

CHARTERED INSURANCE INSTITUTE GUIDE TO MEMBER COMPLAINTS PROCEDURE

INTRODUCTION

Individuals or organisations considering making a complaint against a Chartered Insurance Institute (CII) member should use this guide, which explains how to make a complaint and the procedures in place for investigating complaints. All members of the Personal Finance Society are members of the CII.

The Chartered Insurance Institute encourages the highest professional standards in insurance and financial services worldwide.

The CII takes all complaints seriously and, where these occur, follows internal rules laid out in the Disciplinary Regulations and Disciplinary Procedure Rules. Copies of these documents are available to view on the website : www.cii.co.uk or directly from:

The Secretariat
Chartered Insurance Institute
20 Aldermanbury
London EC2V 7HY

telephone : 020 7417 4432

Where a member is reprimanded, suspended, fined or expelled (or an examination candidate is disciplined) a notice may be posted on the CII website and in the CII Journal.

BACKGROUND

The sanctions available, under the CII Disciplinary Scheme, apply to members of CII and non-members (for example, examination entrants) who have agreed to be bound by the Laws of the CII (defined as the Charter, Bye-laws, Regulations, Codes and other requirements of the Institute). There are no sanctions against firms, Plc or Limited companies or other professional bodies. However, where evidence is brought to the attention of the CII, of an organisation which, for example, is providing services although its Principals are unqualified, the complaint would be referred to the appropriate authorities. Sanctions would also be considered against any individual members of CII, who were Principals in such an organisation.

All CII members commit to upholding professional standards when they join the CII. The CII's Code of Ethics and Conduct sets out principles which Members and non-members who are taking CII examinations are expected to follow.

Continuing Professional Development (CPD) is also an obligatory condition of membership for those Members holding the following designations :

- Cert CII (Certificate in Insurance)
- Dip CII (Diploma in Insurance)
- ACII (Associate of the Chartered Insurance Institute)
- FCII (Fellow of the Chartered Insurance Institute)

- Cert PFS (Certificate in Financial Planning)
- Dip PFS (Diploma in Financial Planning)
- APFS (Associate of the Personal Finance Society)
- FPFS (Fellow of the Personal Finance Society)
- Cert CII (MP) (Certificate in Mortgage Advice)

and any other qualifications which attract post nominal designations which the CII may, from time to time, introduce

Members who fail to comply with CPD obligations may be investigated and/or referred to the Disciplinary Panel. Sanctions may be applied for non-compliance, which might include a ban on a member's right to use a designatory or Chartered title. Further examples of misconduct are :

- cheating in examinations (for example, by referring to notes brought into the examination room)
- using designatory letters/titles without the appropriate qualification or continuing to use designatory letters/ titles when membership has knowingly been allowed to lapse
- offering advice on products or services without adequate knowledge, training or experience

The Disciplinary Committee views misconduct very seriously because it reflects badly on the Institute and its membership. Sanctions handed down by the Disciplinary Committee may include:

- admonishment or reprimand
- monetary fine
- expulsion from membership

Expulsion and/or being reported to the relevant regulatory authorities may have serious economic consequences for individuals employed in the sector.

The CII considers each complaint on its own merits before deciding to investigate further. If we decide we cannot investigate a complaint it will be because it is not practical or justified. Examples of complaints which are unlikely to be taken forward are :

- where members cannot be identified
- where complaints are made with the primary intention of causing annoyance, or embarrassment or are of a vexatious or frivolous nature
- complaints about the policy decisions made by a member's organisation or employer

If we cannot investigate a complaint we will write to you explaining why.

HOW TO MAKE A COMPLAINT

1. Contact the CII's Legal & Secretariat Department by

- telephone 020 7417 4432
- in writing to :

The Preliminary Screener
Legal & Secretariat Department
Chartered Insurance Institute
20 Aldermanbury
London EC2V 7HY

- or completing a complaints form available on CII's website
www.cii.co.uk

2. When making a complaint please ensure you inform CII of the following:

- your name, address and a telephone number
- the name and, if possible, contact details (eg. employer's name) of the person who is the subject of your complaint or allegation
- the nature of your complaint or allegation
- the date(s) or approximate timescale when the event(s) took place
- details of the evidence on which your complaint is based. Please note evidence will be required in hard copy form (original documentation wherever possible).

Please Note : Making a complaint against a CII Member is not a substitute for taking legal action where appropriate.

WHAT WILL HAPPEN NEXT

An acknowledgement and a complaint reference number will be despatched to you within 7 business days of the CII receiving a complaint.

All complaints made in good faith are considered by the Preliminary Screener, appointed by the CII, to investigate complaints. If there is prima facie evidence (a good indication) a member has breached the CII Code of Ethics and Conduct or the Laws of the CII, the matter may be referred to the Disciplinary Committee or in certain circumstances (i.e. where in the opinion of the Preliminary Screener the sanction would not be greater than a reprimand) may be dealt with by the Preliminary Screener in lieu of a formal hearing. However in these circumstances there would also be a right of appeal to the Disciplinary Panel. Where a hearing before the Panel is necessary this will be convened and the Disciplinary Panel will decide what, if any, sanctions are appropriate.

Depending on the complexity of the complaint, every effort will be made to reach a decision whether or not the matter will proceed to investigation and a hearing by the Disciplinary Panel within 30 days of receiving a complaint. In most cases, however, a

decision will be made within 14 days. On rare occasions the complexity or sensitivity or a case may lead to longer timescales being required.

THE DISCIPLINARY PROCESS

If a decision is taken to proceed to a hearing of the Disciplinary Committee you and the Respondent (the member or non-member) will be notified in writing at least 28 days before the hearing. The CII will always attempt to give as much prior notice as possible. Copies of all documents, statements and other evidence on which the CII intends to rely will be sent to the Respondent at this time.

The Respondent will be invited to submit any evidence on which he/she intends to rely and must also advise the CII whether he/she intend to be legally represented.

In all complaints before the Disciplinary Panel, the Respondent is entitled to attend the hearing, speak in his/her defence and/or cross examine the witness/es.

The decision of the Disciplinary Panel will be notified in writing to you and the Respondent within 7 days of the hearing.

The Respondent, and only the Respondent, has a right to appeal within 21 days of receipt of the decision.

The Disciplinary Panel is drawn from members of the Disciplinary Committee. The Committee has a maximum of 12 members, consisting of senior members of the Institute and lay people. The Panel must comprise at least three members of the Disciplinary Committee, one of whom must be a lay person.

APPEAL PROCESS

The Appeal Panel can uphold, amend or reject the decision of the Disciplinary Panel. There is no further right of appeal within the CII.

Members of the Appeal Panel are drawn from the Appeal Committee. The Appeal Committee has a maximum of 12 people consisting of senior members of the Institute and lay people. The Appeal Panel must comprise at least 3 individuals from the Appeal Committee and have someone who is legally qualified, a lay person and a senior member of the Institute.