

August 2008

ASSERT NATIONAL COMPLAINTS/APPEALS PROCEDURE

Conditions

1. ASSERT National is not responsible for any costs incurred by either party as a result of the complaint.
2. ASSERT National is not responsible for any loss of income as a result of loss of membership of ASSERT National.
3. The ASSERT National Code of Professional Conduct are the guidelines for ASSERT National.
4. Members suspended for breaches of other professional body Code of Professional Conduct will be investigated.
5. Members must report suspension from other professional organisations.
6. ASSERT National may report suspension from ASSERT National to the member's other professional organisations at its discretion.

The complaint procedure

Stage 1: Requirements to lodge and initiate a complaint

1. Complaint must be lodged within 3 years of the alleged incident.
2. Complaint must be in writing, name the member and be signed.
3. The complaint will be examined by 2 members of the ASSERT National executive, independent both to the member of which the complaint is made and the complainant, to determine the validity of the complaint.
4. Complainant is informed of the decision.

Stage 2: Procedure when complaint is deemed valid

1. Member is informed and given a copy of the complaint.
2. Member is given 28 days to respond in writing to ASSERT National.
3. This response is given to the complainant who then has 28 days to reply.
4. [Member then responds again?]
5. Formal proceedings begin

Stage 3: Formal proceedings

1. A Complaints Committee is formed to manage the complaint. This committee will comprise of 3 persons, again independent of both the complainant and the member, and may or may not include the original 2 members who examined the complaint.
2. Committee considers all submitted evidence, which is then distributed to both parties with their decision/recommendation of the next step of the procedure, which may or may not include:
 - a. Mediation: Both parties must agree for this to go ahead
 - b. Individual Interviews
 - c. Formal Hearing

Each party gives an oral submission for 15 minutes, beginning with the complainant

Each party then has the right of reply for 10 minutes

Committee attendants then ask questions of both parties

- d. Any other process deemed appropriate to the particular circumstance by the Complaints Committee
- e. Legal action

Note: Mediation, Individual interviews and Formal Hearing are attended by 2 members of the complaints committee.

3. Any costs of mediation are incurred by the complainant and the member.
4. Results of the process are distributed to Complaints Committee.
5. Complaint's Committee decision is final and is communicated to both complainant and member. This may or may not include specific suggestions:
 - a. Further mediation
 - b. Specific supervision requirements for member
 - c. Suspension of member
 - d. Termination of member
 - e. Any other action determined by the Complaints Committee

Appeals Process for the suspended member

1. An appeal may be made by the member within 28 days of the committee's decision.
2. An appeal must be made in writing.
3. This follows as above for the complaints procedure, except that a new Appeals Committee is established and is provided with all the original evidence of the first hearing.
4. The member is given an opportunity to provide new evidence as to why the suspension should not be upheld.