



ACHPER Complaints Policy

Making a complaint

How to lodge a complaint with ACHPER Australia

Before submitting a complaint

We recommend that you try to resolve the matter directly with your Representative/ Branch before lodging a complaint. You can do this in writing or discussing the issue directly with the Representative/ Branch.

Complaints we can investigate

As a voluntary professional membership body, we can only investigate matters that fall within our jurisdiction such as breaches of:

- The code of conduct
- The Constitution
- The By-Laws, or any of the applicable regulations, standards or rules that govern our members.

Complaints we can't investigate

We cannot investigate complaints in the following circumstances:

- that are unsupported by the documentary evidence available
- if the complainant does not have the authority to lodge the complaint

We are at times constrained in the extent we can investigate and in what we can say to people who lodge complaints with us, particularly complaints that are not made by clients of our members. In those circumstances the member has confidentiality obligations owed to clients. For a member to disclose matters between the member and clients would require client consent.

Complaints made on behalf of or as an agent of a company, an organisation or Trust need to be made by someone with authority to take action on behalf of the company, organisation or Trust making the complaint, usually a director, a company secretary a Trustee of the Trust or other authorised agent.

- that are made anonymously

- that occurred more than five years ago
- more appropriate to be heard in an alternative forum

We also will not investigate vexatious or frivolous complaints.

If we can't investigate your complaint, within the limitations of the relevant privacy considerations we need to observe, we'll tell you why.

Outcomes

Our outcomes are limited to the membership of the Member.

ACHPER Australia does not hold a fund and therefore cannot provide any compensation to you if we find in your favour.

The complaints process

The first step is to complete the Complaint form consenting to the Member's disclosure of your private information to ACHPER Australia. The form contains other important declarations which you must read and understand. It's important that you attach all supporting documentation when you submit the form. Examples of supporting documents include a Letter of Engagement from the Member/Branch, the work undertaken by the Member and relevant email communications.

It is a legal requirement that the complainant signs the complaint form. If we do not receive a signed complaint form, we cannot investigate the matter.

When we receive your complaint, we'll determine if you have provided enough information for us to investigate. We may contact you to request further information before starting a formal investigation.

If we can't investigate your complaint, within the limitations of the relevant privacy considerations we need to observe, we'll tell you why.

A Professional Conduct Officer (PCO) will be assigned to your complaint. It's likely they'll ask some questions to understand the issues involved. If any of the issues in the complaint are subject to court proceedings or any other higher authority, the investigation will be placed on hold until those proceedings have concluded.

When the PCO is satisfied that no further evidence can be obtained, they will prepare a report for the General Manager Professional Conduct (GMPC). A decision is then made about whether the matter needs to be referred to a Disciplinary Tribunal (DT) for hearing.

If the matter is referred to a DT, again within the limitations of the relevant privacy considerations we need to observe, you will be advised. These hearings are held in private. We'll advise you of the outcome, which we also publish on our website.

If there is evidence of a breach which is capable of being remedied or minor in nature, the member may be issued a Caution or Reprimand. Such findings are not published but, again within the limitations of the relevant privacy considerations we need to observe, you will be notified of the decision. Such outcomes may be used in any subsequent proceedings against the same member.

Complaints that do not proceed to a Disciplinary Tribunal for hearing, will be closed. These circumstances include:

- insufficient documentary evidence is provided
- there is a more appropriate forum for the complaint to be heard
- the issue involved doesn't reach the standard required to proceed to a DT.

Within the limitations of the relevant privacy considerations we need to observe, we'll inform you if this occurs.