



## FIS Complaints and Appeals Procedure

### Complaint regarding an FIS Member

#### Scope

The following complaints procedure shall govern the administration and adjudication of complaints about an FIS member. This complaints procedure applies only when the complainant believes the FIS member against which the complaint is made is in breach of the FIS [Code of Conduct](#).

#### Details of Complaint

Details of the complaint and the perceived breach of the FIS code of conduct shall be made to the Chief Executive (CE) of the Association in writing, along with any evidence to substantiate the complaint. Dependent upon the nature of the complaint the CE will decide the next course of action.

#### Complaint Progression

Where the FIS deems that a breach of the FIS code of conduct has transpired, the FIS CE will undertake to contact the member in question outlining the nature of the complaint within 14 days of receipt of the complaint.

The CE will ascertain at this point whether the complainant wishes for their identity to be divulged to the member. If not, the CE may determine that the complaint cannot proceed, or the complainant will be asked to confirm on review that any information sent to the member provides suitable anonymisation. The FIS cannot accept any liability for identification of the complainant.

The member will be asked to respond formally and in detail within 14 days of notification of the complaint.

The CE will review any response and respond to the complainant and FIS member within 14 days of receipt of response advising of next steps. This may include, but is not restricted to, a requirement to undertake a Technical Advisory Service to provide further information or recommendation to refer the matter to a formal alternative dispute resolution service.

Please note the FIS Complaints Process will be paused whilst any legal or alternative dispute resolution procedure is ongoing. Once completed, findings of the process can be sent to the FIS CE to review for further action by FIS.

Where the CE highlights a concern that the complaint has not been resolved or further action is required a disciplinary panel will be informed.

### **Disciplinary Panel**

If the CE identifies that the complaint needs to be brought before a disciplinary, the CE will notify the FIS Disciplinary Panel that a complaint has been made and outline its nature.

The Disciplinary Panel shall comprise:

- A minimum of three people, normally the FIS President, Immediate Past President and Senior Vice President or, if no such person is available, other members of the Board.
- Representatives/industry experts who are not members of the Board as required.

Disciplinary Panel members will be asked to declare any conflict of interest and be bound by a non-disclosure agreement.

The disciplinary panel will meet to discuss the complaint within 21 days of being informed of the complaint.

The CE shall keep a record of the proceedings to be taken and shall keep this, together with any documentary evidence submitted, for a period of at least one year.

Dependent upon the nature of the complaint the Disciplinary Panel will decide the next course of action.

## **FIS Appeals Procedure**

### **Appeal against complaint decision or decline of offer of membership**

#### **Scope**

The following appeals procedure shall govern the administration and adjudication of appeals against a decision of the FIS to decline to offer membership to a particular applicant or to terminate the membership of an existing member and of appeals against a decision by the Disciplinary Panel that an allegation has been proved.

#### **Notice of Appeal**

Notice of appeal shall be served on the CE of the Association within 30 days of the date on which the appellant was sent written notification of the decision against which the appeal is being made.

#### **Formation of Appeal Panel**

Within seven days of receiving the notice of appeal the CE shall call together an Appeal Panel, which shall comprise:

- Two member representatives, who shall be members of the Board not present at the meeting at which the decision subject of the appeal was made or, if no such person is available, former members of the Board.
- One senior member representative who is not a member of the Board.

Appeal Panel members will be asked to declare any conflict of interest and be bound by a non-disclosure agreement.

The longer serving of the Board members shall be the chairman of the panel.

### **Notification of Appeal Hearing**

The appeal panel shall meet within 60 days of receipt by the CE of the appeal.

The appellant shall be given at least 21 days' notice of the time, date and venue of the appeal hearing.

### **Representation at the Hearing**

The appellant may be represented at the hearing by a member of its staff.

The Association shall be represented by the President or another member of Board present at the meeting at which the relevant decision was taken.

### **Preparation for the Hearing**

Not less than seven days prior to the hearing both parties shall:

- notify the CE as to who will be representing them at the hearing,
- advise the CE of the identity of any witnesses to be called at the hearing,
- deliver to the CE any documentary evidence to be presented.

### **Proceedings at the Hearing**

The appellant's representative shall present its case and the Association's representative shall respond.

Witnesses may be examined, cross-examined and re-examined. Documents and other evidence may be presented.

When the Association's response to the appellant's case has been concluded, the appellant's representative shall give a brief summing up, followed by the Association's representative.

Any procedural issues shall be determined by the panel chairman.

At the conclusion of the hearing the panel shall, after due consideration, announce its decision. This will be confirmed in writing to the appellant within seven days.

The decision of the panel shall be final and binding on both parties.

The panel may make a recommendation to the President of the Association as to whether its decision should be publicised.

The CE shall cause a record of the proceedings to be taken and shall keep this, together with any documentary evidence submitted, for a period of at least one year.

Contact: The Chief Executive, FIS, Olton Bridge, 245 Warwick Road, Solihull, B92 7AH, telephone: 0121 707 0077.