



Code of professional conduct
FAQs

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Making a complaint under the CIPD's Code of Professional Conduct – frequently asked questions

These frequently asked questions are written to help you if you are thinking about making a complaint under the CIPD's Code of Professional Conduct.

1 What is a code of professional conduct?

The CIPD is the professional body for those involved in the management and development of people and as such has a code of professional conduct which sets out the professional standards we want our members to uphold. By joining the CIPD members agree to uphold these standards.

2 What does the Code of Professional Conduct cover?

The Code covers professional standards of behaviour. Members provide specialist professional knowledge, advice and support in the management and development of people and are expected to enhance the reputation of the profession, to continually update and refresh their skills and knowledge, to exercise integrity, honesty, discipline and appropriate behaviour, and to act within the law. A full list of standards is set out in the Code.

3 What fall outside the code of Professional Conduct?

The Code of Professional Conduct sets standards for CIPD members as individual professionals, so does not apply to the following:

- complaints about people who are not current members of the CIPD
- anonymous complaints
- disputes between employer and employee
- contractual issues and disputes
- complaints about companies.

- 4 I have a compromise agreement with my employer. Can I still complain to you?

No. If you have reached an agreement with your employer, we will be unable to investigate your case.

- 5 When should I complain? Is there a time limit for complaints?

We do not usually consider complaints that are more than 12 months old. This is because the longer ago events happened, the harder it is for people to remember them accurately.

However, the Institute Secretary does look at each case individually, so cases older than 12 months can be considered if there are good reasons for the delay.

It is possible to appeal against a decision ruling that a complaint is out of time.

- 6 How do I complain about a CIPD member?

To complain about a member you need to write to the Institute Secretary specifying which part of the Code you think the member has breached and giving us any evidence you have.

When we receive your complaint we check our database to see if the person is in current membership. We have thousands of members on our database so you need to give us as much information as you can so we can be sure we are looking at the right member.

This information can include full name, address, job title, company name and address, date of birth and membership number.

7 Why do you need my complaint in writing?

We need your complaint in writing because making a complaint under the Code is a serious matter, and we need to keep formal records, including original signatures and records of addresses. We therefore cannot accept emails. Also, when the Institute Secretary investigates a case, she will need to send copies of written evidence to the member so that they can respond.

8 What stages does a complaint go through before a penalty is imposed?

Before a penalty is imposed a complaint must go through the following stages:

Stage 1

- We receive a complaint in writing about a member.
- We confirm that they are in current membership.
- The Institute Secretary looks at the evidence and decides if the complaint falls within the Code.

Stage 2

- The Institute Secretary investigates the complaint, including by asking the person complained about for their comments and obtaining other information she decides is necessary.
- The Institute Secretary decides if there is a case to be heard by a disciplinary panel.
- The complainant and member are told about the Institute Secretary's decision.

Stage 3

- A disciplinary panel hearing takes place, usually at the headquarters of the CIPD, with both parties attending.
- The disciplinary panel considers all of the evidence before making a judgement and imposing any penalties.

9 Who is responsible for assessing complaints made under the Code?

- The Institute Secretary of the CIPD decides if there is a case for the member to answer.
- A disciplinary panel considers any cases and decides which penalties should apply. It is made up of members of the Nominations and Professional Conduct Committee (NPCC), which monitors standards and has particular responsibility for the operation of the Code.
- The designated member of the NPCC will hear any appeals that are made against the Institute Secretary's decisions.
- An appeals panel will hear any appeals that are made against the disciplinary panel's decisions. This is also made up of members of the NPCC.

10 Will the person I am complaining about know that I have complained?

Yes. It is not possible to complain anonymously about a CIPD member.

If there is a case for a member to answer, or earlier in the investigation if she decides this is helpful, the Institute Secretary will write to the member to tell them she has received a complaint about them. She will send them copies of any written information she has been given and ask for their response in writing.

We will keep you informed at all stages and will always get your permission before we send a copy of your complaint to the member.

Please do not tell a member you are complaining about them but leave it to us to contact them. This allows us to clarify what the issues are with you first, and allows us to present the complaint formally.

We will ensure that any personal details you send us are kept private.

11 What if a member refuses to respond to a complaint?

If a member fails to respond to a complaint, this in itself can be classed as a disciplinary matter and the CIPD can bring about a complaint against the member for it. However, it is very unusual for a member not to respond.

12 If the person is guilty, what happens next?

If a member is found guilty of breaching the Code, the most severe penalty we can impose is to permanently expel them from membership. Because of the type of work our members do, we are not like professional bodies such as the Law Society or the General Medical Council who can strike members off their register and therefore stop them practising.

Other penalties include issuing a formal warning to the member, and withdrawing the benefits of membership and the use of the chartered title for a defined time.

13 I think someone has complained about me. What should I do?

You do not need to do anything until we contact you. We usually tell a member that a complaint has been made about them when we need them to respond to the complaint. This happens after we have checked that they are in current membership, and as part of the investigation of a complaint which falls under the Code of Professional Conduct. Please do not inform other people that a complaint has been made about you.

14 Will anyone else in the Institute know that a complaint has been received about me?

No. We keep all records of complaints confidential and separate to other membership records. We do not discuss them outside the department.

- 15 How does the Institute Secretary decide if there is a case for a member to answer?

The Institute Secretary decides on the basis of the evidence that has been sent to her. She can ask for more information or evidence to make sure she reaches a decision fairly. She will take the findings of an employment tribunal or other proceedings into account but will look for specific criticisms of individuals and not of the company for which they work.

- 16 The Code of Professional Conduct includes the phrase 'a prima facie case'. What does this mean?

'Prima facie' is a legal term which means 'on the face of it'. The term is Latin. In relation to the Code, a prima facie case is a complaint supported by evidence that falls within the Code, that the Institute Secretary can help you with, and that a disciplinary panel should consider.

- 17 Can I appeal against the Institute Secretary's decision?

You can appeal against the Institute Secretary if she says that your complaint is 'out of time', or if she decides that there is not a case for the member to answer. This is done by writing to the designated member of the NPCC who will make a decision based on existing evidence; no further evidence can be submitted at this stage. The decision of the designated member is final and cannot be appealed against.

18 My complaint is being heard by an employment tribunal.
Can I complain to the CIPD at the same time?

No. If there is employment tribunal or other employment proceedings (eg disciplinary or grievance hearing) taking place, the Institute Secretary will put your complaint on hold until the tribunal has finished. This is so that she can look at results of the hearing, and have access to the evidence from it. In the case of employment tribunals, these have wider powers of investigation than she does.

19 Where else can I get help?

- ACAS is a government-run employment and arbitration body that helps solve work-based problems, and provides information and advice to employers and employees to help improve their working environment. There is a lot of information on their website <http://www.acas.gov.uk> and their helpline number is 08457 47 47 47.
- Citizens' Advice Bureaux (CAB) can help you with a wide range of problems and issues. Directory enquiries will be able to give you the contact details of your local office, or look at their website at <http://www.adviceguide.org.uk>
- The Office of Fair Trading can help you with contractual disputes and consumer issues. Their website address is www.oft.gov.uk

We hope this leaflet is helpful, but if you have any questions or comments please call us on 020 8612 6702.



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