

# Code of Professional Conduct Complaints Policy & Procedures

(As amended, August 2021)

## 1. Underlying Principles

This policy has as its foundation the principles of “the presumption of innocence”, and “natural justice” which includes:

- 1.1. The right to a fair hearing
- 1.2. Unbiased adjudication
- 1.3. Adequate notice of the case against them and
- 1.4. The right to respond

## 2. What Behaviour or Actions can be Complained About?

- 2.1. Any behaviour, action or lack of action which is contrary to the PSA Code of Professional Conduct.
- 2.2. Any behaviour, action or lack of action which is considered to be unprofessional, unethical, or illegal.
- 2.3. Any behaviour, action or lack of action which is considered to bring Professional Speakers Australia into disrepute.

## 3. Who Can be Complained About? (Complainee)

- 3.1. Any member of any membership level.
- 3.2. Any guest at a PSA event.
- 3.3. Any director or officer of the company.
- 3.4. Any contractor doing work for the company.
- 3.5. Any person engaged (for-fee or not-for-fee) to speak or participate in any capacity at any PSA State, Regional or National event.

## 4. Who Can Make a Complaint? (Complainant)

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



## **5. Can a Person Making a Complaint Remain Anonymous?**

- 5.1. Any complainant whether from outside or inside PSA must identify themselves when they lodge a complaint.
- 5.2. A complainant whether from outside or inside PSA may request that their identity remains confidential to the complainee during the passage of the complaint through the appropriate process.
- 5.3. 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 by the Chair of the Ethics Panel (for details on the Ethics Panel see note 2.4. in Procedure for the Carriage of a Complaint) and identification shall not occur without the complainant's knowledge and agreement.
- 5.4. 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.

## **6. How Can a Complaint be Made?**

- 6.1. A complaint must be lodged in writing or electronic means.
- 6.2. Verbal complaints alone will not be accepted.
- 6.3. The name and full contact details of the complainant must be provided.
- 6.4. The name of the 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.
- 6.5. The complaint must specifically identify (1) the action(s) by the complainant in breach of PSA Code of Professional Conduct and (2) the clause or clauses of the PSA Code of Professional Conduct which has been violated.
- 6.6. If the complaint is not about a breach of the Code of Professional Conduct, full, accurate and detailed information must be provided about the alleged behaviour or actions and why it is considered necessary for the Board and/or Ethics Committee to consider the complaint.
- 6.7. All complaints must be sent to the PSA national secretariat clearly marked "COMPLAINT FOR CONSIDERATION AND ACTION" or similar words.

## **7. What Procedures Are Followed When a Complaint is Received?**

- 7.1. The procedures to be followed are detailed in Appendix 1 – Procedures for the Carriage of a Complaint.

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

- 8.1. 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.
- 8.2. 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.
- 8.3. If any other conflict arises, it will be resolved by the National President.



**9. How is a Complaint Processed?**

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

**10. What Happens When a Complaint is Upheld?**

- 10.1. The Ethics Panel may recommend courses of action which may include (but are not limited to) the following:
  - 10.1.1. Mediation between the complainant and the member in alleged breach of the Code.
  - 10.1.2. Counselling on appropriate behaviour, undertaken by persons nominated by the National President.
  - 10.1.3. An official "warning" with appropriate recommendations of actions to remedy the breach.
  - 10.1.4. Removal of any designation, such as CSP. If a CSP designation 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.
  - 10.1.5. Cancellation of membership of PSA and cessation of all benefits associated with membership. That member may not re-apply for membership for a period of three years or longer, as deemed by the National President in consultation with the Board
    - 10.1.5.1. 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.
    - 10.1.5.2. In the event of the cancellation of membership, no refund of any membership fees will be provided.
- 10.2. The National President is advised of the recommendation by the Chair of the Ethics Panel. The National President will:
  - 10.2.1. Accept the recommendation, or
  - 10.2.2. Query the recommendation and ask the Ethics Panel to reconsider based only on information the National President believes was not considered, or
  - 10.2.3. Reject the recommendation, or
  - 10.2.4. Where it is considered necessary or appropriate, refer the decision to the board where an absolute majority will be required for resolution.
- 10.3. If the recommendation is accepted, the National President will ask the Company Secretary to advise the complaine and the complainant of the action to be taken and their rights to appeal.
- 10.4. 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.



**11. What Happens When a Complaint is Not Upheld?**

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

**12. Is there an Appeal Process?**

- 12.1. The Ethics Panel may appeal the National President's decision to reject their recommendation.
  - 12.1.1. In this event the Chair of the Ethics Panel may request the Company Secretary to convene a board meeting to consider their recommendation.
  - 12.1.2. In this event, the board has the authority to accept, query or reject the Ethics Panel's recommendation and their decision will be final.
- 12.2. The complainant may appeal in writing within 14 days of the outcome being communicated.
  - 12.2.1. Any appeal must be based on principles of natural justice being denied.
  - 12.2.2. The appeal will be considered by the Ethics Panel and recommendation referred to the Board which will meet and has the authority to accept, query or reject the Ethics Panel's recommendation and their decision will be final.
  - 12.2.3. The Chair of the Ethics Panel will advise the complainant of the final decision.
- 12.3. The complainees may appeal in writing within 14 days of the outcome being communicated.
  - 12.3.1. Any appeal must be based on principles of natural justice being denied.
  - 12.3.2. The appeal will be considered by the Ethics Panel and recommendation referred to the Board which will meet and has the authority to accept, query or reject the Ethics Panel's recommendation and their decision will be final.
  - 12.3.3. The Chair of the Ethics Panel will advise the complainees of the final decision.

**13. Are Decisions Final?**

- 13.1. The recommendations of the Ethics Panel, once ratified by 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.

**14. How Can These Processes and Procedures be Amended**

- 14.1. 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.
- 14.2. 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.
- 14.3. Changes will not apply retrospectively.

**15. Policy Review**

- 15.1. This policy will be reviewed by the board at least every three years with the next review due in August 2024 or sooner.



# Code of Professional Conduct

## Procedures for the Carriage of a Complaint

### 1. Lodging a Complaint

- 1.1. A complaint must be lodged in writing or electronic means.
- 1.2. Verbal complaints alone will not be accepted.
- 1.3. The name and full contact details of the complainant must be provided.
- 1.4. 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.
- 1.5. The complaint must specifically identify (1) the action(s) by the complainant in breach of PSA Code of Professional Conduct and (2) the clause or clauses of the PSA Code of Professional Conduct which has been violated.
- 1.6. If the complaint is not about a breach of the Code of Professional Conduct, full, accurate and detailed information must be provided about the alleged behaviour or actions and why it is considered necessary for the Board and/or Ethics Panel to consider the complaint.
- 1.7. All complaints must be sent to the PSA national secretariat clearly marked “COMPLAINT FOR CONSIDERATION AND ACTION” or similar words.

### 2. When a Complaint is Received

- 2.1. Once a complaint is received it will be immediately forwarded to the Company Secretary.
- 2.2. The Company Secretary will inform the National President of the nature of the complaint and the name of the complainee.
- 2.3. The National President in consultation with whomever else he or she chooses, shall determine the action that shall be taken as follows:
  - 2.3.1. Determine that the matter is not able to be dealt with by PSA (outstanding legal action for instance), or
  - 2.3.2. Determine that mediation by the National President or a person nominated by them may resolve the situation, or
  - 2.3.3. Determine that counselling (of the complainant and/or the complainee) by a person or persons nominated by the National President may resolve the situation, or
  - 2.3.4. Determine that an Ethics Panel be formed to process the complaint. In this event, the Ethics Panel shall be an ad hoc committee of the board.
    - 2.3.4.1. Mediation and/or counselling may lead to the formation of an Ethics Panel if they are unsuccessful in resolving the situation.
    - 2.3.4.2. 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.
- 2.4. 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 Ethics Panel.
- 2.5. 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 CSPs.

- 2.6. 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.
- 2.7. The Company Secretary will provide administrative and logistical support to the Ethics Panel and be responsible for ensuring that the process is followed appropriately.

### **3. Procedures to be followed by the Ethics Panel**

- 3.1. 3.1. 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. 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.
- 3.2. The Chair of the 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.
- 3.3. If the complainant wishes to proceed with the complaint, then, unless the nature of the complaint is compromised, 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. The name of the complainant will not be revealed in this communication.
- 3.4. In the interests of natural justice, prior to a response being received, the Chair of the Ethics 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.
- 3.5. 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.
- 3.6. Within two weeks or as soon as practicable, the Ethics Panel shall meet in person or by teleconference to discuss the complaint and response if received.
- 3.7. At this meeting, the Ethics Panel may delegate to one or more of its members the task of making direct inquiries 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.
- 3.8. Within 21 days or as soon as practicable thereafter, the Ethics Panel will again meet to consider appropriate courses of action.
- 3.9. If the Ethics Panel is satisfied that a decision can be made at this point then it will forward its recommendation to the National President for ratification.
- 3.10. Once ratified, the Ethics Panel will, via the Company Secretary, forward the recommendation to the member and offer him/her the opportunity to accept the decision or meet in person or by electronic means with the Chair of the Ethics Panel and if appropriate, the complainant.



#### **4. Confidentiality of the Ethics Panel**

- 4.1. The names of the members of the Ethics Panel shall remain confidential.
- 4.2. The name of the Chair of the Ethics Panel, will, due to the nature of the process, be known to the complainee and complainant.

#### **5. Disbanding the Ethics Panel**

- 5.1. Once a matter has been completed, the Ethics Panel shall be disbanded.

#### **6. Recording of Complaint Outcomes**

- 6.1. When the matter is finalised, the Chair of the Ethics Panel will prepare a written summary of the complaint for Company records.

## Appendix 1 PSA Code of Professional Conduct in Action

### **About this document:**

This document sets out our organisation's behaviour standards for any PSA activities and interactions – regardless of whether you're a member, guest, or supplier, paid or unpaid.

It reflects PSA's Values and our Code of Professional Conduct.

### **Behaviour we expect in the PSA community**

**Respect** – We consider the feelings, wishes and rights of others as well as our own.

**Courtesy** – We speak politely and kindly to and of each other, including on social media.

**Openness** – We are welcoming and friendly, supporting people from all backgrounds and identities and creating a comfortable environment for all participants.

**Responsibility** – We speak up with courage and have the tough conversations to enable professional growth of our members and Professional Speakers Australia.

### **Behaviour we don't accept in the PSA community**

**Personal attacks** – We don't insult, intimidate, or put each other down.

**Harassment and discrimination** – We don't tolerate these in any form.



Refer to the Australian Human Rights Commission information on:

Harassment – <https://www.humanrights.gov.au/quick-guide/12040> and

Discrimination - <https://www.humanrights.gov.au/quick-guide/12030>

**Unsolicited direct sales pitches** – We understand that in the PSA community, we're each other's "mates, not our market". We don't pitch our services to others in the community unless they have invited us to do so.

**Taking credit for someone else's material** – We understand and abide by the laws of copyright. We do not use other people's original stories or intellectual property without their expressed permission and acknowledging that it's their work as required.

### **Behaviour in Breach of these Standards**

If you notice behaviour that falls beneath these standards – or if you'd like to acknowledge someone for outstanding behaviour that embodies the standards – please contact the PSA Secretariat by email, [admin@professionalspeakers.org.au](mailto:admin@professionalspeakers.org.au) for referral to the PSA Board.

