

Complaint Policy

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IFA Complaint Policy for managing unacceptable and unreasonable complaint behaviour.

1. Introduction

- 1.1. Professional bodies operate disciplinary processes and procedures to deal with professional misconduct matters in relation to their members. The purpose of the disciplinary process is to uphold the standards and reputation of the accountancy professions, the professional body and its members and to protect the public interest. Having a transparent disciplinary process accessible to all is a cornerstone of being a professional body.
- 1.2. In a small number of cases, Complainants choose to pursue their allegations and complaints by behaving in an unacceptable manner. This can have an impact on their allegation/s and complaint as well as an impact on the health and wellbeing of IFA staff, office holders and other representatives.
- 1.3. This policy provides guidance and sets out the reasonable steps that the IFA will take to manage unacceptable and unreasonable complaint behaviour.
- 1.4. This policy applies to all Complainants as defined in the IFA's Bye-laws <https://www.ifa.org.uk/about-us/publicinterest/memberregulations>

2. Expectations

- 2.1 The IFA has a responsibility under employment law to protect its staff from abuse and harassment and to ensure a safe working environment. The IFA's staff, office holders and other representatives are not obliged to tolerate unreasonable behaviour by anybody with whom they are engaged in their capacity as representatives of the IFA.
- 2.2 The IFA is required to utilise its resources appropriately to addressing enquiries, allegations, and complaints which are genuine and are pursued reasonably.
- 2.3 This policy explains how we deal with complaints and provides guidance on unacceptable and unreasonable complaint behaviour, including trivial and vexatious complaints under the IFA's Disciplinary Regulations <https://www.ifa.org.uk/about-us/publicinterest/memberregulations>.
- 2.4 The IFA has limited resources in dealing with complaints and these must be used in an appropriate and efficient manner to enable complaints which are considered valid and fall within the Disciplinary Regulations to be investigated.
- 2.5 In corresponding with you as a Complainant or individual the IFA representative will act courteously towards you and act fairly and respectfully applying this policy, the IFA Bye-laws and Disciplinary Regulations (where appropriate) and respond to your correspondence within a reasonable time frame, although this may be subject to other work commitments.

3. Dealing with your complaint

- 3.1 Where a complaint has been received which can be supported by evidence, IFA will consider whether, in accordance with the IFA Bye-laws and Disciplinary Regulations, the matter should be investigated. An initial assessment of the complaint is made and if we think the complaint needs to be investigated the complaint will be processed in accordance with the IFA Bye-laws and Disciplinary Regulations. The IFA will deal with complaints in an open, fair, and proportionate way.
- 3.2 If, after the assessment, a decision is made not to investigate the complaint, the Complainant will be provided with written reasons for the decision to reject the complaint and any rights for appealing the rejection of the complaint will be outlined in the communication. Any complaint that is rejected will be carried out in accordance with the IFA's Disciplinary Regulations and the process in those Regulations will be followed.
- 3.3 Under these Disciplinary Regulations, if the IFA takes the allegations and complaints against its members forward, it will be investigated and evidence will be obtained. Normally the member in question will be invited to respond to the allegations made and all the evidence available will be referred to an investigating committee. If there is a case to answer, the matter will normally be referred to a Conduct Committee where those allegations will be considered. Where allegations are admitted or found to be proven, it will be necessary to consider what action should be taken against a member which is proportionate in all the circumstances of the case.

4. Unacceptable and unreasonable behaviour

- 4.1 IFA staff dealing with allegations and complaints understand that a Complainant may be angry, frustrated or upset about the complaint and will do their best to assist the Complainant. However, in some cases, the Complainant's behaviour is unacceptable or unreasonable and impacts the ability of staff to undertake their job effectively as well as their health and well-being.
- 4.2 The IFA may consider it necessary to impose restrictions on Complainants who have demonstrated a propensity to engage in such behaviour. Unacceptable or unreasonable behaviour can be in any form, including written, oral, or physical conduct. It may be an isolated incident or form a pattern over a period of time. Even if a complaint has merits, the behaviour of the Complainant can be deemed unacceptable or unreasonable.
- 4.3 Categories of unacceptable or unreasonable behaviour include:
- Discrimination – disparaging comments based on race, religion, sexual orientation, gender, age, disability or other protected characteristic;
 - Rudeness – includes abusive, disrespectful, profane, unduly pejorative or hostile or the use of foul language;
 - Intimidation – threatening, harassing, bullying, oppressive or coercive behaviour, unreasonable language or behaviour (direct, implied or perceived);

- Unreasonable persistence – frequently contacting IFA staff, despite being assured that matters are in hand and being given reasonable timescales for when an update can be expected; repetitively making the same or substantially similar complaints or enquiries which have been investigated and/or addressed already by IFA’s representatives as employees or agents and closed or concluded by IFA’s Conduct Committees; making persistent or unreasonable demands of staff’s refusal to accept the outcome of the IFA’s decision making process; and contacting different people in the same organisation to try to secure a different outcome.
- unfounded allegations – comments of or allegations which are defamatory and/or unsupported by evidence, hearsay or suspicion;
- irrelevance – includes complaints or enquiries which relate to matters not within the regulatory jurisdiction or remit of the IFA, such as commercial disputes or allegations requiring a determination of a point of law;
- vexatious – complaints that are made with the intent of causing annoyance, worry or trouble for the Member, Student, Affiliate or Member Firm or Contracted Firm, or which are adopted in a ‘scatter gun’ approach by pursuing parallel complaints on the same issues with various organisations;
- trivial – complaints which are made that are not in the public interest to pursue: are immaterial in nature, are considered aged or historic, fall within the Disciplinary Regulations or do not reach the threshold required to substantiate a complaint under the Disciplinary Regulations, Bye-laws or Code of Ethics or other professional standards applicable to a member of the profession;
- voluminous – where complaints have been provided and the volume of documentation outweighs the probative value of the information to support the complaint and/or the meaningfulness of the complaint is diluted because of the volume of documentation supplied. This includes complaints where the Complainant has not succinctly or concisely outlined the allegations which makes it difficult to ascertain from the volume of information provided, or has provided information (trivial or new) in a piecemeal way;
- making unjustified complaints about staff who are trying to deal with the issues and/or seeking to have them replaced.

This list is not exhaustive.

- 4.4 Where a representative of the IFA has decided not to investigate the complaint in accordance with any of the preceding paragraphs this will be communicated to the Complainant or individual concerned with reasons.
- 4.5 The IFA representative will make clear to the Complainant or individual that their behaviour or complaint is unacceptable or unreasonable and in breach of this policy. The IFA will make reasonable adjustments as necessary under the provisions of the Equality Act 2010.
- 4.6 The IFA will take reasonable and proportionate actions or steps to dispense with the matter and may include:

- warning the Complainant that their behaviour is unacceptable or unreasonable, setting out in communications with the Complainant why it is unacceptable and how the behaviour should change and the consequences if the Complainant's behaviour is unchanged;
- implementing a contact strategy, limiting the type of communications, for example, contact by email or post only or limiting the duration of phone calls at specific times, requiring a Complainant to use an advocate or representative for any contact with IFA staff or ceasing communications altogether, including blocking email addresses or other communication channels if appropriate;
- restricting the individual from attending IFA premises;
- reporting them to their professional body, employer or other relevant organisation;
- terminating calls.

This list is not exhaustive.

5. Escalation

5.1 Any issues considered under paragraph 3 of this Policy will be dealt with initially through a warning and a reminder of your obligations under this Policy. If the behaviour continues, we may escalate the matter to senior management and we may take steps to limit or manage how we communicate with you and in what way.

6. Record keeping

6.1 The IFA will retain a copy of documents relevant to decisions in accordance with applicable data protection laws and in conjunction with the IFA's data management and record retention policy relating to allegations, complaints and disciplinary cases.

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