



SIA Ethics and Complaints Procedure

Principles and Policies

Purposes

- Establish a forum to hear complaints about potential non-compliance of members with the SIA Code of Ethics and Professional Service Standards.
- Resolve potential complaints about Members by clients, consumers, members of the public, SIA Members and others.
- Help ensure the work and practices of Members contribute towards the SIA achieving its aims and objectives of promoting H&S and advancing the science and practice of H&S.
- Maintain, strengthen and extend professionalism of Members and the integrity of the SIA.
- Support and facilitate the continuing professional development of Members.

Procedure Characteristics

- It is about providing guidance to Members on professional and ethical conduct, promoting learning and driving good behaviours.
- It is independent, objective, fair and ensures natural justices for all parties.
- Aims to discover the truth regarding matters complained about.
- Aims to provide appropriate responses to upheld complaints, including punitive measures in the case of serious wrongdoing.
- It operates efficiently, effectively and transparently with regard to all parties and with regard to processes and procedures, technical matters, timeliness, communications and implementation of decisions and outcomes.
- Processes, pathways and procedures are clear, transparent, well documented and accessible to all parties involved, or who have the potential to be involved, in a complaint.
- Outcomes are reported appropriately and reasons for decisions provided.
- Minimum complexity and legality.
- Affordable and practical.
- Regularly audited and regularly reviewed, with input from relevant parties including Members and clients of SIA in light of experience and external factors.
- Confidentiality, anonymity and privacy are maintained at all times except when the resolution of a complaint requires otherwise. Access to and use of Procedure information and records is rigorously controlled and strictly determined by the requirements of the Procedure.
- The SIA is committed to the efficient and fair resolution of complaints and follow through of outcomes including compliance with any disciplinary provisions.
- Recognises that being involved in a complaint process can be stressful and difficult and may involve risks to professional relationships and reputations.
- Good support for parties is provided as necessary during the complaint process. This does not include legal support. Support may include advice and information about the complaints process, counselling and the opportunity to discuss the particular complaint and options for resolution.

Components

What can be complained about?

Possible or perceived breaches of the SIA's Code of Ethics and Professional Service Standards.



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What cannot be complained about?

A range of matters, including:

- complaints about contractual or legal matters;
- fees;
- obtaining financial restitution or compensation;
- issues best dealt with by other bodies;
- complaints about the SIA as an organisation/corporation - such matters are addressed by reference to the SIA Constitution.

Complaints outside the Procedure's scope may be referred on eg an alternative dispute mechanism such as a community justice centre, mediation or arbitration, direct court action, police or a state or federal jurisdictional body.

Who can make a complaint?

- Members of the public, clients of Members, consumers of services provided by Members;
- SIA Members;
- The SIA;
- External agencies or organisations.

Who can be complained about?

Only Members bound by the SIA Code of Ethics and Professional Service Standards.

Making a complaint

There will be published on-line and available to all at no cost:

- Contact details (postal address, email address and telephone) of a person or persons nominated by the SIA with whom complaints can be discussed, verbally or in writing in the first instance. This provides an opportunity to screen complaints and also to provide guidance to the person making the complaint;
- Information about the rationale, function and workings of the complaints process;
- Information about common misunderstandings on which complaints are often based;
- Advice about contacting and attempting to resolve an issue or complaint with the Member before recourse to the complaints process;
- Complaint form and guidance on making a complaint and the complaints process.

Processing of complaints

Complaint lodged in writing with SIA.

Screening of a complaint:

The first step is to determine if there is a *prima facie* case for a valid complaint. A complaint may be rejected as it may be frivolous, vexatious, inappropriate, invalid, misconceived or beyond the scope of the Procedure. The complainant may be requested to provide further information at this stage.

Complaints judged outside the Procedure's scope may be referred on.

If it is decided there is a *prima facie* case for a complaint the subject of the complaint is advised of the complaint and provided with all relevant information to do with the complaint within 3 working days of this decision.

Support and advice is offered to the subject of the complaint

There is a staged and flexible process for resolving the complaint.

- At first less formal avenues are explored. Complaints are, if possible, resolved between the parties in the first instance by mediation and other means.
- If less formal avenues are unsuccessful there is a hearing into the complaint by a Panel.



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Hearing into the complaint by a Panel

- A Panel is appointed by the National Board of Management (NBOM) of the SIA.
- Panel members are subject matter experts both technically and with regard to the industry involved.
- The Panel is independent, impartial, objective and credible.
- Members are peers of, or have higher professional standing than the subject of the complaint.
- The backgrounds and associations of panel members are known.
- Membership of the Panel can be challenged by the complainant or the subject of the complaint eg on grounds of bias.
- A Panel member or members may come from outside the SIA.
- With regard to the standard of proof, laws of evidence do not apply but natural justice must be observed.
- The Panel must be 'comfortably satisfied' about any decision it makes.
- Any decision of the Panel will be based on the evidence.

Outcomes of a Panel hearing

Complaints will generally be about unsatisfactory professional conduct (involving a substantial or consistent failure to reach reasonable standards of competence or diligence) or serious professional misconduct (involving conscious and deliberate bad behaviour).

A Panel may decide to dismiss a complaint.

If a complaint is confirmed by a Panel the nature of the complaint will determine the outcomes of a Panel hearing.

As a guide only unsatisfactory professional conduct may result in:

- counselling or mentoring or both;
- admonition;
- reprimand;
- the undertaking of specified professional development;
- the obligation for specified decisions to be referred from time to time to an appropriate person.

As a guide only, serious professional misconduct may result in:

- the obligation to operate professionally for a specified time under the supervision of an appropriate person. This could involve auditing of professional work including examination of work product or obtaining feedback on the Member's behaviour or professional conduct;
- suspension of Certification for a specified period;
- withdrawal of Certification with a possible opportunity to seek re-certification after a specified period;
- suspension from Membership;
- expulsion from Membership.

Appeal

If the complainant, the subject of the complaint or SIA President is dissatisfied with the outcome of a Panel hearing, they can appeal to a Review Panel.

The members of a Review Panel will be different from the members of the Panel that heard the complaint but the criteria for membership (see above) of the Review Panel will be the same.

Publication of Panel findings

Unless the Panel determines otherwise there will be on-line publication of findings where a complaint has been upheld to facilitate learnings and continuing professional development.



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Management of the Procedure

The NBOM of the SIA is responsible for the management and conduct of the Procedure. Membership of any Panel or Review Panel will be determined by the NBOM.

The NBOM may set up systems, procedures and delegations as it sees fit to fulfill part or all of these responsibilities.

The NBOM will review the Procedure after twelve months operation, and make whatever changes are necessary to improve its functioning. The review will establish awareness of Procedure, in light of the Procedure's principles has the process worked and vice versa. The Procedure review may also include a review of the Code of Ethics and Service Standards.

Review processes may include:

- a website/forum to enable feedback on the Procedure;
- have forums or focus groups at end of twelve months as part of review process;
- targetted questionnaires;
- interviews etc with complainants.

Glossary

Professional and ethical conduct – Behaviour and conduct that complies with the SIA's Code of Ethics and Professional Service Standards.

Natural justice

Natural justice operates on the principles that people are basically good, that a person of good intent should not be harmed, and one should treat others as one would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:

- A Member who is the subject of a complaint should be given adequate notice and information about the complaint and the proceedings and, usually, the name of complainant.
- A Panel member should declare any personal interest they may have in the proceedings.
- A Panel member should be unbiased and act in good faith. He/she therefore cannot be one of the parties in the complaint, nor have an interest in the outcome.
- Proceedings should be conducted so they are fair to all the parties.
- The complainant and the subject of the complaint are entitled to ask questions and contradict the evidence of the other.
- Any Panel should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations.
- Justice should be seen to be done. If Members are satisfied that justice has been done, they will continue to place their faith in the Procedure.

SIA's Code of Ethics and Professional Service Standards – These are as specified by the SIA and are available from the SIA website.

Comfortably satisfied - Panel members should uphold a complaint only when they are convinced that there are no outstanding relevant matters to be considered and that the balance of evidence presented at the hearing clearly supports the Panel's finding.

Complainant The person or organisation making a complaint.

Subject of the complaint The Member about whom a complaint is being made.