hearing can still take place using copies of pre-exchanged letters.
- 3.3 The decision will be either that the subject of the complaint is liable or not. If the former, a decision will have to be recommended to the BIID Council.
- 3.4 The decision will be one of the following options:
  - a) a formal reprimand
  - b) continuation of membership on condition that the member undertakes a prescribed amount of mentoring/studying for a set period of time
  - c) suspension of membership for set period of time, within which the member is expected to undertake a prescribed amount of mentoring/studying. Upon satisfactory completion of this mentoring/studying, membership will be reinstated.
  - d) being removed from membership permanently.
- 3.5 The DP does not have the power to issue fines or give advice on how to resolve



a dispute.

3.7 The subject may wish to appeal but he can do so only on grounds of new evidence or manifest injustice of the decision.

#### 4. **Appeal**

4.1 In the case of an appeal, Council will nominate an appropriate external body to hear the appeal.

#### **Notes:**

a) Any members who have failed to pay their subscriptions, but who have not given notice of resignation, in a year in which a complaint about their professional competence is made to the Institute, shall be deemed to remain members, with all the rights and obligations involved, until such time as the complaint has been dealt with by the Institute according to its disciplinary procedures.