Hearing Professional Conduct and Complaints Body

# Complaints Management and Resolution Procedure by-law

Made pursuant to clauses 57 and 58 of the Constitution

Hearing Professional Conduct and Complaints Body Ltd

ABN: 11678866183

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## Definitions

The terms used in this Complaints Management and Resolution Procedure (**Complaints Procedure**) have the meanings set out below.

**AudA**: Audiology Australia, a professional body representing audiologists in Australia.

**ACAud**: Australian College of Audiology Incorporating HAASA, a professional body representing both audiologists and audiometrists in Australia.

**Appeals Panel**: a panel of at least 3 members constituted from the Pool of Assessors. The Appeals Panel reviews the decision of a Hearing and Investigation Panel made under this Complaints Procedure.

**Code of Conduct**: Code of Conduct for audiologists and audiometrists developed and adopted by AudA and ACAud.

**Constitution:** Constitution of the HPCCB.

**certified practitioner:** Unless otherwise stated, refers to audiologists with practitioner certification by AudA and/or ACAud.

**complainant**: a person who, or body or organisation which, makes a complaint about the professional conduct of a member and/or certified practitioner of AudA and/or ACAud.

**complaint:** a complaint that concerns the ethical or professional conduct of a member and/or certified practitioner of AudA and/or ACAud or which concerns a possible breach of the Code of Conduct.

**Ethics Officer:** the person so appointed by the Board who will, amongst other things, perform the roles and responsibilities detailed in this Complaints Procedure.

**HAASA:** Hearing Aid Audiology Society of Australia, a professional body that represented audiometrists in Australia. HAASA was incorporated into ACAud on 1 July 2024.

**HPCCB:** Hearing Professional Conduct and Complaints Body Ltd., an independent body established to:

- promote ethical hearing service practice to audiologists, audiometrists, members of the public and others, and
- handle complaints regarding the provision of hearing services by audiologists and audiometrists who are members and/or certified to practice by Audiology Australia and the Australian College of Audiology Incorporating HAASA.

**HPCCB Board:** The Board of Directors of the HPCCB.

**Hearing and Investigation Panel:** a panel of at least three members constituted from the Pool of Assessors. The Hearing and Investigation Panel investigates, hears, determines and makes recommendations in relation to complaints made about the professional conduct of members and/or certified practitioners of AudA and/or ACAud.

**Hearing healthcare professional:** refers to all audiologists, audiometrists and allied health assistants working in Australia, irrespective of professional membership and/or certification to practice.

**member:** Unless otherwise stated, refers to a member of AudA and/or ACAud.

**Pool of Assessors**: members of AudA and/or ACAud who have agreed to volunteer to sit on either a Hearing and Investigation Panel or an Appeals Panel, and a selection of lay or community representatives who have agreed to volunteer to sit on either a Hearing and Investigation Panel or an Appeals Panel.

**respondent**: a member and/or certified practitioner of AudA and/or ACAud in respect of whom a complaint has been made to HPCCB via the Ethics Officer in relation to that individual's professional conduct.

# 1 Introduction

Audiology Australia (AudA) and the Australian College of Audiology Inc. HAASA (ACAud) are professional bodies representing audiologists and audiometrists in Australia. ACAud and AudA are committed to ensuring that their members and/or certified practitioners maintain a high standard of ethical and professional conduct and that the public maintain a high level of trust in the professions of audiology and audiometry.

ACAud, AudA and HAASA collaborated in the development of the Code of Conduct and independently implemented this Code in mid-2016. The Code of Conduct applies to all members and/or certified practitioners of ACAud and AudA and is in line with the National Code of Conduct for Health Care Workers[1].

In order to increase the consistency of the management and investigation of breaches of the Code of Conduct and the provision of ethical and professional guidance, ACAud and AudA agreed to jointly fund the establishment of, and support through ongoing membership of, the independent Hearing Professional Conduct and Complaints Body Ltd (HPCCB). The purposes of the HPCCB, as outlined in its Constitution, are to advance health through:

- promoting ethical hearing service practice to audiologists, audiometrists, members of the public and others, and
- handling complaints regarding the provision of hearing services by audiologists and audiometrists who are members and/or certified to practice by Audiology Australia and the Australian College of Audiology Incorporating HAASA.

It is noted that throughout any collaboration between the HPCCB, ACAud and AudA, confidentiality regarding complaints will be upheld with the exceptions regarding, referral publication and notifications of complaints outlined in this Complaints Procedure.

It is envisaged that the Code of Conduct and the HPCCB will promote certainty and confidence within both the profession and the community regarding the conduct requirements that members and/or certified practitioners of ACAud and AudA must meet.

The procedures and principles set out in this document will be reviewed regularly by the HCPPB to ensure they continue to reflect, amongst other things, applicable legal and regulatory requirements, evolving clinical practices, the requirements of the profession, and the expectations of consumers.

## 1.1 Ethics Officer contact details

Any enquiries regarding this Complaints Procedure should be discussed with, and any complaints regarding a member and/or certified practitioner should be made to, the Ethics Officer. The contact details for the Ethics Officer are:

Telephone number: 0475 245 635

Mailing address: PO Box 370, Monbulk, Victoria 3793

Email address: ethicsofficer@hpccb.org.au

[1] Australian Health Ministers' Advisory Council. Final Report-A National Code of Conduct for health care workers. COAG Health Council; 2015.

# 2 Governing principles

The Hearing Professional Conduct and Complaints Body (HPCCB) is committed to ensuring that this Complaints Procedure is applied in a manner that is fair and equitable and has regard to the rights and interests of relevant stakeholders, including: members and/or certified practitioners of AudA; ACAud; consumers of audiology services, and; third party funders of services. This has been ensured by giving due consideration to the principles described below.

## 2.1 Principle 1- Code of Conduct

The Code of Conduct prescribes the professional and ethical standards required of members and/or certified practitioners of the ACAud and AudA. It guides members and/or certified practitioners of ACAud and AudA on the principles of sound professional and ethical conduct and engenders trust and confidence in the professions of audiology and audiometry. This Complaints Procedure outlines how complaints relating to potential breaches of the Code of Conduct by a member and/or certified practitioner will be resolved.

## 2.2 Principle 2- Confidentiality and privacy

The HPCCB recognises that a complaint will often involve sensitive or confidential information regarding the complainant, the respondent and, in some cases, others. The Ethics Officer, HPCCB Board, Hearing and Investigation Panels and Appeals Panels, and all staff members of AudA and ACAud (including the Chief Executive Officers) are required to maintain in confidence all information that concerns a complaint against a member and/or certified practitioner and to manage any personal information regarding a complaint in accordance with all applicable privacy laws.

Confidential information and personal information may be disclosed to AudA and ACAud, the HPCCB, , a Hearing and Investigation Panel and an Appeals Panel. It may also be disclosed to other persons or organisations in certain circumstances, examples of which include: if the disclosure is required by law; if it is necessary to disclose the information to prevent harm or injury to a person; or, if it is deemed necessary to disclose the information to a regulatory or government agency for further investigation.

## 2.3 Principle 3- Conflict of Interest

The HPCCB has implemented processes to manage conflicts of interest where they might arise. These include the following measures:

- Upon their appointment, a person who is appointed as a Director on the HPCCB Board or the Pool of Assessors must declare any interest that might place them in a conflict of interest in performing their duties.
- Any person who is involved in the making of a decision in relation to a complaint must disclose the existence and nature of any potential or actual conflict of interest that affects them.
- A HPCCB Board Director, a Hearing and Investigation Panel or an Appeals Panel must take reasonable steps to resolve any conflict of interest issue that affects them to ensure that the integrity of the process set out in this Complaints Procedure and the rights and interests of the complainant and the respondent are not compromised.
- The HPCCB Board may determine that a person should be disqualified from participating in a Hearing and Investigation Panel or Appeals Panel due to the existence of a perceived or actual conflict of interest.
- Where the Ethics Officer becomes aware they may have a conflict of interest in handling a complaint, the Ethics Officer will immediately remove themselves from the specific case and inform the Chairperson of the HPCCB Board, who will take over the role of the Ethics Officer for that matter.

## 2.4 Principle 4- Procedural Fairness

The principles and processes established by this Complaints Procedure ensure that decision-making regarding a complaint made in relation to a member and/or certified practitioner is fair and reasonable. This Complaints Procedure is not required to, and does not, apply the same rules that a court applies in relation to the hearing and determination of matters. Similarly, this Complaints Procedure is not bound to follow the rules that a court might apply in relation to the collection and use of evidence.

Nevertheless, the Complaints Procedure broadly reflects the principles of procedural fairness. In particular, the decision-making process embodies the principles of procedural fairness in the following manner:

- The complainant and the respondent are informed about the decision-making process.
- The respondent is informed about the nature of any allegations against him or her.
- The respondent is given a reasonable opportunity to respond to the allegations and to put his or her case.
- The Hearing and Investigation Panel and (if applicable) the Appeals Panel must consider the respondent's submissions.
- The Hearing and Investigation Panel and (if applicable) the Appeals Panel must make reasonable inquiries or investigations. Each must ensure that its decision is based upon findings of fact that are based upon sound reasoning and logically probative evidence.
- The Hearing and Investigation Panel and the Appeals Panel must:
    - act fairly and without bias in making decisions;
    - ensure that no person is involved in a decision in which they have a direct interest; and
    - conduct an investigation and reach its decision within the timeframes specified in this Complaints Procedure.

## 2.5 Principle 5- Maintenance of records

The Ethics Officer is responsible for maintaining records regarding complaints that are received. This Ethics Officer will also maintain records of the outcome of any investigation and hearing conducted under this Complaints Procedure. These records will be maintained and managed in accordance with applicable privacy laws.

## 2.6 Principle 6- Publication of information regarding complaints and notification of other bodies

The HPCCB may publish information about a decision made under this Complaints Procedure that results in a sanction by AudA and/or ACAud in the form of probation, suspension, cancellation or termination of membership and/or practitioner certification on their website or elsewhere. The publication may state the name of the respondent (that is, the member and/or certified practitioner investigated) and relevant details of the complaint, including its outcome and the sanction(s) imposed. These details may be published for such period as the HPCCB deems necessary and appropriate.

HPCCB may also publish de-identified information about complaints and the outcomes of investigations and hearings conducted under this Complaints Procedure in both individual and aggregate form on their website or elsewhere.

HPCCB may notify AudA and ACAud, or any other health professional or regulatory body/agency about a complaint regarding a member and/or certified practitioner and its outcome where it considers it is reasonable and just to do so or it is otherwise appropriate to do so. When a complaint results in a sanction by AudA, the H Chair will notify ACAud, and vice versa. AudA and ACAud will make its members and/or certified practitioners aware of this mutual notification of all sanctions arrangement between AudA and ACAud.

# 3 Parties involved in implementing this procedure

This section describes the role and function of the personnel which are involved in the management of ethical issues and complaints regarding members and/or certified practitioners.

## 3.1 Ethics Officer

The Ethics Officer is the primary point of contact for members of the public who want to discuss ethical issues or complaints concerning members and/or certified practitioners. The Ethics Officer may be contacted by any person (including a member or certified practitioner) who has a query regarding the Code of Conduct, this Complaints Procedure, or any other issue regarding the ethical or professional conduct of a member and/or certified practitioner.

The Ethics Officer handles complaints through a process of informal resolution, with input from the HPCCB Board when needed.

The Ethics Officer also provides secretarial and administrative support to the HPCCB Board in implementing this Complaints Procedure.

The Ethics Officer is engaged by the HPCCB based on due consideration of the applicant's qualifications and experience against any relevant selection criteria.

## 3.2 HPCCB Board

The Board of Directors of AudA and ACAud have authorised responsibility regarding the formal investigation, hearing and making of recommendations regarding complaints to the HPCCB. The HPCCB Board is responsible for hearing, investigating, reviewing and making recommendations to the AudA and ACAud boards in relation to complaints about its members and/or certified practitioners. The HPCCB Board may appoint a Hearing and Investigation Panel or Appeals Panel to assist in this process. The HPCCB Board must deal with complaints in an equitable, objective and fair manner and in accordance with the principles set out in this Complaints Procedure.

The HPCCB Board must have at least five and no more than nine directors comprising:

- **The appointed chairperson**, a senior, independent, experienced chair who is neither a current nor past member and/or certified practitioner of ACAud or AudA, nor a current employee of a ACAud or AudA.
- **Three nominees of AudA and three nominees of ACAud**, each of whom has at least five years' experience in relation to the practice of audiology or audiometry, but who is not a current director on the Board of ACAud or AudA or a current employee of ACAud or AudA
- **Two lay or community persons**, who must not have practised audiology or audiometry or be a past or present member and/or certified practitioner, Board member or employee of ACAud or AudA, or have any financial or other interest in relation to ACAud or AudA. The lay or community representative members must be persons who can fairly and accurately represent the views and perspectives of the community.

The HPCCB Board is appointed and operates according to the Constitution of the HPCCB and this Complaints Procedure.

## 3.3 Pool of Assessors

The Pool of Assessors will consist of volunteer audiologists and audiometrists who are members of a ACAud and/or AudA, as well as a selection of lay and community representative volunteers. A member of the Pool of Assessors may not be a current Board director of a ACAud or AudA, or a current member of any of the ACAud or AudA's Ethics Review Committees.

The ACAud and AudA members in the Pool of Assessors are nominated by their respective ACAud or AudA Board according to the Selection Criteria for the Pool of Assessors. The lay and community representatives in the Pool of Assessors are nominated by the HPCCB Board following a joint recruitment and selection process.

## 3.4 Hearing and Investigation Panel

A Hearing and Investigation Panel will be drawn from the Pool of Assessors. The Hearing and Investigation Panel will be appointed by the HPCCB Board and operate according to the Terms of Reference and Guidelines for the Hearing and Investigation Panel.

Hearing and Investigation panels will comprise two individuals who are members of ACAud and/or AudA and one member who is a lay or community representative. The two members of ACAud and/or AudA will be chosen on the basis of the issues the complaint relates to and the relevance of the members' expertise, experience, and the Scope of Practice for audiologists and audiometrists published by ACAud and AudA.

The Chairperson of the HPCCB Board will appoint the Chairperson of the Hearing and Investigation Panel. A member of ACAud and/or AudA will ordinarily perform the role of Chairperson of the Hearing and Investigation Panel.

## 3.5 Appeals Panel

An Appeals Panel will be appointed by the HPCCB Board Chairperson and operate according to the Terms of Reference for the Appeals Panel.

An Appeals Panel must consist of the following:

- Two members of the Pool of Assessors who were not part of the Hearing and Investigation Panel and who are ACAud and/or AudA members. These members will be chosen on the basis of the issues the complaint relates to and the relevance of the members' expertise, experience, and the Scope of Practice for audiologists and audiometrists published by ACAud and AudA.
- One member of the Pool of Assessors who was not part of the Hearing and Investigation Panel and who is a lay or community representative; and
- A practising solicitor may be engaged if the HPCCB Chairperson considers this necessary based on a consideration of the nature of the appeal and whether or not legal expertise is required to conduct the review.

If appointed, the practising solicitor will perform the role of Chairperson of the Appeals Panel. Otherwise, the HPCCB Board Chairperson will appoint the Appeals Panel Chairperson.

# 4 Complaint management and resolution process

## 4.1 Stage 1- Making a complaint

### *4.1.1 Who can be complained about?*

A complaint may be made in relation to:

- a person who is a current member and/or certified practitioner of Audiology Australia (AudA) and/or the Australian College of Audiology Inc. HAASA (ACAud);
- a person who is not a current member and/or certified practitioner of AudA and/or ACAud but the issue or incident being complained about occurred during a period when the person was a member and/or certified practitioner; or
- a person who is a current member and/or certified practitioner of AudA and/or ACAud and the issue or incident being complained about occurred during a period when the person was not a member and/or certified practitioner.

Other than in the circumstances described above, the HPCCB will generally not investigate a complaint regarding, and this Complaints Procedure does not apply to, any person who is not a member and/or certified practitioner of AudA and/or ACAud.

### *4.1.2 What can be complained about?*

A complaint may be made about the professional or ethical conduct of a member and/or certified practitioner of AudA and/or ACAud. A complaint may relate to any one or more possible breaches of the Code of Conduct. In line with the Code of Conduct, a complaint may relate to the conduct of a member and/or certified practitioner if the conduct has not occurred in the course of the practice of audiology or audiometry but might otherwise bring the professions of audiology and/or audiometry into disrepute.

### *4.1.3 Who can make a complaint?*

Any person or entity (for example, an organisation or agency) may make a complaint about a member and/or certified practitioner of AudA and/or ACAud, including (but not limited to) any of the following:

- The person who received the relevant services (i.e., the client);
- A parent or guardian of the person who received the services;
- A relative, friend of the person who received the services;
- A person with legal authority in relation to the person who received the services if the person who received the services lacks the capacity to make a complaint;
- A representative nominated by the person who received the services for the purpose of making the complaint;
- A member and/or certified practitioner of ACAud and/or AudA; or
- A health services provider who is not a member and/or certified practitioner of ACAud and/or AudA.

If a complaint is made on behalf of an adult person who received the services or experienced the issue complained about, the person acting on their behalf may be required to provide evidence that he or she has authority to make the complaint on behalf of the person concerned.

### *4.1.4 Ethics Officer may initiate or refer any complaint*

The Ethics Officer may initiate a complaint against a member and/or certified practitioner of AudA and/or ACAud if the Ethics Officer becomes aware of information which suggests the member and/or certified practitioner may have committed a possible breach of the Code of Conduct. In such a case, the Chairperson of the HPCCB Board will be named as the complainant.

The Ethics Officer may also refer any complaint regarding an AudA and/or ACAud member and/or certified practitioner, or other hearing healthcare professional raised by a person or of which he or she becomes aware to any agency, health care complaint entity, other professional association or any other regulatory or government body, that has a direct interest in, or jurisdiction over, the matter. If the complaint involves a possible breach of the criminal law, the Ethics Officer may refer it to an appropriate law enforcement body.

The Ethics Officer may refer a complaint regarding a member and/or certified practitioner to any of the abovementioned bodies at any time, including during or after an investigation and hearing by a Hearing and Investigation Panel. The Ethics Officer may make such referral regardless of whether or not the complaint is investigated and determined under this Complaints Procedure. A complaint may be investigated and heard (or continue to be investigated and heard) under this Complaints Procedure even if it has been referred by the Ethics Officer to any of those bodies.

The Ethics Officer may also refer a complaint regarding practices of businesses where a member and/or certified practitioner is employed, and where the practice relates to a complaint against a member and/or certified practitioner who is an employee. Prior to referring the complaint, the Ethics Officer must receive written approval from the HPCCB Board to undertake such action.

### *4.1.5 Time limit on making a complaint*

A complaint about a member and/or certified practitioner must be made within the applicable time period specified below.

If a person was an adult at the time the relevant service was provided or the incident which is the subject of a complaint occurred, the limitation period for making a complaint is the earlier of the following:

- Twelve months from the date on which the complainant first became aware of the alleged incident or breach of the Code of Conduct; or
- Five years from the date on which the behaviour that constitutes the alleged breach of the Code of Conduct occurred.

If a person was under the age of 18 years at the time the relevant service was provided or the incident which is the subject of a complaint occurred, the limitation period for making a complaint by that person is the earlier of the following:

- Twelve months from the date on which the complainant first became aware of the alleged incident or breach of the Code of Conduct after the complainant has reached 18 years of age; or
- Five years after the complainant has turned 18 years of age.

Notwithstanding the above limitation periods, the Ethics Officer, in consultation with the Chairperson of the HPCCB Board, may extend any of the limitation periods for a complaint if, in their opinion, it is just and reasonable to do so in the circumstances or if it would be harsh or inequitable for the extension to not be granted.

### *4.1.6 Who is a complaint made to?*

A complaint about a member and/or certified practitioner must be made to the Ethics Officer. Any queries regarding a complaint should be directed to the Ethics Officer. If a complaint is received by a staff member of AudA or ACAud, the person receiving the complaint will immediately forward it to the Ethics Officer. The staff member will maintain in confidence all details regarding the complaint.

### *4.1.7 Form of complaint*

A complaint must be made in writing by completing the Complaint Form (published by the HPCCB from time to time) and submitting the completed form to the Ethics Officer. A copy of the Complaint Form may be obtained upon request from the Ethics Officer or downloaded from the HPCCB website.

If a person is unable to make a complaint in writing or requires assistance to make a complaint, they should contact the Ethics Officer. The Ethics Officer may assist the person or direct them to a person or service that can provide such assistance.

### *4.1.8 Matters of which a complainant is to be made aware*

The Ethics Officer must ensure that a complainant is made aware of the following matters:

- The complaint resolution process set out in this Complaints Procedure;
- The scope of the Code of Conduct;

- That all details of the complaint will ordinarily be provided to the respondent. Further, while the complainant has a right to request that their identity not be disclosed to the respondent, in many cases by virtue of the nature of the complaint the identity of the complainant is likely to be apparent to the respondent;
- That if the complainant does not wish to pursue a complaint or withdraws it, the matter may nevertheless be investigated in accordance with this Complaints Procedure if it is deemed to be of such a nature or seriousness that further investigation is warranted; and
- A person retains the right to pursue other avenues for resolution of their issue(s) in addition to, or as an alternative to, this Complaints Procedure.

### *4.1.9 Costs incurred by parties involved in a complaint*

The HPCCB, AudA and ACAud are not responsible for any costs or expenses of any kind incurred by a complainant, a respondent, or a witness, or any person assisting or supporting any such person, in connection with a complaint or any aspect of this Complaints Procedure.

## 4.2 Stage 2- Investigation and determination of complaint

### *4.2.1 Management of a received complaint*

A complaint may either be resolved informally or be referred by the Ethics Officer to the HPCCB Board for consideration. Wherever appropriate, the Ethics Officer and HPCCB Board will attempt to resolve a matter by informal resolution. Nonetheless, the order of the complaints handling options presented in this section (informal resolution, mediation and investigation and hearing) does not in any way limit the ability for the Chairperson of the HPCCB Board, in consultation with the Ethics Officer, to choose the most appropriate process based on a consideration of the matter. In deciding the most appropriate process to handle a complaint, the Chairperson of the HPCCB Board and Ethics Officer may consider relevant factors including, but not limited to:

- the respondent's willingness to cooperate with the Ethics Officer to reach informal resolution, including engaging in an open and respectful dialogue and the sharing of any client files or other information requested,
- any previous complaints against the respondent, including their cooperation with the processes and compliance with any sanctions imposed,
- any potential risks to the health or safety of a member and/or certified practitioner, a respondent, a client or any other person,
- the willingness and ability of the complainant to engage in a mediation process,
- the appropriateness of an issue for mediation, and
- the complexity of the matter, including any clinical issues related to the complaint.

A matter that is being attempted to be resolved informally by the Ethics Officer may at any time be referred to the HPCCB Board for resolution via mediation or investigation and hearing after consultation with the Chairperson of the HPCCB Board.

The Ethics Officer may not accept a complaint and proceed with informal resolution or referral to the HPCCB Board for mediation or an investigation and hearing if the complaint:

- does not satisfy the requirements detailed in section 4.1 of this Complaints Procedure;
- relates to a matter or incident that has previously been dealt with and resolved under this Complaints Procedure; or
- in the reasonable opinion of the Ethics Officer, is frivolous or vexatious.

The Ethics Officer will make a record of these matters. A complainant has no right to seek review of a decision by the Ethics Officer to not refer a complaint to be resolved by either method or to refer a complaint to be resolved by a particular method.

#### 4.2.1.1 Delayed commencement or suspension of mediation or investigation

The Chairperson of the HPCCB Board, in consultation with the Ethics Officer, may (but is not obligated to) delay the commencement, or suspend the conduct of, an informal resolution process, a mediation process, or an investigation and hearing in relation to a complaint at any time and for such period the Chairperson of the HPCCB Board deems reasonable in the following circumstances:

- The issue which is the subject of the complaint is being investigated by a law enforcement body or is the subject of court or tribunal proceedings which have commenced or appear likely to commence;
- The issue which is the subject of the complaint is being investigated or reviewed by a government or regulatory body or agency or similar or another health professional association – for example, Medicare or a health care complaints entity; or
- The complainant, the respondent, or any person who may be asked to provide evidence that is required in relation to the complaint is unable to provide the evidence due to illness or absence.

#### 4.2.1.2 Investigation may proceed even if matter before other body

The Chairperson of the HPCCB Board may, in consultation with the Ethics Officer, decide to proceed with informal resolution, instigating mediation, or the HPCCB Board may proceed with forming a Hearing and Investigation Panel in any of the circumstances described above if it considers that it is reasonable and just

to do so, having regard to the circumstances of the complaint. Where an issue which is the subject of a complaint is before a body listed in section 4.2.1.1, the HPCCB Board and Hearing and Investigation Panel may (but are not obligated to) have regard to the outcome or conclusion of such body and any other relevant issue relating to the investigation or hearing by that body.

#### 4.2.1.3 Informal resolution of complaint

In some cases, a complaint may be managed in an informal way with the assistance of the Ethics Officer. For example, the Ethics Officer may be able to assist with clarifying or explaining an issue which is in dispute or referring the complainant to another body or agency which is more appropriate to manage the issue. The Ethics Officer may also choose to connect a complainant with a consumer advocate to assist them in resolving the matter. The informal resolution of a complaint may or may not involve a respondent. The Ethics Officer may consult with the Chairperson of the HPCCB Board when informally resolving a complaint. The Chairperson and Ethics Officer may also seek feedback from the other HPCCB Board Directors when informally resolving a complaint.

If a complaint is managed informally, the Ethics Officer will inform the complainant how the complaint was resolved and that the matter will not progress to the HPCCB Board. Complainants and respondents have no right to seek review of the outcome of a complaint that is resolved informally. The Ethics Officer will make a record of the complaint and how it was resolved. The informal resolution of a complaint does not prevent the complaint being revived by the Ethics Officer and referred for formal resolution pursuant to section 4.2.1.2 if the Ethics Officer subsequently becomes aware of information that warrants such referral.

Informally resolved complaints will be communicated to the Chairperson of the HPCCB Board in written reports at a frequency to be agreed upon by the Ethics Officer and the Chairperson of the HPCCB Board.

#### 4.2.1.4 Referral of complaint to the HPCCB Board

If a complaint is not managed informally as described directly above, the Ethics Officer must decide within ten business days of receiving the complaint whether the complaint will be referred to the Chairperson of the HPCCB Board for resolution via mediation or investigation and hearing by the HPCCB Board (through a Hearing and Investigation Panel).

The Ethics Officer will ordinarily refer a complaint to the Chairperson of the HPCCB Board for further action if the complaint satisfies the following requirements:

- It relates to an issue that might constitute a breach of the Code of Conduct; and
- It has been made within the applicable limitation period.

#### 4.2.1.5 Complaint not referred to the HPCCB Board

If a complaint is not referred to the HPCCB Board, the Ethics Officer will inform the complainant within fifteen business days of making a decision not to refer the complaint and the reasons it has not been referred.

The Ethics Officer will provide the details of any complaint not referred to the HPCCB Board through the Chairperson of the HPCCB Board in written reports at a frequency to be agreed upon by the Ethics Officer and the Chairperson of the HPCCB Board.

#### 4.2.1.6 Right of complainant to withdraw a complaint

A complainant may withdraw a complaint at any time up until a Hearing and Investigation Panel has been constituted by the HPCCB Board to consider the complaint. A complainant may withdraw a complaint by giving written notice of the withdrawal to the Ethics Officer. The Ethics Officer will promptly notify the Chairperson of the HPCCB Board of the withdrawal.

If a complainant withdraws a complaint, the Chairperson of the HPCCB Board may do any of the following:

- If the Chairperson of the HPCCB Board forms the view (in their absolute discretion) that the matter is of such a nature or of such seriousness that it should be further investigated and dealt with under this Complaints Procedure, the Chairperson of the HPCCB Board may refer the matter to proceed to be heard by a Hearing and Investigation Panel.

If the matter is so referred the following will occur:

- The Ethics Officer will inform the complainant who originally made and then withdrew the complaint that the matter will nevertheless proceed according to this Complaints Procedure. The original complainant may be requested to provide any (additional) information relevant to the complaint.
- The Chairperson of the HPCCB Board will be named as the complainant.

- Refer the matter to any organisation, agency, regulatory or government or other body that has a direct interest in or jurisdiction over the matter.

### *4.2.2 Resolution of matter via mediation*

The Chairperson of the HPCCB Board may determine, in consultation with the Ethics Officer, that a complaint may be appropriate for resolution via mediation without a formal hearing and investigation according to 4.2.3. This decision must be made within 10 business days of the Ethics Officer referring the matter to the Chairperson of the HPCCB Board.

If a matter is considered to be appropriate for a mediation process, the Ethics Officer will speak separately to the complainant and respondent to arrange a suitable process. Both the complainant and respondent must be willing to engage in the mediation process for any mediation to proceed. If either party refuses, then the complaint will be referred to a Hearing and Investigation Panel.

If a suitable process is agreed upon by the complainant and the respondent, then the Ethics Officer will notify the Chairperson of the HPCCB Board who is to appoint a qualified and professionally accredited person to act as a mediator.

The mediator is to act as an independent facilitator of the mediation between the complainant and respondent with the aim to resolve the complaint in a manner agreed to by both the complainant and respondent. This may include an agreed withdrawal of the complaint or any other outcome agreed.

Unless otherwise agreed by the complainant and respondent, the complainant and respondent shall equally pay the costs and incidentals to such mediation process.

#### 4.2.2.1 Resolution at mediation

If the complaint can be resolved at mediation, then the mediator will provide a written report to the Ethics Officer stating the names of the parties, that the matter is considered to have been resolved via mediation and the date that the mediation agreement was signed by the complainant and respondent. The Ethics Officer will then forward this written report by the mediator together with any other details regarding the complaint (e.g. the initial complaint and any contact with the complainant, respondent and Ethics Officer) to the Chairperson of the HPCCB Board. The complaint will then be taken to have been resolved under the Complaints Procedure.

#### 4.2.2.2 If resolution cannot be reached at mediation

If the complaint is not resolved at the mediation, then the mediator will notify the Chairperson of the HPCCB Board and the Ethics Officer that the complaint could not be resolved, and the complaint will be referred to the HPCCB Board for an investigation and hearing according to 4.2.3.

### *4.2.3 Investigation and Hearing*

#### 4.2.3.1 Formation of a Hearing and Investigation Panel

If the Chairperson of the HPCCB Board, in consultation with the Ethics Officer, decides that a matter should proceed to a hearing and investigation, the HPCCB Board will arrange for a Hearing and Investigation Panel to be constituted. The Hearing and Investigation Panel must be constituted within thirty business days of this decision being made by the Chairperson of the HPCCB Board. The Hearing and Investigation Panel is appointed according to the Terms of Reference for the Hearing and Investigation Panel.

#### 4.2.3.2 Notification to complainant

The Ethics Officer will notify the complainant in writing that a complaint has been referred by the HPCCB Board to a Hearing and Investigation Panel within ten business days of the Chairperson of the HPCCB Board making a decision to so refer that complaint.

#### 4.2.3.3 Notification to respondent

The Ethics Officer will notify the respondent in writing that a complaint about the professional or ethical conduct of the respondent has been received and has been referred by the HPCCB Board to a Hearing and Investigation Panel within ten business days of the Chairperson of the HPCCB Board making a decision to so refer that complaint. The Ethics Officer will provide details of the complaint to the respondent.

A respondent must not contact (either directly or indirectly or through another person) the complainant or discuss any issue regarding the complaint with the complainant. If the respondent continues to provide professional services to the complainant, if practicable, the respondent might need to implement measures so that there is no opportunity for such discussions to occur.

#### 4.2.3.4 Respondent writes a response to the complaint

The respondent will have twenty business days to respond to the complaint from the time he or she has received notification and details of the complaint. The respondent's response must be made in writing and addressed to the Ethics Officer.

Ordinarily, the respondent's response to the complaint will not be communicated to the complainant. However, if the Chairperson of the Hearing and Investigation Panel considers that it should be so communicated in the interests of giving all parties a fair hearing, the Chairperson of the Hearing and Investigation Panel may exercise a discretion to relay all or part of that information to the complainant via the Ethics Officer. If so, the complainant will have an opportunity to provide a response to the same via the Ethics Officer. Any such response given by the complainant will be communicated back to the respondent via the Ethics Officer.

The failure of a respondent to provide a response to the complaint or to otherwise cooperate with the investigation or hearing of the complaint at any stage of that process will not prevent the investigation and hearing from proceeding. In those circumstances, the investigation and hearing will proceed on the basis of information and evidence provided to and collected by the Hearing and Investigation Panel from other relevant sources and any information previously provided by the respondent.

#### 4.2.3.5 Hearing and investigation opened

After the Ethics Officer has received a response from the respondent, the Ethics Officer will forward the respondent's response and all other relevant material to each member of the Hearing and Investigation Panel. The hearing and investigation will thereby be opened.

The Hearing and Investigation Panel must conduct its investigation within twenty business days of receiving the respondent's response to the complaint. The Ethics Officer will provide all other relevant information to the Hearing and Investigation Panel, including the complaint details and other material. During that period, it may meet as many times as it requires.

If it is deemed necessary by the Ethics Officer in consultation with the Chairperson of the HPCCB Board and to the extent that it is possible, the Hearing and Investigation Panel may be provided with only de-identified material regarding the complaint.

#### 4.2.3.6 Meeting format

A Hearing and Investigation Panel may determine the most appropriate format for conducting its investigation and hearing. It may conduct its meetings by way of exchange of letters or emails, in person, by teleconference, by videoconference or any other means. Meetings will be conducted according to the Terms for Reference for the Hearing and Investigation Panel.

#### 4.2.3.7 Investigation procedures

In investigating a complaint, the Hearing and Investigation Panel will consider the complaint, the respondent's response and any other relevant material. The respondent must be provided with written notice of their opportunity to be heard in person via teleconference by the Hearing and Investigation Panel.

The Hearing and Investigation Panel may do any of the following:

- At any time during its investigation and hearing, the Hearing and Investigation Panel may request additional information from the complainant or the respondent or from other sources, as appropriate, having regard to applicable privacy and confidentiality issues relevant to the involved parties. A Hearing and Investigation Panel will decide on a case by case basis whether any such additional information is relevant and should be disclosed to the respondent and/or the complainant and whether either of them (as the case may be) may provide a response to that information. All such communications between respondents, complainants and the Hearing and Investigation Panel will occur via the Ethics Officer.
- Interview the respondent in person, take statements from the respondent, the complainant or any other person, and accept further submissions from any party in relation to the complaint;
- Seek advice or support from the Chairperson of the HPCCB Board or the Ethics Officer; and/or
- Seek advice from an expert on any relevant issue or legal advice from a lawyer in relation to any issue regarding the complaint, this Complaints Procedure, or the Code of Conduct, subject to that person providing an undertaking of confidentiality (or otherwise being subject to an obligation of confidentiality). If the Hearing and Investigation Panel requires such advice, the Chairperson of the Hearing and Investigation Panel will request and arrange for the provision of the advice through the Ethics Officer.

The Ethics Officer will provide administrative support to the Hearing and Investigation Panel in respect of the above actions and activities and they will ordinarily be organised through the Ethics Officer.

Members of a Hearing and Investigation Panel must maintain confidentiality and must not discuss a complaint with any person who is not on the Hearing and Investigation Panel with the exception of the communication channels outlined in this Procedure.

The Ethics Officer, in consultation with the Chairperson of the HPCCB Board, may (but is not obliged to) extend any of the time periods specified in this Complaints Procedure if it is reasonable to do so and if it is necessary to ensure that the respondent is given a fair hearing. However, a time period will not ordinarily be extended merely because a party will be inconvenienced by having to comply with such a time period or might or has failed to comply because of his or her lack of diligence in meeting those timelines.

#### 4.2.3.8 Possible outcomes of an investigation

At the conclusion of its investigation into a complaint, a Hearing and Investigation Panel must make one of the following findings:

##### A) The Hearing and Investigation Panel is of the view that the respondent has breached one or more of the principles of the Code of Conduct.

If the Hearing and Investigation Panel makes this finding, it will identify which specific principle(s) of the Code of Conduct the respondent has breached.

##### B) The Hearing and Investigation Panel is of the view that the respondent has not breached any of the principles of the Code of Conduct.

If the Hearing and Investigation Panel makes this finding, it may make such comments it deems appropriate regarding any action the respondent might take or refrain from taking in relation to the subject matter of the complaint, including comments regarding actions that might prevent a recurrence of such a complaint.

C) The Hearing and Investigation Panel did not have sufficient information to make a determination on whether the respondent has or has not breached any of the principles of the Code of Conduct.
If the Hearing and Investigation Panel makes this finding, it may make such comments regarding the complaint as it deems appropriate in the circumstances.

In making any of the above findings, the Hearing and Investigation Panel must reach a unanimous decision. If it cannot reach a unanimous decision, the issue in respect of which such unanimous decision cannot be reached will be referred to the Chairperson of the HPCCB Board. The Chairperson of the HPCCB Board will facilitate the expression of each member's opinion and identify areas of agreement. If the Hearing and Investigation Panel is unable to reach a unanimous decision with the assistance of the Chairperson of the HPCCB, the Chairperson may determine that majority agreement of the members is sufficient and will apply in relation to the issue.

#### 4.2.3.9 Report on the Hearing and Investigation Panel findings

The Chairperson of the Hearing and Investigation Panel will provide a written report to the HPCCB Board via the Ethics Officer detailing the Hearing and Investigation Panel's process, including any meetings and hearings held and information considered, as well as clearly stating its findings with reference to any relevant responsibilities under the Code of Conduct. The report must include reasons for the Hearing and Investigation Panel's findings and must be submitted to the Chairperson of the HPCCB Board within ten business days of the completion of the investigation and hearing.

#### 4.2.3.10 Review of the Hearing and Investigation Panel process

The HPCCB Board will review the Hearing and Investigation Panel's process within five business days of receiving the Hearing and Investigation Panel's report. A meeting may be deemed not to be necessary by the Chairperson of the HPCCB Board, and the report may be reviewed via email or phone communication between the Chairperson and other Directors of the HPCCB Board.

If the Chairperson of the HPCCB Board does not receive any objections to the process employed by the Hearing and Investigation Panel (including whether it was objective and fair) from the HPCCB Board within five business days of receiving the report, then the Ethics Officer will forward the Hearing and Investigation Panel report to the respondent and complainant. When forwarding the Hearing and Investigation Panel Report, the Ethics Officer will also inform the respondent and complainant of their right to request a review of a Hearing and Investigation Panel process in accordance with section 5 of this Complaints Procedure.

If the Chairperson of the HPCCB Board receives any objections to the process employed by the Hearing and Investigation Panel (including whether it was objective and fair) from the HPCCB Board within five business days of receiving the relevant report, then the Chairperson will decide whether:

- additional actions must be taken by the current Hearing and Investigation Panel in order to ensure that the process they have employed is in accordance with this Complaints Procedure; or
- a new Hearing and Investigation Panel must be formed, with all of the members replaced with new members drawn from the Pool of Assessors.

### *4.2.4 Urgent, preliminary investigation of complaint*

Despite anything in this Complaints Procedure, the Chairperson of the HPCCB Board may direct a Hearing and Investigation Panel to undertake an urgent, preliminary investigation of a complaint in any of the following circumstances:

- The complaint raises an issue which, in the reasonable opinion of the Chairperson of the HPCCB Board, suggests that there may be an imminent and serious risk to the health or safety of a member and/or certified practitioner, a respondent, a client or any other person.

- All of the following apply:
    - A body or agency (including but not limited to Medicare, an ombudsman or a health services or privacy commissioner or similar) or a court or tribunal has imposed a sanction on, or taken any disciplinary action in relation to, the respondent.
    - The sanction imposed or disciplinary action taken by the body or agency or a court or tribunal is relevant to or affects the respondent's practice of audiology.
    - The complaint relates to substantially the same issue(s) that such body, agency, court or tribunal determined.
- The respondent has been found guilty of a criminal offence.
- The complaint relates to an issue which, in the reasonable opinion of the Chairperson of the HPCCB Board, is likely to have a significant and adverse effect on the reputation of ACAud and/or AudA and/or the professions they represent.

The Chairperson of the HPCCB Board may direct a Hearing and Investigation Panel to undertake an urgent, preliminary investigation of a complaint at any time after a complaint is made, including at any stage of the handling of a complaint according to this Complaints Procedure. The Chairperson of the HPCCB Board may make such a direction on the basis of information (in whatever form) that is available to the Chairperson of the HPCCB Board at that time.

If the Chairperson of the HPCCB Board directs a Hearing and Investigation Panel to undertake an urgent, preliminary investigation, the Ethics Officer will inform the respondent and any complainant that the complaint has been referred for such investigation and the reason(s) it has been so referred. The Ethics Officer may inform the respondent and the complainant of these matters by telephone, by email, by letter or by any other method of communication that is appropriate in the circumstances.

The Hearing and Investigation Panel will conduct an urgent, preliminary investigation as soon as practicable after being directed to do so by the Chairperson of the HPCCB Board but in any case, within three business days. The Hearing and Investigation Panel will consider the matter on the basis of the information available to it at that time. The Hearing and Investigation Panel may consider information submitted in relation to the complaint, as well as information obtained from other sources. Given that an urgent, preliminary investigation is conducted in order to consider an issue which is of a serious or urgent nature, the respondent will not be given an opportunity to make any submission or be heard in relation to that investigation.

After completing the urgent, preliminary investigation, the Hearing and Investigation Panel will make a preliminary finding in accordance with the principles of the foregoing sections.

Where the HPCCB Board considers it appropriate to do so, it may recommend the imposition of any of the sanctions listed in section 6.1.1. The procedures relating to the communication of the Hearing and Investigation Panel's findings and HPCCB's recommendations to the AudA and/or ACAud Board(s), and the implementation of the recommendations generally apply to an urgent, preliminary investigation, except that the relevant timelines are shortened to the extent necessary in the relevant circumstances.

Any sanction imposed on a respondent as a result of the conduct of an urgent, preliminary investigation will apply on a temporary and provisional basis. The sanction will apply, and the respondent must comply with the sanction, until the HPCCB Board completes its handling of the matter according to the Complaints Procedure.

The Ethics Officer will promptly inform the respondent and any complainant of the outcome of the urgent, preliminary investigation. The Ethics Officer may inform the respondent and any complainant of the outcome of that investigation by telephone, by email, by letter or by any other method of communication that is appropriate in the circumstances. The respondent must comply with any sanction imposed as a result of this process from the date the respondent is informed, or receives notice, of the outcome of the investigation.

The conduct of an urgent, preliminary investigation does not limit, affect or prejudice the handling of a complaint according to other sections of this Complaints Procedure.

# 5 Appeal process

A respondent or a complainant may, in accordance with this section, request a review of a Hearing and Investigation Panel process.

## 5.1 Requirements to satisfy for review request

A respondent or a complainant must submit a written request for review within 20 business days of receiving the Hearing and Investigation Panel report. The request must be made to the Ethics Officer.

The request for review must state the grounds on which review is being sought. A review of findings made pursuant to this Complaints Procedure may only be sought on the following grounds:

A) The investigation and hearing by the Hearing and Investigation Panel was not conducted in accordance with the Complaints Procedure.

B) The Hearing and Investigation Panel did not comply with the principles of procedural fairness.

The Ethics Officer will consult with the Chairperson of the HPCCB Board to determine whether the request for review satisfies the above requirements.

## 5.2 Notification of complainant and respondent

Within ten business days of receiving a request for review, the Ethics Officer will write back to the party who has requested the review indicating either of the following:

- That the request for review fails to satisfy those requirements and is therefore rejected; or
- That the request for review satisfies those requirements and will be referred to an Appeals Panel for review.

If a respondent or a complainant has been informed that their request for review has been rejected, the person may submit an amended request for review which satisfies the above requirements. However, such amended request must be submitted to the Ethics Officer within ten business days of receiving notification of the Ethics Officer's response to the original request.

The Ethics Officer will write to the complainant or respondent (whichever did not request the review) within ten business days of the decision being made to accept a request for review informing them that a request for review of the decision has been made and that the review will be conducted in accordance with this Complaints Procedure.

## 5.3 Formation of Appeals Panel

If a request for an appeal is accepted, the Chairperson of the HPCCB Board will arrange for the establishment of an Appeals Panel within ten business days of the decision being made to accept a request for review (under section "Requirements respondent must satisfy for review request"). The Appeals Panel will operate according to the Terms of Reference for the Appeals Panel.

The Ethics Officer will provide the Appeals Panel with all relevant material upon its establishment.

## 5.4 Review process of the Appeals Panel

The Appeals Panel must undertake its review within twenty business days of its establishment and the receival of all relevant material. During that period, it may meet as many times as it requires. It may meet in the same manner that a Hearing and Investigation Panel may meet.

An Appeals Panel will ordinarily consider only the material before and considered by the Hearing and Investigation Panel. However, it may (but is not obligated to) consider additional, new material or evidence that is submitted if it is relevant and if it is just and reasonable in the circumstance to do so.

## 5.5 Function of Appeals Panel and possible outcomes of review

The Appeals Panel must decide whether any ground upon which the review was made is satisfied or is not satisfied. The review is limited to the ground(s) of review specified by the person requesting the review in his or her request for review.

The possible outcomes of the Appeals Panel review are a determination (as applicable) by the Appeals Panel of whether or not:

A) the investigation and hearing by the Hearing and Investigation Panel was conducted in accordance with this Complaints Procedure; or

B) the Hearing and Investigation Panel complied with the principles of procedural fairness.

The Appeals Panel must reach a unanimous decision. If it cannot reach a unanimous decision, the issue in respect of which such unanimous decision cannot be reached will be referred to the Chairperson of the HPCCB Board and resolved in the same manner that a non-unanimous decision of the Hearing and Investigation Panel is resolved.

If the Appeals Panel determines that any of the principles in paragraphs A or B above have been violated, it may make such recommendations as it deems reasonable in relation to the relevant decision and sanctions (where applicable). Under these circumstances, the Chairperson of the HPCCB Board may re-open the complaint and may choose any one of the possible options to resolve the complaint, including informal resolution, mediation and the formation of a new Hearing and Investigation Panel to review the complaint.

## 5.6 Report on the Appeals Panel findings and recommendations

The Appeals Panel will notify the HPCCB Board via the Ethics Officer of the Appeals Panel's decision by submitting a written report within ten business days of the completion of the Appeals Panel review.

## 5.7 Review of the Appeals Panel process

The HPCCB Board will review the Appeals Panel's process within five business days of receiving the Appeals Panel's report. A meeting may be deemed not to be necessary by the Chairperson of the HPCCB Board, and the report may be reviewed via email or phone communication between the Chairperson and other members of the HPCCB Board.

If the Chairperson of the HPCCB Board does not receive any objections to the process employed by the Appeals Panel (including whether it was objective and fair) from the HPCCB Board within five business days of receiving the report, then the HPCCB Board will proceed according to Section 6 of this Complaints Procedure.

If the Chairperson of the HPCCB Board receives any objections to the process employed by the Appeals Panel (including whether it was objective and fair) from the HPCCB Board within five business days of receiving the relevant report, then the Chairperson will decide whether:

- additional actions must be taken by the current Appeals Panel in order to ensure that the process they have employed is in accordance with this Complaints Procedure; or
- a new Appeals Panel must be formed, with all or some of the members replaced with new members drawn from the Pool of Assessors.

## 5.8 Decision final and determinative

The outcome following a review by the Appeals Panel will be final and determinative of the issue. A respondent or a complainant has no further right of review under this Complaints Procedure.

# 6 Recommendations to the AudA and/or ACAud Board(s)

## 6.1 HPCCB recommendations to the AudA and/or ACAud Board(s)

The HPCCB Board will consider the Hearing and Investigation Panel and any Appeals Panel findings and make a decision as to any recommended sanctions within five business days following: 1. the expiration of the 20 business day period for submitting a request for review by an Appeals Panel, or 2. the completion of the Appeals process if a review is requested. The Chairperson of the HPCCB Board must submit a paper to the AudA and/or ACAud Board(s) (based on the body the person is a member of and/or certified to practice by) within five business days of this decision as to recommended sanctions being made which outlines the recommended sanctions and how they relate to the findings of the Hearing and Investigation Panel and/or Appeals Panel. The paper to the AudA and/or ACAud Board(s) may also consider any other previous matters of relevance handled under this Complaints Procedure. The Hearing and Investigation Panel report and any Appeals Panel report will be attached to the paper to the AudA and/or ACAud Board(s).

The majority (at least 75%) of the HPCCB Board agree on the decision as to any recommended sanctions. If it the majority of the HPCCB Board does not agree on a decision, alternative sanctions will be considered until a majority decision is reached.

### *6.1.1 Sanctions the HPCCB Board may recommend*

If the Hearing and Investigation Panel and/or any Appeals Panel has made a finding that the respondent has breached any of the principles of the Code of Conduct, the HPCCB Board may recommend the imposition of any one or more of the following sanctions:

A) The respondent is formally warned and reprimanded;

B) The respondent is required to undergo mediation, counselling or further education or training in relation to a particular issue or area;

C) The respondent is placed on probation for a specified period of time which may include a period of supervised practice and/or a restriction on the practice areas or types of clients the respondent is permitted to provide services to;

D) The respondent's membership and/or practitioner certification is suspended for a specified period of time in accordance with the Constitution(s) of AudA and/or ACAud;

E) The respondent's membership and/or practitioner certification and/or eligibility for membership and/or certification to practice is terminated or cancelled in accordance with the Constitution(s) of AudA and/or ACAud; or

F) Another specific sanction or directive approved by the AudA and/or ACAud Board(s).

If sanction B) is recommended, then the AudA and/or ACAud Board(s) may choose to refer the matter for mediation according to 4.2.2.

In relation to any sanction it recommends, the HPCCB Board will also specify, as appropriate:

- the date on which the sanction will commence;
- the timeframe during which the sanction applies and/or during which the respondent must complete the sanction; and
- whether and when the respondent must provide evidence of compliance.

### 6.2 Adoption by AudA and/or ACAud in accordance with its Constitution

The AudA and/or ACAud Board(s) will consider the findings of the Hearing and Investigation Panel, the outcomes of any review by an Appeals Panel, and any recommended sanctions by the HPCCB Board. The AudA and/or ACAud Board(s) may accept and adopt, or reject, in whole or in part any of those findings and recommended sanctions made by the HPCCB Board. If the matter relates to a person who is a member of and/or certification to practice by both AudA and ACAud, the Boards of each body will meet and reach an agreement regarding the findings and recommended sanctions.

The AudA and/or ACAud Board(s) will provide written notice to the Chairperson of the HPCCB of its decision regarding whether, and to the extent, it accepts that due process has been followed and adopts or rejects in whole or in part the recommended sanctions of the HPCCB. The AudA and/or ACAud Board(s) may request advice or support from the Chairperson of the HPCCB Board in making this decision, including requesting an explanation of the processes employed by the Hearing and Investigation Panel and/or any Appeals Panel.

The AudA and ACAud Board's decision will be consistent with, and the respondent will have any additional rights arising under, the AudA and/or ACAud Constitution regarding any sanction that is to be imposed in respect of the member and/or certified practitioner.

The Chairperson of the HPCCB Board will notify the Ethics Officer in writing of any decisions made by the AudA and/or ACAud Board within 24 hours of receiving the decision(s).

The Ethics Officer will notify the Board of ACAud in writing of any decision made by the AudA Board regarding a sanction of an AudA member and/or certified practitioner within 24 hours of receiving the notification, and vice versa. AudA and ACAud will only grant membership or practitioner certification in line with any sanctions imposed by the other professional body as a result of the handling of a complaint under this Complaints Procedure.6.3 Notification of outcome to complainant and respondent

The Ethics Officer will notify the complainant and the respondent in writing of the AudA and/or ACAud Board's decision within two business days of the Chairperson of the HPCCB Board giving written notice to the Ethics Officer of any decision of the AudA and /or ACAud Board(s) and any further requirements under AudA and/or ACAud's Constitution(s) having been met.

The notice to the complainant will provide such details of the outcome and sanctions as the Ethics Officer deems appropriate in the circumstances.

### 6.4 Respondent's obligation to comply

A respondent must comply with any sanctions imposed by the AudA and/or ACAud Board(s) in response to recommendations made by the HPCCB Board under this Complaints Procedure. Where a time-period has been specified in relation to those sanctions, the respondent must comply with that timeframe.

The failure of a respondent to comply with any sanction imposed under this Complaints Procedure in the manner and time-period specified will be notified to the AudA and/or ACAud Board(s). The AudA and/or ACAud Board(s) may do any of the following:

- Refer the matter to the Chairperson of the HPCCB so that they can consider whether it is necessary to make recommendations regarding any further sanctions. The AudA and/or ACAud Board(s) may then accept and adopt any such recommendations made by the HPCCB Board; or
- Itself impose any further sanctions it deems appropriate which are consistent with AudA and ACAud's Constitution.

### 6.5 Completion and monitoring of sanctions

The Ethics Officer will monitor a respondent's compliance with any sanction imposed under this Complaints Procedure.

If a sanction has been imposed upon a respondent under this Complaints Procedure which involves the performance or completion of a specific activity, the respondent is responsible for informing the Ethics Officer when he or she has fulfilled that sanction. Where relevant, the respondent must provide evidence of that performance or completion. The Ethics Officer will notify the Chairperson of the HPCCB, ACAud and AudA accordingly. The Ethics Officer will also notify any external bodies where such an obligation to report exists.

The Ethics Officer will monitor the completion of a sanction imposed upon a member and/or certified practitioner under this Complaints Procedure which involves a specified time period - for example, suspension of membership and/or practitioner certification for a specified period. When the relevant time-period has lapsed, the Ethics Officer will notify the respondent, the Chairperson of the HPCCB, ACAud and AudA accordingly.