

IPReg Procedure for Complaints about an IPReg Board Member

1. Purpose

IPReg is committed to providing a high quality, accessible, inclusive and transparent service to everyone we deal with. This Complaint Policy sets out the process for addressing complaints about the conduct of IPReg Board members. The objective is to ensure that complaints are handled promptly, impartially and with due regard to the principles of justice.

2. Scope

This policy applies to complaints raised against individual Board members for alleged breaches of conduct, ethical violations or any behaviour inconsistent with IPReg's values and policies. A complaint about a trade mark or patent attorney Board member's competence will normally be considered under IPReg's investigation and disciplinary [Standard Operating Procedure](#). However, there are times when the substance of a complaint might engage both processes (e.g. a complaint about harassment).

3. Principles

- Fairness: All complaints will be treated fairly, with a commitment to impartiality and objectivity;
- Confidentiality: Information related to the complaint will be handled confidentially to the extent permitted by law and organisational policies;
- Timeliness: Complaints will be addressed in a timely manner, taking into account the nature and complexity of the allegations.

4. Submission of Complaints

- Complaints should be made at the earliest opportunity, ideally within 6 months of the issue that gave rise to the complaint or within 6 months of when you became aware of the issue. You will be asked to confirm that you agree to the Board member involved seeing your complaint and that the information you provide is true and accurate.
- Channels: Complaints can be submitted in writing by email to the IPReg Chief Executive (fran.gillon@ipreg.org.uk) or by post to IPReg CEO, 20 Little Britain, London EC1A 7DH. It would be helpful if you set out:
 - A clear description of the circumstances giving rise to the complaint;
 - Confirmation of whether or not you have already raised your concerns with the individual(s) who are the subject of the complaint and if you have, what the outcome was;

- How you would like the issue to be resolved;
- Your full postal address or email address and telephone number.

You can also make a complaint by telephone (020 7353 4373). You will be asked to provide the information above and we will send a declaration for you to sign and return to us.

- Anonymous Complaints: Complainants are encouraged to provide their contact information but anonymous complaints will be accepted and investigated to the extent possible;
- Whistleblower Protection: Whistleblowers who report complaints in good faith will be treated in accordance with IPReg's Whistleblowing Policy (see Annex A).

5. Complaint Handling Process

- Consideration of a complaint will follow the principles set out in IPReg's [Decision-making Guidance](#).
- Initial Assessment: The Chief Executive will notify the Chair (or if the complaint is about the Chair, the next longest serving lay Board member) and, subject to their agreement, will conduct an initial assessment to determine the validity and seriousness of the complaint;
- Investigation: If the complaint is deemed credible, an impartial external investigator will be appointed by the CEO to conduct a thorough investigation and make recommendations for action;
- Notification: The Board member subject to the complaint will be promptly notified of the allegations and provided with an opportunity to respond;
- Interim Measures: In cases where the complaint involves potential harm to IPReg or its stakeholders, the Board may implement interim measures to mitigate risks during the investigation. These measures include issuing a notice of suspension as set out in the Board member's contract;
- Findings and Recommendations: The investigator will provide findings and recommendations to the Board.

6. Board Decision and Actions

- Board Review: The Board will review the findings and recommendations and make decisions based on the available evidence. This meeting will be held in private with the CEO present;
- Possible Actions: The Board may take various actions, including but not limited to counselling, additional training or, in severe cases, removal from the Board in accordance with the Board member's contract.

- There is no right of appeal against the Board's decision. You should seek independent legal advice if you wish to challenge the decision.

7. Communication

- Complainant: The complainant will be informed of the outcome of the investigation to the extent allowed by law;
- Board Member: The Board member subject of the complaint will be informed of the Board's decision and any resulting actions;
- LSB, CIPA and CITMA: In the event that the Board member is suspended or removed from the Board, the LSB, CIPA and CITMA will be informed in order to ensure compliance with the Internal Governance Rules.

8. Record Keeping

All records related to the complaint, investigation and Board decisions will be maintained securely and in accordance with applicable legal requirements.

9. Review and Amendments

This Complaint Policy will be reviewed periodically, and amendments will be made as necessary to ensure its effectiveness and compliance with relevant regulations.

Annex A

Whistleblowing Policy

About this Policy

1. We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

What is Whistleblowing?

2. Whistleblowing is the reporting of suspected wrongdoing (or risk of wrongdoing) or dangers in relation to our activities. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations. It also includes the following matters specific to our role such as:
 - showing preference towards particular firms or individual registrants or applicants;
 - not complying with our internal policies (e.g. on the conduct of investigations into complaints);
 - ethical concerns such as conduct of staff or conflicts of interest.
3. Whistleblowing is not the same as a grievance. Whistleblowing is about raising concerns relating to wrongdoing, risk or malpractice that you witness in the workplace. Whistleblowing concerns should be in the public interest and, unlike grievances, the concerns may not even affect you. They should, in any case, have wider implications for other workers or the public. Grievances typically relate to how you, specifically, are being treated rather than relating to the treatment of others. Grievances may be raised about various issues, including: things you are asked to do as part of your job; breaches by your employer of your employment rights/your contract of employment, or the way you are personally being treated at work.

How to Raise a Concern

4. We hope that in many cases you will be able to raise any concerns with your manager. However, where you prefer not to raise it with your manager for any reason, you should contact the Chief Executive or any Board member.
5. We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or other companion to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

How we will Investigate your Concerns

6. We may seek external advice about how to deal with the issue you raise. We will aim to complete our investigation as soon as possible but cannot give specific timescales because these will vary depending on the nature of the concern.

7. We will keep a record of all discussions with you and other parties we discuss your concern with. During the investigation, we will keep you updated at regular intervals. We will give you the contact details of someone you can get in touch with for updates and support.
8. We will let you know when the investigation is complete. Where possible, we will also let you know the outcome of the investigation. However, you may never know the outcome of a whistleblowing concern. For example, if we investigate the behaviour of another individual and discipline them as a result, that would be confidential information between IPReg and the other individual.

Confidentiality

9. We hope that staff will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern. However, there will be some circumstances in which other people will be able to guess your identity and, therefore, confidentiality cannot be guaranteed.

External Disclosures

10. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
11. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect (previously Public Concern at Work) operates a confidential helpline on 020 3117 2520.

Protection and Support for Whistleblowers

12. We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken. If you raise a concern in good faith that turns out to be unfounded, you will not be penalised for being genuinely mistaken.
13. Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Chief Executive or any Board member immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
14. You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.