



Disciplinary Policy

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SCOPE

This policy applies when a TSANZ Investigation Committee has upheld a complaint against one of its members and has recommended that a Disciplinary Committee be created to decide on a possible sanction against the member concerned.

DEFINITIONS

For the purpose of this document the following definitions will apply:

Client	A person who uses the services of a TSANZ member. "Clients" could include current clients, potential clients and past clients as well as those who have declined the services of a provider unless otherwise specified.
Code of Conduct	The Code of Conduct for TSANZ members
Code of Practice	The Code of Practice for TSANZ members
Complaint	A negative comment or alleged breach of a TSANZ code requiring investigation and a written response
Complainant	The person laying a complaint
Complaints Officer	The person engaged by TSANZ to advise and assist a complainant
Concern	A negative comment requiring a verbal or written response
Disciplinary committee	An ad hoc group created by the TSANZ Board in response to a recommendation by an investigation committee
Investigation committee	An ad hoc group created by the TSANZ Board to thoroughly investigate a complaint as recommended by the designated Complaints Officer.
Nominated contact	A person that a <u>client</u> has nominated to be a respondent to a request for assistance or to be advised of the <u>client's</u> situation or status.
Representatives	Includes staff directly employed by a TSANZ member as well as its agents, contractors and sub-contractors unless otherwise specified.
Respondent	The Representative or TSANZ member company complained about
Telecare Services	Telecare Services are services that use technology to link people who live in their own homes with the monitoring services, which provide assistance and emergency help and support when needed.
Telecare Services Provider	Any TSANZ member organisation or its Representative that provides telecare services.
Telemarketing	The act of selling, promoting, or soliciting a product or service over the telephone as a form of campaign or mass marketing strategy.
TSANZ Board	The elected board of TSANZ
TSANZ Decision	Any decision made in relation to a complaint
TSANZ member	A company or organisation that holds a current membership of TSANZ

DISCIPLINARY COMMITTEE

1. The Board will:
 - a. determine the criteria and qualifications required of persons on the list.
 - b. establish a list of suitable persons from which a disciplinary committee can be formed.
2. A disciplinary committee will comprise of:
 - a. a chairperson from the list
 - b. one other person from a list of persons established by the Board.
 - c. at least one person who is a member of the TSANZ Board.

3. The Board may appoint a further 2 persons to a disciplinary committee if it considers it appropriate or necessary in the circumstances.
4. No member of the investigating committee shall be a member of the disciplinary committee.
5. No member on the disciplinary committee can have a conflict of interest on the case or classes of cases.
6. A disciplinary committee will:
 - a. review the matter within 10 days of receiving the report from the investigating committee.
 - b. consider the sanctions and penalties appropriate for disciplining the TSANZ member.
 - c. make recommendations to the Board about any penalty to be imposed.
7. The respondent has the right to be heard and represented at a hearing.
8. Before making a decision whether there are grounds for disciplining the TSANZ member, the disciplinary committee will:
 - a. advise the complainant that they will be considering appropriate sanctions or penalties to be imposed.
9. A disciplinary committee may:
 - a. engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure and evidence.
10. The disciplinary committee will be required to make its decision on a complaint within 10 days of receiving the report from the investigating committee unless it needs to delay the decision until the outcome is known of any other legal proceedings that may affect its findings.
11. The decision will be made by a majority of the disciplinary committee members.
12. The disciplinary committee will detail its decision to the TSANZ Board in a recommendation with respect to any penalty to be imposed.

DISCIPLINARY COMMITTEE REPORTS TO THE BOARD

1. The Board on receiving the recommendations from a disciplinary committee will:
 - a. decide to confirm the recommendations, or
 - b. decide to vary a recommendation of the disciplinary committee.
2. The Board may only vary a recommendation of a disciplinary committee if first:
 - a. the Board requires the disciplinary committee to reconsider the recommendation for the reasons given by the Board.
 - b. the disciplinary committee reconsiders the recommendation, carries out any further steps and reports back on whether or not the recommendation should be amended.
 - c. the Board considers the reconsidered recommendation.
3. The Board will notify and implement the decision by notifying the complainant and the person complained about of:
 - a. the disciplinary committee's recommendation.
 - b. the Board's decision.
 - c. the reasons for the recommendation and decision.
 - d. their rights of appeal.
4. The Board will implement its action within 20 working days after notifying the complainant of the Board's decision.

PENALTIES

1. The following penalties will be imposed by the Board:
 - a. If the complaint is upheld, TSANZ will require the Respondent to pay all costs associated with the investigation of the complaint.

2. The following penalties may be imposed by the Board:
 - a. require the company undertake specified training
 - b. be subjected to additional 3rd party audits within specified periods.
 - c. order that the person be censured.
 - d. cancel or suspend a company's membership.
3. In addition to notifying the action taken by the Board in the register, the Board:
 - a. will notify the MSD of the actions and the reasons for it, and
 - b. may publicly notify the action in any other way it thinks fit.

RIGHT OF APPEAL

1. A person or organisation may appeal to the Board against any decision of the Disciplinary Committee.
2. Any appeal must be brought to the Board and be lodged within 10 working days after notice of the decision of the Discipline Committee.