**Chartered Institute of Fundraising**

**Complaints & Disciplinary Rules 2021**

1. **Commencement and Scope**
	1. These rules were updated by the Board of Trustees on [9 June 2021] under regulation 38.3 of the Chartered Institute’s Regulations and apply to all complaints received about Members and disciplinary action against Members begun by the Chartered Institute on or after that date.
	2. These rules apply also in respect of complaints and disciplinary action against former Members where the conduct complained of took place while they were Members.
	3. These rules concern complaints about and discipline of Members. They do not apply to grievances raised by, or disciplinary matters in respect of, members of staff of the Chartered Institute in respect of their employment, which are dealt with in accordance with the Chartered Institute’s grievance policy and procedure and disciplinary policy and procedure respectively. Nevertheless, a grievance raised by a member of staff may involve or give rise to a complaint about a Member that may be dealt with under these rules.
2. **Definitions**
	1. In these rules the following terms have the following meanings unless the context requires otherwise:
		1. **‘Appeal Panel’** means a panel established in accordance with paragraph 10.2 of these rules.
		2. **‘Code of Conduct’** means the Chartered Institute’s code of conduct for Members as amended from time to time by the Trustees in accordance with the Chartered Institute’s Byelaws.
		3. **‘Code of Fundraising Practice’** means the code of fundraising practice adapted from time to time by the Fundraising Regulator.
		4. **‘Disciplinary Panel’** means a panel established in accordance with paragraph 8.13 or 9.7 of these rules.
		5. **‘Discrimination’** means discrimination on the ground of any protected characteristic under the Equality Act 2010, namely: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
		6. **‘Member’** means an individual member of the Chartered Institute (an ‘**Individual Member’**) as well as a Supporter Member (being an Organisational Member or a Corporate Member) and **‘membership’** shall be interpreted accordingly.
		7. **‘Nominated Professional Conduct Committee Member’** means the Chair of the Professional Conduct Committee or another member of that committee nominated by its Chair to perform any function in accordance with these rules.
		8. **‘Safeguarding and Complaints Manager’** means a person appointed by the Chartered Institute to manage complaints and disciplinary processes in accordance with these rules.
	2. Terms defined in the Royal Charter, Byelaws or Regulations of the Chartered Institute shall have the same meaning when used in these rules, unless the context requires otherwise.
3. **Making a Complaint**
	1. Any person may make a complaint to the Chartered Institute concerning the conduct of a Member; about the Chartered Institute itself; and about the behaviour of people in connection with events organised by the Chartered Institute (including qualifications, events, training courses, National, Regional and Special Interest Group activities), and in respect of social media interactions connected with any such attendance.
	2. Any Trustee or the Chief Executive can initiate a complaint where they become aware of any matter concerning the conduct of a Member or person who has participated in an event organised by the Chartered Institute which in their opinion warrants inquiry under these rules.
	3. Complainants who are raising a complaint about Discrimination, bullying, sexual misconduct or harassment (including sexual harassment) or anyone considering making a complaint of that nature, can contact the free phone hotline 0800 6890843, provided by an independent third party HR consultancy, Tell Jane, for confidential and practical support and advice. The hotline is open from 9am to 5pm, Monday to Friday (excluding Bank Holidays).
	4. Complaints should be made to the Safeguarding and Complaints Manager at complaints@institute-of-fundraising.org.uk, on 020 7840 1038, or by letter to:

The Safeguarding and Complaints Manager

Chartered Institute of Fundraising

Charter House

13-15 Carteret Street

London

SW1H 9DJ

* 1. If a complainant raises a concern or complaint with a Chartered Institute member of staff or volunteer, that person will refer the complainant to the Safeguarding and Complaints Manager.
	2. On receipt of a complaint, the Chartered Institute will follow the relevant process set out in these rules.
	3. The Chartered Institute may decline to consider a complaint if it considers that it would be more appropriately addressed (or first addressed) by another organisation, such as the Fundraising Regulator or an Individual Member’s employer where the complaint relates to relations between employees or between employees and their employer.
	4. The Safeguarding and Complaints Manager may, with the approval of the Nominated Professional Conduct Committee Member, decline to consider a complaint if they consider that the complaint is vexatious or otherwise obviously unmeritorious.
	5. The Safeguarding and Complaints Manager may, with the approval of the Nominated Professional Conduct Committee, suspend any process under these rules pending the outcome of civil or criminal proceedings relevant to the complaint or pending the outcome of any inquiry or disciplinary procedure relevant to the complaint being undertaken by any other body.
1. **Recording of Complaints and Data Privacy**
	1. All complaints received will be logged by or on behalf of the Chartered Institute and records maintained in accordance with the data privacy policy of the Chartered Institute.
	2. The Safeguarding and Complaints Manager will ensure that every person who makes a complaint or who is the subject of a complaint receives a data privacy notice explaining how their data will be processed by the Chartered Institute.
2. **Mediation**
	1. Where appropriate, the Safeguarding and Complaints Manager might propose that a complaint be resolved through mediation between the complainant and the subject of the complaint rather than through the relevant process set out in these rules. There is no obligation to participate in mediation.
	2. If the parties choose to mediate, the Chartered Institute will consider the complaint resolved unless the complaint is subsequently renewed by the complainant.
3. **Grounds for Member Disciplinary Sanction**

***Individual Members***

* 1. An Individual Member may be subjected to disciplinary sanction if the Chartered Institute, in accordance with these rules, finds that:
		1. they have breached the Code of Conduct;
		2. they have failed to comply in any material way with any sanction imposed on them in accordance with these rules;
		3. they have conducted themselves in the course of any investigation or process under these rules in a way that could or is calculated to undermine the investigation or process; or
		4. that their conduct:
			1. renders them unfit to be a Member;
			2. causes their membership to be undesirable; or
			3. is detrimental to the character or good standing of the Chartered Institute.

***Supporter Members***

* 1. A Supporter Member may be subjected to disciplinary sanction if:
		1. the Fundraising Regulator decides that they have breached the Code of Fundraising Practice;
		2. they have failed to comply in any material way with any sanction imposed on them in accordance with these rules or with any recommendation made by the Fundraising Regulator following a finding by the Fundraising Regulator that the Supporter Member has breached the Code of Fundraising Practice;
		3. they have conducted themselves in the course of any investigation or process under these rules in a way that could or is calculated to undermine the investigation or process; or
		4. the Chartered Institute, in accordance with these rules, finds that their conduct, or the conduct of any of their officers, employees or representatives:
			1. renders them unfit to be a Supporter Member;
			2. causes their membership to be undesirable; or
			3. is detrimental to the character or good standing of the Chartered Institute.
1. **Available Sanctions in Respect of Members**
	1. If a Disciplinary Panel or Appeal Panel finds there are grounds for imposing a disciplinary sanction on a Member, the relevant panel may impose one or more of the following sanctions on such terms and conditions (including a condition as to continued membership) and for such periods as the relevant panel considers appropriate, having regard to the nature and seriousness of the conduct (including in particular any lack of integrity on the part of the Member, which will usually lead to expulsion), the Member’s character and past record and to any other relevant circumstances.
	2. A Member may:
		1. be expelled from membership of the Chartered Institute;
		2. have their membership suspended subject to any condition as to reinstatement;
		3. be reprimanded and/or given a written warning;
		4. be required to give a written undertaking to refrain from continuing or repeating the conduct in question;
		5. be required to undertake (at their own expense) a Chartered Institute approved course of professional development or training or any other appropriate training;
		6. have any honour or award bestowed on them by the Chartered Institute removed.
	3. In relation to Individual Members the relevant panel may:
		1. prohibit a Member from holding any voluntary office within the Chartered Institute for such period as the panel decides;
		2. place the Member in a different membership category for such period as the panel decides (without any concomitant reduction in the Member’s subscription for the year in which such sanction is first imposed).
	4. A Supporter Member may be required by the relevant panel to remove any officer or member of their staff from any formal role with the Chartered Institute and to replace them with another officer or member of staff approved by the Chartered Institute.
2. **Disciplinary Process**

**Complaints about Individual Members**

***Acknowledgement***

* 1. Following receipt of a complaint about an Individual Member, the Safeguarding and Complaints Manager will acknowledge receipt, usually within two working days, will notify the Chair of the Professional Conduct Committee and will commence initial enquiries.

***Initial enquiries by the Safeguarding and Complaints Manager***

* 1. Initial enquiries by the Safeguarding and Complaints Manager will include logging the complaint, establishing whether the complaint falls to be considered under these rules, seeking any necessary initial clarification from the complainant (including establishing what the complainant wishes to achieve from the process), providing the complainant with a data privacy notice, considering whether the complaint is vexatious or otherwise obviously unmeritorious, and discussing the complaint with the Nominated Professional Conduct Committee Member.
	2. The Safeguarding and Complaints Manager will then decide whether the complaint will be investigated further and will notify the complainant accordingly, together with details of the next steps or an explanation of why the complaint will not be investigated further.

***Investigation***

* 1. If the Safeguarding and Complaints Manager decides that the complaint should be investigated further, they will appoint an investigator to carry out an investigation. The Safeguarding and Complaints Manager may decide to appoint an external investigator.
	2. If the complaint concerns allegations of Discrimination, bullying, sexual misconduct or harassment (including sexual harassment), the investigator will be an independent investigator, meaning someone with appropriate experience who is not an employee, officer or other representative of the Chartered Institute (including any member of any committee of the Chartered Institute).
	3. The Safeguarding and Complaints Manager will notify the subject of the complaint that the complaint has been made and that the investigator has been appointed and will provide the subject of complaint with enough information, without compromising the investigation or any requirements as to confidentiality, to enable the subject of complaint to prepare themselves for the investigation.
	4. The investigator will carry out their investigation in accordance with their terms of appointment and otherwise as they think fit and as part of that seek a response from the subject of the complaint, with the aim of providing a report, together with supporting evidence, for consideration by the Nominated Professional Conduct Committee Member, summarising their findings.
	5. The Safeguarding and Complaints Manager will provide to the complainant, witnesses and the subject of the complaint such parts of the report and accompanying evidence as the Safeguarding and Complaints Manager considers appropriate and will give them the opportunity to make written representations of reasonable length to the Nominated Professional Conduct Committee Member. In deciding what parts of the report and evidence to provide, the Complaints and Safeguarding Manager will aim to ensure that the recipients are given enough information to understand how their evidence has been used in reaching the relevant conclusions in the report and have a fair opportunity to make representations, and in deciding what to provide, the Safeguarding and Complaints Manager may redact the report and any evidence to such extent as they, in consultation with the Nominated Professional Conduct Committee Member, consider appropriate.

***Decision of the Nominated Professional Conduct Committee Member***

* 1. After considering the independent investigator’s report and accompanying evidence and any representations of reasonable length made on them by the complainant and the subject of the complaint, the Nominated Professional Conduct Committee Member will decide:
		1. to refer the complaint to a Disciplinary Panel;
		2. that there appear to be grounds to impose a disciplinary sanction and that such sanction(s) should imposed by them with the agreement of the subject of the complaint (and if that is not possible, to refer the complaint to a Disciplinary Panel); or
		3. to dismiss the complaint.
	2. In reaching their decision, the Nominated Professional Conduct Committee Member will apply the ‘balance of probabilities’ standard of proof.
	3. The Safeguarding and Complaints Manager will notify the complainant and the subject of the complaint of the decision of the Nominated Professional Conduct Committee Member and, if appropriate, the next steps.
	4. If the Nominated Professional Conduct Committee Member decides the complaint should be dealt with by way of a disciplinary sanction imposed by them with the agreement of the subject of complaint, they will seek to agree the sanction with the subject of complaint within seven days of receipt of the decision by the subject of the complaint. If no agreement is reached within seven days, they will refer the complaint to a Disciplinary Panel.
	5. If the Nominated Professional Conduct Committee Member decides the complaint should be referred to a Disciplinary Panel, they will, in consultation with the Safeguarding and Complaints Manager, appoint such a panel and will identify the matters to be decided by the panel.
	6. If the Nominated Professional Conduct Committee Member decides to dismiss the complaint, they may also encourage the complainant and the subject of the complaint to mediate.
	7. There is no appeal from the decision of the Nominated Professional Conduct Committee Member.
	8. The Trustees of the Chartered Institute may appoint a panel of two other members of the Professional Conduct Committee to review any decision of the Nominated Professional Conduct Committee Member to dismiss a complaint and those other committee members may by unanimous decision overturn the decision. If they overturn the decision, they may make any decision that the Nominated Professional Conduct Committee Member could have made and the Safeguarding and Complaints Manager will notify the complainant and the subject of the complaint of the new decision and, if appropriate, the next steps.

***Disciplinary Panel***

* 1. The Disciplinary Panel will consider, as applicable, the list of matters to be decided, the investigator’s report and accompanying evidence and any representations of reasonable length made on them by the complainant and the subject of the complaint, and will offer to the complainant, the subject of complaint and any witnesses the opportunity to be heard by the panel in person.
	2. Any hearing by the Disciplinary Panel may be conducted in any manner decided by the panel, including by electronic means.
	3. The Disciplinary Panel may allow any person appearing before the panel to be accompanied by one other person to provide support but no one is entitled to be legally represented before the panel.
	4. No person appearing before the Disciplinary Panel has a right to cross examine any other person appearing before the panel.
	5. The Disciplinary Panel may admit any evidence they consider fair and relevant to the case before them, whether or not such evidence would be admissible in a court of law. In doing so they must nevertheless consider the nature and quality of the evidence and the weight that should be given to it.
	6. The Disciplinary Panel may amend the list of matters to be decided by it and, if it does so, it will notify the subject of the complaint and give them a proper opportunity to comment on any new matter.
	7. The Disciplinary Panel will decide by simple majority vote:
		1. to impose one or more disciplinary sanctions permitted by these rules;
		2. to uphold the complaint without imposition of any disciplinary sanction; or
		3. to dismiss the complaint.
	8. In reaching their decision, the Disciplinary Panel will apply the ‘balance of probabilities’ standard of proof.
	9. The Disciplinary Panel will give its decision in writing and will set out the reasons for its decision.
	10. The Safeguarding and Complaints Manager will provide a copy of the Disciplinary Panel’s decision to the complainant and the subject of the complaint. Before doing so, the Safeguarding and Complaints Manager may redact the decision to such extent as the Safeguarding and Complaints Manager, in consultation with the Chair of the Professional Conduct Committee, considers appropriate.
	11. A Member who is the subject of the complaint may appeal against the decision of the Disciplinary Panel in accordance with paragraph 10.

**Complaints in Respect of Alleged Regulatory Breaches by Supporter Members**

***Acknowledgement and referral***

* 1. If the complaint identifies one or more alleged breaches of the Code of Fundraising Practice or other regulatory obligation by a Supporter Member, the following procedure will be followed:
		1. The Safeguarding and Complaints Manager will acknowledge receipt of the complaint, usually within two working days, will notify the Nominated Professional Conduct Committee Member and will advise the complainant to refer their complaint to the Fundraising Regulator and / or another appropriate regulator (such as the Charity Commission, OCSR or the Information Commissioner).
		2. The Safeguarding and Complaints Manager may decide to refer the matter directly to the Fundraising Regulator or other regulator.
		3. The Safeguarding and Complaints Manager will notify the Supporter Member that they have provided such advice to the complainant and / or that they have referred the complaint directly to a regulator.

***Following publication of a decision of a regulator***

* + 1. On publication of a decision by the Fundraising Regulator or other regulator, the Nominated Professional Conduct Committee Member, will decide whether:
			1. to refer the complaint to a Disciplinary Panel;
			2. that there appear to be grounds to impose a disciplinary sanction and that such sanction(s) should imposed by them with the agreement of the subject of the complaint (and if that is not possible, to refer the complaint to a Disciplinary Panel); or
			3. that no further action will be taken
		2. The provisions of paragraphs 8.10 to 8.16 apply in respect of such decisions of the Nominated Professional Conduct Committee Member.

***Disciplinary Panel***

* 1. The Safeguarding and Complaints Manager will invite the complainant and the subject of the complaint to make written representations of reasonable length on the relevant regulator’s decision and will provide such representations to the Disciplinary Panel.
	2. The Disciplinary Panel will consider the relevant regulator’s decision, the list of matters to be decided and any representations of reasonable length made by the complainant and the subject of the complaint, and will offer to the complainant, the subject of complaint and any witnesses the opportunity to be heard by the panel in person.
	3. The proceedings of any Disciplinary Panel will be conducted in accordance with the provisions of paragraphs 8.18 to 8.27.

***Action if complaint is not amenable to investigation by another regulator***

* 1. If the complaint is not amenable to investigation and sanction by another regulator, the complaint will be addressed in accordance with the provisions of paragraphs 8.2 to 8.27.
1. **Process for Complaints About Behaviour in Connection with Chartered Institute Events**

***Initial enquiries and investigation***

* 1. The provisions of paragraphs 8.2 to 8.8 apply to the initial enquiries and investigation.

***Decision of the Professional Conduct Committee Panel Member***

* 1. After considering the investigation report and accompanying evidence and any representations of reasonable length made on them by the complainant and the subject of the complaint, the Nominated Professional Conduct Committee Member will decide:
		1. to uphold the complaint;
		2. to refer the complaint to a Disciplinary Panel; or
		3. to dismiss the complaint.
	2. In reaching their decision, the Nominated Professional Conduct Committee Member will apply the ‘balance of probabilities’ standard of proof.
	3. If the complaint concerns allegations of Discrimination, bullying, sexual misconduct or harassment (including sexual harassment) and the Nominated Professional Conduct Committee Member does not dismiss the complaint, they will refer it to a Disciplinary Panel.
	4. If the Nominated Professional Conduct Committee Member upholds any other type of complaint, they may:
		1. prohibit the subject of the complaint from attending any events of the Chartered Institute or otherwise engaging in the activities of the Chartered Institute; and
		2. prohibit the subject of the complaint from becoming an Individual Member or the representative of a Supporter Member;

for such period and subject to such conditions as to relief from such prohibition as the Nominated Professional Conduct Committee Member may decide.

* 1. The Safeguarding and Complaints Manager will notify the complainant and the subject of the complaint of the decision of the Nominated Professional Conduct Committee Member and, if appropriate, the next steps.
	2. If the Nominated Professional Conduct Committee Member decides the complaint should be referred to a Disciplinary Panel, they will, in consultation with the Safeguarding and Complaints Manager, appoint such a panel and will identify the matters to be decided by the panel.
	3. If the Nominated Professional Conduct Committee Member decides to dismiss the complaint, they may also encourage the complainant and the subject of the complaint to mediate.
	4. There is no appeal from the decision of the Nominated Professional Conduct Committee Member.
	5. The Trustees of the Chartered Institute may appoint a panel of two other members of the Professional Conduct Committee to review any decision of the Professional Standards Panel Member to dismiss a complaint and those Professional Conduct Committee members may by unanimous decision overturn the decision. If they overturn the decision, they may make any decision that the Professional Standards Panel Member could have made and the Safeguarding and Complaints Manager will notify the complainant and the subject of the complaint of the new decision and, if appropriate, the next steps.

***Disciplinary Panel***

* 1. The proceedings of any Disciplinary Panel will be conducted in accordance with the provisions of paragraphs 8.18 to 8.27.
	2. There is no appeal from the decision of the Disciplinary Panel.
1. **Member Appeals**

***Appeal process & timescales***

* 1. A Member who is the subject of the complaint may appeal against a decision of the Disciplinary Panel, such appeal to be made in writing setting out the grounds for appeal and to be received by the Safeguarding and Complaints Manager within 14 days of the Member being sent a copy of the Disciplinary Panel’s decision.

***Appeal Panel***

* 1. When an appeal is made within the correct timeframe, the Safeguarding and Complaints Manager, in consultation with a the Nominated Professional Conduct Committee, will appoint an Appeal Panel, which will consist of at least two members of the Professional Conduct Committee who have not previously been involved in the matter.
	2. The Appeal Panel will review the evidence considered by the Disciplinary Panel and any new information that may be available. The Appeal Panel will decide whether or not to interview anyone or allow any form of hearing.
	3. Any hearing by the Appeal Panel may be conducted in any manner decided by the panel, including by electronic means.
	4. No person appearing before the Appeal Panel has a right to cross examine any other person appearing before the panel.
	5. The Appeal Panel may admit any evidence they consider fair and relevant to the case before them, whether or not such evidence would be admissible in a court of law. In doing so they must nevertheless consider the nature and quality of the evidence and the weight that should be given to it.

***Decision of the Appeal Panel***

* 1. The Appeal Panel will decide by simple majority vote whether or not to uphold the appeal and / or whether to impose any different disciplinary sanction(s).
	2. In reaching their decision, the Appeal Panel will apply the ‘balance of probabilities’ standard of proof.
	3. The Appeal Panel may impose any disciplinary sanction that the Disciplinary Panel could have imposed and may impose such sanction in place of or in addition to any sanction imposed by the Disciplinary Panel.
	4. The Member and complainant will be notified in writing of the decision and any sanction, together with the Appeal Panel’s reasons.
	5. The decision of the Appeal Panel will be final.
1. **Suspension Without Prejudice**
	1. In the event of a serious allegation about a Member, the Chief Executive, in consultation with the Chair or Vice Chair of the Chartered Institute and the Nominated Professional Conduct Committee Member, may suspend the Member without prejudice pending the outcome of the investigation and disciplinary process, or pending any decision by the Fundraising Regulator or other regulator, if it is considered that continued membership may be harmful or is likely to become harmful to the interests of the Chartered Institute. Their decision is final and there is no right of appeal. The Member will be advised accordingly.
	2. During a suspension without prejudice, the Member shall not publicly claim affiliation with or Membership of the Chartered Institute, nor participate in any Chartered Institute activities. The Member shall nevertheless remain liable to pay to the Chartered Institute any subscription or other sum owed by them.
	3. If a complaint is not upheld by the Chartered Institute, a suspended Member is automatically reinstated.
	4. The Chartered Institute may publish the fact that a Member has been suspended without prejudice pending the outcome of the disciplinary process.
2. **Publicity**
	1. The Chartered Institute may publicly acknowledge the receipt of any complaint and explain the process that is being or will be followed.
	2. Except in exceptional circumstances, including where there is undue risk of harm to individuals or where the proper determination of any legal proceedings may be prejudiced, and taking into account the public interest, the Chartered Institute will publish on its website a summary of every adverse decision of a Disciplinary Panel, Appeal Panel or any other adverse final decision made under these rules in respect of a complaint. Such publication will normally exclude the identities of individuals except the subject of the complaint and will not normally take place until any appeal has been concluded or until the time for bringing an appeal has passed..

**Adopted by the Board of Trustees of the Chartered Institute of Fundraising on [*date*]**