



# **Recruiter Accreditation Scheme Compliance Framework**

**December 2016**

## **Overview: MRS Recruiter Accreditation Scheme Compliance Framework**

MRS as the regulator and Code-holder for market, social and opinion research is responsible for setting the legal and ethical standards which underpin the Recruiter Accreditation Scheme.

This Guide sets out an overview of the compliance framework that will underpin the Recruiter Accreditation Scheme.

### ***Recruiter Regulations***

The Recruiter Accreditation Scheme is underpinned by the MRS Code of Conduct and the following mandatory regulatory guidelines:

- ***Qualitative Research Recruitment – Legal Requirements and Best Practice: Regulations for Recruiters*** are binding on all Company Partners, Recruiter Accreditation Scheme Company Partners and members plus all accredited recruiters.
- ***MRS Regulations for MRS Company Partners: Qualitative Recruitment*** are binding on Company Partners, Recruiter Accreditation Scheme Company Partners and members, where they are in a position of authority which includes the selection and use of research services and suppliers.

### ***Disciplinary and Complaints Regulations***

Underpinning the Recruiter Regulations are self-regulatory support mechanisms should any complaints arise regarding accredited recruiters. **By becoming accredited individual recruiters become members of the MRS and organisations become Recruiter Accreditation Scheme Company Partners.**

Both individual membership and the Recruiter Accreditation Scheme Company Partnership are supported by complaint and compliance mechanisms which would be used to investigate any complaints that the MRS Code and its associated Regulations and guidelines are not being upheld by accredited recruiters and/or accredited recruiter organisations.

If a complaint is received that indicates the MRS Code of Conduct and/or the associated Recruiter Regulations have been breached:

- individuals will be subject to the [\*\*MRS Disciplinary Regulations\*\*](#) which underpins the Recruiter Accreditation Scheme for individuals
- organisations will be subject to the [\*\*MRS Company Partner Complaint Procedure\*\*](#) which is the compliance framework which underpins the corporate Recruiter Accreditation Scheme

The internal and external bodies involved in the disciplinary and complaints process are:

- **Market Research Standards Board (MRSB):** Appointed by the MRS Main Board and responsible for setting and regulating the Recruiter Accreditation Scheme standards. MRSB develops new regulatory guidance and investigates breaches of the MRS Code of Conduct using the disciplinary regulations and/or company partner complaint procedure.
- **Standards Department:** MRS professional staff team involved in developing the standards framework and supporting the MRSB. The Department operates Codeline which can be contacted by email [codeline@mrs.org.uk](mailto:codeline@mrs.org.uk) for advice to help you understand, interpret and, most importantly, keep within the rules.
- **Investigations Committee /Quality Commitment Investigations Committee:** Standing sub-committees of 3 members of the MRSB to consider complaints about breaches of the Code and/or the Quality Commitment respectively
- **Disciplinary Authority:** Comprised of 3 independent members and 10 MRS Fellows from which 2 independent members and one Fellow are drawn to conduct a tribunal for all cases where individual members contest the initial disciplinary findings by MRSB
- **Reviewer of Complaints:** Independent barrister or solicitor who considers applications for review of MRSB decisions where there is no case to be pursued.

### ***Duty to co-operate with the disciplinary/complaints process***

All parties are required to co-operate with any investigation of the matter by the MRSB. This means that MRSB expects

- Timely co-operation with MRSB and investigations process
- Members will establish and follow a transparent internal complaints process<sup>1</sup>
- Adoption of a professional approach to the compliance process (e.g. attempting to contact the investigating committee or in any other way subvert the disciplinary process

The following sections set out the separate and different compliance process for individual recruiter members and corporate recruiter members under the MRS Recruiter Accreditation Scheme.

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<sup>1</sup> [Template available from MRS](#)

## **Individual Disciplinary Process**

This section sets out a summary of the procedures that will be used to investigate and determine complaints against individual recruiters. Although where there is more than one MRS Member is involved in a matter under complaint, the MRS reserves the right to proceed with an investigation against all such Members, it will usually apply its discretion to proceed only against the most senior MRS Member(s) involved.

For more detailed guidance please see MRS Disciplinary Regulations: A Summary in Annex A of this document.

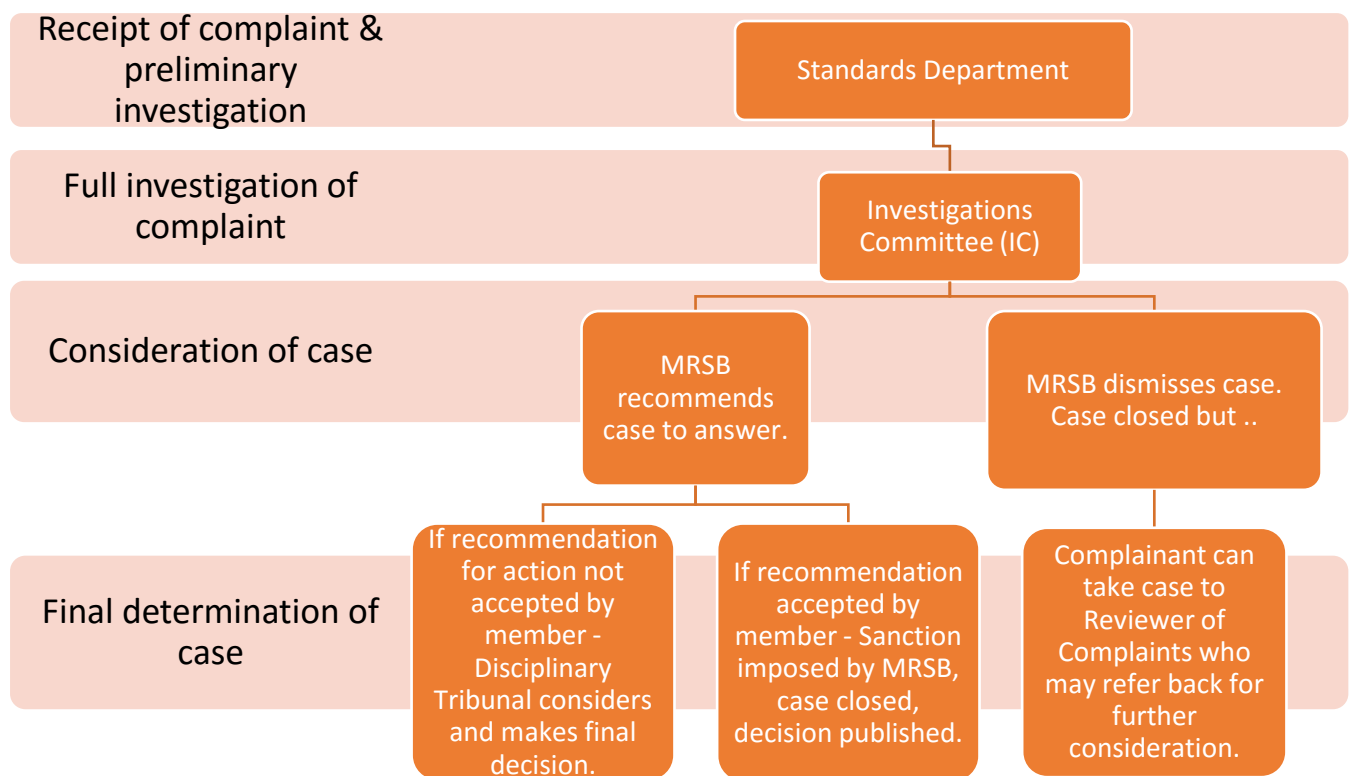
### **Informal Procedure**

MRSB may settle matters informally. This is not part of the MRS formal disciplinary procedure and will occur through informal resolution/mediation by the Standards Department where the Investigations Committee decides that it is a minor matter. This process is likely to be used where there has been an inadvertent breach that has not adversely affected or harmed participants and steps can easily be put in place to remedy the situation.

### **Formal Procedure**

The flowchart set out below outlines the overall process for formal disciplinary procedures under the Disciplinary Regulation. This will be the process followed for investigations and determinations on complaints about individual accredited recruiters.

*Figure 1 Individual Disciplinary Process – Formal Procedure*



## Available sanctions

Once a determination has been made that there has been a breach the MRSB will consider whether to impose a sanction and what sanction to impose. Membership may be withdrawn or other disciplinary action taken, if a Member is deemed guilty of unprofessional conduct. This includes:

- being found by MRSB to be guilty of any breach of the rules set out in the Code of Conduct or binding regulations
- failing without good reason to assist the professional body in the investigation of a complaint; or
- in the absence of mitigating circumstances having become bankrupt or having made any arrangement or composition with his/her creditors; or being found to be in breach of the Data Protection Act 1998 or other comparable legislation applicable outside the UK.

Under the disciplinary regulations the following formal actions set out in escalating levels of severity are:

- issue of warning
- issue of reprimand
- accepting undertakings
- demotion of membership grade
- suspension from membership
- expulsion from membership

In line with these sanctions MRSB may also

- make recommendations to the member, which the member is obliged to implement in a time frame set down by MRSB
- remove a member from the searchable recruiter register as part of any membership sanction imposed

## **Company Partner Complaints Process**

Under the MRS Quality Commitment and its associated Complaints Procedure, MRS Company Partners make a commitment to comply with the MRS Code of Conduct and to co-operate with MRS to assist in the early resolution of any complaints.

This section sets out a summary of the procedures that will be used to investigate and determine complaints against Company Partner Recruiters. For more detailed guidance please see MRS Company Partner Procedure: A Summary in Annex B of this document.

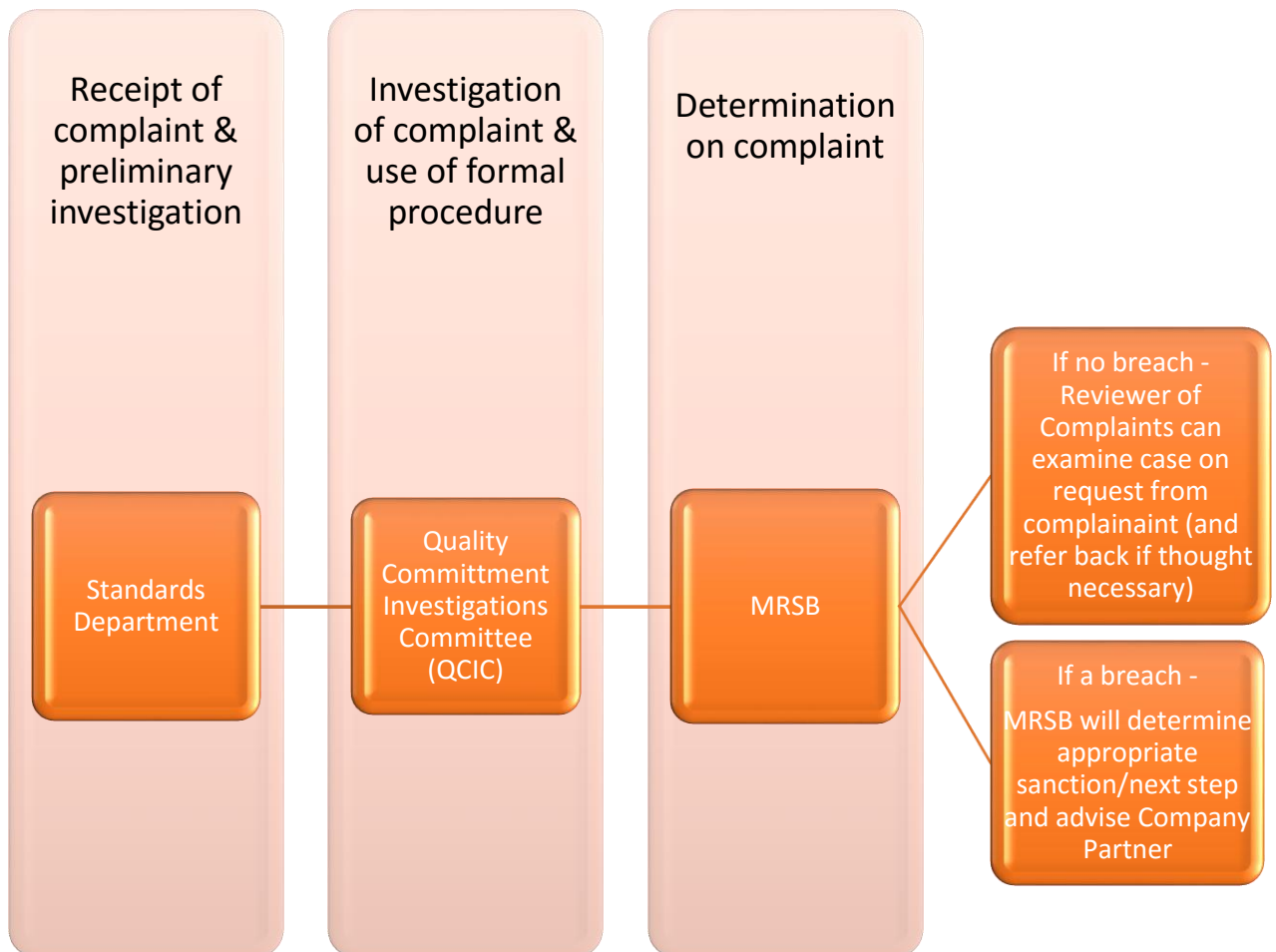
### **Informal Procedure**

MRSB may settle matters informally. This is not part of the MRS formal disciplinary procedure and will occur through informal resolution/mediation by the Standards Department.

### **Formal Procedure**

The flowchart set out below outlines the overall process for formal complaint procedures under the Company Partner Commitment. This will be the process followed for investigations and determinations on complaints about Company Partner recruiters.

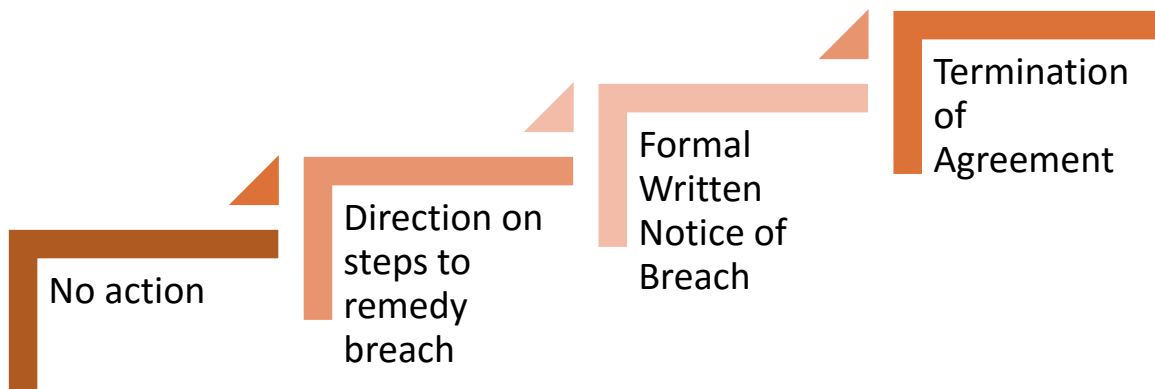
*Figure 2 Company Partner Complaints Process – Formal Procedure*



## Available Sanctions

The sanction recommended and imposed by MRSB for breach of the MRS Quality Commitment will depend on the view of the gravity of the breach and may include in escalating levels of severity:

- No action
- Direction on steps to remedy breach and/or other corrective action including apology (minor, trivial or isolated breaches)
- Direction on steps to remedy breach and/or other corrective action including apology (breaches that are not minor, trivial or isolated)
- Referral to Main Board for issue of formal written notice of breach (breaches that are not minor, trivial or isolated)
- Referral to Main Board to consider whether agreement with MRS Company Partner should be terminated (breaches that are not minor, trivial or isolated)



## Indicative Guidance on Use of Sanctions for Individual Recruiters

Complaints of code breaches may come before the MRSB in a variety of circumstances ranging from minor to significant breaches. MRSB has published guidance to provide information to members and aid members of the MRSB in their decision-making process on recommending sanctions. Guidance is available here:

[https://www.mrs.org.uk/standards/how\\_to\\_complain](https://www.mrs.org.uk/standards/how_to_complain)



## **FAQ's on Recruiter Compliance Process**

*What happens if an organisation loses its accreditation, will all the staff within the organisation also lose their accreditation?*

It depends on the nature of the complaint which resulted in the removal of accredited status. If a complaint showed direct involvement of accredited recruiter staff it is possible that individuals may also lose their status. However there may be occasions where an organisation loses its status but not all of the recruiter staff.

*If an organisation breaches the MRS Code or associated guidelines which underpin the Recruiter Accreditation Scheme what happens?*

If a complaint is received that indicates the MRS Code of Conduct and/or the associated Recruiter Regulations have been breached, organisations are obliged to co-operate promptly with MRS to enable MRS to complete an investigation using the MRS Company Partner Complaint Procedure (which underpins the corporate Recruiter Accreditation Scheme Company Partner scheme).

Serious complaints may result in the removal of an organisation's accreditation.

*If an individual accredited recruiter breaches the MRS Code or associated guidelines which underpin the Recruiter Accreditation Scheme what happens?*

If a complaint is received that indicates the MRS Code of Conduct and/or the associated Recruiter Regulations have been breached, individuals are obliged to co-operate promptly with MRS to enable MRS to complete an investigation using the MRS Disciplinary Regulations (which underpins the Recruiter Accreditation Scheme for individuals).

Serious complaints may result in the removal of an individual's accreditation.

## **More Information**

Find out more on MRSB compliance and disciplinary requirements here:

- [https://www.mrs.org.uk/standards/how\\_to\\_complain](https://www.mrs.org.uk/standards/how_to_complain)

Additional detailed information on the procedure can be found in these documents:

- [Disciplinary Regulations: summary](#)
- [Disciplinary Regulations](#)
- [Company Partner Complaints Procedure: summary](#)
- [Company Partner Complaints Procedure](#)

Find out more on recruiter accreditation scheme here:

- [https://www.mrs.org.uk/recruiter\\_resources](https://www.mrs.org.uk/recruiter_resources)

## **Annex A: MRS Disciplinary Regulations: A Summary**

This guidance note outlines the MRS Disciplinary Procedure. Full details are available from the MRS Standards department.

### STAGE 1

On receipt of a complaint the MRS Standards department makes an initial investigation and reports to the Chair of the Market Research Standards Board (MRSB) who appoints a sub-committee made up of 3 members of the MRSB (the "Investigations Committee") to consider the matter.

The Investigations Committee reviews the information provided from the initial enquiries of Standards department and decides upon one of the following:

The Investigations Committee decides (by majority) that this is a minor matter and follows informal procedure which is not part of the MRS formal disciplinary procedure.

The Investigations Committee decides to use the formal procedure.

If the Investigations Committee decides to follow the formal procedure it will establish the facts and circumstances of the matter (including, if appropriate, raising questions directly with the member concerned indicating that it may result in disciplinary action). Upon completion of investigations there are two possible outcomes,

The Investigations Committee decides there is no case to be pursued – see stage 2(a)

The Investigations Committee decides there may be a case to be pursued – see stage 2(b).

(Note: A complaint following the informal procedure may be moved back to into the formal procedure, at any stage if it is considered appropriate.)

### STAGE 2(a)

The Investigations Committee reports its decision to the MRSB, recommending no case to be pursued.

The MRSB shall consider the findings and recommendations of the Investigations Committee. If agreed, the Standards department will,

- Inform the member under investigation of the outcome

- Inform the complainant of the outcome

The complainant may have the decision reviewed, by the Reviewer of Complaints, up to one month after the decision has been made. After this period a review can only take place if in the opinion of the Reviewer of Complaints fresh evidence has emerged to justify such consideration.

If the Reviewer of Complaints finds one of the following, the case is referred back to the Investigations Committee (only in instances where lack of independence has been found would a new Investigations Committee have to be formed).

- Fresh evidence
- Failure of the Investigations Committee to follow procedure
- Lack of independence by a member of the Investigations Committee
- The decision by the Investigations Committee was not reasonably arrived at upon consideration of the evidence

If the Investigation Committee still finds no case to be pursued, and the MRSB supports this decision, the case is then closed. If evidence suggests that there may be a case to be pursued the procedure moves onto stage 2(b).

#### STAGE 2(b)

If a case is to be pursued, the Investigations Committee will decide on appropriate disciplinary action and present the case to the MRSB. The MRSB shall consider the findings and recommendations of the Investigations Committee. Upon a decision by the MRSB that there is a case to be pursued the procedure moves onto stage 3.

#### STAGE 3

The Standards department writes to the member under investigation setting out the details of the case, together with any relevant documents, informing the member of the MRSB's decision and disciplinary action (if any) inviting the member to consent to the findings.

In the case of proposed demotion, suspension, or expulsion from membership the member has 35 days to respond either providing consent or refusing consent.

In the case of seeking undertakings, warnings and reprimands the member has 28 days to respond either providing consent or refusing consent.

If the member provides consent, or does not respond within the period permitted, the decision of the MRSB will stand and the complainant will be informed accordingly. The decision will be published if the MRSB considers it appropriate. If the member refuses consent the procedure moves onto stage 4.

#### STAGE 4

MRSB refers the case to the Chair of the Disciplinary Authority (DA) who appoints a Tribunal to hear the case consisting of one Fellow of the Society, and two independent members (one of which could be the Chair of the DA). The complainant will be informed of the reference.

The Chair of the Disciplinary Tribunal will request that the Standards department serves at least one month's written notice on the member of the date, time and place of the hearing plus particulars of the complaint, the facts and matter relied upon by the prosecution and copies of any documentation to be used in evidence. Details of any witnesses and an outline of their evidence must also be included. The member will be given an option to have the matter dealt with on paper only or at a hearing.

Within 28 days the member must provide similar information for the tribunal, together with their decision as to whether the matter is to be dealt with on paper only (see stage 5(a)) or to have a hearing (see stage 5(b)).

#### STAGE 5(a)

The Disciplinary Tribunal will proceed to determine the matter on paper as soon as is practicable.

Once a decision has been reached the Disciplinary Tribunal will inform MRSB and the member of its decision and its reasons and of any disciplinary action to be ordered. The decision will be published as soon as is practicable in such form and manner as the Disciplinary Tribunal requires. The complainant will be informed in writing of the decision of the Disciplinary Tribunal.

#### STAGE 5(b)

The hearing takes place before the Disciplinary Tribunal, on conclusion of which the Disciplinary Tribunal may order any one or more courses of disciplinary action. The

decision will be published as soon as is practicable in such form and manner as the Disciplinary Tribunal requires. The complainant will be informed in writing of the decision of the Disciplinary Tribunal.

This will be the end of the procedure – no further applications will be heard. (Note: All time limits set out are doubled for cases concerning members resident outside of the UK.)

## **Annex B: MRS Company Partner Complaints Procedure: A Summary**

This guidance note outlines the MRS Company Partner Complaints Procedure. Full details are available from the MRS Standards department

### STAGE 1

On receipt of a complaint the MRS Standards department makes an initial investigation and reports to the Chair of the Market Research Standards Board (MRSB) who appoints a sub-committee made up of 3 members of MRSB called the Quality Commitment Investigations Committee (QCIC) to consider the matter.

The QCIC reviews the information provided from the initial enquiries of Standards department and decides upon one of the following:

- There has been no breach of the Quality Commitment, in which case the procedure progresses to Stage 2(a).
- There has been a breach of the Quality Commitment, with a recommendation for action to be taken by the MRSB, in which case the procedure progresses to Stage 2(b).
- The matter relates to a minor, trivial or isolated breach of the Quality Commitment which does not warrant further action or inquiry. If appropriate it may informally advise the MRS Company Partner of the breach and remedial or preventative steps that should be taken.

### STAGE 2(a)

The QCIC reports its decision to the MRSB that there has been no breach of the Quality Commitment.

The MRSB shall consider the findings and recommendations of the QCIC. If agreed, the Standards department will,

- Inform the MRS Company Partner under investigation of the outcome
- Inform the complainant of the outcome

The complainant may have the decision reviewed, by the Reviewer of Complaints, up to one month after the decision has been made. After this period a review can only take

place if in the opinion of the Reviewer of Complaints fresh evidence has emerged to justify such consideration.

If the Reviewer of Complaints finds one of the following, the case is referred back to the QCIC (only in instances where lack of independence has been found would a new QCIC have to be formed):

- Fresh evidence
- Failure of the QCIC to follow procedure
- Lack of independence by a member of the Investigations Committee
- The decision by the Investigations Committee was not reasonably arrived at upon consideration of the evidence

If the QCIC still finds no case to be pursued, and the MRSB supports this decision, the case is then closed. If evidence suggests that there may be a case to be pursued the procedure moves onto stage 2(b).

#### STAGE 2(b)

If it considers that there has been a breach of the Quality Commitment, the QCIC will recommend appropriate action and present the case to the MRSB. The MRSB shall consider the findings and recommendations of the Investigations Committee.

The MRSB shall then reach one of the following decisions:

- that the MRS Company Partner has not acted in breach of the MRS Quality Commitment, in which case the Reviewer of Complaints procedure outlined above will apply.
- that the MRS Company Partner has acted in breach of the MRS Quality Commitment but that no action should be taken,
- that the MRS Company Partner has acted in breach of the MRS Quality Commitment (which breach is minor, trivial or isolated) and that the MRS Company Partner shall be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant),



- that the MRS Company Partner has acted in breach of the MRS Quality Commitment (which breach is not minor, trivial or isolated), and that :
- the MRS Company Partner shall be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant), and/ or
- the matter shall be referred to MRS Main Board to consider whether a formal written notice of breach should be issued to the MRS Company Partner, or
- that the MRS Company Partner has acted in serious breach of the MRS Quality Commitment and that the matter shall be referred to MRS Main Board to consider whether the agreement with the MRS Company Partner should be terminated.

The decision shall be published, if appropriate, in such form and manner chosen by the MRSB.