

Professional Standards and Complaints Committee

Introduction

This note sets out the policy and processes the Bioenergy Association has established to maintain high standards across the association's scope of interests and activities.

The Bioenergy Association has established a member's Code of Conduct (Bioenergy Association Policy and Procedure 9) compliance to which is a condition of membership.

(https://www.bioenergy.org.nz/documents/resource/BPP09_Code-of-Conduct.pdf)

In addition the association has set up schemes for the registration or accreditation of members involved in specified sector activities. In order to back these schemes and ensure that they are meaningful the association has established procedures where any performance less than best practice can be referred to the relevant scheme administrator.

The Bioenergy Association seeks to position bioenergy as a main stream energy source which is delivered by sector participants who are reliable and working at all times to best practice.

Where any complaint of performance of a member is received by the association it will be referred to the Bioenergy Association Professional Standards and Complaints Committee (Standards Committee).

Bioenergy Association policy and procedures which determine best practice are set by the Board and its Interest Group Committees and distributed through its websites.

The Standards Committee has oversight of compliance to the Bioenergy Association Code of Conduct.

The Committee's function and purpose, in relation to a member's professional conduct or with regard to accreditation compliance, is to:

- Receive formal complaints
- determine how formal complaints should be investigated;
- determine remedial actions for investigations; and
- make rulings and determine recommendations for disciplinary measures.

The Standards Committee comprises three members appointed from the membership by the Association Board under delegated authority from the 2015 Bioenergy Association Annual General Meeting. The membership of the Standards Committee is to be determined according to the details of each complaint such that there is no conflict of interest between the complainant, the defendant and the activity.

This document sets out how and when the Standards Committee will become involved in a dispute or complaint relating to bioenergy products or services.

Principles

Any problem or dispute between a Bioenergy Association member and their customer is a matter for those parties to resolve in the first instance.

The complaints process is in two parts;

Part A: Problems or disputes. These are resolved informally with assistance from the Bioenergy Association Executive Officer (EO).

Part B: Formal complaint to the Standards Committee

- If not sorted then the Standards Committee considers the complaint “on papers” only (i.e. analysis and determination of written evidence)
- Only in exceptional circumstances would the Standards Committee undertake an investigation and hearing not solely based “on the papers”, including contracting for an independent inspection if required.

Complaints on engineering professional services should be referred to the Institute of Professional Engineers New Zealand (IPENZ).

Any communication by the Bioenergy Association will be advisory only to a complainant and will in no way interfere with the normal contractual relationship between the customer and the member nor affect the protections of the customer under consumer law.

The Bioenergy Association will become involved only if a party lodges a Formal Complaint in writing that it has a problem/dispute.

Any such Formal Complaint must be lodged on the form provided for the purpose (Appendix 1) and sent to the association’s EO by post or email. The EO will acknowledge receipt of the complaint and notify affected parties within 5 working days.

The Standards Committee will restrict its investigation or consideration of the complaint to matters involving bioenergy products or service and professional conduct. The Committee will not consider any complaint it believes is frivolous or vexatious.

A Formal Complaint will be based on the Standards Committee receiving a complaint and evidence provided by the complainant and response from the member. No formal investigation or hearing will be held by the Committee and complaints will be solely handled and assessed on the papers.

The Standards Committee may refer the complaint to any relevant government agencies for advice; e.g. Consumer Affairs, Commerce Commission etc.

The Standards Committee will send a draft report to the parties for comment at the completion of the investigation. It will then consider the comments and produce a final report including any recommendations.

Outcomes may include sanctions or recommendations relating to:

- participation in government schemes;
- re-training and supervision;
- continued membership;
- accreditation; and
- complaint to IPENZ with regard to professional engineering matters.

Processes

Part A: Problems or disputes (resolved informally)

1. This process begins when a problem or dispute is identified by a customer and brought to the attention of the EO.
2. The EO will provide guidance to a complainant regarding:
 - current best practice and
 - their rights under consumer law; and
 - encourage them to sort out a problem directly with the member.

The EO will provide neutral advice and not provide comment on the validity of a complaint or claim so as to not interfere with the contractual arrangements between the parties or to affect any subsequent hearing or Adjudication.

3. The EO will advise the customer to raise, discuss and try to resolve the matter with the member as follows:
 - Use open and honest communication
 - Explain the nature of the problem and what you want done
 - Document the process used and the outcome including photos
4. If the problem/dispute is not resolved to the customer's satisfaction in step 3, then the customer will be provided with the following options:
 - a) Do nothing
 - b) Revisit step 3
 - c) Officer facilitation to assist resolution (EO writes to both parties)
5. If the customer is not satisfied with the Step 4 options within a target of one month, then the complainant will be invited to submit a Formal Complaint.

Part B: Formal Complaints to Standards Committee

1. The Complaints Investigation Process is commenced when the Standards Committee:
 - i. Receives a written Formal Complaint, or
 - ii. Identifies an issue raised by the EO or member of the public that warrants investigation, or
 - iii. Becomes aware that a member has been found to be at fault in a Disputes Tribunal or a Court of Law or by IPENZ.
 - iv. The EO records details of the complaint in an internal register.
 - v. The EO notifies the nature of the complaint to the parties named by the complainant and seeks a response to the matter within a set timeframe.
 - vi. The Standards Committee may dismiss the complaint if it believes it is frivolous or vexatious.
2. The EO is to refer the complaint to the member within 5 days of receipt. The member is required to have taken action to remedy the complaint or provide a response within one month or receiving the complaint.
3. If the response from the member is to the satisfaction of the complainant then the complaint will be considered resolved and no further action taken.
4. If the response from the member is not to the satisfaction of the complainant the members of the Standards Committee will be convened by the Association board at the next Quarterly Board Meeting or within one month by video conference whichever is sooner. The membership of the Standards Committee will be appointed, for the consideration of that complaint, by the board at that same meeting,
5. The members of the Standards Committee must have no conflicts of interest with either of the dispute parties.
6. The Standards Committee is to consider the complaint and the response from the member within one month of being established. A report from the Committee, with any recommendations, will be provided to the next Quarterly Board Meeting.

Rationale for process

The above approach is based on a variety of currently operative disputes and complaints processes.

The key premise in the approach is that the Standards Committee has no powers. It can therefore only make recommendations to the Association board for disciplinary action against the person who is the subject of the complaint if that person is a member of the association.

Consequently, the role of the Standards Committee will be to recommend what action should be taken by the association against the member who is the subject of a complaint, notwithstanding that the complaint has been dealt with by another body. Accordingly the process will always be to encourage a complainant to seek resolution of a problem in the first instance through an organisation that has primary jurisdiction over the member.

The Standards Committee will therefore complete the complaint cycle by addressing the problem within the bioenergy industry context. This will enable the complainant, the public and the industry to see that action will be taken for breaches of the Code of Conduct. That action could include cancellation of membership or suspension or revocation of accreditation and/or a recommendation that the member is not eligible for any government-backed scheme.

Committee costs

While it is recommended that full cost (the Standards Committee, inspection costs) be recovered from members against whom the complaint is upheld the association will have to fund the operating expenses and carry costs until recovered.

Unless the nature of a complaint is so serious that an investigation and/or a hearing or such similar formal meeting process is required, the Standards Committee's function will be "done on papers" using a standard form and conducted by telephone conference to minimise costs.

Remedies

When a complaint is upheld by the Professional Standards and Complaints Committee, or an offender agrees with the EO that a complaint is valid and that they have breached the Code of Conduct the following is to be undertaken.

Voluntary agreement that a complaint is valid

Within the complaints process the initial approach is for the complainant to raise the issue or problem directly with the offender if they feel able to. If the complainant and the offender are able to sort out the issue then the Association will take no action although it may be relevant when renewal of accreditation is occurring and the EO may raise it with the offending member as a relevant matter.

If the complainant does not want to deal with the issue directly themselves then the EO will take up the matter initially on an informal basis. The EO who has received a complaint is to bring this informally to the attention of the offending member without mentioning the complainant by name unless that is relevant to the complaint. In most situations the offender will accept that the complaint is valid and they are appreciative that the issue has been brought to their attention as it was a mistake, or at least not intentional.

The offender is to remedy the issue immediately and take what action is necessary that the issue will not arise again. The EO is to be satisfied that the remedy addresses the issue in the best manner possible. The remedy of some issues could make the initial problem worse so the EO is to decide if the remedy is adequate. If the EO, offender or the complainant are not satisfied that the remedy is adequate then the issue will be referred by any party to the Complaints Committee.

So that the complaints become a learning experience the EO is to provide a report every six months listing the complaints and noting that each has been resolved. The listing should paraphrase the nature of the offence but if this is the first offence by the offender they would not be identified. If the agreed complaint is a second offence of a similar nature then the offender will not be named but sent a formal letter advising that they will be named on a third offence.

The six month report (even if there have been no offences) would be circulated to members of the Interest Groups. The value of providing a six monthly report to members is that they are regularly reminded about the complaints system and that it is active and being taken seriously by the Board.

The Annual report of the EO would include a note on the number of complaints received and addressed.

Through reporting members will be regularly reminded about the complaints scheme so that they remain vigilant about quality.

Complaint upheld by the Complaints Committee

If a complaint is not resolved by the EO and proceeds to a formal consideration by the Complaints Committee where it is upheld then the nature of the offence will be noted in the six month report and the name of the offender shown.

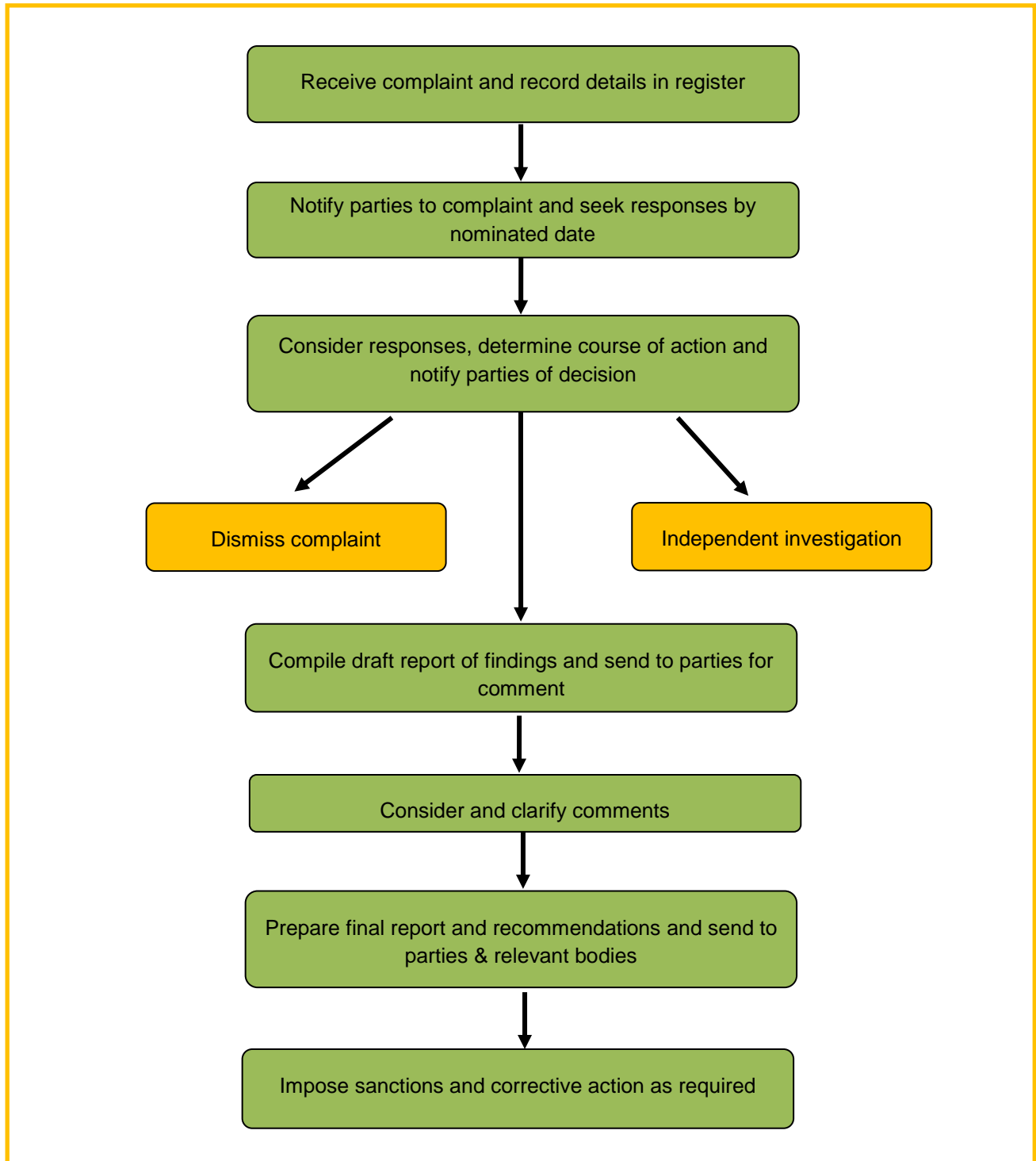
Where a complaint is considered by the Complaints Committee and upheld the Committee may also determine a remedy. In extreme cases this could be removal of membership but generally will be limited to naming only. The Committee may suggest other remedies and while they are not enforceable they would have a bearing on continued membership. Removal of membership is allowed under the Constitution.

The key thing is that professional standards are an important aspect of membership and improvements in best practice often occur when things go wrong and are then addressed.

Appendix 1

Formal Complaint Process

(for complaints lodged with the Standards Committee)



Appendix 2

Complaint Form

This form is issued by the Bioenergy Association Accreditation and Compliance Committee (the Standards Committee), and must be used to register a Formal Complaint in respect of bioenergy products, supply and services

1. Complainant details

Name:	
Address:	
Contact phone:	
Email address:	

2. Complainant details

Name of organisation:		
Contact details:	Name:	
	Phone:	
	Email:	
Name of person dealt with to date:		
Nature of complaint: please circle the relevant categories		
Product	Service	Professional conduct
Other (please specify)		
Please explain (i) what the problem was; (ii) what action you took, and (iii) what has happened since		

3. Status of complaint

Please explain where the matter has got to and what is now in dispute:

4. Authorisation

Signed:

Date:

5. Documentation

Please attach copies of any correspondence or other documentation that you have in relation to this matter:

6. Other information

You can help us to progress this complaint by providing as much information as you have:

7. Notes

- Please photocopy this form or use extra pages if required to complete the questions
- Your complaint will be acknowledged within 5 days of its receipt and the other party will be notified of the complaint at the same time.
- Please ensure any supporting documentation is securely attached to the form. Send the form by post or email to the Standards Committee as follows:

Postal address	Email
The Professional Standards and Complaints Committee P O Box 290 Whangarei 0140	admin@bioenergy.org.nz