

Complaints & Appeals Procedure

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PLASA COMPLAINTS & APPEALS PROCEDURE

Effective 1 January, 2017

We are determined to ensure that the PLASA name is synonymous with excellence: members are expected to conduct their businesses ethically at all times and to demonstrate integrity, professional conduct and fair practice when dealing with others. **If you feel this is not the case, we would like to be informed.**

Complaints Procedure

- All complaints about a PLASA member must be addressed in writing to the Managing Director. Complaints will not be considered from third parties who have not dealt with the member directly.
- Upon receipt of a written complaint, the Managing Director will acknowledge receipt of the complaint and will detail the procedure to be followed.
- The complaint will be examined and, where relevant, additional information may be requested. If the complaint is deemed to be outside the remit of this procedure, then the Managing Director will advise the complainant in writing.
- Once the substance of the complaint is clear to the Managing Director, he will write to the relevant member, requesting their response and any information required to make a judgement.
- If a mutually agreeable resolution can be achieved at this stage, then the process will go no further.
- If the member fails to provide the requested information or to take any agreed steps, this will be designated as no response and the Managing Director shall be entitled to dismiss or find the complaint proved as appropriate.
- The complaints procedure is not intended to resolve commercial disputes between parties or adjudicate on disputes of fact. Following his initial examination of the complaint, the Managing Director may deem it appropriate to refer the matter to a more appropriate body.
- If, once the facts have been examined, the Managing Director believes there is a valid complaint, a written report will be provided to the Membership Governing Body (MGB) summarising the facts of the complaint. The MGB will then review the facts and decide if there is a breach of the PLASA Constitution, or any rules and regulations, and if this is the case what action is to be taken. The MGB may call the parties to present their cases if it so wishes.
- If a breach of the PLASA Constitution or Code of Conduct becomes known to the MGB, it shall have power to act of its own volition, even if no complaint has been received.
- If the member against whom the complaint has been made does not comply with this procedure or any reasonable requirement of the MGB, then the MGB shall be entitled to proceed without them and draw whatever conclusions are reasonable from the available facts.
- If a complaint is dismissed then the matter will remain confidential.
- Once the MGB has made its decision, either party may appeal using the 'PLASA Appeals Procedure'.

Appeals Procedure

In any case where the MGB has found a complaint proved against a member, then that member has the right of appeal in accordance with this procedure.

Such member shall, within 14 days of being advised of the action, write to the Managing Director to lodge their appeal, stating the reason for the appeal.

The Managing Director shall establish an Appeals Panel to hear the appeal.

The Appeals Panel will include:

- The Association's Solicitor.
- Two representatives of PLASA members acceptable to all parties.
- The Managing Director, who shall act as a non-voting Chair of the Panel.

The Managing Director shall supply each member of the Appeals Panel with copies of all the papers relating to the original action, together with a statement of the events to date. The appealing member shall be entitled to submit any material substantiating their appeal to the Panel.

The Appeals Panel will determine all time limits within which questions are to be answered or steps are to be taken within the procedure. Failure to answer such questions or take such steps within the stated time limits, will be designated as no response and the Appeals Panel shall be entitled to dismiss or find the appeal proved as appropriate.

If required, the Appeals Panel has the right to convene a hearing where the member's appeal will be heard.

The Appeals Panel shall decide if they wish to hear from any other parties.

Any decision of the Appeals Panel shall be reached by simple majority.

The Appeals Panel shall have the power to:

- Dismiss the appeal.
- Accept the appeal, modify or cancel any sanction taken by the MGB.
- Refer the matter back to the MGB for further consideration.

If the appeal is unsuccessful, the Association shall have the right to publicise the result as it sees fit. If the appeal is successful, the member making the appeal shall have the right for the matter to remain confidential if they so wish.

The MGB shall defer any decision with regard to a complaint against a member until that member's appeal has been heard and a conclusion reached.

PLASA

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