

How to make a complaint against a Company or Client Partner

Research Society Company Partners and Client Partners agree to comply with the Research Society Quality Commitment. Anyone may make a complaint about a Company Partner or Client Partner if they believe that the Partner has breached the Quality Commitment or the Research Society Code of Professional Behaviour (the Code).

The Quality Commitment states that a Partner must:

- comply with the Research Society Code, Constitution and Regulations;
- employ at least one Research Society Member;
- ensure that all employees receive professional development in order to comply with the Code;
- co-operate with the Research Society in resolving any complaints involving the organisation and its employees.

Company Partners must also employ at least one Member with QPR accreditation, unless exempt.

The Code is a framework for self-regulation by members and partners. Its aims are:

- to set out the ethical rules which Members must follow;
- to enhance the public's confidence in research by emphasising the rights and safeguards to which they are entitled under the Code;
- to emphasise the need for a special responsibility when seeking the opinions of children, young people and vulnerable groups in the community;
- to minimise the need for governmental and/or intergovernmental legislation or regulation.

Copies of the Code and Partner Quality Commitment can be found on the Research Society website or obtained from the Research Society office.

The Research Society takes complaints against Partners very seriously and will conduct an investigation into any complaint made.

The details of any complaint and investigation will be kept strictly confidential.

Procedure for making a complaint against a Partner

A complaint against a Partner must:

- be made in writing;
- identify the Partner against whom the complaint is made;
- identify the Rule of the Code or section of the Quality Commitment alleged to have been breached and the facts supporting the allegation;
- be made within three months of the alleged breach.

It should be sent to the Chief Executive Officer of The Research Society.

The Research Society Professional Standards Officer can provide help on how to make a complaint.

The Research Society will not usually consider a complaint if the person making it does not consent to their identity and all information related to the complaint being made known to the Partner involved.

In addition, the Research Society will not usually consider a complaint if the matter is the subject of legal proceedings.

Next steps

If the complaint satisfies the criteria and can be considered, the Chief Executive Officer will acknowledge it and pass it on to the Professional Standards Officer, who will check that all relevant details of the complaint have been provided. They will then:

- contact the complainant to clarify any details and ask for any further information if required;
- send a copy of the complaint to the Partner in question;
- carry out an initial investigation of the complaint if appropriate.

The Professional Standards Officer will report to the Research Society Board

- within 5 working days of receipt of the complaint if no investigation is needed;
- within 10 working days of receipt of the complaint if an initial investigation is undertaken.

The Board will appoint a Professional Conduct Committee to consider the complaint further and report to the Board on its findings and recommendations. This Committee will be made up of three members of the Research Society who have no interest in the matter.

Investigation by the Professional Conduct Committee

The Committee will consider the complaint and carry out further investigations, if it considers them appropriate.

The Committee may attempt to resolve the complaint informally if warranted. If not, it will provide the Partner with details of the complaint and allow the Partner to provide a written response as part of its investigation.

At any stage, if it considers the complaint to be a trivial or isolated breach, it can informally advise the Partner of the breach and any steps it should take to resolve the issue.

On completion of its investigation, the Committee will provide a written report to the Board, including any response from the Partner, whether a breach of the Quality Commitment has been committed and what action it recommends be taken.

Penalties

The Board will consider the report from the Committee. If it decides to uphold the complaint, a penalty may be imposed on the Partner.

The Board may decide that the Partner has acted in breach of the Research Society Quality Commitment even if the PCC did not do so.

A range of penalties are available and the Partner may be:

- given a formal notice of breach;
- advised to take steps or corrective action to remedy the breach;
- advised to issue an apology to the complainant; or
- have their partnership agreement with the Research Society terminated.

A formal notice of breach or termination may be published by the Research Society as it considers appropriate.

Once a decision is reached, the Partner and complainant will be notified of the outcome in writing.

Issues relating to the Code

At any time, the Professional Standards Officer or Professional Conduct Committee may decide that the complaint relates to or includes a matter which concerns the conduct of an individual Member of the Research Society. In this case the matter will be dealt with in accordance with the complaints process for Members.

More information

Details of the complaint procedure can be found in Section 12 of the Research Society Regulations, appended to this document.

The Research Society website has copies of the Code, the Partner Quality Commitment, the Constitution and Regulations: www.researchsociety.com.au

The Research Society office can be contacted on 02 9566 3100.

Appendix: The Research Society Regulations – Section 12

12. Complaints

12.1 Authorising Provisions

This regulation is made under clauses 13 and 44 of the constitution.

12.2 Definitions

In this regulation:

- a) “business day” means a day that is not a Saturday, a Sunday or a public holiday in the place concerned;
- b) “complainant” means the person making the complaint;
- c) “constitution” means the constitution of the Society;
- d) “Professional Conduct Committee” means the discipline committee established under clause 13.4 of the constitution;
- e) “Professional Standards Officer” (Conciliator) means the officer appointed under clause 17.3 and 17.4;
- f) “respondent” means the member of the Society against whom the complaint is made; and
- g) words otherwise have the same meaning as in the constitution.

12.3 Application of Regulation

- a) Under clause 44.2 of the constitution, this regulation is binding on all members, Company Partners and Client Partners of the Society.
- b) This regulation applies to all complaints to the Society about members, Company Partners and Client Partners of the Society, including:
 - i. Complaints by a non-member about a member, Company Partner or Client Partner
 - ii. Complaints by one member about another member; and
 - iii. Complaints by the Board, the Professional Standards Committee or the Professional Standards Officer about a member, Company Partner or Client Partner.
- c) To avoid doubt, a member who is a Director is not precluded by that office from making a complaint about another member.
- d) A complaint about a company or firm can only be made against those individuals within the company or firm who are members of the Society.

12.21 Company and Client Partner Complaints

Introduction

1. Under a scheme introduced by the Research Society in April 2018, an organisation may become a Research Society Company Partner or a Research Society Client Partner by entering into an agreement with The Research Society.
2. A Research Society Company/Client Partner agrees to comply with the Research Society Quality Commitment, including an obligation to comply with the Research Society Code of Professional Behaviour (the Code). If the Company/Client Partner breaches the Research Society Quality Commitment, the Research Society may issue it with a formal notice requiring it to remedy the breach. Alternatively, in the most serious cases, Research Society may terminate the agreement unilaterally and without a period of notice.
3. A third party may make a complaint to the Research Society concerning the conduct of a Company/Client Partner if there is an alleged breach of the Code or Research Society Quality Commitment. In such cases, this complaints procedure will be applied in order to investigate the complaint and to decide whether the Company/Client Partner has breached the Code or Research Society Quality Commitment, and if it has, what action is appropriate to be taken.
4. Some complaints may concern the conduct of both an individual member and a Company/Client Partner. In this event, the Research Society will deal with any issues relating to the conduct of an individual member under the member complaint procedure and any issues relating to the conduct of a Company/Client Partner under this complaints procedure.
5. The Research Society will keep the complainant informed, as appropriate, at each stage of this complaints procedure.
6. If for any reason the agreement between the Research Society and a Company/Client Partner terminates in the course of an investigation under this complaints procedure, the Research Society is entitled, notwithstanding such termination:
 - a. to continue with its investigation and/or determination including notifying the complainant and/or wider publication of the decision as provided for under this complaints procedure; and/or
 - b. to publish in such form and manner as it considers appropriate the fact and circumstances of the termination.
7. Documents or information provided by a Company/Client Partner during the course of the investigation or determination of any complaint will be treated as confidential to the extent that Research Society will not disclose or use such documents or information other than in the ordinary course of its investigation and determination and to the

Appendix: The Research Society Regulations – Section 12

extent that it is necessary to show or disclose the contents of such documents or information to any third party in connection with such investigation or determination. The Research Society may also refer to such documents or information as are reasonably necessary in order to communicate the determination and the reasons for it to the complainant and/or in wider publication of the determination as provided for under this complaints procedure.

In all such cases the Company/Client Partner will be taken to have waived any right to claim confidence to the extent that disclosure or use of the documents or information is reasonably necessary for the purposes set out in this paragraph.

8. This complaints procedure is part of a Research Society Regulation and as such is binding on all partners of the Research Society.

Complaints

9. Any person may make a complaint in writing to the Research Society concerning the conduct of a Company/Client Partner if there is an alleged breach of the Research Society Code or the Research Society Quality Commitment.
10. The complaint must be:
 - a. in writing;
 - b. identify the Company/Client Partner against whom the complaint is made;
 - c. state the ground of the complaint;
 - d. set out the facts on which the complaint is based; and
 - e. lodged with the Research Society CEO.
11. The complaint must be made within three months of when the matter arose. The Research Society may in exceptional circumstances and at its discretion accept complaints made outside that period.
12. The Research Society will not usually consider a complaint:
 - a) made by a complainant who does not consent to their identity being made known to the member and/or does not consent to the disclosure to the member of all documents and information provided by the complainant to the Research Society during the investigation.
 - b) if the matter is the subject of legal proceedings or such proceedings are being contemplated.
13. The Research Society may require a complainant to satisfy that it has taken all reasonable steps to try and resolve the matter with the Company/Client Partner before the Research Society will consider the complaint under this complaints procedure.
14. The Research Society may require a complainant to confirm in writing what, if any, interest they have in relation to a complaint.
15. The Research Society may at any stage invoke this procedure itself (and be treated as complainant) in respect of any issue which it considers warrants inquiry under this complaints procedure.

Initial investigation by the Professional Standards Officer

16. If the complaint satisfies the criteria and can be considered, the Research Society CEO will pass it on to the Professional Standards Officer.
17. The Professional Standards Officer will:
 - a. review the complaint
 - b. inform the Company/Client Partner of the complaint
 - c. carry out an initial investigation, if they consider it appropriate. If they raise questions directly with the Company/Client Partner, they will inform them that the questions are asked under this complaints procedure and that a finding of a serious breach of the Research Society Quality Commitment could have implications for their agreement with the Research Society.
18. The Professional Standards Officer may request a meeting with the Research Society Company/Client Partner to obtain further information or discuss the complaint.
19. The Professional Standards Officer will report to the Research Society Board on completion of their initial investigations within 10 business days of receiving the complaint, or, if no investigation is needed, within 5 business days of receiving the complaint.
20. The Board will appoint a sub-committee of members of The Research Society, to be called the Professional Conduct Committee (PCC), to consider the matter further and to report to the Board with its findings and recommendations.
21. The PCC will comprise any three members of the Research Society who do not have an interest in the matter.

Investigation by the PCC

22. The PCC will consider the complaint and will carry out further investigations, if it considers appropriate, by whatever means it considers appropriate.
23. If the PCC decides that there may be a potential breach of the Research Society Quality Commitment which it is not appropriate to resolve informally (under paragraph 28 below), the PCC will write to the Company/Client Partner setting out the details of the complaint and will allow a period of 10 business days for the Company/Client Partner to provide a written response.
24. Where questions are raised for the first time with a Research Society Company/Client Partner, it will be informed that such questions are asked under this complaint's procedure and that a finding of a serious breach of the Research Society Quality Commitment could have implications for its agreement with Research Society.
25. The identity of the complainant will be made known to the Company/Client Partner unless the PCC determines that there are compelling reasons why the complainant should not be identified.
26. The PCC may, at any stage, request a meeting with the Company/Client Partner to discuss the complaint.

Appendix: The Research Society Regulations – Section 12

27. If, at any stage, it appears to PCC that the complaint relates to a minor, trivial or isolated breach of the Research Society Quality Commitment which does not warrant further inquiry or action under this complaints procedure, it may, if it considers appropriate, informally advise the Company/Client Partner of the breach and of any steps it should take to remedy the breach and/or other corrective action it should take.
28. The PCC will prepare a report for the Board upon completion of its investigation, within 20 business days of receiving the Professional Standards Officer's report.
29. If it considers that there has been a potential breach of the Research Society Quality Commitment, it will provide the Company/Client Partner with a copy of the draft report, allowing the Company/Client Partner 10 business days in which to provide a written response.
30. Upon receipt of the Company/Client Partner's written response to a draft report (or if no response is received within the prescribed period), the PCC will finalise its report to the Board with confirmation of
 - a. whether or not it finds a potential breach of the Research Society Quality Commitment and if it does,
 - b. what action it recommends be taken.
31. Where PCC does not consider that there has been a potential breach of the Research Society Quality Commitment, there is no requirement to provide the Company/Client Partner with a draft report prior to PCC reporting to the Board.

Cases raising issues regarding the conduct of an individual Research Society Member

32. The Professional Standards Officer or PCC may decide at any time that the complaint relates to or includes an issue which may concern the conduct of an individual member of the Research Society and that this issue should be dealt with in accordance with the member complaint procedure. In this event, the Professional Standards Officer will:
 - a. investigate the issue concerning the conduct of the individual member in accordance with the member complaint procedure; and
 - b. if appropriate, inform the member of any actions taken, or to be taken with regard to a Company/Client Partner in connection with the matter under this complaints procedure; and
 - c. inform the Company/Client Partner of the issue which is to be investigated under the member complaint procedure.

Decision by the Board

33. The Board will consider the findings and recommendations of the PCC and decide whether or not the Company/Client Partner has acted in breach of the Research Society Quality Commitment.
34. The Board may decide that the Company/Client Partner has acted in potential breach of the Research Society Quality Commitment where the PCC did not find a potential breach. In this case, the Company/Client Partner will be notified of the potential breach with brief written reasons and allowed a period of 10 business days to provide a written response. The Board will then reach a final decision on the breach.
35. If the Board decides that the Company/Client Partner has acted in breach of the Research Society Quality Commitment, it will reach one of the following decisions, taking into consideration the nature and seriousness of the matter and any record of previous complaints concerning the Company/Client Partner:
 - a. that no action should be taken; or
 - b. that the Company/Client Partner has acted in breach of the Research Society Quality Commitment, that the breach is minor, trivial or isolated and that the Company/Client Partner should be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant); or
 - c. that the Company/Client Partner has acted in breach of the Research Society Quality Commitment, that the breach is not minor, trivial or isolated, and that the Company/Client Partner should be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant), and/or a formal written notice of breach will be issued to the Company/Client Partner; or
 - d. that the Company/Client Partner has acted in serious breach of the Research Society Quality Commitment. In this case the Board will then consider whether the agreement with the Company/Client Partner should be terminated.
36. Once the Board makes a decision, the Professional Standards Officer will write to both the Company/Client Partner and the complainant, notifying them of the decision and giving them brief written reasons.

Appendix: The Research Society Regulations – Section 12

Publication of Board decisions

37. A Board decision to issue a formal written notice of breach or to terminate the Company/Client Partner's agreement with the Research Society may be published by the Research Society in its publications as it considers appropriate. A Board decision that the Company/Client Partner has not acted in breach of the Research Society Quality Commitment, or that the breach is trivial, will not be published by the Research Society unless the Company/Client Partner requests it and the Research Society agrees.

Variation of Time Limits

38. The time limits set out in this part 12 – Complaints – are intended for guidance for the parties and to encourage the timely resolution of complaints. Non-compliance with the time limits will not constitute a breach of these regulations unless the Professional Conduct Committee determines that the failure to adhere to the time limits is such that the relevant party is failing to genuinely participate in the process set out above.

Record of Complaints

39. The Research Society will keep a confidential record of all complaints received or initiated by the Research Society concerning the conduct of a Company/Client Partner and of all decisions made and outcomes reached under this complaints procedure (including cases resolved informally), which may be taken into account in future cases.