

# Chartered Management Institute

## Investigation Panel – Terms of Reference

1. The Investigation Panel (IP) is a sub-group of the Complaints and Investigations Committee (CIC), to which it reports and is accountable.

### Terms of Reference

2. The terms of reference of the IP are, on behalf of the CIC, to:
  - 2.1 Investigate complaints of unprofessional conduct made against members of the CMI (the Institute) and the Institute of Consulting (IC) in accordance with Institute Bye-law 11 and Board Regulation 9 (Professional Conduct Complaints Procedure) and make recommendations to the CIC as appropriate.
  - 2.2 Provide advice and guidance on other matters as may be requested by the CIC.

### Indemnity and Professional Obligations

3. In accordance with Board Regulations, members of the IP will be indemnified out of the funds of the Institute against all legal liabilities incurred in the fulfilment of their specified responsibilities.
4. As members of the Institute and the IC, IP members are bound by the CMI Code of Conduct and Practice, including the requirement for IP related Continuing Professional Development (CPD).

### Working Arrangements

5. In the event of a decision by the CIC to refer a complaint for investigation, the Institute Secretary, in consultation with the IP Chair, taking due note of any guidance issued by the CIC, refers the complaint to two members of the IP for full investigation. The composition of the investigation team is agreed in consultation between the Institute Secretary and the IP Chair, who should know best the capabilities and availability of IP members.
6. An investigation team will consist of a lead investigator (LI) and a support investigator (SI). When investigating a complaint against an Institute or IC member operating as a management consultant, whenever practicable, an experienced management consultant will lead the investigation team.
7. The IP Chair will keep in close contact with the appointed investigators and provide them with any further guidance<sup>1</sup> as proves necessary, informing the CIC Chair and the Institute Secretary accordingly. An investigation plan is to be agreed between the appointed investigators and the IP Chair.
8. The IP Chair then guides the conduct of the investigation, and if satisfied with the quality of the investigation report, forwards it to the CIC via the Institute Secretary.
9. During an investigation, if the Institute Secretary receives further information about the complaint, this is passed to the appointed investigators and the IP Chair.
10. If a hearing panel is convened, one member of the investigation team, (preferably the LI), is required to appear as a witness to present the investigation report, answer questions from the panel and be cross-examined by the member subject to the complaint and the complainant or chairman of the hearing panel. If neither investigator is available the Chair of the IP will act as substitute.

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<sup>1</sup> In this context 'guidance' includes advice and direction as necessary.

11. When a complaint has been resolved fully, the IP Chair will make a recommendation to the Institute Secretary concerning the payment of fees to the appointed investigators. The Institute Secretary and the CIC Chair will approve the payment of fees to the appointed investigators and the IP Chair as appropriate.

### **Composition, Term of Office, Nomination and Appointment**

12. The IP is appointed by the CIC and consists of a Chairman and not less than eight members of the Institute, at least two of whom are members of the Institute of Consulting (IC).
13. The term of office of a member of the IP is two years or such lesser period as may be determined at the time of appointment. Members of the IP are eligible for re-appointment for two further terms of two years up to a maximum of six consecutive years.
14. Nominations for membership of the IP are sought from members of the Institute and the IC, who are required to provide details of experience and expertise relevant to the IP's work and be supported by a sponsor. Following an interview process, recommendations for the appointment of members of the IP will be made by the IP Chairman assisted by the CIC Chairman and the Institute Secretary. Those recommendations are submitted to the CIC, through the Institute Secretary, for ratification.
15. An IP Chairman is appointed by the CIC and ratified by the Board. The Chairman normally holds office for up to two years and is eligible to serve for two further terms of two years, ie up to a maximum of six consecutive years, except that any immediately preceding period as a member of the IP counts towards the maximum term as Chairman.
16. The CIC has authority to modify the length of term of office of the Chairman and members of the IP, to maintain an effective IP.

### **Criteria for Consideration for Panel Membership**

17. The following criteria will guide the selection of IP members:
  - 17.1 Full member of the Institute for at least 3 years
  - 17.2 Recognised qualification in management and/or management consultancy/business advice
  - 17.3 Senior level experience as a manager / management/business consultant for a period of at least 5 years
  - 17.4 Evidence provided of recent and ongoing CPD activity
  - 17.5 Familiarity with the Institute, the requirements of the Code of Conduct and Practice, and the Institute's disciplinary procedure
  - 17.6 Demonstration of the skills required to undertake investigations, either through experience and/or an approved qualification in investigation practice
  - 17.7 Ability to devote the time to investigate up to two cases per year and attend an annual review and development meeting.