



UNITED KINGDOM ASSOCIATION  
OF FIRE INVESTIGATORS (UK-AFI)  
ETHICAL PRACTICE AND GRIEVANCE  
POLICY  
2017

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## **1. Introduction**

This document outlines the United Kingdom Association of Fire Investigators (UK-AFI) policy and procedures for managing ethical practice, discipline and grievance complaints that are brought to the attention of the association within the United Kingdom. The policy follows the tenets set by the International Association of Arson Investigators (IAAI) of which the UK-AFI is its 67<sup>th</sup> Chapter.

This policy is developed in recognition of the UK-AFI as a professional body within the fire investigation community and includes guidance on the roles, responsibilities and procedures to be adopted, to enable the policy to be effective.

## **2. Code of Ethics**

All members agree to abide by the UK-AFI's Code of Ethics, those being:

1. As fire and arson investigators, we regard ourselves as members of a vital and ethical profession.
2. We will conduct both our personal and official lives so as to inspire the confidence of the public.
3. We will regard it our duty to avail ourselves of every opportunity to learn more about our profession.
4. We will encourage and support professional standards for fire and arson investigators.
5. We will assist our members in obtaining world class training and professional qualifications.
6. We will avoid alliances with those whose goals are inconsistent with an honest and unbiased investigation.
7. We will always bear in mind that we are truth-seekers; that it is important to protect the innocent, hold accountable those responsible, and convict the guilty.

The above Code of Ethics form the foundation of our activities and professional standards as fire investigators, and this policy recognises the Code of Ethics as the benchmark by which all members are measured and must adhere to.

### **3. Organisation - Ethical Practice and Grievance Committee**

The Ethical Practice and Grievance Committee (EP&G) of the UK-AFI will review complaints, from any source, which are brought against members or individuals that were members of the UK-AFI at the time the alleged violation occurred, or those who hold certifications or accreditations issued by the IAAI even if they are not members, and to respond to its findings appropriately. The purpose of the EP&G Committee is to maintain and protect the high degree of professionalism and integrity to the membership of the UK-AFI and, additionally, to protect the public and the association membership from violations of rules or codes of the UK-AFI and the IAAI.

Decisions of the Board of Directors imposing sanctions may be disseminated as information for the fire investigation community, unless a private letter is deemed appropriate.

### **4. Complaint Filing and Administration**

The basis for a complaint may include one or more of the following:

1. Conviction of any criminal offence.
2. Judgment or order entered against the member in a criminal, civil or contempt action related to the status of the accused as an investigator.
3. Breach of the professional responsibilities or legal duties as an investigator.
4. Violations of the UK-AFI Constitution and By-Laws or UK-AFI Code of Ethics.
5. Misuse or misrepresentation of an IAAI or UK-AFI professional designation or certification.
6. Violation of any UK-AFI Standard Operating Procedure that has been approved by the UK-AFI Board of Directors and posted on the UK-AFI website.
7. Falsification or misrepresentation under circumstances intended to influence or affect the outcome of any proceeding, including, but not limited to trials, hearings, depositions, interviews or applications.

### **5. Procedures**

A current copy of this procedural guidance and the forms needed to file a complaint shall be made available on the UK-AFI website. The procedure for making a complaint, as listed below, must be followed and failure to comply with this procedure may result in dismissal of the complaint. The procedure is as follows:

1. The complainant obtains a complaint form from the UK-AFI website or makes a written request for a form from the Director of Administration at the address listed on the UK-AFI web site.
2. The complainant completes the relevant form and returns it with all supporting documents and evidence. The documents may be sent to the UK-AFI address by e-mail or post.
3. The complaint must include identifying information and contact information regarding the complainant, and an electronic submission shall serve as the signature of the complainant.
4. Complaints may be submitted at any time, subject to the limitations in Section 6 below. If civil or criminal court actions are pending at the time of processing the complaint, the EP&G Committee may need to suspend procedures until the case is concluded. The Chairperson of the EP&G Committee shall be responsible for determining when the case shall be re-opened for decision by the EP&G Committee.
5. Matters that come to the attention of the Executive Officers and/or Board of Directors outside of the normal complaint process needs to be presented as a formal complaint to the EP&G Committee for review and appropriate action.

## **6. Time Limits**

Except for instances involving fraud or misrepresentation, complaints must be received at the UK-AFI office within one year of the date of the occurrence, forming the basis of the complaint.

In the event the occurrence, which is the basis for the complaint, was not discovered and could not have been reasonably discovered within three years before the complaint is filed then the complaint must be received within one year of the date of discovery.

Any complaint received at the UK-AFI office based on conduct which occurred more than one year before the date of receipt and which could have been discovered within that one year will be dismissed. There is no time limitation for membership fraud, misrepresentation or omission.

Upon receipt of a properly completed complaint form, the Director of Administration will do the following:

- Assign a unique case number to the complaint.
- Create and maintain a confidential secured file, either electronic, hard copy or both, for original documents and other submitted evidence.
- Forward copies of the complaint form and all supporting documents to the EP&G Chairperson.

- At the conclusion of the case all associated materials shall be returned to the UK-AFI office and they shall be retained for a period of 10 years from the date of case closure.

## **7. EP&G Committee**

This committee will comprise of an odd number of voting members with the Chairperson nominated by the President to include but not limited to:

- a) A chairperson
- b) Director of Administration.
- c) One or more ex-Board members, or, one or more current Board members.
- d) At least one member in good standing that has specialist skills or experience.

Complaints will be heard by the EP&G Committee and will include an investigation, which will include face-to-face or teleconference meetings to determine whether sanctions are required.

The EP&G Chairperson will send written notification of the complaint to members of the EP&G Committee, the complainant, and the accused. This written notification will include copies of the complaint and supporting documents and if practical, copies or photos of other evidence submitted. Notice to the accused will be sent by registered post.

NOTE: The accused will be given the name of the complainant at this time.

The UK-AFI office or the EP&G Chairperson will not process anonymous claims or accusations.

The accused will have 30 days from the date of mailing of the complaint by the EP&G Chairperson, to provide a written response, including additional documents or evidence, to the EP&G Chairperson. This written response should be provided directly to the EP&G Chairperson who will then send copies to the EP&G Committee and the complainant.

The Complaint, along with any response from the accused, and documents or evidence will be considered by the EP&G Committee to determine if further action is warranted. A quorum consisting of a majority of the EP&G Committee shall be required to take any action on a complaint. At the discretion of the EP&G Chairperson reviews may be conducted by physical meeting or electronically via Skype or telephone.

After a preliminary review by the EP&G Committee, no further action will be taken on complaints determined to be frivolous, unsubstantiated or unwarranted by no less than two-thirds (2/3) vote of the EP&G Committee

voting. The accused and the complainant will be notified of the no-action decision.

An investigation may be initiated at the discretion of the EP&G Chairperson only on complaints requiring further action and meeting all criteria discussed in these procedures.

## **8. Investigation Procedures**

Any EP&G investigation may be deferred pending resolution of criminal or civil matter actions involving the accused. If at any time evidence of a criminal act on the part of the accused is identified, the EP&G investigation will be suspended and the complaint may need to be placed on hold pending resolution of the criminal matter. Investigators or other experts retained by the EP&G Committee shall immediately notify the Chairperson of the EP&G Committee who will consult with the President of the UK-AFI to determine the need to notify the police.

To the extent required, the EP&G Chairperson will assign additional Committee members or other experts as needed to conduct a confidential and thorough investigation of the complaint.

Reports from any investigations from other experts will be given directly to the EP&G Chairperson at the conclusion of their investigation. The EP&G Chairperson, in turn, will provide these reports to the Committee and the accused but not to the complainant.

## **9. Sanctions and awards**

Based on all available facts, supporting documents, reports and other evidence, including the original complaint and the response, if any, by the accused, the EP&G Committee will review the complaint and determine:

1. The findings of fact as to the violation alleged.
2. The decision as to sanctions to be imposed.
3. Consider the publication of the case findings and the identity of the accused.
4. The information that will be disclosed to the complainant concerning the case.

This review may be conducted by a physical meeting or electronically.

The EP&G findings and sanctions, where appropriate, will be delivered to the Board of Directors at an official board meeting.

Complaints, which are brought against the Chairperson or any member of the EP&G Committee, will be sent directly to the President of the UK-AFI and will

be handled, in the same manner described above, with the President serving as Chairperson and the Executive Board serving as the EP&G Committee.

Any one or more of the following sanctions may be recommended by the EP&G Committee if a complaint is justified. The following actions require a simple majority of those eligible to vote:

1. A verbal warning to be delivered via telephone, with an expiration time limit of 12 months.
2. A letter of reprimand with an expiration time limit of 24 months
3. UK-AFI Membership suspension. \*
4. UK-AFI Membership revocation. \*

\* These actions may also result in a referral to the IAAI concerning membership, and/or certification or accreditation issued by the IAAI for revocation or suspension.

The President shall promptly notify the accused of the sanctions recommended.

## **10. Appeal Process**

In the event that the accused wishes to appeal the sanctions awarded by the EP&G Committee, the appeal will be heard by an Appeal Board made up by the Board of Directors and chaired by the President. The Appeal Board will not include members of the EP&G committee

The Board, before taking any action on the EP&G Committee recommendation(s), may request additional investigation, or information through the use of investigators, experts or the Chairperson of the EP&G Committee.

The accused has a right to be represented, at his/her own expense, at all stages of the hearing.

The Appeal Board will review the EP&G Committee's written recommendation(s) and sustain, reverse or modify them. If the Appeal Board sustains or modifies the sanctions, the President shall promptly notify the accused of the sanctions recommended.

The accused has the right to a copy of all supporting documents, and access to other evidentiary material utilised by the UK-AFI. The accused may use other materials and documents as well as witnesses at the hearing.

The accused has the following rights:

1. The right to be present at the hearing at his/her own expense.
2. A reasonable opportunity to be heard in his/her own defence.
3. To present witnesses and other evidence.

4. To cross-examine any witness called on behalf of the UK-AFI.

The complainant may testify but cannot be forced to testify.

Failure of the accused to appear at the time set for the hearing shall be deemed a waiver of his or her right to be present and the hearing shall proceed in absentia.

The Chairperson of the EP&G Committee or a designee shall present evidence of the misconduct. All evidence shall be presented in the presence of the accused and his/her representative, if any, unless the accused is absent or the right to be present is waived by the accused.

After the Chairperson of EP&G Committee or the designee has presented their case they shall rest and the accused may call witnesses and present evidence. The accused shall not be required to present a case if he or she chooses not to. The Chairperson of EP&G Committee or the designee shall not be called as a witness by the accused.

At the hearing, the President shall not be bound by the Rules of Evidence applicable in courts of law or by the Rules of Civil Procedures. The President may exclude matters, which in his/her judgment are irrelevant, duplicative, or unnecessary.

An audio recording of the hearing may be kept and the accused may request a transcribed copy of the recording at his/her own cost.

If the Appeal Board, after the hearing, fails to uphold the recommendation for sanction by either adopting the sanctions recommended by the EP&G Committee or appropriately modifying the recommended sanctions, the matter will be dismissed and returned to the Chairperson of the EP&G Committee. The Chairperson will then dismiss the complaint and notify the accused, the complainant and the EP&G Committee of the dismissal.

If the Appeal Board, after the hearing, votes to uphold or modify the recommendation for sanctions, the President shall notify the accused within 30 days by registered post, of the decision.

The President will also decide whether the decision shall be published, and what information concerning the case disposition shall be disclosed to the complainant.

The Chairperson of the EP&G Committee shall be responsible for notifying the complainant of the results of the case, either after the expiration of the time for appeal or at the conclusion of the appeal, if submitted.

## **11. Confidentiality**

The filing of a complaint and all actions taken in the investigation of a complaint, the decision of the EP&G Committee and the appeal decision of the Appeal Board shall be confidential. When a final decision imposing sanctions is made, the decision shall no longer be confidential. If the matter is dismissed it shall remain confidential.

How individual members of the EP&G Committee voted will remain confidential.

Because violations of professional conduct represent deviations from acceptable conduct, the Board shall decide if any findings imposing a sanction shall be published in the UK-AFI Journal and on the UK-AFI website once the findings are final.

Any member of the EP&G Committee or Board of Directors, who has a conflict of interest concerning the matter under consideration, shall declare their interest and not participate further. In the event the EP&G Chairperson declares an interest, the President shall appoint an acting chairperson. If the UK-AFI President declares an interest him/herself, a Past President shall act in place of the President.