



Application Submodule 4.2 – Resolution of complaints from (members') client's system

A. TO BEGIN THE SUBMODULE

Consistent with the overarching Module 4.0 *Professional risk management strategies*, this submodule has been designed to assist occupational associations to provide information on their consumer complaints systems when making an initial Scheme application. The submodule identifies the information on consumer complaints systems that must be provided by associations when seeking approval of a Scheme under the Act. This is responsive to relevant provisions of the Professional Standards Legislation, for example sections 10, 36 and 38 of the *Professional Standards Act 1994* (NSW). In some jurisdictions (ACT, NT, SA, Tas, Vic) the provision in a proposed Scheme for making and determining complaints is a mandatory consideration for the Councils before approving a proposed Scheme. In relation to NSW, Qld and WA, the Councils consider that access to a consumer complaints system is a relevant consideration and an important part of professional risk management.

The submodule is to be used for initial applications for a Professional Standards Scheme to the Professional Standards Councils and should be read in conjunction with *Guidance 4.2.2 Complaints systems guidance*. The guidance aims to assist you in completing the submodule.

B. WHAT IS A CONSUMER COMPLAINTS SYSTEM IN THE CONTEXT OF A PROFESSIONAL STANDARDS SCHEME?

A consumer complaint system provides a more efficient and cost-effective system of dealing with consumer concerns when compared to civil litigation. It allows an association to identify poor practices which may not have led to any loss, but which may create doubts about the competence of the practitioner and may warrant disciplinary action.

It is the Councils' policy that all associations should have, or have access to, a consumer complaints system as a central consumer-facing element of professional risk management. The resolution of complaints by clients of members, or others with a concern regarding consumer risks or harms (such as representative complaints, anonymous complaints, a complaint from Councils or complaints about systemic risk), may be conducted by one or both of the following consumer complaints systems:

- a. an external statutory system and regulator (subject to the statutory system covering all elements of professional conduct)
- b. the association's own consumer complaints system, which may incorporate a voluntary mediation system, which the Council considers during the application process for a Professional Standards Scheme.

If the association does not have a consumer complaint system or is in the process of designing such a system, your application will need to disclose this to the Councils. An association may require members to operate their own effective member-level



consumer complaints resolution process where reporting is provided to the association.

C. COMPLETING THE REQUIRED INFORMATION

The information required from your association is to be entered in Template 4.2.1 *Resolution of complaints from (members') client's system*.

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