ASSOCIATION OF TECHNICAL MONITORING AGENTS

Complaints Procedure

1. Scope of Complaints Procedure

Complaints concerning the professional or social conduct or technical competence of Members, and/or their compliance with the requirements and recommendations contained in the Association's Rules and Bye-Laws, and/or concerning an officer or director of the Association acting in an official capacity ("Complaints"), must be made to the Association in writing, which may include electronic format. Any person ("Complainant"), whether a Member or not (and, for the avoidance of doubt, including the Association or any of its officers or directors), may originate a Complaint against a Member.

2. Action to be taken on receipt of a Complaint

2.1 Each Complaint shall be made to the Chairman of the Association or, should the nature of the Complaint cause the Chairman of the Association to have a conflict of interest, or should the Chairman of the Association be unavailable, to the Vice-Chairman of the Association.

2.2 Following notification of a Complaint to the Chairman or Vice-Chairman of the Association, the Secretary shall write to the Complainant acknowledging receipt of the Complaint.

3. Action to be taken by the Chairman on receipt of a Complaint about a Member

3.1 The Chairman or Vice-Chairman of the Association (as the case may be) shall decide whether the Complaint appears to require investigation, and, if so, shall appoint a committee of investigation ("Investigating Committee") consisting of the persons specified Section 4.4 of this Rule 4.

3.2 A Complaint shall not be investigated to the extent that it relates to: (a) a matter that the Chairman or Vice-Chairman of the Association reasonably considers to be frivolous or vexatious; and/or (b) a matter that has resulted in litigation. The Association will discontinue any investigation already started if litigation relating to its subject matter is commenced.

3.3 The Secretary shall write to the person about whom the Complaint has been made ("Respondent") stating:

3.3.1 that a Complaint has been made;

3.3.2 the identity of the Complainant;

3.3.3 the nature of the Complaint; and

3.3.4 the decision as to whether the Complaint merits investigation.

4. Action to be taken by the Chairman of the Association on receipt of a complaint considered to require an investigation

The Investigating Committee shall consist of the following persons: the Chairman of the Association, who shall chair it; 2 (two) other members of the Executive, to be appointed by the Chairman; and, to the extent that the Chairman reasonably considers that the Investigating Committee requires any specialist advice, any other person appointed by the Chairman in order to provide such advice.

Notwithstanding the above, the Chairman of the Association may elect to call a meeting of the Association if in his opinion the establishment of the Investigating Committee warrants such a step.

5. Duties of Members

It shall be a duty of each Member to co-operate fully with any Investigating Committee set up under this Rule 4 unless it is prevented from so doing by a conflict of interest.

6. Actions to be taken by the Investigating Committee

6.1 The Investigating Committee shall act with promptness and discretion in order to resolve the Complaint and to uphold the professional standing of the Association.

6.2 The Investigating Committee shall require the Respondent promptly to submit to it a fully particularised written response to the Complaint together with such other information as may reasonably be required in order to enable the Investigating Committee to reach a conclusion on it. The Respondent shall do so and may also appear before the Investigating Committee to present its case.

6.3 The Investigating Committee shall attempt to achieve an agreed solution to the matter complained of by conciliation, advice and by using its good offices.

6.4 The Investigating Committee in reaching its decisions (which are not required to be unanimous) shall not commit the Association or its Members in any respect or initiate any disciplinary or warning action against the Respondent; it may, however, recommend such action to the Chairman of the Association.

6.5 The Investigating Committee shall report to the Chairman of the Association concerning its deliberations and, where possible, on the conclusion reached.

6.6 If the Investigating Committee is unable to reach a conclusion, it shall report the fact to the Chairman of the Association.

6.7 No Investigating Committee shall sit for more than three months.

7. Action to be taken by the Chairman of the Association

7.1 The Association shall instruct the Secretary to add the matter to the agenda for the next Association meeting, or at a special Association meeting if thought necessary by the Chairman, so that the Association may be acquainted with the problem and reach a decision.

7.2 If the Investigating Committee recommends disciplinary action, the Chairman shall call a meeting of the Association, at which (to the extent that the removal of its Membership is to be determined thereat) the Respondent will be given the opportunity to be heard.

8. Action to be taken by the Association

The Association, after due discussion, shall reach a decision on the Complaint and:

8.1 shall instruct the Chairman of the Association to write to the Complainant and the Respondent concerning its decision,

8.2 may issue a letter of warning to the Respondent;

8.3 may, by notice to the Respondent, suspend its Membership for such period as it may determine;

8.4 may, by the service of notice on the Respondent, terminate its Membership with effect from such date as is stipulated in the said notice;

8.5 may impose any other penalty (including costs) on the Respondent that it considers appropriate to the particular circumstances;

8.6 may at its discretion publish its decision via an appropriate medium.

9. Assistance to be provided by the Association to the Complainant

The Association shall seek to ensure that the Complainant is made aware of the service that it provides, and the services provided by its Members. The Association shall seek to provide information enabling the Complainant to choose a difference source of services if it so wishes.

10. Complaint against the Chairman

In the event that the Complaint relates to the Chairman of the Association, his role in the Complaints Procedure will be undertaken by the Vice–Chairman.