

Guidance for CIPD members

Understanding the Code complaints process

Introduction

The CIPD is committed to upholding high standards of professional conduct among its members. Anyone can make a complaint about a member, including the CIPD, if they think the member may have breached the Code of Conduct and Ethics. If the CIPD has contacted you, or you believe someone has made a complaint about you, this guide explains what will happen next and how the process works.

This means we don't have legal or regulatory authority to take action against individuals or organisations in the way that a regulatory body might. Our remit is limited to matters concerning our members and their adherence to our Code of Conduct and Ethics. If a member breaches our Code, they may be removed from membership. However, we don't have the power to take any further action.

The CIPD is not responsible for referring any allegations to employers, external organisations or other parties, including the police and/or another regulator or membership association. However, we may escalate any concerns to external authorities where the concerns involve serious matters or fall under the jurisdiction of the organisation or authority.

If you need any reasonable adjustments to engage with the complaints process, please let us know.

What to expect if a complaint is made about you

When we receive a complaint about a member, we'll review it carefully to determine whether the matter falls within our remit and meets the requirements for a formal investigation.

Following this review, we may take one of the following actions:

- Investigate the complaint: If the complaint meets the criteria for investigation, we'll start a formal complaints process. Please see below for more details on how we investigate complaints.
- Act as the complainant: Sometimes, we can take on the role of the person making the complaint. This might happen if the original person isn't directly involved, doesn't want to take part or has been kept anonymous. We can also do this if someone from the public raises a concern but can't be contacted again, and we believe a member has breached the Code, or where there is risk of reputational harm to the profession.

A complaint may be rejected if we deem it to be vexatious, an abuse of process, lacking sufficient evidence, or if the issue can be resolved adequately without further investigation by the CIPD. Additionally, some complaints may be outside our scope to investigate. In some cases, we may choose to notify you of a complaint about you even if it's not being investigated. This is decided on a case-by-case basis. If a complaint is rejected, we may not notify you – this decision rests solely with the CIPD.

'At face value' (prima facie)

During the initial review of a complaint we may determine at face value (referred to as *prima facie*) that there is clear evidence of a breach of the Code. Examples of such scenarios include, but are not limited to:

- misrepresentation of CIPD membership;
- plagiarism;
- high-profile incidents where a court or official body has determined that the member did something seriously wrong.

In such cases, we may offer the member a consent order, which gives them a chance to admit to the breach and accept a consequence, without referring it to the investigation panel. These cases are typically resolved more quickly than those that require a full investigation.

Consent order

A consent order can be considered when:

- we identify breaches of the Code early in a complaint review, and
- the member accepts responsibility and admits all allegations against them, and
- the member agrees to a sanction to close a complaint without the need for a full investigation.

NB: The sanctions available through a consent order are the same as those applied following a full investigation.

If a consent order is offered, we'll write to the member to set out the proposed sanction. The member must sign and return the consent order within 14 days. If the member doesn't reply in time or declines the offer, the complaint will be sent to a panel for full investigation.

The investigation process

If a complaint proceeds to the investigation stage, we'll assign a panel of three trained volunteer investigators. The panel must assess whether there's sufficient evidence that the member has breached the Code.

We'll contact the member and allow them to respond to the complaint and engage with the complaints process. During the investigation, we'll gather relevant evidence from the complainant, the member and other appropriate sources.

Both the complainant and the member have the right to be accompanied by a supporter during any meetings related to the investigation.

We oversee the process to ensure it is conducted fairly, consistently and in accordance with our rules. We act as the intermediary between the investigation panel and all parties involved, including the complainant, the member and any third parties. We also manage all requests for further information and arrangements for interviews.

Interviews may be recorded and we'll take notes to document the discussion. These notes aren't a full word-for-word record, but they'll be shared with the person interviewed to check them and fix any inaccuracies.

If, during an investigation, it's discovered that a member has misrepresented their membership status, this may be added to the list of allegations and considered as a potential breach of the Code.

We strongly encourage members to engage fully with the investigation process. If a member's behaviour during the investigation raises concerns, we'll tell the investigation panel. Such behaviour may be treated as an additional breach of the Code and added to the case. The panel has the authority to include further breaches as they emerge during the investigation. If this happens, the member will be notified.

Please note that we don't provide updates during the investigation.

If the subject of the complaint was a member at the time the complaint was received, we may continue the investigation if they resign or allow their membership to lapse. We may also suspend a member's status while the complaints procedure is ongoing.

Responding to a complaint

Members will have a chance to respond to the complaint, and usually need to send their response within 14 days. Where appropriate, a reasonable extension may be granted to ensure a fair and balanced process.

In preparing a response, members are encouraged to:

- consider each allegation outlined in the complaint;
- confirm whether each allegation is accepted or denied;
- provide supporting evidence, where available;
- provide names or statements from witnesses, if available – the investigation panel will decide whether to contact them;
- include reflective practice, including any insights into what they might do differently in the future;
- provide information about their progress or status if they are currently undertaking CIPD qualifications

We encourage electronic submission where possible to ensure timely acknowledgement and response. If you can't submit your response online, you can send a copy to:

Code Complaints Team
Chartered Institute of Personnel and Development
151 The Broadway
London
SW19 1JQ

It may take longer for us to process information sent by post as our team is not always on site to collect and handle mail.

Member Support Service

We offer access to our Member Support Service for any member who's subject to an investigation. This service provides confidential, independent support through a designated volunteer. We don't share details of the complaint with the member supporter. However, they can offer guidance on the complaints procedures, explain the process and help the member prepare their response to the allegations. Please note that this support is not legal advice. Any separate legal advice will be at the member's own expense.

Support through this service ends once the member has submitted their response to the complaint. We'll remain in contact with the member supporter to ensure the guidance they provide aligns with the complaints process. The member supporter will not have any direct contact with the investigation panel.

Support is provided remotely and face-to-face meetings aren't part of this service.

If you'd like to access the Member Support Service, please get in touch with the Code Complaints Team. Your details will be shared with a volunteer who will contact you directly.

Investigation outcomes

Following the investigation, the panel will reach one of the following conclusions:

- **Complaint upheld:** There's sufficient evidence to indicate a breach of our Code of Conduct and Ethics.
- **Complaint dismissed:** There's insufficient evidence to support a breach of the Code.

If a complaint is upheld, the panel will determine an appropriate sanction based on the severity of the conduct. Sanctions are applied in accordance with our regulatory framework and may include:

Scale of sanction	Type of sanction
Category 1	Advice given to the member
Category 2	Formal warning
Category 3	Imposition of conditions on membership
Category 4	Downgrading of membership
Category 5	Temporary exclusion from membership
Category 6	Permanent exclusion from membership

We'll confirm the outcome of the investigation to the member and complainant in writing.

If a member fails to comply with the sanction, a more serious sanction may be applied based on their level of compliance.

When all proceedings have been completed, we may publish details of the findings and outcome on our website. Where it is considered to be in the public interest, we may disclose the identity of the member concerned.

If we receive repeated complaints against a member within six years, we may raise our own complaint.

Investigation timeframes

Investigation timeframes depend on the complexity of the complaint and can range from two weeks to six months. However, particularly complex matters can take considerably longer.

We recognise that delays are possible due to requests for extensions or the need to make reasonable adjustments for those involved in the process. Where we've made adjustments and allowed sufficient time, we may proceed within our standard timescales, even if the member, complainant or any third party hasn't responded to correspondence. This ensures the process remains fair and timely for all parties.

Appeals

If the member or complainant is unhappy with the outcome of the investigation they can submit an 'outcome appeal' in writing within seven days of receiving the outcome on the basis of:

- a. procedural error that may have affected the outcome; and/or
- b. new evidence that was not reasonably available during the investigation has emerged, which may materially impact the outcome.

The member may appeal the sanction imposed ('sanction appeal') on the basis of:

- a. a procedural error that may have affected the sanction imposed; and/or

- b. new evidence that was not reasonably available during the investigation has emerged, which may materially alter the sanction; and/or
- c. the sanction being an incorrect reflection of the weight of evidence in the case.

Appeal hearings are conducted by an appeal panel of three new volunteers who have not had any involvement in considering the complaint in question. The appeal panel will hear the appeal and may:

- a. uphold the original outcome (outcome appeal);
- b. overturn the original outcome (outcome appeal);
- c. modify the sanction (sanction appeal).

We'll tell those involved about the appeal hearing at least 21 days before the date of the hearing, which will take place online. At an appeal hearing, those involved have the right to be accompanied by a supporter.

We'll communicate the decision of the appeal panel to the member and the complainant (outcome appeal), or only to the member (sanction appeal) within seven days of the appeal hearing. The appeal panel's decision is final and there is no further right of appeal.

When the process has been completed, we may publish a summary of cases that have been referred for investigation on our website. We may publish the member's name on a case-by-case basis if it's deemed to be in the public interest. If this decision is taken, we'll notify the member.

Conduct towards CIPD employees

We recognise that being subject of a complaint can be a stressful experience. However, we won't tolerate rude, abusive, discriminatory, threatening or otherwise inappropriate behaviour towards our colleagues. To protect our employees and maintain a safe and respectful working environment, we will remove anyone who behaves inappropriately towards our colleagues from the complaints process.

If you're removed from the process, you'll lose the right to challenge decisions or receive updates on the progress of the investigation.

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