

## FCSA Membership Code of Ethics

### 1. Introduction and fundamental principles.

FCSA is a trade association for businesses that provide employment solutions, accountancy services and tax advice to freelancers and the wider flexible workforce.

At the centre of association membership criteria is our unique code of ethics that is publicly available and clearly states what FCSA members have to do in terms of operating compliance to gain and retain membership.

The professional freelance and wider flexible workforce are an essential part of the UK economy and should only be represented and serviced by organisations and individuals who clearly aim to protect the vulnerable, outlaw exploitation, and meet the highest possible standards of legal compliance whilst promoting and facilitating the benefits of flexible working.

In order to achieve our objectives it is essential that all our members and membership applicants represent the highest ethical and behavioural standards to ensure that we not only 'say what we do', but are recognised because 'we do what we say'. This ensures FCSA members and member organisations are recognised and respected for their commitment to the associations expected beliefs, values and the demonstration of the highest standards of ethical behaviour.

### 2. Fundamental Principles

An FCSA member shall comply with the following fundamental principles:

- a. **Professional Behaviour** – to comply with the detailed code of ethics, the membership code of ethics and avoid any action that discredits the association. Member must not make untrue statement that may lower the reputation of clients, staffing businesses or competitors
- b. **Integrity** – to be straightforward, open and honest in all professional and business relationships.
- c. **Professional competence** – maintaining professional standards in alignment with the code of ethics and ensuring that member organisations communicate the principles of the ethics and conduct codes to all levels of members staff.
- d. **Objectivity** – to not allow bias, conflict of interest or undue influence of others to override professional or business judgements.

### 3. Professional Behaviour

The basis of professional behaviour imposes an obligation on all members to comply with the relevant laws, regulations and membership codes and avoid any action that a member organisation (or its representative) knows would discredit the association or the industry we operate within.

Member organisations must not;

- a. In marketing and promoting themselves a member organisation must not make exaggerated claims about the services they are able offer, the qualifications they possess or any review standards achieved;
- b. Make disparaging references or unsubstantiated comparison to the work of others be they members or not;
- c. Seek to solicit staff or clients from a fellow members organisation;
- d. Knowingly misuse the FCSA membership status to promote additional or unconnected services that are not covered by the issued certification.
- e. Any complaint that an FCSA member has breached the standards contained within this ethics code shall be dealt with in accordance with the FCSA complaints procedure.

#### **4. Integrity**

The principle of integrity imposes an obligation on all members to straightforward and honest in all professional and business relationships. Integrity also implies fairness and transparency.

Member organisations must adhere to;

- a. In an effort to encourage unreserved member participation in all events, and being mindful of today's unrestricted business and social networking environment, FCSA requires that its members show respect for each other and do not at any FCSA meeting or event participate in the solicitation of any employees of other members with a view to hiring them; or intentionally participate in the specific and persistent targeting of a fellow member's employees. Should any member have grounds to believe that another member company has breached this clause they can call upon FCSA to act as mediator.
- b. FCSA members will treat all privileged information about other members and full members gained by way of conducting business with them or through 3rd parties, as confidential and shall not use such information to gain an unfair business advantage.
- c. FCSA members should not misrepresent their terms of business to clients, employees, staffing businesses, nor levy any charges that were not apparent at the beginning of the relationship. There should be no hidden charges.
- d. In the event a complaint is made against an FCSA member, that member shall co- operate with any investigation of that complaint under the FCSA complaints procedure
- e. FCSA members shall provide reasonable assistance to any investigation under the FCSA complaints procedure, even if they are not the subjects of that complaint.

#### **5. Professional competence**

The basis of professional competence imposes the following obligations on all member organisations;

- a. FCSA members will ensure that they comply with all relevant legislation relating to their business, including legislation relating but not limited to: equal opportunities, health and safety, taxation, data protection and telecommunications privacy.
- b. FCSA members will champion equality and diversity within their hiring process and shall not discriminate against candidates on any of the grounds prohibited by law (e.g. sex, race, disability, age, religious belief, sexual orientation, marital status). FCSA members shall make reasonable adjustments to help applicants with disabilities as required by the Disability Discrimination Act 1996.
- c. FCSA members agree to communicate the contents of this Ethics Code and instruct all their staff members to abide by its contents.
- d. FCSA members will treat all employee and client information confidentially and will not disclose such information unless obliged by law to do so.
- e. Where an arrangement is in place to provide reward for referred business from an FCSA member to an individual staffing consultant, such rewards should always be transparent. In particular, rewards should be:
  - i. Proportionate in relation to the value of the service provision.
  - ii. Made openly and with the full knowledge and approval of the recipient's employer Never delivered to an individual's home
  - iii. In the form of goods, vouchers or services capable of fulfilling the criteria to qualify under an approved HM Revenue & Customers (HMRC) scheme to cover such rewards and should therefore not take the form of cash
  - iv. Made under an approved HMRC "Taxed Award" scheme, with all taxes and National Insurances (including Employers National Insurance) attributable to such rewards, fully accounted for to HMRC. Details of such schemes should be available to both contractors and members on request.
  - v. When entering into a referral fee arrangement with a staffing company, or other business in the supply chain, members must ensure that such fee is proportionate in relation to the value of the service provision, and that the arrangement is transparent to all parties.
- f. FCSA members agree to communicate the contents of this Ethics Code and instruct all their staff members to abide by its contents.

## 6. Objectivity

The principle of objectivity imposes an obligation on all member organisations not to compromise their professional or business judgment because of bias, conflict of interest or the undue influence of others.

## 7. Complaints Procedure

### a. Purpose

To provide a mechanism for people (including employees, clients and other members) to complain that FCSA members have broken the FCSA ethics code;

To ensure that all complaints received are properly investigated and a decision taken in good time as to whether the complaint, in whole or part, should be upheld or rejected;

To ensure that, where complaints are upheld, appropriate disciplinary and corrective action is taken to rectify the mistake and to help prevent recurrence.

### b. Applicability

All FCSA members are bound by FCSA's code of ethics. This procedure applies to any complaint received by FCSA from any person that a member has broken the FCSA code of ethics. Complaints must be made to FCSA no more than 3 months after the date of the alleged breach of the code.

### c. Responsibility

The Chairman is responsible for the implementation of this procedure.

### d. Complaints

Complaints that an FCSA member has breached the FCSA code of ethics can be raised by:-

a client, employee or third party in relation to a member or another FCSA member.

When a complaint is received FCSA shall,

- record the complaint using a unique reference number;
- write to the complainant acknowledging the complaint, asking for further details (if necessary) and explaining to the complainant what action it will take.

All correspondence, whether by letter or email, is forwarded to the FCSA Administrator who issues a Complaints Form and Corrective Action Report and keeps a numerical log of all reports issued on a spreadsheet.

The FCSA Administrator shall enter details of the complaints electronically onto the Complaints Form and Corrective Action Report,

specifying the area of non-conformity, and record them onto a spreadsheet.

On receipt of full details from the complainant, FCSA shall contact the FCSA member about whom the complaint has been received and advise them of the details and ask them to state briefly the current state of any discussion between the relevant parties.

Where the complainant and the member are still in discussion about the complaint, FCSA may, at its discretion, suspend this procedure until such discussions have come to an end. If FCSA does suspend this procedure, it shall inform the parties to the complaint that :

- the procedure has been suspended pending outcome of their discussions
- it will resume when such discussions come to an end
- the parties must keep FCSA informed of the progress of such discussions
- either party may write to FCSA during a period of suspension and ask that FCSA resume the procedure; such request to be granted at FCSA's discretion.
- FCSA shall log and record all communications relating to the complaint.

The original letters, memoranda or e-mails are maintained by the Administrator in a Complaints File. Electronic copies of emails and other correspondence are kept in a folder on the FCSA server.

e. **Stage 1 – informal resolution**

In the first instance, FCSA shall use the Chairman to use reasonable endeavours to resolve the complaint informally. In so doing, the Chairman may speak to and request information from the complainant, the FCSA member about whom the complaint has been made and any relevant third party.

If the complaint is resolved informally, FCSA shall write to the complainant and the member about whom the complaint was made to confirm the outcome.

If the complaint is not resolved informally, FCSA shall escalate the complaint to Stage 2 and shall confirm in writing to the complainant that it has done so.

f. **Stage 2 – formal resolution**

If the Chairman deems it necessary: an external professional organisation with relevant knowledge, skills and experience will be appointed along with the Chairman to form an Investigatory Committee.

The Investigatory Committee shall be responsible for investigating the complaint and shall disband at the conclusion of the investigation.

The Investigatory Committee shall investigate the complaint fairly and promptly.

In carrying out its investigation, the Investigatory Committee may:

ask questions in writing of any relevant party

ask any relevant party to supply relevant documentation and information

6 interview the parties to the complaint

The Investigatory Committee shall record the work undertaken on the Complaints Form and Corrective Action Report.

When the Investigatory Committee has concluded its investigation, it shall draft a report to the Executive Committee setting out its findings and making recommendations for disciplinary action.

The Executive Committee may request that the Investigatory Committee carries out specific, further investigation before it makes a final decision.

The Executive Committee may decide to uphold or reject all or parts of the complaint.

If the Executive Committee upholds all or part of a complaint, it may make any or a combination of the following sanctions:

Imposition of a fine, to be given by FCSA to charity. The fine may not exceed the price of a year's FCSA membership.

Warning that further breaches of FCSA's code of ethics may result in further disciplinary action, including expulsion from FCSA

Suspension from FCSA for a specific period or until remedial action is taken to the reasonable satisfaction of the Chairman.

Expulsion from FCSA.

The Executive Committee's decision shall be recorded on the Complaints Form and Corrective Action Report. The Administrator will then record the outcome onto the relevant spreadsheet.

At the conclusion of this procedure, FCSA shall write to the relevant parties setting out in full the Executive Committee's decision.