

Guide to Complaints against Members



CII

contents

- 3 ▶ **Background**
- 3 ▶ **How to make a complaint**
- 4 ▶ **What will happen next?**
- 4 ▶ **Disciplinary process**
- 4 ▶ **Appeal process**
- 5 ▶ **Example complaints form**
- 13 ▶ **Complaints form**

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 and are therefore investigated as part of the process.

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 Legal and Secretariat Department
Chartered Insurance Institute, 20 Aldermanbury,
London EC2V 7HY

Where a member is reprimanded, suspended, fined or expelled (or an examination candidate is disciplined) a notice will be posted on the CII website and in the CII Journal and/or Financial Solutions except in exceptional circumstances.

Background

The sanctions available, under the CII Disciplinary Scheme, apply to members of the CII and some 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).

All CII members commit to upholding professional standards when they join the CII. The CII's Code of Ethics sets out principles which members are expected to follow. Non-members taking CII examinations are also obliged to adhere to the rules set out in the Examination Permit.

Examples of misconduct are:

- failure to submit Continuing Professional Development (CPD) records on request
- 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 been allowed to lapse
- selling CII copyright material for a profit such as selling examination papers on the Ebay website
- disciplinary action being taken against a member by the FSA or Financial Ombudsman.

As the CII is committed to professionalism, 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:

- reprimand
- designation and chartered title being removed
- banned from taking examinations for a specified period
- publication of details of the case
- expulsion or suspension from membership.

The CII considers each complaint on its own merits before deciding whether to investigate further. If we decide we cannot investigate a complaint it will be because it is not practical or justified. The CII also has a rule whereby complaints cannot be made after 12 months have passed since the events complained of took place or since the Complainant became (or should reasonably have been) made aware that the events complained of took place. Other 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
- where sufficient evidence is not available
- where the scope of the complaint falls within the remit of the regulatory authorities (e.g. the Financial Services Authority or the Financial Ombudsman in the UK) or the courts.

If we cannot investigate a complaint we will write to you explaining why and, where possible, advise of an alternative route of complaint.

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

How to make a complaint

Use the attached form to make a complaint and email it to either caroline.jeffery@cii.co.uk or jim.beveridge@cii.co.uk

Your form can also be posted to:

The Legal and Secretariat Department
Chartered Insurance Institute, 20 Aldermanbury,
London EC2V 7HY.

What will happen next?

An acknowledgement 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 or the Laws of the CII, the matter may be referred to a panel of the Disciplinary Committee or in certain circumstances may be dealt with by the Preliminary Screener in lieu of a formal hearing. The main situations where the Preliminary Screener deals with complaints, without a formal hearing being arranged, are where the Preliminary Screener is of the opinion that the sanction would be no greater than a reprimand or where members have failed to produce CPD records. As the sanctions applied for failure to produce CPD records have been set by precedent, it would be too time-consuming to set up a hearing for every

member that fails to comply with this requirement. However in these circumstances, notification of the Preliminary Screener's intentions are sent to the Disciplinary Committee who are given 21 days to overturn his decision. There is also a right of appeal to a Disciplinary Panel although this might result in a sanction being applied which is more severe than the reprimand issued by the Preliminary Screener. Where the Preliminary Screener decides that 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 60 days of receiving a complaint. On rare occasions the complexity or sensitivity of a case may lead to longer timescales being required.

Disciplinary process

If a decision is taken to proceed to a hearing of the Disciplinary Committee, the Complainant and the Respondent (the member or non-member who is the subject of a complaint) 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 also be sent to the Respondent.

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 intends to attend, be legally represented or call witnesses no later than 14 days before the hearing.

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 the Complainant and the Respondent within 7 days of the hearing.

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 12 members, consisting of qualified members of the Institute and lay people (independent of the CII). The Panel must comprise at least three members of the Disciplinary Committee, one of whom must be a lay person. The Chair of the Committee is both lay and legally qualified.

Appeal process

A Respondent can appeal against the decision of the Disciplinary Panel if they are of the opinion that the decision of the Disciplinary Panel was:-

- a) based on an error of law or fact or was unreasonable exercise of its discretion;
- b) unjust because of a serious procedural error or irregularity or that new evidence has become available; or
- c) the sentence imposed was too severe.

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 qualified members of the Institute, legally qualified people and lay people. The Appeal Panel must comprise at least three individuals from the Appeal Committee and have someone who is legally qualified, a lay person and a qualified member of the Institute.

Example Complaint Against a Member Form



Section A – Your Details (Please complete all fields)

PIN number if a member of the CII/PFS **N / A**

Name **MR JOE BLOGS**

Address **32 HEAVENLY PLACE**
LONDON
E43 9XY

E-mail address **joe.bloggs@bloggs.co.uk**

Telephone No **020 70007070** Fax No **020 70007023**

Section B – Details of the member or exam candidate about whom you wish to complain

If you wish to complain about more than one person within the same complaint, please fill out a separate set of boxes for each member or candidate. If you have separate complaints or slightly different complaints for different members, please fill out a separate form for each one.

1st respondent (i.e. the 1st person about whom you are making a complaint)

Date of birth (if known) **01011966** PIN number (if known) **000123456A**

Name **MISS SANDRA CREANT**

Current employer (if any) and employer's address **BREACH PLC**
158 CONDUCT ROAD
LONDON
N50 0PQ

Employer at the time of the alleged incident if different from above employer's address **N/A**

Address (if known) If full address is not known then area of residence may be helpful **CONDUCTSVILLE**

Daytime telephone number (if known) **020 8000 8080**

E-mail address (if known) **s.creant@breach.co.uk**

Section B – Details of the member or exam candidate about whom you wish to complain – continued

If you wish to complain about more than one person within the same complaint, please fill out a separate set of boxes for each member or candidate. If you have separate complaints or slightly different complaints for different members, please fill out a separate form for each one.

2nd respondent

Date of birth (if known)

PIN number (if known) **000654321B**

Name **M I S S G L O R I A G U I D E D**

Current employer (if any) and employer's address **U N K N O W N**

Employer at the time of the alleged incident if different from above employer's address **B R E A C H P L C**
1 5 8 C O N D U C T R O A D
L O N D O N
N 5 0 O P Q

Address (if known) if full address is not known then area of residence may be helpful **U N K N O W N**

Daytime telephone number (if known) **0 2 0 8 0 0 0 8 0 8 1**

E-mail address (if known) **U N K N O W N**

3rd respondent

Date of birth (if known) **N / A**

PIN number (if known) **N / A**

Name **N / A**

Current employer (if any) and employer's address **N / A**

Employer at the time of the alleged incident if different from above employer's address **N / A**

Address (if known) if full address is not known then area of residence may be helpful **N / A**

Daytime telephone number (if known) **N / A**

E-mail address (if known) **N / A**

Section C – The Complaint

Please briefly categorise the complaint e.g. improper handling of client funds (note a full explanation is required later in the form)

I paid premiums to Miss Creant for cover for my buildings and contents insurance.

Date or time of the incident

April 2010

Which section of the CII Code of Ethics or any other CII regulation, do you believe to have been contravened?

Sections 2.3, 2.4, 3.4, 3.6, 4.2, 4.6 of the code of Ethics.

Have you lodged a complaint about this member with the CII before? If so, please give date of the complaint

No

If the date is over one year ago, please explain why you have not complained to the CII within one year of the complaint

I have only just tried to make a claim which highlighted the problem.

Have you taken the complaint up with anyone else before? Such as the member, the member's employer, the FSA or the Financial Ombudsman. If so, please give details of the person to whom you made the complaint

I have also complained to the Financial Ombudsman and Breach Ltd are also aware through the correspondence I have written.

Please give the date the complaint was made

Financial Ombudsman 22 May 2011; Breach Ltd 16 May 2011

Please explain the outcome of the complaint

Not known as yet, but I will keep you informed.

Section C – The Complaint – continued

Please list the evidence that you are sending in support of this complaint and put a number by each item. Please write the number you have allocated to each piece of evidence on the top right hand corner of the evidence provided.

Item no.	Evidence produced by	What the evidence is	Date of the evidence
1.	<i>Sandra Creant</i>	<i>A letter requesting the premium and asking me to make the cheque out to her as an authorised person of Breach Ltd</i>	1 April 2010
2.	<i>Joe Blogs</i>	<i>A copy of the covering letter for the cheque</i>	2 April 2010
3.	<i>Gloria Guided</i>	<i>Confirmation that the cheque had been received and cashed along with a copy of the policy</i>	4 April 2010
4.	<i>Joe Blogs</i>	<i>Claim form with covering letter due to damage to my home caused by flooding</i>	1 May 2011
5.	<i>Ivor Good - employee of Breach Ltd</i>	<i>Letter saying that I do not have a policy with Breach Ltd</i>	15 May 2011
6.	<i>Joe Blogs</i>	<i>Letter to Ivor Good attaching earlier paperwork above</i>	16 May 2011
7.	<i>Ivor Good</i>	<i>Letter advising that Breach Ltd are looking into the case</i>	20 May 2011

Section C – The Complaint – continued

Please list the evidence that you are sending in support of this complaint and put a number by each item. Please write the number you have allocated to each piece of evidence on the top right hand corner of the evidence provided.

Item no.	Evidence produced by	What the evidence is	Date of the evidence
8.	<i>Joe Blogs</i>	<i>Letter of complaint to Financial Ombudsman</i>	<i>22 May 2011</i>

Section C – The Complaint – continued

Please give full details of the complaint below. Where the evidence you are submitting supports your complaint, please put the evidence number which you have allocated against the correct sentence.

I have been a customer of Breach Ltd for a number of years. In April 2010, I took out buildings and contents insurance with Breach Ltd. I was sent a letter by Miss Creant (1) which advised that I needed to pay the cheque for the annual premium to Miss Creant. I was surprised by the request to make the cheque out to her but as you will see from her letter, her reasons sounded plausible. I sent a covering letter with the cheque (2) and received confirmation along with a copy of the policy (3) from Miss Guided, who was/is a colleague of Miss Creant.

In April this year, my water tank leaked during the night causing water damage to my downstairs curtains and carpet. I applied to make a claim to Breach Ltd under my buildings and contents insurance (4). I was extremely distressed and surprised to receive a letter from Mr Good advising that I do not have a policy with Breach Ltd (5). I responded to Mr Good (6) enclosing all the information which I have so far listed as evidence. Mr Good as since replied saying that he is looking into the matter (7) and I have made a complaint to the Financial Ombudsman (8).

Section C – The Complaint – continued

Please give full details of the complaint below. Where the evidence you are submitting supports your complaint, please put the evidence number which you have allocated against the correct sentence.

Section C – The Complaint – continued

I understand that a copy of this form, enclosures and future correspondence may be copied to the Respondent(s) and any other interested third parties



If you do not wish your name to be disclosed to the Respondent(s) please tick the box as it may be possible to black out any details that identify you in the correspondence.



Signed:

JCBlogs

Date:

23 May 2011

Please return a scanned copy of a completed form with the attached evidence to caroline.jeffery@cii.co.uk or jim.beveridge@cii.co.uk or send it to:

The Legal and Secretariat Department, 20 Aldermanbury, London EC2V 7HY

Please note that in accordance with Disciplinary Procedure Rule 7 if ‘the facts surrounding the Complaint are currently or likely to be before the courts or before any other professional or regulatory body or other tribunal then the Complaint may be stayed pending the determination of the other proceedings’.

Section A – Your Details (Please complete all fields)

PIN number if a member of the CII/PFS

Name

Address

E-mail address

Telephone No

Fax No

Section B – Details of the member or exam candidate about whom you wish to complain

If you wish to complain about more than one person within the same complaint, please fill out a separate set of boxes for each member or candidate. If you have separate complaints or slightly different complaints for different members, please fill out a separate form for each one.

1st respondent (i.e. the 1st person about whom you are making a complaint)

Date of birth (if known)

PIN number (if known)

Name

Current employer (if any) and employer's address

Employer at the time of the alleged incident if different from above employer's address

Address (if known) If full address is not known then area of residence may be helpful

Daytime telephone number (if known)

E-mail address (if known)

Section B – Details of the member or exam candidate about whom you wish to complain – continued

If you wish to complain about more than one person within the same complaint, please fill out a separate set of boxes for each member or candidate. If you have separate complaints or slightly different complaints for different members, please fill out a separate form for each one.

2nd respondent

Date of birth (if known)

PIN number (if known)

Name

Current employer (if any) and employer's address

Employer at the time of the alleged incident if different from above employer's address

Address (if known) If full address is not known then area of residence may be helpful

Daytime telephone number (if known)

E-mail address (if known)

3rd respondent

Date of birth (if known)

PIN number (if known)

Name

Current employer (if any) and employer's address

Employer at the time of the alleged incident if different from above employer's address

Address (if known) If full address is not known then area of residence may be helpful

Daytime telephone number (if known)

E-mail address (if known)

Section C – The Complaint

Please briefly categorise the complaint e.g. improper handling of client funds (note a full explanation is required later in the form)

Date or time of the incident

Which section of the CII Code of Ethics or other CII regulation, do you believe to have been contravened?

Have you lodged a complaint about this member with the CII before? If so, please give date of the complaint

If the date is over one year ago, please explain why you have not complained to the CII within one year of the complaint

Have you taken the complaint up with anyone else before? Such as the member, the member's employer, the FSA or the Financial Ombudsman. If so, please give details of the person to whom you made the complaint

Please give the date the complaint was made

Please explain the outcome of the complaint

Section C – The Complaint – continued

Please list the evidence that you are sending in support of this complaint and put a number by each item. Please write the number you have allocated to each piece of evidence on the top right hand corner of the evidence provided.

Item no.	Evidence produced by	What the evidence is	Date of the evidence

Section C – The Complaint – continued

Please list the evidence that you are sending in support of this complaint and put a number by each item. Please write the number you have allocated to each piece of evidence on the top right hand corner of the evidence provided.

Item no.	Evidence produced by	What the evidence is	Date of the evidence

Section C – The Complaint – continued

Please give full details of the complaint below. Where the evidence you are submitting supports your complaint, please put the evidence number which you have allocated against the correct sentence.

Section C – The Complaint – continued

Please give full details of the complaint below. Where the evidence you are submitting supports your complaint, please put the evidence number which you have allocated against the correct sentence.

Section C – The Complaint – continued

I understand that a copy of this form, enclosures and future correspondence may be copied to the Respondent(s) and any other interested third parties

If you do not wish your name to be disclosed to the Respondent(s) please tick the box as it may be possible to black out any details that identify you in the correspondence.

Signed:

Date:

Please return a scanned copy of a completed form with the attached evidence to caroline.jeffery@cii.co.uk or jim.beveridge@cii.co.uk or send it to:

The Legal and Secretariat Department, 20 Aldermanbury, London EC2V 7HY

Please note that in accordance with Disciplinary Procedure Rule 7 if “the facts surrounding the Complaint are currently or likely to be before the courts or before any other professional or regulatory body or other tribunal then the Complaint may be stayed pending the determination of the proceedings”

The Chartered Insurance Institute 42–48 High Road, South Woodford, London E18 2JP
tel: +44 (0)20 8989 8464 fax: +44 (0)20 8530 3052 email: customer.serv@cii.co.uk

www.cii.co.uk

© The Chartered Insurance Institute 2011
CII_5688 04/11