

Arboriculture Australia Ltd 014 – Complaints Procedure

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1 Process Summary

This complaints procedure outlines the process of managing complaints received about breaches of the relevant Code of Ethics for Arboriculture Australia™ members.

Arboriculture within Australia is unregulated. Arboriculture Australia™ seeks to improve the professional standards in the industry by engaging members, non-members and the public in education about trees and their appropriate care. As such, it is our aim to positively engage with members that may have breached a Code of Ethics to improve their professional conduct, rather than to take punitive action.

In dealing with a breach of the Codes of Ethics Arboriculture Australia™ can only take action regarding a member's membership of Arboriculture Australia™. We cannot provide, require or impose restitution or recompense in relation to a breach of the Codes of Ethics.

Arboriculture Australia™ is an organisation run mainly by volunteer members. Any complaints investigation will be undertaken by volunteer members and, as such, our capacity and powers of investigation are limited to those of normal members of the public. Therefore, any investigation can only rely on factual evidence supplied by either the complainant or the member involved.

Arboriculture Australia™ has two classes of membership and each class has its own Code of Ethics. For General Members this is the *General Member Code of Ethics* and for Registered Members this is the *Code of Ethics for Registered Members*.

2 References

Nil

3 Definitions

4 Process Detail

A complaint will only be investigated if the following conditions are met -

- Presented in writing via the Arboriculture Australia™ Administration office,
- includes the name and address of the complainant and the address at which the alleged breach occurred,
- contains details of a specific breach of the **relevant** Code of Ethics for that member,
- contains factual evidence of the breach,
- includes the completed and signed declaration found at the end of this document.

Before Arboriculture Australia™ will accept the submission of a complaint, complainants must make all practical attempts to settle matters with the member, and provide evidence of those attempts.

Arboriculture Australia™ will not deal with matters that are the subject of litigation or other legal action at the time the complaint is made.

On receipt of the complaint, the President or their delegate will ensure the complaint is recorded in the Complaints Register and review the complaint. If the complaint complies with the criteria outlined above, the President will delegate three Directors of Arboriculture Australia™ to form an ad hoc Complaints Committee to convene within 14 days of being appointed and to assess the information and determine whether the complaint has substance. If the Committee decides that the complaint has no substance they shall advise the complainant in writing and record the outcome in the Complaints Register.

Arboriculture Australia Ltd may delegate the complaint to an independent agency for review.

If the Complaints Committee decides that the complaint has substance and requires further action the Committee will advise the member that the complaint is to be investigated. The Complaints Committee will request the member to provide a formally written response/explanation to the complaint. The member will have 21 days to provide their written response. The Committee will not proceed with the investigation until written response from the member is received, or until 21 days have elapsed without a reply from the Member.

In conducting its investigation, the Committee may:

- Provide the name of the complainant and address of the alleged breach to the member so they can provide relevant evidence to the Committee,
- Contact and interview the complainant and/or the member involved,
- Seek other additional information as may be required and legally available,

The Committee will not:

- Continue an investigation if there is evidence of a breach of the law. In this case the complainant will be advised to take the matter to the appropriate authorities, and/or, if appropriate, refer the matter to the Board for further action,
- Conduct site visits,
- Make unreasonable demands on the time taken by the complainant, member and Committee to provide or assess evidence,
- Consider previous complaints against the member for the purposes of the investigation,
- Discuss the complaint or investigation during or after the investigation with any person other than the complainant, member involved and the Board.

After considering all the information and evidence before it, the Committee will either:

- dismiss the complaint; or
- find the member has breached the relevant Code of Ethics and prepare a recommendation to the Board of Directors of Arboriculture Australia™ for action.

The Committee will attempt to complete investigations and provide a written response to the complainant within 60 days from receipt of the complaint.

Both parties have the right to appeal the Complaints Committee's decision to the Arboriculture Australia™ Board within 14 days. Appeals must be in writing and state the grounds on which the appeal is lodged. An appeal will not be heard unless there are substantial grounds to warrant such an appeal. It will be the right of the board of Arboriculture Australia™ to decide if such grounds exist.

If the Board determines, based on the Complaints Committee's report, there was a breach of the Arboriculture Australia™ Codes of Ethics, the Board must resolve within two (2) weeks of receipt of the Committee's report that:

- a) the Member be issued a letter of warning or reprimand;
- b) the Member be suspended from the rights and privileges of Membership for such period as determined by the Board, or until appropriate training is undertaken or proof is provided by the Member of improvements in their professional conduct; or
- c) the Member be removed as a Member of Arboriculture Australia™.

If the Board determines, in accordance with c) above, to remove the Member, the process to remove the Member must be carried out in accordance with clause 5 (d) iii and (e) of the Constitution Arboriculture Australia Limited.

The outcome of all complaints shall be presented to the next available meeting of the Board of Arboriculture Australia™ and recorded in the Complaints Register.

5 Amendment Record

- Created 21 June 2013
- Amended 16 September 2013

6 Attachment Summary

1. Declaration by Complainant