



ACS COMPLAINT PROCEDURE



ACS Complaint Procedure

AUTHORS

Extracted from ACS Rules & Regulations		
--	--	--

VERSION HISTORY

Date	Document Version	Revision History (reason for change)	Author /Reviser
03 May 2011	V1.0	Original	N/A

APPROVALS

Date approved	Version:	Approved By	Date in force	Date of Next Review
26 May 2011	1.0	Management Committee	26 May 2011	30 June 2012

Custodian title & e-mail address:	Head, Governance & Risk <sam.burrell@acs.org.au>
Responsible Business Group:	Governance & Risk
Distribution: Highlight which is applicable and provide names where applicable	General (no restriction on distribution) Restricted (distribution limited to certain (named) groups or (named) individuals.
Content Security: Highlight which is applicable	Unclassified Confidential X-in-Confidence (e.g. Commercial-in Confidence)



ACS Complaint Procedure

The Australian Computer Society (ACS) is a self-regulating Professional Association whose members voluntarily agree to be bound by various professional and ethical standards, particularly the Code of Professional Ethics embedded in the ACS National Regulations. These standards aim to ensure that members of ACS work to the highest level of professionalism; providing a quality of service which helps to maintain confidence, credibility and prestige among the general public. To ensure all members uphold these standards, ACS has a formal process which enables complaints about members to be considered and evaluated and, where appropriate, disciplinary action to be taken. The starting point is the completion of a Complaint Summary Form.

Rule 7 contains the ACS complaints processes, extracts of which are below, and details of the disciplinary hearing process are contained in **National Regulation 5**.

A complaint may be made against any member who acts or fails to act in the course of his or her professional activities in such a way as to justify the taking of disciplinary action, including as stated in **Rule 7.1.1**:

- (a) failing to observe, whether intentionally or unintentionally, the Rules or the National Regulations.
- (b) failing to comply with, whether intentionally or unintentionally, any ethical, professional or technical standards published by the Society,
- (c) acting or failing to act so that, as a consequence, whether intended or not, the Society is or is likely to be brought into disrepute or suffer loss or damage,
- (d) any combination of (a), (b) and (c).

If the complaint is substantiated, the member may be disciplined by **(Rule 7.1.2)**:

- (a) expulsion from the Society, or
- (b) suspension from the rights of membership for up to 3 years or until imposed conditions are met, or
- (c) being required to comply with conditions imposed as to the carrying out of the member's occupation, or
- (d) being required to complete specified courses of training or instruction, or
- (e) caution, censure or reprimand, or
- (f) any combination of 2 or more of (a), (b), (c), (d) and (e).

The Society is not entitled to make an award of compensation or damages or levy any fine or other financial penalty **(Rule 7.1.3)**.

The Society will not accept anonymous complaints. Any complaint about a member must **(Rule 7.2.1)**:

- (a) be in writing and under cover of a completed complaint summary form as most recently published by the Society, and
- (b) be delivered or sent by post to the Chief Executive Officer so that it is received within 6 months after the conduct is alleged to have occurred, and
- (c) disclose the name, address and other contact details of the complainant, and
- (d) be signed by the complainant, and
- (e) clearly state the nature and circumstances of the complaint and explain precisely which provisions of R7.1.1 are alleged to have been contravened and how and annex such documentary or other evidence as the complainant relies on in making the complaint, and
- (f) disclose the names, addresses and other contact details of persons whose evidence will be relied on by the complainant and include a written summary of the evidence of each such person, and
- (g) include a statement setting out the steps, if any, taken by the complainant to resolve the subject matter of the complaint with the accused member, and



- (h) include a statement authorising the copying of the complaint and supporting documentation and its distribution to the accused member and such members, lay persons and support staff as may be involved in processing the complaint.

The **approved complaint form** is below.

If, in the opinion of the Chief Executive Officer (CEO), the complaint does not comply with the Rule 7.2.1 process the CEO must, within 7 days of receipt of the complaint (**Rule 7.2.2**):

- (a) notify the complainant in writing that the complaint does not comply with **R7.2.1** and has not been accepted, and
- (b) outline to the complainant the basis for the determination of non-compliance.

If, in the opinion of the CEO, the complaint complies with the **Rule 7.2.1** process, the CEO must, within 7 days of receipt of the complaint (**Rule 7.2.3**) refer the complaint, including annexed evidence, to the chairman of the ACS Disciplinary Committee:

Within 14 days of receipt of a referral under **R7.2.3**, the chairman of the Disciplinary Committee must determine whether the complaint makes out a prima facie case under **Rule 7.1.1** and if it does not, he or she must:

- (a) prepare a statement in writing setting out the basis for the determination.
- (b) instruct the Chief Executive Officer to notify the complainant in writing of the determination and that the Society will not process the complaint further, and
- (c) instruct the Chief Executive Officer to outline to the complainant the basis for the determination.

If the chairman of the Disciplinary Committee determines that the complaint constitutes a prima facie case under **R7.1.1**, he or she must instruct the Chief Executive Officer to:

- (a) notify the complainant in writing of the determination, and
- (b) notify the accused member in writing of the determination and the accused member's right under **National Regulation 5.1.3** and provide a copy of the complaint, including annexed evidence, to the accused member.

In a situation where it has been determined that a prima facie case has been made out, the first step in the process is for the chairman of the Disciplinary Committee to seek agreement to resolve the complaint by mediation. If mediation is not agreed to or fails to resolve the complaint the chairman of the Disciplinary Committee must appoint a Disciplinary Hearing Panel and refer the complaint to that panel.

Please send the completed **Complaint Summary Form** to:

CEO
Australian Computer Society Inc
PO Box Q534 QVB
SYDNEY NSW 1230



COMPLAINT ABOUT A MEMBER OF ACS - COMPLAINT SUMMARY FORM

1. Complainant's details

Name: _____

Address _____

Telephone: (include land-line area code & mobile) _____

Facsimile: (include area code) _____

Email: _____

ACS Member: Yes / No Membership # _____

2. Accused Member's details

Name: _____

Address _____

Telephone: (include land-line area code & mobile) _____

Facsimile: (include area code) _____

Email: _____



4. Third Party Involvement

(disclose the names, addresses and other contact details of persons whose evidence will be relied on by the complainant and attach a written summary of the evidence of each such person)

Name: _____

Address _____

Telephone: (include area code) _____

Facsimile: (include area code) _____

Email: _____

Summary of evidence: _____



6. Declaration/Authorisation

1. I declare to the best of my knowledge and belief that the information contained herein and the associated documents/statements that have been provided are true and correct.
2. I authorise the copying of the complaint and supporting documentation, and its distribution to the accused member and such members, lay persons and support staff as may be involved in processing the complaint.
3. I understand that I may be required to give evidence in support of this complaint to the various ACS committees and panels involved in the disciplinary process.

Signature:

Name (please print):.....

Date:...../...../.....