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Participating with dignity in all CIEP events and activities

The CIEP Dignity Policy and
Complaints procedures

CIEP chair
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Contents

1 Foreword	2
2 Statement of expectations	4
3 In the event of an incident	6
3.1 Reporting an in-person incident.....	7
3.2 Reporting an online incident	8
3.3 Taking action in the absence of a report.....	9
4 Investigating an incident	10
4.1 Summary action.....	10
4.2 Appointing an investigator	10
4.3 Gathering evidence.....	11
4.4 Decide the order evidence should be collected.....	11
4.5 The interview process	12
4.6 Assessing the evidence.....	14
4.7 Overview of available means of raising a complaint	15
5 Consequences of a complaint	17
5.1 Voting on the recommendations.....	17
5.2 Notifying the parties.....	19
6 Appeals	20
7 Counterclaims.....	22
8 Closure and confidentiality	23

1 Foreword

It is the CIEP's aim that all of our events and activities should be welcoming to and inclusive of all of our members – members from across the world – who bring with them valuable and diverse lived experiences and cultural norms.

While the CIEP is not directly responsible for the behaviour of its members, it is responsible as an association for the spaces it provides for members to meet and interact – both in person and online – and it has other legal responsibilities as an employer and service provider.

As such, we are working to embed equality, diversity and inclusion (EDI) across all of the CIEP's activities. As part of that work, this policy on participating with dignity in all CIEP events and activities sets out our expectations of members, staff and other participants, as well as procedures to explain how we will deal with incidents of harassment, victimisation, bullying and/or other behaviours that are considered unacceptable under this policy.

By outlining these expectations, the CIEP aims to foster an environment in which all members are empowered and able to participate in any and all of the CIEP's events and activities, including our annual conference and regional mini-conferences, local group meetings and other local/regional CIEP events, training (including workshops and online), member forums and CIEP-hosted spaces on social media (eg **Facebook**, **Twitter** and **LinkedIn**).

This document therefore:

- sets out a statement of expectations that defines the behaviours the CIEP considers unacceptable, including discrimination, harassment, victimisation and bullying
- explains ways in which you might seek support and/or bring an incident to the CIEP's attention should you be the target of, or witness to, any of these unacceptable behaviours
- outlines how a complaint under this policy will be investigated and what the consequences might be
- confirms the scope of your rights to appeal the outcome of a decision and to keep such matters confidential.

Where relevant, this document is based on, and will refer to, comparable procedures to resolve complaints about members' professional conduct under the CIEP Code of Practice. It reflects best practices set out by the Equality and Human Rights

Commission (EHRC), among others; it complies with the law and good practice; and it is fit for purpose.

It is framed more widely within the context of the Equality Act 2010, the Human Rights Act 1998 and both common and criminal law in the UK, including (but not limited to) statutes such as the Serious Crime Act 2015, the Public Order Act 1986 and the Criminal Justice Act 2003.

The handling of complaints under this policy is secured within the terms of the UK General Data Protection Regulation (UK GDPR), as tailored by the Data Protection Act 2018.

You are invited to get in touch with the chair of the CIEP Council by email to chair@ciep.uk should you have any questions about this policy and these procedures, and/or to suggest ways in which we might continuously improve our approach to EDI within the CIEP.

We thank you for the professionalism and generous spirit that characterises so many of the CIEP's member-led events and activities, and we look forward to seeing you making the most of your membership by participating in them.

CIEP chair

On behalf of the CIEP Council

2 Statement of expectations

The CIEP expects everyone participating in its events and activities to treat each other with respect, both in person and online, and to be considerate and collaborative in their approach to one another. This policy applies to all interactions that CIEP members have with other individuals, as a consequence of their CIEP membership: with other members, CIEP staff, CIEP Council members and external third parties that work with or on behalf of the CIEP. It applies to all online and in person events, activities and communications, and to the application and participation of any CIEP policies. We hope that all members will feel supported and empowered to access all of the CIEP's services.

The CIEP will consequently take seriously any personal behaviours that impact negatively on these goals, which behaviours it defines as discrimination, harassment, victimisation and bullying, as well as threats, hostility, abuse, and behaviours that result in intimidation, insult or injury. In the most serious cases, the CIEP may alert the appropriate authorities (eg police, ambulance service).

As a membership association subject to UK law, a service provider and an employer, the CIEP has a duty to ensure that its events and activities are free from any form of direct or indirect **discrimination** on grounds that include age, disability, sex, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, and sexual orientation (all of which are known as 'protected characteristics' under the Equality Act 2010). Consequently, the CIEP will not tolerate any form of harassment, victimisation or bullying of members, staff or other participants in its events and activities on these grounds or any others, including (but not limited to) gender variance, neurodivergence, regional/socioeconomic background and body type.

Harassment can be defined as 'unwanted conduct that has the purpose or effect of violating someone's dignity or that creates an intimidating hostile, degrading, humiliating or offensive environment for someone with a protected characteristic'.¹ It does not matter whether or not a person responsible for the behaviour intended it to have such an effect; it is the perception of the person who experiences the behaviour that defines it as harassment. Harassment, including sexual harassment, may be persistent behaviour or it may be one single act. In certain circumstances, harassment is a criminal offence and may be a police matter.

¹ Equality and Human Rights Commission (EHRC), 'Equality Act FAQs', available online at equalityhumanrights.com/en/equality-act/equality-act-faqs

Victimisation involves treating someone less favourably because they have made a complaint about such behaviours, or are supporting someone or are perceived to be supporting someone who has made such a complaint.

Bullying can be described as unwanted behaviour that is offensive, intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to an individual.² It can include unwanted behaviour that makes the recipient feel upset, frightened or less respected. It may be overt, or it may be characterised by a pattern of behaviours, each of which may seem trivial, but which have a significant cumulative impact on the target. Again, it is the effect of the behaviour on the recipient that is critical.

If you believe that you have witnessed or been subjected to any of these unacceptable behaviours while participating in a CIEP event or activity, you can make a complaint or otherwise bring it to the attention of the event or activity organiser, or any CIEP Council member, by speaking to or emailing them, or by using the CIEP's confidential online **incident report form** (see section 3).

Should you believe that you have witnessed or been subjected to conduct that may also or otherwise be considered unprofessional under **section 3 of the CIEP Code of Practice** (see especially sections 3.1 and 3.3), please consider whether it may be appropriate to take steps under that **Complaints Procedure**.

Under UK law, the CIEP has a responsibility and duty of care to everyone participating in its events and activities. If any participant is found to have engaged in unacceptable behaviours, they may be asked to leave an event or activity, or be suspended from a CIEP online space, with any refund at the organiser's and/or the CIEP's discretion.

² Advisory, Conciliation and Arbitration Service (ACAS), 'Bullying, harassment, victimisation: what's the difference?', available online at [acas.org.uk/index.aspx?articleid=5535](https://www.acas.org.uk/index.aspx?articleid=5535)

3 In the event of an incident

If, while participating in a CIEP event or activity, you have witnessed or been subjected to behaviours that you believe to be unacceptable under this policy and you would like to make a complaint, including a complaint about the behaviour of a volunteer member, member of staff or Council member of the CIEP, this section outlines the routes that you may follow.

We understand that making such a complaint can be difficult and the CIEP aims to support you sensitively. We therefore engage the services of external UK-based consultants who specialise in handling workplace and professional-body complaints, in order to provide an avenue for members to make complaints to an external third party. The consultants are trained in handling complaints of a sensitive nature, and the CIEP hopes that providing this option to members will help alleviate some of the barriers that members may face when contemplating making a complaint against another CIEP member or Council member.

When making a complaint, you will be asked to share details including the date, time and nature of the incident, and the names of the parties involved (if you know them) and of any witnesses. If you choose to make a complaint after a CIEP event or activity has ended, please do so as soon as possible, and please record not only the date of the incident but also the date of your complaint.

If appropriate, you may feel able to address the behaviour directly with the person responsible. You should only do so if you feel comfortable and able to have this conversation without putting yourself in an unsafe or distressing situation. Should that be the case, you should make it clear that the behaviour you are experiencing is unwelcome and ask for it to stop.

In this case, you may want to share details of the incident with an event or activity organiser, or a CIEP Council member, in order to seek advice on how best to do this. Any such conversation will remain confidential unless the behaviour relates to protected characteristics or is otherwise so serious that the CIEP has a duty to investigate or to report it to the appropriate authorities. This will not be a formal complaint, and further action will not normally be taken, other than in the aforementioned serious situation, unless you request intervention or escalate it as a complaint.

3.1 Reporting an in-person incident

3.1.1 Reporting to the event or activity organiser

You may choose to raise any behaviour that you believe to be unacceptable under this policy with the event organiser, group coordinator or tutor/trainer at the event or during the activity, or after the event or activity has ended.

An event organiser, group coordinator or tutor/trainer may take summary action in the most serious of instances; for example, where they identify an immediate risk of harm to either yourself or others present. In other circumstances and particularly if you raise the incident with them after the event or activity, they may offer you support in the first instance and advise that you make a complaint.

If the event organiser, group coordinator or tutor/trainer is the subject of your complaint, you should report the incident directly to any Council member (see 3.1.2) and by using the CIEP's confidential online **incident report form** (see 3.1.3).

3.1.2 Reporting to a Council member

You may choose to raise any behaviour that you believe to be unacceptable under this policy with any CIEP Council member by email or, at some events, in person.

You can find the names and email addresses of all of the Council members on the **Meet the team** page of the CIEP website. In any instance, you should contact the chair of Council (chair@ciep.uk).

3.1.3 Reporting to an external third-party complaint handler using the online incident report form

You may choose to raise any behaviour that you believe to be unacceptable under this policy by using the CIEP's confidential online **incident report form**. A summary of the reports is delivered daily to the chair and forwarded to our third-party complaint handlers.

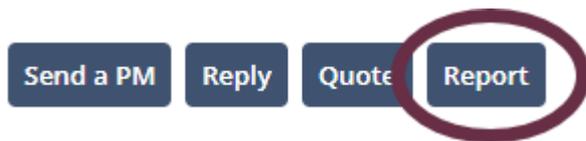
You may choose to submit this form anonymously if you want to alert the CIEP to the behaviour but do not want the incident to be investigated.

If you do want the incident to be investigated as a complaint, you must include your name and contact details, as well as the names of the parties involved, including any witnesses.

3.2 Reporting an online incident

3.2.1 Reporting on the CIEP member forums

If you are distressed by a post on the CIEP member forums that you believe to be unacceptable under this policy, you can bring it to the attention of a forum moderator by using the 'Report' button that you will find in the bottom right-hand corner of any post on any thread:



When reporting the incident, please be as clear as possible about the reason(s) why you believe the post to be unacceptable and what outcome you might like to see. The action(s) that the moderator is empowered to take in response should they agree with your assessment are set out in the CIEP's Forum Moderation Guidelines. They include deleting a post, cautioning a member in private and/or posting directly to remind members of their responsibilities under this policy.

If you are dissatisfied with the outcome of moderation or if you want the incident to be investigated, you may choose to make a complaint under this policy by using the CIEP's confidential online [incident report form](#) (see 3.1.3).

3.2.2 Reporting on the CIEP's social media

Please note that the CIEP's responsibility for behaviours on social media is limited to activity on its own pages and profiles.

If you believe that a post, comment or tweet on the CIEP social media accounts, which include **Facebook**, **Twitter** and **LinkedIn**, is unacceptable under this policy, you can bring it to the attention of the marketing director by email to marketing@ciep.uk or any other Council member.

Using a platform's own reporting function will report the comment to the platform itself and not to the CIEP's social media team. If you want the team to take action, a direct message to the CIEP page or profile will alert the team to your concerns.

If you are dissatisfied with the outcome of this intervention or if you know the user responsible for the post, comment or tweet to be a CIEP member and you want the incident to be investigated, you may choose to make a complaint under this policy by reporting it to a CIEP Council member (see 3.1.2) or by using the CIEP's confidential online [incident report form](#) (see 3.1.3).

3.3 Taking action in the absence of a report

Should any CIEP Council member witness or be subjected to behaviours that they believe to be unacceptable under this policy, they have a responsibility to bring the incident to the Council's attention.

The Council has a duty to make further enquiries and to consider whether to escalate the incident to investigation without requiring any other member to make a complaint.

This does not preclude the right of any member to make such a complaint about the same incident, should they wish to do so.

4 Investigating an incident

The CIEP has a responsibility to ensure that any complaint, or incident escalated under this policy, will be investigated promptly, confidentially, fairly and sensitively for all parties concerned.

To maintain confidentiality the CIEP will use a third-party complaint handler to investigate complaints. In doing so, the CIEP aims to ensure that a clear, fair and consistent process is followed whenever complaints are raised. Using an external investigating team also allows complaints to be investigated in an impartial manner, with increased confidentiality for all parties involved.

Any personal data connected to an investigation incident will be processed in accordance with the UK GDPR at all times.

4.1 Summary action

Depending upon the nature of the concern, the CIEP's forum moderators and social media team are empowered to take summary action to resolve issues arising in the CIEP's online spaces.

Event organisers, group coordinators and tutors/trainers are empowered to take summary action to resolve issues arising during the course of CIEP events or activities.

One or more members of the CIEP Council may also take, or instruct any of their representatives to take, summary action in these or other instances.

Summary action may include removal of one or more posts on a CIEP forum or CIEP social media platform, asking one or more parties to leave the CIEP event or activity, or suspending them from the online CIEP space.

In all cases, summary action will be based on an assessment of risk to members, to other parties engaging in the activity, and to the CIEP. In assessing that risk, those acting on behalf of the CIEP may seek advice from one or more other moderators, administrators and/or one or more of the CIEP's Council members, before taking such action, to avoid undue delay and any detriment or harm to the complainant while action is pending. In any case, they must notify a Council member as soon as possible after any dignity-related incident and resulting action.

4.2 Appointing an investigator

Our external complaint handler will lead on forming an investigating plan, including appointing an investigator and detailing what facts need to be established, what

evidence needs to be collected, and a timeframe for when the investigation is expected to be completed.

When initially identifying what may be relevant, an investigator should consider:

- the terms of reference and what they need to establish
- what sources of evidence are available to establish the facts of the matter
- how the evidence will be collected
- whether there are any time constraints for collecting the evidence, such as a witness going away on annual leave or CCTV records that are usually deleted after several days.

As the investigation progresses, other sources of evidence may come to light or become relevant.

4.3 Gathering evidence

Once the investigator has been appointed, they will take the lead on communicating with the parties involved.

In making a complaint under this policy, the complainant consents to being contacted directly by the investigator and working with them to gather evidence via the process outlined below.

In order to gather evidence from all relevant parties, it is essential the investigator is able to make direct contact with all parties involved, including the complainant, any witnesses and the subject of the complaint. The chair of the CIEP will share contact details of all involved parties with the investigator to enable this process to be carried out.

Where the chair of the CIEP is the subject or complainant, or otherwise has an interest in the complaint (for example a close personal or professional relationship with one of the parties), the CIEP vice-chair will be asked to provide these details.

In the event of a complaint being received, the evidence gathering will take the following format.

4.4 Deciding the order in which evidence should be collected

The order in which evidence should be collected will change depending on the matter being investigated. Where the matter is relatively straightforward, the investigator will hold some or all of the investigation meetings at an early stage of the investigation. The person who is the subject of the investigation will have been informed at the

outset that a complaint has been made against them, so that they can prepare for the meeting with the investigator.

The investigator will interview the complainant first to ensure that they fully understand the matter. Depending on the nature of the matter, such interviews may be held in person, online or by telephone. The investigator will ensure, as far as possible, that these interviews are held in private where interruptions are unlikely to occur, and where the conversation cannot be overheard. At the discretion of the investigator, the investigation meetings will be audio-recorded, not only to ensure the relevant points are recorded correctly, but to assist with the interview process so the investigator doesn't have to take notes and prolong the interview. The interviewee will be provided with a copy of the recording unless they also choose to record the meeting.

The subject of the investigation should then be interviewed to establish what facts are in dispute, thus allowing the investigator to focus the investigation on these areas. If the subject admits the allegations against them, it may remove the need to investigate the matter as planned. However, their explanation of why the incident occurred may still need to be investigated.

Where there is considerable physical or written evidence, or the matter is complex, the investigator will consider whether or not to collect other evidence before interviewing the witnesses. This may help the investigator to fully understand the matter and help them to ask the appropriate questions at the investigation meetings.

4.5 The interview process

Complainants, subjects of complaints and witnesses all have the right to be accompanied during interviews. The accompanying person may quietly explain things to the interviewee but not to the interviewer. This ensures that the interviewee's voice is centred.

Before the meeting takes place, the investigator will establish how the interviewee may be able to help with the investigation, and plan initial questions accordingly.

At the start of the meeting the investigator will explain:

- the role of the investigator
- the purpose of the meeting
- the need for confidentiality during the investigation
- that the interviewee's witness statement may be used in an investigation report
- who will see the interviewee's witness statement.

This will ensure that confidentiality is maintained and that the interviewee fully understands the implications of their making a statement.

Some individuals may be reluctant to provide evidence for an investigation and may want their statement to be anonymous. The investigator should explore why they are reluctant to give a statement and try to provide some reassurance to resolve any concerns they have. If allegations against a subject are anonymised, it may hinder the investigation, as the subject will not be able to effectively challenge the evidence. Only in exceptional circumstances will the investigator agree that a witness statement is anonymised.

During the meeting, the investigator will:

- ask questions to gather the facts of the matter
- probe the interviewee, but not in an adversarial manner, to ensure the information stands up to scrutiny
- record the responses and any refusal to respond
- seek evidence that may substantiate the information provided.

At the end of the meeting the investigator will:

- check if there is anything else the interviewee thinks is important before ending the interview
- ask if there are other witnesses that the interviewee thinks should be interviewed and why
- explain that the interviewee may need to be interviewed again
- explain that the interviewee will be provided with a copy of their witness statement for them to check and confirm its accuracy.

After the meeting, the investigator will:

- provide the interviewee with a copy of their statement and seek agreement that it is accurate
- consider the stated facts and whether evidence already collected supports or contradicts these
- consider whether the information provided requires any further evidence to be collected or interviews arranged.

Although the investigator will plan to interview each individual only once, as further facts and information are collected it may become necessary to interview some individuals again to clarify particular points.

The investigator will complete such interviews as soon as possible after the incident and no later than two weeks (10 working days) after receipt of the complaint. In

circumstances where this timeline needs to be extended (for example, due to the complexity or sensitivity of a complaint, or due to multiple complaints being received in a short timeframe), the investigator will notify the CIEP Council, the complainant and the subject at the earliest opportunity. This extension will be no longer than is strictly necessary.

Note The CIEP expects all participants in the investigation process to adhere to the Dignity Policy in their conduct with other parties, and to treat each other with dignity and respect in their interactions with each other. Should any participant in this process engage with others in a way that the CIEP Council deems to be inappropriate, the Council reserves the right to suspend that person's involvement in the investigation. Should that be the case, the investigator will base their investigation on the evidence available.

There is no obligation for any party to engage in the evidence-gathering process.

If the subject of the complaint or a witness refuses to be interviewed or to otherwise offer any supporting evidence, the investigator will base their investigation findings on the evidence available to them.

4.6 Assessing the evidence

The investigator will assess all evidence and will prepare a report of their findings for the CIEP Council, along with an assessment of whether, in the investigator's opinion, the complaint has been found to be upheld, partially upheld or not upheld. This report will also contain a recommendation to the Council for consequences and next steps.

This report will be shared with the Council only and will not be made available to the complainant, witnesses or subject.

In the event that the investigator does not uphold the complaint, and the Council agrees with this finding, all parties will be notified in writing by the chair and no further action will be recommended.

4.7 Overview of available means of raising a complaint

How to raise a complaint	Who to raise it with	Information required	Action to be taken	Who will handle the complaint
<ul style="list-style-type: none"> In person at CIEP-hosted event 	<ul style="list-style-type: none"> The individual if comfortable to do so Event or activity organiser Group co-ordinator Tutor/trainer Council member 	<ul style="list-style-type: none"> Date, time and nature of the incident This won't be recorded as a formal complaint, and you will be provided with support and advice on whether to raise it as a formal matter 	<ul style="list-style-type: none"> The individual will be spoken to and appropriate action taken, which may include their removal from the event The chair (or vice-chair) will arrange for the matter to be investigated as outlined in section 4 	<ul style="list-style-type: none"> CIEP individual who was informed of the concern Third-party complaint handler if the complaint is escalated
<ul style="list-style-type: none"> By email 	<ul style="list-style-type: none"> Council member 	<ul style="list-style-type: none"> Date, time and nature of incident Include your name and contact details 	<ul style="list-style-type: none"> The chair (or vice-chair) will arrange for the matter to be investigated as outlined in section 4 	<ul style="list-style-type: none"> Third-party complaint handler
<ul style="list-style-type: none"> Online incident form 	<ul style="list-style-type: none"> Chair via the online incident form 	<ul style="list-style-type: none"> Completion of details on the form 	<ul style="list-style-type: none"> The chair (or vice-chair) will arrange for the matter to be investigated as outlined in section 4 	<ul style="list-style-type: none"> Third-party complaint handler
<ul style="list-style-type: none"> Member forum 	<ul style="list-style-type: none"> Moderator, who will forward to the chair in the first instance, or other Council member, if the issue cannot be resolved with 	<ul style="list-style-type: none"> Reasons why the post was unacceptable 	<ul style="list-style-type: none"> The post will be investigated and action may be taken against the member who submitted the post 	<ul style="list-style-type: none"> Moderator in the case of summary action Third-party complaint handler if complaint is escalated

	summary action			
<ul style="list-style-type: none"> • CIEP-hosted social media spaces 	<ul style="list-style-type: none"> • Marketing director 	<ul style="list-style-type: none"> • Details of the user who posted the comment and reasons why the post was unacceptable 	<ul style="list-style-type: none"> • Action may be taken against the person who posted the comment if they are a CIEP member 	<ul style="list-style-type: none"> • Marketing director in case of summary action • Third-party complaint handler if complaint is escalated

5 Consequences of a complaint

If a CIEP member or other person participating in a CIEP event or activity, or in a CIEP online space, is summarily found to have engaged in serious unacceptable behaviours, the Council delegates to other CIEP representatives the right to:

- ask that participant to leave the event or activity OR
- suspend them from the online space AND
- report the incident to the appropriate authority if necessary.

Any refund is at the organiser's and/or the CIEP's discretion.

Such summary action will be taken where behaviours are witnessed and are sufficiently serious that they would amount to gross misconduct in a workplace situation or are considered an offence under UK law. **In such circumstances, the CIEP will not hesitate to act to fulfil its legal responsibilities, including its duty of care to other members, and this may include alerting the appropriate authorities.**

In all other instances in which the investigation procedure under this policy has been followed and the complaint has been upheld, the investigator's recommendations will be subject to a Council vote.

5.1 Voting on the recommendations

The investigator will aim to deliver their report and recommendations to the Council no later than two weeks (10 working days) after they have gathered all of the relevant evidence. The Council shall then have a further week (5 working days) in which to vote on these recommendations.

In circumstances where this timeline needs to be extended, the investigator will notify the CIEP Council, the complainant and the subject at the earliest opportunity. This extension will be no longer than is strictly necessary.

Any Council member that has a close personal or working relationship (current or former) with one of the parties shall not be consulted on the investigator's recommendations.

The investigator's recommendations will be proportionate to the severity of the incident. The likely recommendations are equivalent to those set out in section 5 of the **Complaints Procedure** under the CIEP Code of Practice.

The investigator may recommend that the party who has been found to have behaved unacceptably be:

- given appropriate advice on how to avoid similar behaviours in the future OR
- given a written warning, to include such advice, to be held on the CIEP's records for a period of one year or some other period as agreed by the Council OR
- given such a written warning and suspended from membership of the CIEP for a period no longer than six months OR
- expelled from the CIEP.

The investigator may instead propose and the Council may agree, by a simple majority vote, some other form of appropriate action.

Note Lowering a member's membership grade (paragraph 5.4 of the Complaints Procedure under the CIEP Code of Practice) is not an action suited to complaints under this policy. Suspension of membership (paragraph 5.5) in dignity-related circumstances is not limited to Entry-Level Members but spans all membership grades.

In light of the gravity of an incident likely to give rise to a recommendation of expulsion, a member who has been expelled from the CIEP under this policy will be expelled for a period of three years after any investigation or appeal is completed. In the most serious of circumstances, the Council may, by a simple majority vote, agree to extend this period. After this period, the member will be eligible to apply to rejoin the Institute. Reinstatement will only be granted if Council feels satisfied that this action does not present undue risk of harm to other members.

In line with section 6.1 of the **Complaints Procedure** under the CIEP Code of Practice, the Council may:

- fully accept the investigator's recommendations OR
- partially accept the recommendations, suggesting its own amendments, OR
- (in exceptional circumstances) reject the recommendations and request further investigation.

The Council will make a decision by consensus, where possible, or by a simple majority otherwise, on whether to implement the recommendations in the report.

Where the Council rejects the recommendations put forward by the investigator, the Council will document the reasons why this decision has been made.

5.2 Notifying the parties

The chair shall notify the parties in writing of the outcome of the investigation and the Council's decision within one week (5 working days) of the Council's decision.

Communications in writing shall be sent to the email address that the CIEP holds on record for the member (or another email address if the party has specifically requested that during the course of the investigation) and shall be deemed to have been delivered in the absence of any server indication otherwise.

The notice delivered to the parties shall include confirmation of their right to appeal the Council's decision.

6 Appeals

Anyone found to have engaged in unacceptable behaviours will have a right to appeal the finding (including a summary finding) and/or its consequences in writing to the chair of the CIEP Council within one month (20 working days) of the date on which they are notified of the outcome of the investigation.

The member who made the complaint may likewise choose to appeal a decision, including in the event that a complaint has not been upheld and no further action has been recommended.

If the investigator has recommended, and the Council has voted, to expel the member from the CIEP, their membership will be suspended with immediate effect.

As in section 7.2 of the **Complaints Procedure** under the CIEP Code of Practice, any such appeal must set out the grounds on which it is brought, being:

- the reasonableness of the finding AND/OR
- the proportionality of the action AND/OR
- lack of proper procedure under this policy AND/OR
- new evidence (in which case the party appealing must explain why they did not make that evidence available during the original investigation).

An appeal investigator will be appointed provided they **did not form part of the original investigation**. In that case, the third-party complaint handler will appoint another investigator.

The appeal investigator will review the grounds of the appeal and any new evidence alongside the investigator's evidence, report and recommendations.

The appeal investigator will aim to deliver their report and recommendations to the Council within two weeks (10 working days) of receipt of the appeal, and the Council shall vote on the new recommendations within one week (5 working days) of receipt of the appeal investigator's report and recommendations.

In line with section 6.1 of the Complaints Procedure under the CIEP Code of Practice, the Council may:

- reverse its original decision in full or in part OR
- uphold its original decision.

As under section 10.4 of that Procedure, if the Council votes to reverse its original decision in full or in part, this will not necessarily result in a lesser outcome or a lesser recommended action. It may involve a finding where there was none before or a recommendation that the Council take stronger action.

The CIEP chair shall notify the parties in writing of the outcome within one week (5 working days) of the Council's decision.

The Council's decision on appeal is final.

7 Counterclaims

In some instances, the subject of a complaint (complaint A) may seek to lodge a complaint under this policy or another CIEP policy or procedure (complaint B) against an individual who is, or who the subject believes to be, responsible for complaint A (or any other complaint against them).

Any such complaint lodged during the course of an investigation under this policy will be treated as a counterclaim and complaint B will be set aside pending completion of the investigation of complaint A.

Once the investigation (including any appeal) of complaint A is completed, complaint B will be summarily assessed by the investigator – or the appeal investigator, where an appeal has been raised against the outcome of complaint A. That assessment will focus on whether the substance of complaint B has already been investigated in full within complaint A and hence is not a new complaint.

In the event that complaint B is held to comprise nothing substantively outside of the scope of the investigation of complaint A, the investigator will notify the party responsible for complaint B that the counterclaim will not be progressed, setting out their reasons, including that to progress the counterclaim would be to rehear complaint A.

In the event that complaint B is held to be in full or in part a new complaint, a new investigator will be appointed, in line with the process outlined in **section 4.2**.

The new investigator will follow the procedure under this or any other policy or procedure under which it has been brought.

8 Closure and confidentiality

When the procedure set out in this document reaches its conclusion and/or any appeal period has expired, the main parties to a complaint – the complainant and the subject of the complaint – shall be notified accordingly in writing. This notification will include the findings of the investigation (ie whether the allegations were found to be upheld) and the sanction (if any). Witnesses will be notified only of the completion of the process.

Both during and after the investigation, the CIEP and those delivering services on its behalf will take care to defend the confidentiality of all parties involved in the incident investigated under this policy, including any witnesses.

All records gathered or generated during the investigation shall be retained securely, in line with recommendations from the Information Commissioner's Office (ICO), for seven years after any investigation or appeal is concluded in case they are required in proceedings.

A summary or other record of the consequences of a complaint that has been upheld shall also be retained securely in the CIEP's records, in line with recommendations from the ICO, for no more than seven years or for some other shorter period if the Council is so advised.

All records shall be securely disposed of in line with recommendations from the ICO.

Please note that, unlike under section 13 of the **Complaints Procedure** under the CIEP Code of Practice, the sensitive nature of complaints made under this policy is such that there shall be no automatic notification to the CIEP membership of any proceeding, whatever its outcome. The CIEP is committed to developing appropriate EDI metrics, and to reporting on these to the CIEP membership on an ongoing basis.

The right to confidentiality under this policy is suspended should any behaviour be sufficiently serious that it constitutes a notifiable or other offence under UK law, in which case the CIEP will be under a duty to alert the appropriate authorities.