

# Complaint Form

# The Academy of Experts

# Complaint Form

[This form should only be used to complain about an Academy member acting as an Expert Witness]

3 Gray's Inn Square  
London  
WC1R 5AH  
DX 283 London, Chancery Lane

Tel: 020 7430 0333 Fax: 020 7430 0666  
email: [admin@academy-experts.org](mailto:admin@academy-experts.org)

[www.academyofexperts.org](http://www.academyofexperts.org)

## What The Academy of Experts can do if you have a Complaint

### Introduction

These notes provide a general guide to The Academy of Experts' (TAE) Disciplinary Procedures and are not intended to be a detailed explanation of TAE's disciplinary powers and duties. They are for use in connection with complaints against a member of TAE whilst acting as an expert witness.

### What can I complain about?

TAE will only look into complaints about aspects of the conduct of one its Members (ie one who holds relevant membership of TAE), which may constitute improper conduct as defined below.

If the complaint relates solely to the Member's principal profession, the complaint should be made to the Member's regulatory body, primary professional association or trade body (for example – Bar Standards Board, Solicitors Regulatory Authority, General Medical Council, Royal Institution of Chartered Surveyors, Institute of Chartered Accountants in England and Wales). If you have a solicitor it would be sensible to discuss with him whether he can resolve your complaint directly with the Member.

If TAE decides that your complaint may substantiate a charge of improper conduct on the part of the Expert it will investigate the matter. If TAE then considers that there are reasonable grounds for proceeding, it will charge the Member under its disciplinary procedure.

### Is there a time limit?

Normally you should complain to us within 6 months of the complaint arising. We will only look at complaints which arrive later than that date if they are particularly serious or if there is a good reason for the delay. (See note 9 for further information).

### Does it cost anything?

The Academy of Experts does not charge for this service.

### Improper Conduct

Improper Conduct, includes, but is not limited to:

- A contravention of, or failure to comply with, any provision of any enactment, any procedure rule or practice direction which applies in the civil, criminal or family courts, or any order of the civil, criminal or family courts with which it is the Member's duty to comply.
- A conviction or caution in the United Kingdom for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence.
- A determination by any statutory, chartered or other professional regulatory body in the United Kingdom to the effect that the person's fitness to practise as a member of that profession is impaired or that the person is guilty of professional misconduct (however described), or a determination by a regulatory body elsewhere to the same effect.
- A failure to perform any professional services or duties with such a degree of professional competence, due care and skill as may reasonably be expected, or a failure to perform the professional services or duties at all.
- A breach of any published or adopted code of professional conduct of TAE.
- Any conduct which has brought, or has the potential to, bring discredit upon TAE.

### **What The Academy of Experts cannot deal with**

TAE cannot consider complaints against those who are not members of The Academy of Experts.

TAE cannot investigate complaints about the conduct of solicitors and barristers except when they are TAE members acting as an Expert.

TAE will not investigate complaints about an Expert's private life or non-professional activities, or where the complaint concerns the Expert's conduct in his primary profession.

Where the matter is still continuing TAE cannot investigate the complaint until it and any appeals have concluded, unless such complaints impinge significantly upon the ability of the individual to practise as an Expert.

TAE cannot investigate claims of negligence. If you think one of our Members has been negligent you should seek advice from an independent legal adviser. Generally single acts of negligence do not amount to improper conduct, although repeated acts of negligence may well do so.

### **How the Procedure Works**

The complaints procedure is overseen by the Chairman of TAE's Investigations Committee ("CIC"). The Chairman is neither a practising Expert nor a TAE member and has complete independence from TAE in the decisions that he makes. The Chairman is able to investigate and dismiss complaints if he does not believe that they are justified.

The CIC can ask the Member, solicitor or other witnesses for their comments on a complaint. The Member's comments will always be sent to the complainant. The CIC can also ask for technical advice from Experts on issues connected with the complaint.

If the Investigations Committee considers that the complaint does not amount to improper conduct, it will dismiss it. If the Investigations Committee finds that there is a prima facie case of improper conduct then it may either:

- (a) if the matter does not warrant a serious penalty such as suspension or expulsion from TAE, offer the Member a consent order, or
- (b) if the matter is sufficiently serious, it will request the Chief Executive to convene a Disciplinary Tribunal whose Members will be drawn from TAE's Disciplinary Panel.

### **Disciplinary Tribunal**

If the Disciplinary Tribunal finds that a charge of improper conduct has been established it has a range of penalties that can be imposed. These extend from a reprimand to expulsion from TAE.

### **Appeals and Reviews**

At the request of a member and within 14 days of making a decision, the Disciplinary Tribunal has the power to re-open and review that decision.

If the Member is still dissatisfied with the penalty imposed by the Tribunal, he can appeal against the Tribunal's decision to an Appeal Tribunal of TAE, but only with regard to the penalty imposed, provided that he lodges an Appeal within 28 days of the Tribunal's decision.

A complainant cannot appeal the decisions of the Investigations Committee or the Disciplinary Tribunal. The Chairman of the Investigations Committee may be prepared to ask the Investigation Committees to look at the matter again if you produce additional evidence in support of your complaint, which for some justifiable reason has not previously been supplied.

### **Disciplinary Decisions Against Experts**

TAE maintains a record of the disciplinary decisions that either the Investigations Committee, the Disciplinary Tribunal or an Appeal Tribunal have made. This record will be published on TAE's website ([www.academyofexperts.org](http://www.academyofexperts.org)) once any review or appeal procedure has been concluded.

For further information, contact The Academy of Experts:

- [investigations@academy-experts.org](mailto:investigations@academy-experts.org)

## TAE COMPLAINT FORM

Please read the attached Notes for Guidance before completing this form.  
Please complete this form in black ink and in block capitals or typescript.  
Do not write on the back of the form - include additional sheets if necessary.

### PERSONAL DETAILS

#### Question 1 - see note 1

Name	
Address (including postcode)	
Tel	
Mobile	
e-mail	

#### Question 2 - see note 2

Are you complaining on behalf of somebody else?	Yes <input type="checkbox"/>	Please complete this section
	No <input type="checkbox"/>	Please go to question 3

Name	
Address	
Tel	
Mobile	
e-mail	

In dealing with this complaint should we write or copy correspondence to:	<input type="checkbox"/> You
	<input type="checkbox"/> The person for whom you are complaining
Has the person on whose behalf you are complaining authorized you to complain? (please enclose letter of authority)	Yes <input type="checkbox"/>
	No <input type="checkbox"/>

### THE EXPERT'S DETAILS

#### Question 3 - see note 3

##### Details of the Expert about whom you wish to complain

Name

Expert's Discipline

Address  
(if known)

Membership Number &  
Grade (if known)

Was the Expert acting for  
(please tick one)

- You or the person for whom you are complaining  
 The other side in the case  
 Somebody else (please state their full details)

### DETAILS OF YOUR COMPLAINT

#### Question 4 - see note 4

Is your complaint about

- The Expert's work in a court case  
 Other work done by the Expert Go to Q6  
 The Expert's conduct outside professional work Go to Q6

If the Case was heard in court please give us the:

Name of the case

Court in which it was heard

Case number

Date of the relevant hearing

Is the case continuing?

- Yes  No

Is the Expert still instructed in the case?

- Yes  No

Has the Court made any order or decision in relation to  
the subject matter of the complaint?

- Yes  No

If so, please provide details including copies of any relevant orders and/or a transcript of any relevant judgement.

# Complaint Form - Expert Witness

## Question 5 - see note 5

Is an appeal pending?

- Yes  
 No

If so, please give details of the appeal including the dates of any hearings (if known)

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## Question 6 - see note 6

Are there any related court or disciplinary proceedings

- Yes  
 No

If so, please provide full details including copies of any decisions or judgments and the names, addresses and references of any disciplinary bodies concerned

Details of proceedings

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Contact Details

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Details of papers enclosed

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## Question 7 - see note 7

### Solicitors Instructing the Expert

Name of firm

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Address of firm

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Name of person dealing with matter

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Solicitor's Reference

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Are the solicitors still acting in the matter?

- Yes  
 No

**Question 8 - see note 8**

Have you raised this complaint with

The Expert concerned

Yes  No

Your own Solicitor

Yes  No

If you have raised the complaint with the Expert and/or the Solicitor, please say what the result was:  
If you have not done so please give your reasons

**Question 9 - see note 9**

When did the actions about which you are complaining take place

If this is more than six months ago please say why there has been a delay in making the complaint

**Question 10 - see note 10**

Please set out briefly your complaint against the Expert

# Complaint Form - Expert Witness

## Question 11 - see note 11

Please say how you would like this complaint resolved

Explanation/Apology

Refund of Fees

Disciplinary Action

Other (please state below)

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### OTHER INFORMATION

## Question 12 - see note 12

Please set out the names and addresses of any other people whom you believe may be able to help us in our investigations and a note of their connection with the case or the Expert

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## Question 13 - see note 13

Are you enclosing additional sheets of paper

Yes

How many?

No

## Question 14 - see note 14

Please enclose any copies of other relevant documents and list them below - **do not send originals**

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## Question 15 - see note 15

Have you written to TAE about this matter before

Yes

If so, when:

No

When completed please sign and date this form then send it to:

### Complaints

The Academy of Experts  
3 Gray's Inn Square, London  
WC1R 5AH  
complaints@academy-experts.org

Signed:

Dated:

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# Complaint Form: Notes for Guidance

Please read these notes before completing the Complaint Form.

Please complete the form in black ink and in block capitals or in typescript.

## 1 Questions 1 & 2: Personal Details

We need your name and address.

We do not usually contact you by telephone but a number, for use in normal office hours, can be useful.

Please notify us of any change of address as soon as possible.

**We will acknowledge all letters we receive and will try to do so within one week of receipt. Please do not telephone us to find out whether or not we have received your letter until at least ten working days have passed since you posted it.**

2 If you are complaining on behalf of somebody else, we also need their name and address together with a **letter from them showing that they consent to you making the complaint for them.**

## 3 Question 3: The Member's Details

It is essential that you provide the name of the Expert who dealt with your case. The solicitors who instructed the Expert should be able to give you this (and, indeed, the address). If they cannot or will not help you, the court at which the case was heard may have it on their records. Even if you do not have the Expert's full address, it is helpful if you can tell us what you know about where he/she practises. We cannot look into any complaint unless we have or can find out the name of the Expert.

Where you are complaining about more than one Expert you should fill in a separate form for each Expert, unless your complaint is exactly the same for each of them.

## 4 Questions 4-6: Court Cases

We need to know some background to the case, in case we need to contact the court or the people involved.

If you are complaining about the Expert who represented the other side in your case and you are including material which you do not wish to be copied to the other side, please tell us clearly which material should not be sent to the Expert, solicitor or any other party.

You should be aware that if we cannot send relevant material to the Expert for his/her comments, it may not be possible for us to deal with the complaint. Your solicitor will advise you whether you have the right to show to us material disclosed by other parties in the course of an action. This material may be privileged from production.

If you are in doubt as to whether you can send us documents or other evidence, do NOT disclose such material to us without having first obtained legal advice.

5 If your case is continuing or if you are appealing the result of a case, we will normally postpone consideration of your complaint until the case or the appeal has been completed. If you are appealing the result of a case then it would be helpful if you could provide a copy of the Grounds of Appeal. You should have a copy of this but, if not, then ask your solicitors who will have a copy.

6 We need to know if any court proceedings have been brought in relation to the matter which form the basis of this complaint. You must also inform us if you have made a complaint about the expert named in this complaint to any other professional regulatory body or organisation.

# Complaint Form - Expert Witness

## 7 Question 7: The Solicitor's Details

We will normally write to the solicitor who instructed the Expert, sending a copy of the complaint and any enclosures and asking for comments.

## 8 Question 8: Raising the Complaint Directly with the Expert or Solicitor

Many complaints can be resolved at an early stage if you tell the Expert or your solicitor that you are unhappy with the service that has been provided. In less serious cases, you may find it helpful to ask your solicitor to take up the issue directly with the Expert. If your complaint cannot be resolved in this way, however, you should then complain to us. If you have raised your complaint with the Expert and/or the solicitor it would be helpful if you could provide copies of the relevant correspondence.

## 9 Question 9: Delay

It can be difficult to establish facts if a long time has passed since the conduct which gives rise to your complaint. You should make your complaint as soon as possible.

**If the complaint is received more than six months after the conduct which gives rise to your complaint took place, then your complaint may not be considered.**

It will not normally be enough simply to say that you were unaware of the existence of the complaints process.

In cases where the Investigations Committee is satisfied that the Complaint relates to conduct which is alleged to have occurred (or in the case of a number of connected allegations, the most recent of which is alleged to have occurred) more than 6 months before the complaint is made other than in the following circumstances your complaint will not be dealt with.

The Investigations Committee may, however, consider such a complaint if it is satisfied that:

- you have provided evidence that it was not reasonably practicable for you to have made the complaint at any earlier time; or
- in all of the circumstances it is necessary for the protection of members of the public and/or the reputation of TAE, or is otherwise in the public interest for your complaint to be dealt with; or
- your complaint substantially duplicates a complaint which has already been investigated and where any Disciplinary Proceedings arising from the complaint are not yet concluded.

## 10 Question 10: Details of the Complaint

Please set out briefly what you wish to complain about. You should remember that it must be something that an Expert has done or omitted to do.

We cannot deal with complaints against solicitors, barristers, judges, the police or court officials unless they are members of TAE and were acting as an Expert Witness.

We do not need a detailed history of the case but it will help us to deal with the complaint speedily if you state:

- what the case was about;
- when the complaint arose;
- what the Expert did or did not do;
- why you believe this was wrong.

**11 Question 11: Resolution of the Complaint**

The introduction, "What The Academy of Experts Can Do if you have a complaint" sets out the ways in which we can deal with complaints. Although it may not affect the final decision, it would be helpful to know how you would like the matter resolved. TAE is not able to award compensation, damages or any other financial recompense.

**12 Question 12: Other Information**

If there were any witnesses who can support your complaint or who might be able to assist us in this investigation, please let us have their names and addresses and their involvement. We will not necessarily approach all those whom you may name.

**13 Question 13: Additional Sheets**

If the form does not provide enough space for you to set out details of your complaint, please enclose additional sheets of paper. You should tell us how many you have enclosed so that we can be sure we have received them all.

Please write on only one side of each sheet to allow easy copying.

**14 Question 14: Enclosures**

Do not send original documents.

It is crucial that you provide any documents now in your possession, or which you can obtain, that support your complaint. If you are complaining about an Expert's opinion, or the terms of a settlement, or that he or she did not follow instructions, then it is necessary that you include copies of the relevant documents. If appropriate you should also provide a copy of the solicitor's instructions to the expert. Please also include any documents supporting a claim that you have suffered financial loss.

Please do not send original documents. Only send copies as we are unable to return them and we will accept no responsibility if they are lost or destroyed.

Please only include documents which are relevant and which deal directly with the Expert's conduct or your loss. It helps if you list the documents you are enclosing so that we can check that they arrive safely.

Documentation in matters relating to the welfare, upbringing, maintenance and education of children is confidential to the parties and the Court and cannot be publicly released without the Court's permission. When forwarding such documentation in support of your complaint to The Academy of Experts you must enclose proof that the Court has permitted its release. Failure to do will result in the documentation being returned to you unread, thereby delaying the investigation of your complaint.

**15 Question 15: Prior Contact**

It is helpful to know if you have contacted The Academy of Experts before to so that we can check our records for the other documentation that we may have.

Finally, please sign and date the form.



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