

APSCo Complaints Procedure

1. Purpose

- 1.1. To provide a mechanism for people (including clients and contractors) to complain that APSCo members have broken an APSCo code of conduct.
- 1.2. To ensure that all complaints received are properly investigated and a decision is taken in good time as to whether the complaint, in whole or part, should be upheld or rejected.
- 1.3. To ensure that where complaints are upheld, appropriate corrective action is taken to rectify the breach and to help prevent recurrence.

2. Applicability

- 2.1. All APSCo members are bound by one of APSCo's codes of conduct. This procedure applies to any complaint received by APSCo from any person that a member has broken an APSCo code of conduct. Complaints must be made to APSCo no more than three months after the date of the alleged breach of the code. The complainant should where possible endeavour to resolve the dispute directly with the APSCo member.
- 2.2. APSCo cannot accept complaints where:
 - 2.2.1. The dispute is part of a formal or informal legal process, as these may need to be resolved through the courts;
 - 2.2.2. The dispute is currently, or has previously been the subject of legal proceedings;
 - 2.2.3. The dispute is currently, or has previously been considered by a regulatory body and a determination has been made (such as the Employment Agencies Standards Inspectorate);
 - 2.2.4. The dispute is of a commercial nature or driven by competition;
 - 2.2.5. The dispute is frivolous or vexatious;
 - 2.2.6. The complaint has been submitted outside the required time frame (three months after the date of the alleged breach of the code).

3. Responsibility

- 3.1. The Chief Executive is responsible for the implementation of this procedure.

4. Complaints

- 4.1. Complaints that an APSCo member has breached an APSCo code of conduct can be raised to complaints@apsco.org by:
 - 4.1.1. a client, contractor or third party; or
 - 4.1.2. another APSCo member in relation to a member.
- 4.2. A complaint that an APSCo member has breached one of the APSCo codes of conduct should identify which code(s) have been breached and how. Supporting evidence should be provided, wherever possible.
- 4.3. When a complaint is raised in accordance with paragraphs 4.1 and 4.2 above, APSCo shall:
 - 4.3.1. record the complaint using a unique reference number;
 - 4.3.2. write to or call the complainant acknowledging the complaint, asking for further details (if necessary) and explaining to the complainant this process; and

- 4.3.3. consider whether the complaint is in respect of any of the items listed at paragraph 2 above, which are not in scope of the complaints procedure.
- 4.4. On receipt of full details from the complainant, APSCo shall contact the APSCo member about whom the complaint has been received, advising them of the details, and asking them to state briefly the current state of any discussion between the relevant parties.
- 4.5. Where the complainant and the member are still in discussion about the complaint, APSCo may, at its discretion, suspend this procedure until such discussions have come to an end. If APSCo does suspend this procedure, it shall inform the parties to the complaint that:
 - 4.5.1. the procedure has been suspended pending the outcome of their discussions;
 - 4.5.2. it will resume the procedure if discussions do not resolve the complaint; and
 - 4.5.3. ask the parties to keep APSCo informed of the progress of such discussions.
- 4.6. Either party may write to APSCo during a period of suspension and ask that APSCo resume the procedure; such request shall be granted at APSCo's discretion.
- 4.7. Electronic copies of emails and other correspondence are kept on APSCo's server in accordance with its privacy notice.
- 4.8. In the event of a complaint being received against the Chief Executive, the copy correspondence should be passed to the Chairman of the Representative Committee who then performs the role of the Chief Executive outlined in this procedure.
- 4.9. In the event of a Committee Member or other officer receiving a complaint which has not been recorded by the Chief Executive, that Committee Member or other officer must pass details of the complaint to the Chief Executive as soon as possible.

5. Complaints Process

- 5.1. In the first instance, APSCo shall appoint one of its senior staff members to use reasonable endeavours to handle the complaint (the Complaint Assessor). In so doing, that person may speak to and request information from the complainant, the APSCo member about whom the complaint has been made and any relevant third party.
- 5.2. Once a decision on the complaint has been made APSCo shall write to the complainant and the member about whom the complaint was made to confirm the outcome. APSCo shall also notify the member of any non-conformity to the APSCo code.
- 5.3. The member should then advise APSCo of the steps it intends to take to address non-conformities and APSCo shall review at an appropriate date to ensure such steps are taken.
- 5.4. The Complainant or APSCo member can appeal the outcome of the Complaint within seven days of receipt where the outcome of the Complaint is based on an error of fact and/or the outcome of the Complaint has omitted to deal with all aspects of the complaint.
- 5.5. In the event of a very serious complaint the Complaint Assessor can unilaterally decide to immediately escalate the complaint to be handled in accordance with the Appeals Process.

6. Appeals Process

- 6.1. An appeal will be handled by APSCo's UK Operations Director (or someone of a similar managerial level).
- 6.2. The Operations Director shall review the outcome of the Complaints Process and may contact the complainant and APSCo member to obtain further information if necessary.
- 6.3. The Operations Director will then confirm whether the Complaints Outcome is upheld or will issue a revised Complaints Outcome, which may include transfer to the Investigatory Committee in the

event of a serious breach of an APSCo Code of Conduct.

6.4. The Operations Director decision on appeal is final and there is no further right of appeal.

7. Investigatory Committee

7.1. Should the Operations Director escalate a complaint to Stage 7, then the Chief Executive shall appoint an Investigatory Committee comprising:

7.1.1. The Chief Executive;

7.1.2. Two current members of the APSCo Representative Committee who are in no way connected with the complaint; and

7.1.3. If the Chief Executive deems it necessary: an external professional organisation with relevant knowledge, skills and experience.

7.2. The Investigatory Committee shall be responsible for investigating the complaint and shall disband at the conclusion of the investigation.

7.3. The Investigatory Committee shall investigate the complaint fairly and promptly.

7.4. In carrying out its investigation, the Investigatory Committee may:

7.4.1. ask questions in writing of any relevant party;

7.4.2. ask any relevant party to supply relevant documentation and information;

7.4.3. interview the parties to the complaint.

7.5. When the Investigatory Committee has concluded its investigation, it shall report to the Representative Committee setting out its findings and making recommendations for action.

7.6. The Representative Committee may request that the Investigatory Committee carry out specific further investigation before it makes a final decision.

7.7. The Representative Committee may decide to uphold or reject all or part of the complaint.

7.8. If the Representative Committee upholds all or part of a complaint, it may make any or a combination of the following sanctions:

7.8.1. Imposition of a fine, to be given by APSCo to charity. The fine may not exceed the price of a year's APSCo membership;

7.8.2. Warning that further breaches of APSCo's code of conduct may result in further disciplinary action, including expulsion from APSCo;

7.8.3. Suspension from APSCo for a specific period or until remedial action is taken to the reasonable satisfaction of the Chief Executive;

7.8.4. Expulsion from APSCo;

7.8.5. Reporting the member to the Employment Agencies Standards team at the Department for Business and Trade.

7.9. The Representative Committee's decision shall be confirmed in writing.

7.10. At the conclusion of this procedure, APSCo shall write to the relevant parties setting out in full the Representative Committee's decision.