

## FCSA Complaints Procedure

### 1. Purpose

- 1.1 To provide a mechanism for people (including employees, clients and other members) to complain that an FCSA Member has breached FCSA's Charter or breached FCSA's published compliance codes;
- 1.2 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;
- 1.3 To ensure that, where complaints are upheld, appropriate disciplinary and corrective action is taken to rectify the mistake and to help prevent recurrence.

### 2. Applicability

All FCSA Members are bound by Terms of Membership, FCSA's Charter, and FCSA's published compliance codes. This procedure applies to any complaint received by FCSA from any person alleging that a Member has broken the FCSA Charter or breached the applicable compliance codes.

FCSA is unable to accept complaints where:

- 2.1 The complainant has not first attempted to resolve the dispute directly with the FCSA member concerned. This should include both an informal and formal route. If no resolution is found then the complainant should have exhausted the Members formal grievance / complaints process.
- 2.2 The dispute is frivolous or vexatious
- 2.3 The dispute is of a legal or contractual nature, as these may need to be resolved through the courts
- 2.4 The dispute is of a commercial nature or driven by competition
- 2.5 The dispute is currently being, or has in the past been, considered by a regulatory body (such as ICAEW or ACCA) or a dispute resolution scheme
- 2.6 The dispute is currently, or has been, the subject of legal action
- 2.7 The complaint has been submitted outside the required time (after 3 months of the date of the occurrence)

### 3. Responsibility

The Chief Executive is responsible for the implementation of this complaints procedure.

### 4. Complaints

Complaints, either written or verbal, that an FCSA Member has breached the FCSA Charter or Compliance Code can be raised by: a client, employee or third party in relation to a member or another FCSA member.

- 4.1 Any complaint submitted should identify which paragraphs of FCSA's charter or compliance code have been breached and how.
- 4.2 Supporting evidence should be provided at the outset, wherever possible, and is needed to underpin the complaint.

When a valid ( i.e. it makes specific reference to the FCSA Charter or Codes of Compliance) complaint is received the FCSA CEO or Membership Manager shall record the complaint, and acknowledge receipt of the complaint within three working days. Further details may be requested from the complainant to enable the complaint to be properly considered.

### 5. Investigation

- 5.1 In the first instance, the FCSA Chief Executive shall use reasonable endeavors to resolve the complaint informally. In so doing, the Chief Executive may speak to and request information from the complainant, the FCSA Member or Associate about whom the complaint has been made and any relevant third party. The respondent will be given fifteen working days to respond to this request.
- 5.2 Following investigation, the Chief Executive shall reach a conclusion, inform all parties of such, and any resulting action required. FCSA will aim to resolve all complaints within eight weeks.
- 5.3 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.

## **6. Compliance breaches**

- 6.1 Where there is an allegation of a Member having breached compliance with FCSA's published codes further investigation may be necessary.
- 6.2 At the discretion of the Chief Executive, membership may be suspended pending investigation.
- 6.3 FCSA's Chief Executive can seek advice from the Chairman (or another Board member) before informing the member of the complaint - for example additional technical insight might be necessary in order to ensure clear answers are obtained from the member being complained about.
- 6.4 The member will receive a précis of the complaint which informs them the grounds of the complaint and invites them to respond to the generality of the issue as well as requesting them to answer specific questions fully and to the best of their knowledge.
- 6.5 The member is given an opportunity to respond.
- 6.6 Once a full response has been received from the member, the Chief Executive must consider the case and determine if further assurances are required or if further action is necessary.
- 6.7 The Chief Executive may consult with the Chairman or another Board member in considering the case.

## **7. Formal investigation**

- 7.1 If further action is necessary then the member will be informed that the matter is now under formal investigation as the preliminary responses have not resolved the matter.
- 7.2 Any costs incurred by a formal investigation (e.g. analysis or testing to be undertaken by an FCSA assessor) will be borne by the member that is the subject of the complaint.
- 7.3 If there is to be any disciplinary action, this needs to be agreed by the Board and supported by external advice if the gravity or risk to FCSA so requires.

## **8. Concluding the complaint**

If the Board upholds all or part of a complaint, it may take appropriate action. This might include, but is not limited to, the below:

- 8.1 Imposition of a fine, to be paid to FCSA and subsequently given to charity. The fine may not exceed the price of a year's FCSA membership.
- 8.2 Warning that further breaches may result in further disciplinary action, including expulsion from FCSA.
- 8.3 Suspension from FCSA for a specific period or until remedial action is taken to the reasonable satisfaction of the Chief Executive.
- 8.4 Termination of membership without any refund of membership.

## **9. Confidentiality**

Complainants should be aware that Members will be provided with a copy of the complaint and supporting evidence. FCSA may not be able to protect anonymity of the source.

**10. Record-keeping**

The Chief Executive is responsible for maintaining a central log of all complaints received by FCSA, investigations undertaken, conclusions, and any sanctions imposed. All complaint information will be handled sensitively, and in line with data regulations and FCSA's Privacy Policy. Complaint records will be held for a minimum of three years from initial notification.