

# Complaints Policy & Procedures

*(As amended, March 2016)*

## Underlying Principles

*This policy has as its foundation the principles of “the presumption of innocence”, “natural justice (procedural fairness)” and the “right to a fair hearing”.*

## What Behaviour or Actions can be Complained About?

- Any behaviour, action or lack of action which is contrary to the PSA Code of Conduct. (The Code of Conduct is Appendix 1 of this document)
- Any behaviour, action or lack of action which is considered to be unprofessional or unethical.
- Any behaviour, action or lack of action which is considered to bring the profession of professional speaking into disrepute.

## Who Can be Complained About? *(Complainee)*

- Any member of any membership level.
- Any director or officer of the company.
- Any contractor doing work for the company.

## Who Can Make a Complaint? *(Complainant)*

- Any member of any membership level whether they are the aggrieved person or not.
- Any group of members whether they are an aggrieved party or not.
- Any person, group of people or organisation outside PSA whether they are an aggrieved party or not.

## Can a Person Making a Complaint Remain Anonymous?

- Any complainant whether from outside or inside the company must identify themselves when they lodge a complaint.
- A complainant whether from outside or inside the company may request that their identity remains confidential to the complainee during the passage of the complaint through the appropriate process.
- If a complainant has asked for their identity to be confidential, their identity will only be made known to the complainee if it is deemed appropriate or necessary and identification shall not occur without the complainant’s knowledge and agreement.
  - If a complainant after a request by the chair of the Ethics Panel, refuses to allow their identity to be revealed to the complainee, the Ethics Panel *may* deem that is not appropriate or possible or fair to both parties to continue to consider the complaint.



### How Can a Complaint be Made?

- A complaint must be lodged in writing or electronic means.
- Verbal complaints will not be accepted.
- The name and full contact details of the complainant must be provided.
- The name of person or persons about whom the complaint is made must be provided together with as much information as possible for them to be accurately identified – e.g their state, business name, designation. etc
- The complaint must specifically identify the clause or clauses of the PSA Code of Conduct which has been violated.
- If the complaint is not about a breach of the Code of Conduct, full, accurate and detailed information must be provided about the alleged behaviour or actions.
- All complaints must be sent to the PSA national secretariat clearly marked “COMPLAINT FOR CONSIDERATION AND ACTION” or similar words.

### What Procedures Are Followed When a Complaint is Received?

- The procedures to be followed are detailed in Appendix 2 – Procedures for the Carriage of a Complaint.

### What Happens if the Complaint is About a Person Who Handles Complaints?

- If the process is about the National President, all roles and procedures in the complaints process normally carried out by the National President will be filled by one of the immediate previous four National Presidents appointed by at least three life members in consultation with each other.
- If the complaint is about the Company Secretary, all roles and procedures in the complaints process normally carried out by the Company Secretary will be carried out by a current board member appointed by the National President.
- If any other conflict arises, it will be resolved by the National President.

### How is a Complaint Processed?

- Complaints will be processed according to the procedures approved by the board from time to time and included as an appendix to this document.
- If it is deemed appropriate by the Ethics Panel, the process can be varied but only with the approval of the National President.
- The Company Secretary shall be responsible for ensuring the proper carriage of the complaint through the laid down process.

### What Happens When a Complaint is Upheld?

- The Ethics Panel may recommend courses of action which may include (but are not limited to) the following:
  - Mediation between the complainant and the member in alleged breach of the Code;
  - Counselling on appropriate behaviour;
  - An official “warning” with appropriate recommendations of actions to remedy the breach;
  - Removal of any designation, such as CSP;



- If a CSP is revoked as a result of an Ethics Panel recommendation, the member may not re-apply for the CSP designation for a period of three years after the revocation.
- Cancellation of membership of PSA and cessation of all benefits associated with membership.
  - In the event of the removal of a designation such as CSP, or the cancellation of membership, the Ethics Panel *may* further recommend that without contravening any applicable law, this action be made public.
  - In the event of the cancellation of membership, no refund of any membership fees will be provided.
- The National President is advised of the recommendation by the chair of the Ethics Panel.
- The National President will:
  - Accept the recommendation, or
  - Query the recommendation and ask the Ethics Panel to reconsider based only on information the National President believes was not considered, or
  - Reject the recommendation, or
  - Where it is considered necessary or appropriate, refer the decision to the board where an absolute majority will be required for resolution.
- If the recommendation is accepted, the National President will ask the Company Secretary to advise the complainee and the complainant of the action to be taken and their rights to appeal.
- If no appeal is lodged within 14 days of the outcome being communicated, the Company Secretary will take the necessary action and advise all relevant parties.

### What Happens When a Complaint is Not Upheld?

- The complainant and the complainee will both be notified of the course of the decision.
- No further action will be taken unless there is a formal appeal lodged by the complainant within 14 days of the decision being communicated.

### Is There an Appeal Process?

- The Ethics Panel may appeal the National President's decision to reject their recommendation
  - In this case the chair of the Ethics Panel may request the Company Secretary to convene a board meeting to consider their recommendation.
  - In this case, the board has the authority to accept, query or reject the panel's recommendation and their decision will be final.
- The complainant may appeal in writing within 14 days of the outcome being communicated.
  - In this case the chair of the Ethics Panel will speak to the complainant to ascertain the basis of the appeal.
  - Any appeal must be based on principles of natural justice being denied.
- The complainee may appeal in writing within 14 days of the outcome being communicated.
  - In this case the chair of the Ethics Panel will speak to the complainee to ascertain the basis of the appeal.
  - Any appeal must be based on principles of natural justice being denied.
- No further action will be taken unless there is a formal appeal lodged by the complainant within 14 days of the decision being communicated.



### Are Decisions Final?

- The recommendations of the Ethics Panel, once ratified by the National President or the Board, and after the appeal time has expired, shall be final and no other appeal permitted other than would be available in accordance with applicable law.

### How Can These Processes and Procedures be Amended

- This process is subject to change by the National Board and cannot be substantially varied by the Ethics Panel or any other person or group without the approval of the National Board.
- If a change is made by the National Board during the currency of a complaint, then no member involved in that complaint process can be penalised or in any way suffer detriment as a result of that change which would not otherwise have occurred.
- Changes will not apply retrospectively.

### Policy Review

- This policy will be reviewed by the board at least every three years with the next review due in March 2019 or sooner.



## Appendix 1

### Professional Speakers Australia – Code of Professional Conduct

To establish and maintain public confidence in the professionalism, honesty, ability and integrity of a professional speaker is fundamental to the future success of Professional Speakers Australia, its members and the profession of speaking.

To this end, members have adopted and as a condition of membership, agree to abide by this Code of Professional Conduct. By doing so the members give notice that they recognise the vital need to preserve and encourage fair and equitable practices among all who are engaged in the profession of speaking.

Members are dedicated individuals sincerely concerned with the interests of all who come in contact with the profession.

To this end members commit to this Professional Pledge:

- *I pledge myself to honesty and integrity; to pursue my profession and education to the end that service to my clients shall always be the highest possible level.*
- *I pledge myself to seek and maintain an equitable, honourable and cooperative association with fellow members and with all others who may become a part of my business and professional life.*
- *I pledge myself to comply with the standards of professional speakers as set forth in its rules and this Code of Professional Conduct.*

**Article 1** - A member shall accurately represent qualifications and experience in both oral and written communications.

**Article 2** - A member shall act and speak on a high professional level so as to neither offend nor bring discredit to the speaking profession.

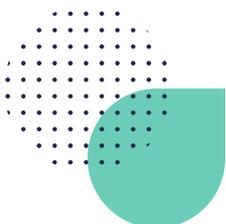
**Article 3** - A member shall exert due diligence in understanding a clients' organisation, approaches and goals in advance of a presentation.

**Article 4** - A member shall avoid using materials, titles and thematic creations originated by others, either orally or in writing, unless all appropriate permission has been granted or recognition in compliance with the laws of copyright is given to the author.

**Article 5** - A member is encouraged to share knowledge and experience with others.

**Article 6** - A member shall treat other speakers with professional courtesy and dignity.

**Article 7** - A member shall limit services to those areas in which the member is qualified to serve, taking into consideration available opportunities for the member to develop new materials or undertake new fields. When unable or unqualified to fulfil requests for presentations, the member shall make every effort to recommend the services of other qualified speakers, agencies or bureaux.



**Article 8** - A member shall maintain the trust of clients, and fidelity concerning their business or personal affairs of a client, agents and other speakers who may reveal confidential information.

**Article 9** - A member shall protect the public against fraud or unfair practices and shall attempt to eliminate from the speaking profession all practices which bring discredit to the profession.

**Article 10** - A member shall not be a party to any agreement to unfairly limit or restrain access to the marketplace by any other speaker, client or the public, based upon economics factors, race, creed colour, sex, age, physical or intellectual disability or the country of national origin of another speaker.

**Article 11** - Breaches of this Code shall be determined in accordance with the rules, policies and procedures of Professional Speakers Australia Ltd. Disciplinary actions shall be instituted in accordance with the rules and regulations established by the Association. Any such disciplinary action shall be final and binding upon the member and without recourse to the Association, its officers, members or staff except as otherwise provided by the applicable law.

## Appendix 2

### Procedures for the Carriage of a Complaint

- **Lodging a Complaint**
  - A complaint must be lodged in writing or electronic means.
  - The name and full contact details of the complainant must be provided.
  - The name of person or persons about whom the complaint is made must be provided together with as much information as possible for them to be accurately identified – e.g their state, business name, designation. etc
  - The complaint must specifically identify the clause or clauses of the PSA Code of Conduct which has been violated.
  - If the complaint is not about a breach of the Code of Conduct, full, accurate and detailed information must be provided about the alleged behaviour or actions.
  - All complaints must be sent to the PSA national secretariat clearly marked “COMPLAINT FOR CONSIDERATION AND ACTION” or similar words.
  
- **When a Complaint is Received**
  - Once a complaint is received it will be immediately forwarded to the Company Secretary.
  - The Company Secretary will inform the National President of the nature of the complaint and the name of the complaine.
  - The National President in consultation with whomever else he or she chooses, shall determine the action that shall be taken as follows:
    - Determine that the matter is not able to be dealt with by PSA (outstanding legal action for instance), or
    - Determine that mediation by the National President or a person nominated by them may resolve the situation, or
    - Determine that counselling (of the complainant and/or the complaine) by a person or persons nominated by the National President may resolve the situation, or



- Determine that an Ethics Panel be formed to process the complaint. In this case, the Ethics Panel shall be an ad hoc committee of the board.
- Note 1. Mediation and/or counselling may lead to the formation of a panel if they are unsuccessful in resolving the situation.
- Note 2. If either the complainee or the complainant refuse to participate in mediation or counselling, then an Ethics Panel will be formed to deal with the matter.
- If the National President determines that an Ethics Panel should be formed, he or she will seek wise counsel from past national presidents, life members, and other senior members to appoint a chair of the panel.
- The National President in consultation with the Ethics Panel chair will appoint the Ethics Panel which apart from the chair will comprise a past National President or a life member, one CSP from the membership and one current board member. It is likely but not necessary that all members will be CSP's.
- Once the Ethics Panel is appointed the National President shall have no further role until the end of the process when he or she receives a recommendation from the Ethics Panel.
- The Company Secretary will provide administrative and logistical support to the Ethics Panel and be responsible for ensuring that the process is followed appropriately.
- **Procedures to be followed by the Ethics Panel**
  - Upon receipt of the complaint, the Chair of the Ethics Panel will forward a copy of the complaint to the other members of the Ethics Panel.
  - **Note:** No contact in relation to the complaint is to be made at this stage with the person or organisation allegedly in breach of the Code of Conduct by the Chair, nor by any member of the panel, or the National President.
  - The Chair of Ethics Panel will contact the complainant and ascertain whether an attempt has been made to resolve the issue prior to the complaint being formally lodged and to ascertain if the complainant wishes to proceed with the complaint.
  - If the complainant wishes to proceed with the complaint then the Chair of the panel will call the speaker allegedly in breach of the code, by phone, and advise of the complaint, and send a copy of the complaint to that member and ask for a written response within (two) weeks of the date of the letter.
  - Note: The name of the complainant will not be revealed in this communication.
  - In the interests of natural justice, prior to a response being received, the Chair of the Panel will make no contact with any person except the National President, and the Company Secretary, in relation to the complaint or the people involved.
  - When a response to the complaint has been received, a copy will be sent to the other members of the Ethics Panel. No other person will at this stage have access to any written material relating to the complaint and the matter will remain confidential.
  - Within two weeks or as soon as practicable, the Panel shall meet in person or by teleconference to discuss the complaint and response if received.
  - At this meeting, the panel may delegate to one or more of its members the task of making direct inquires with either of the parties or other people in order to ascertain the accuracy and credibility of claims made by either of the parties to the complaint.
  - Within 21 days or as soon as practicable thereafter, the Ethics Panel will again meet to consider appropriate courses of action.



- If the panel is satisfied that a decision can be made at this point then it will forward its recommendation to the National President for ratification.
- Once ratified, the panel will, via the Company Secretary, forward the recommendation to the member and offer him/her the opportunity to accept the decision or meet with the Panel and where and if appropriate, the complainant.
- **Confidentiality of the Ethics Panel**
  - The names of the members of the Ethics Panel shall remain confidential unless the panel themselves choose to divulge their identity to the complainee and/or complainant.
  - The name of the chair of the Ethics Panel, will, due to the nature of the process, be known to the complainee and complainant.
- **Disbanding the Ethics Panel**
  - Once a matter has been completed, the Ethics Panel shall be disbanded.

### **Publication of Complaint Outcomes**

- When the matter is finalised, the Ethics Panel will prepare a written summary of the complaint, in objective terms and without identification of any party by name or state, either direct or implied, for publication in the PSA Newsletter to raise awareness among the members of the importance of working within the Code of Conduct and the nature of ethics complaints and the process of dealing with them and the results.
- The names of the members of the Ethics Panel will always remain confidential

