

Guide to Complaints against Members

100
1912-2012
A CENTURY OF
PROFESSIONALISM



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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 (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 or assessments are also obliged to adhere to the rules set out for those services.

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)
- plagiarising the work of another candidate
- 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 FCA or Financial Ombudsman.

As the CII is committed to professionalism, misconduct is viewed very seriously because it reflects badly on the Institute and its membership. Sanctions handed down by the Disciplinary Committee or CII Case Examiner may include:

- reprimand
- designation and chartered title being removed
- requirement to take the CII on-line ethics course
- 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 Conduct 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.

How to make a complaint

Use the attached form to make a complaint and email it to either complaintsagainstciimembers@cii.co.uk

Your form can also be posted to:
The Legal and Secretariat Department
Chartered Insurance Institute, 20 Aldermanbury,
London EC2V 7HY.

Important notes for Complainants:

Please note that:

- 1 the CII has no authority to impose an order for financial award (including compensation) to the complainant in any circumstances. If you require financial redress you will need to submit your complaint to the relevant regulator.
- 2 Making a complaint against a CII member is not a substitute for taking legal action where appropriate. If a complaint is currently or likely to be before the courts then the complaint will be stayed pending the determination of the courts.
- 3 If the complaint is being investigated by any other professional or regulatory body or other tribunal, then the CII will stay the complaint pending the determination of the other proceedings.

Investigation and disciplinary process

An acknowledgement will be despatched to you within 10 business days of the CII receiving a complaint.

All complaints made in good faith are considered, in the first instance, by the Case Examiner, appointed by the CII, to determine complaints. If there is prima facie evidence (a good indication) a member or student 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 a Consensual Order issued by the Case Examiner or sanctions may be imposed by the Case Examiner in lieu of a formal hearing.

If the Respondent does not agree with the terms of the Consensual Order or wishes to appeal the sanctions imposed by the Case Examiner, their case will be referred to a Disciplinary Panel.

If the Case Examiner 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.

Due to the different nature and complexity of the complaints received by the CII, it is not possible to provide a timescale for the completion of complaints. It is of paramount importance that any complaint that goes before the Case Examiner has been thoroughly investigated and all relevant lines of enquiry are followed up to ensure that the process is fair to both the Complainant, Respondent and CII's stakeholders.

Process for disciplinary hearings

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 20 business 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 10 business 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.

The Respondent has a right to appeal within 15 business days of receipt of the decision.

The Disciplinary Panel is drawn from members of the Disciplinary Committee. The Committee consists 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.

Process for appeals

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.

An appeal will be referred to a panel of the Appeal Committee who 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 consists 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 BLOGGS**

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 2012

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 FCA 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 2013; Breach Ltd 16 May 2013

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>	<i>1 April 2012</i>
2.	<i>Joe Blogs</i>	<i>A copy of the covering letter for the cheque</i>	<i>2 April 2012</i>
3.	<i>Gloria Guided</i>	<i>Confirmation that the cheque had been received and cashed along with a copy of the policy</i>	<i>4 April 2012</i>
4.	<i>Joe Blogs</i>	<i>Claim form with covering letter due to damage to my home caused by flooding</i>	<i>1 May 2013</i>
5.	<i>Ivor Good - employee of Breach Ltd</i>	<i>Letter saying that I do not have a policy with Breach Ltd</i>	<i>15 May 2013</i>
6.	<i>Joe Blogs</i>	<i>Letter to Ivor Good attaching earlier paperwork above</i>	<i>16 May 2013</i>
7.	<i>Ivor Good</i>	<i>Letter advising that Breach Ltd are looking into the case</i>	<i>20 May 2013</i>

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 2013</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 2012, 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 D - Important notes for Complainants

Please note that:

- 1 the CII has no authority to impose an order for financial award (including compensation) to the complainant in any circumstances. If you require financial redress you will need to submit your complaint to the relevant regulator.
- 2 making a complaint against a CII member is not a substitute for taking legal action where appropriate. If a complaint is currently or likely to be before the courts then the complaint will be stayed pending the determination of the courts.
- 3 if the complaint is being investigated by any other professional or regulatory body or other tribunal, then the CII will stay the complaint pending the determination of the other proceedings.

Section E - Declarations

I believe that the facts stated in this form are true and that the documents provided are accurate and are not intended to mislead the CII.



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 2013

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

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

Complaint against a member form

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

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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)

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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 FCA 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

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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:

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

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

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