

CISI Statement of Professional Standing (SPS) Policy: SPS – Appeals Process

This policy relates to appeals in relation to the CISI's SPS decisions, in accordance with the UK Regulator's requirements.

Definitions

Throughout this document the following terms will have the following meanings:

"RDR"	Retail Distribution Review
"FCA"	Financial Conduct Authority
"SPS"	Statement of Professional Standing
"CISI"	Chartered Institute for Securities & Investment
"CPD"	Continuing Professional Development
"Applicant"	The individual applying for a new SPS or the renewal of an SPS
"Holder"	The individual to whom a valid SPS has been issued

In all instances references to the singular shall be deemed to include the plural where necessary and/or appropriate. References to the masculine shall be deemed to include the feminine and vice versa.

1. Background

Following the implementation of the UK Regulator's Retail Distribution Review (RDR) on 31 December 2012, Retail Investment Advisers will require a Statement of Professional Standing (SPS) in order to practice their profession. Advisers need to obtain an SPS from an Accredited Body. The CISI is an Accredited Body recognised for the purpose of providing the independent verification required under TC 2.1.27 R to issue SPSs to Retail Investment Advisers. This policy sets out the procedure for appeals relating to a CISI SPS decision.

2. CISI SPS requirements and outcomes

The CISI will accept applications for a SPS from current CISI members (excluding Student members) and current employees of CISI Corporate Supporter firms affected by the RDR. The requirement to have a SPS applies to all retail investment advisers.

To obtain an SPS, an adviser must:

- be a Retail Investment Adviser with an active CF30 FCA number if applicable;
- be able to provide verifiable evidence that they have met the requirements in TC 2.1.1 R of having obtained an RDR appropriate qualification (key a or b in the FCA Appropriate Qualifications list – TC Appendix 4);
- be able to provide verifiable evidence of having successfully completed the relevant gap-fill, to meet the FCA's RDR gap-fill requirements if applicable;
- be able to provide verifiable evidence of having undertaken acceptable Continuing Professional Development (CPD) as required by the FCA in TC 2.1.15, unless exempt from this requirement (details at cisi.org/cpdrdr);
- confirm that they have complied with FCA Statements of Principle and Code of Practice for Approved Persons (APER) or Code of Conduct Rules COCON, whichever is applicable;
- confirm that they have adhered to the CISI's Code of Conduct.

3. CISI SPS Decisions

3.1 If an Applicant or Holder fails to meet any of the SPS eligibility criteria listed by the FCA, is the subject of a disciplinary decision by the CISI, FCA or any other party, the CISI may:

- refuse to issue an SPS
- cancel an SPS that has been issued

3.2 Should such action be necessary the Applicant or Holder will be notified in writing to the address held on the CISI membership register or by e-mail to the e-mail address held on the CISI database within three working days of the decision. The notification will be deemed to have been received by the Applicant or Holder by midnight on the third working day after the notification has been sent. For such a decision to take effect, it will be sufficient to show that the notification has been sent.

4. Formal Appeal against CISI SPS Decision

Applicants and Holders will have the right to formally Appeal a decision by CISI to not issue an SPS or to cancel a SPS already issued following the application for a SPS by the Applicant or Holder. Appeals will be considered (when submitted as outlined in section 5) on the following grounds only:

- The Applicant or Holder is able to provide substantive additional information not available at the time of the initial CISI decision which is pertinent to the Appeal; or

- The Applicant or Holder has evidence that due process has not been followed by the CISI and that this is material to the decision made.

Appeals will only be accepted:

- if submitted within 14 working days of the CISI communicating the SPS decision.
- if submitted by the Applicant or Holder (unless there is medical evidence why the member cannot do so and a third-party can evidence that they have been asked to do so on the applicants behalf).

5. Process for lodging an Appeal

- 5.1 The Applicant or Holder must give formal Notice of Appeal, via post, in writing to the **Head of Membership Policy and Audit** at the CISI Head Office, the full address being:

Chartered Institute for Securities & Investment
20 Fenchurch Street
London
EC3M 3BY

- 5.2 The formal Notice of Appeal must be accompanied by a fee of £50, made payable to the Chartered Institute for Securities & Investment, which will be refunded if the Appeal is upheld.
- 5.3 The Notice of Appeal will be acknowledged in writing within five working days of receipt. The acknowledgment will be sent by post to the address for the Applicant or Holder held on the CISI database.
- 5.4 If an acknowledgment is not received within five working days, the applicant should contact the CISI Membership Policy and Audit Department to see if the appeal has been received.

6. Appeal process and outcomes

- 6.1 On acceptance of the Appeal by the Head of Membership Policy and Audit, an Appeals Panel will be convened within 14 working days of receipt of an appeal. The Appeal Panel will comprise no fewer than three persons including at least one member who is independent of the CISI.
- 6.2 The Applicant or Holder lodging the Appeal will not normally be permitted to appear before the Appeals Panel in person. An exception may be granted if the Applicant or Holder can clearly demonstrate why evidence relating to the Appeal can only be presented in person.
- 6.3 The decision to permit an Applicant or Holder to appear in person before the Appeals Panel shall be at the sole discretion of the Appeals Panel.
- 6.4 The decision of the Appeals Panel will be communicated to the Applicant or Holder in writing within seven working days of the Appeals Panel being convened.
- 6.5 Where the decision of the Appeals Panel is that the original decision not to issue a SPS or to suspend or withdraw a SPS already issued should be reversed the CISI will proceed to the issue of a SPS and will review any other SPS decisions that may be similarly affected.
- 6.6 The decision of the Appeals Panel is final.

Formal Appeal Process

