

**INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA –
WESTERN AUSTRALIA INC. / MAIN ROADS WESTERN AUSTRALIA
ROAD SAFETY PANEL**

ROAD SAFETY AUDIT COMPLAINTS PROCEDURE

1. Introduction and Purpose

- 1.1 Accredited Senior Road Safety Auditors and Road Safety Auditors are trained and experienced professionals who are expected to use their knowledge and skill to carry out road safety audits in a professional and ethical manner and to a consistently satisfactory standard.
- 1.2 The Institute of Public Works Engineering Australasia - Western Australia Inc. (IPWEA WA) - and Main Roads Western Australia (MRWA) have jointly adopted a Code of Conduct that Auditors are required to accept as a condition of being accredited. The Code outlines the professional and ethical standards that Accredited Auditors are required to meet in carrying out their professional work. It also defines the responsibilities and commitments needed to be undertaken by Auditors to maintain the expected professional and ethical standards.
- 1.3 The purpose of this Complaints Procedure is to assist in achieving the high professional and ethical standards expected of Auditors. It lays down guidelines for dealing with a situation in which a complaint is received by IPWEA WA and/or MRWA alleging that an Auditor has not complied with the Code of Conduct.

2. Principles of Complaints Procedure

- 2.1 The Road Safety Panel may conduct reviews of audits from time to time to check that Auditors are complying with the Code of Conduct.
- 2.2 If the Panel identifies that an Auditor may not have been complying with the Code of Conduct, the Panel may use this Complaints Procedure to remedy the situation.
- 2.3 If an Auditor's client is not satisfied with an audit report that has been prepared for them by the auditor, the client may make a complaint under the terms of this Complaints Procedure.

- 2.4 If a third party such as a member of the public or the owner of an audited asset who is not the client believes that an audit report is unsatisfactory, they may submit a complaint under the terms of this Complaints Procedure.
- 2.5 An investigation into an Auditor under the terms of this Complaints Procedure will be carried out without prejudice, without conflict of interest, in a confidential manner, and in a manner that affords procedural fairness to the subject of the investigation.
- 2.6 All information in relation to a complaint made, including the receipt of a complaint against an Auditor, the appointment of an investigating Complaints Panel and the determinations of the Complaints Panel and the Executive Committee, will remain confidential to those bodies, the Auditor concerned, and the complainant.

3. Process of Complaints Procedure

- 3.1 This Complaints Procedure applies only in relation to possible non-compliance with the Code of Conduct for Auditors.
- 3.2 A flow-chart for the process of the Complaints Procedure is included in Appendix A.
- 3.3 An investigation under the terms of this Complaints Procedure will only be conducted if:
 - i. The Road Safety Panel receives a complaint made in writing by an identifiable person about an Auditor which, in the Road Safety Panel's reasonable opinion, could be the result of non-compliance with the Code of Conduct; or
 - ii. The Road Safety Panel through a review of audits has identified that an Auditor may not have been complying with the Code of Conduct.
- 3.4 A written complaint should be accompanied by supporting documentary or other evidence, if available.
- 3.5 A written complaint will be considered by the Road Safety Panel wherever practicable within one month of the date of its receipt.
- 3.6 The Road Safety Panel may decide as follows:
 - i. To take no further action to investigate a complaint if it considers that the particulars raised are inadequate to support further action. In this case the Road Safety Panel may arrange for a letter of explanation to be sent to any person who made a complaint and

the Subject of the investigation, and then no further action will be taken, or

- ii. To undertake an investigation in accordance with the procedure given in Section 4 below.

4. Investigation and Determination Procedure

- 4.1 In the event of relatively minor concerns the Road Safety Panel may arrange direct informal discussions between appropriate Road Safety Panel members and the Auditor concerned, to seek compliance with the Code of Conduct.
- 4.2 In the event that the Road Safety Panel decides direct informal discussions are not an appropriate means of achieving compliance with the Code of Conduct, it may commission a formal investigation and a report into the matter.
- 4.3 If a formal investigation is to be held, the Executive Committee of the IPWEA WA shall be requested to appoint a Complaints Panel consisting of a Convenor and two or more additional Complaints Panel members to investigate the complaint and make a recommendation. The Complaints Panel may be members of the Road Safety Panel or independent experienced Auditors. The Executive Committee shall not appoint people to the Complaints Panel who it is aware have a conflict of interest with regards to the outcome of the investigation. The Complaints Panel shall undertake the investigation in a confidential, unprejudiced and impartial manner.
- 4.4 Any person who is either appointed as a Complaints Panel Member or is invited to be a Complaints Panel Member must consider whether they have a conflict of interest in the matter to be investigated. If the proposed appointee believes that they do have a conflict of interest with respect to the relevant complaint, they shall decline the appointment as a Complaints Panel Member. If after the investigation begins, a Complaints Panel Member forms the opinion that they have a conflict of interest in the matter to be investigated then they shall immediately advise the Convenor of the Complaints Panel and if necessary seek the guidance of the Institute's Executive Manager with respect to their continued involvement in that Complaints Panel.
- 4.5 The Convenor will arrange for any person who made a complaint to be notified in writing that the complaint is being investigated (wherever practicable this advice shall be given within 14 days of the appointment of the Complaints Panel).
- 4.6 The Convenor will arrange for the Subject of the investigation to be notified in writing of the investigation and the procedure to be followed, with an invitation to make a submission to the Complaints Panel in writing

and in person (where ever practicable this advise shall be given within 14 days of the appointment of the Complaints Panel). The letter to the Subject should not be framed as an accusation or as a charge of misconduct, but as a courteous notice that an investigation is to be carried out.

- 4.7 The Convenor will consider whether it would be appropriate to advise any Client or asset owner with an interest in the matter under investigation and if appropriate will arrange for them to be notified in writing. Wherever practicable this advise shall be given within 14 days of the appointment of the Complaints Panel.
- 4.8 The Convenor will arrange for one or more meetings of the Complaints Panel to be held to conduct the investigation and consider the Subject's submission with respect to the matters under investigation. The Convenor will also arrange to invite the Subject and possibly other relevant people such as a complainant or client to attend the meeting, or a subsequent meeting or meetings, to discuss the issues being investigated and the submission.
- 4.9 The Convenor may seek to obtain for review purposes copies of road safety audit reports prepared by the Subject of the investigation, together with any background information used in the preparation of the reports, from the Clients for whom the reports were prepared. If so, the Complaints Panel members may visit the sites covered by the reports to assist with assessment of the audit reports.
- 4.10 The Complaints Panel will consider the complaint, any road safety audit reports that have been reviewed by the Complaints Panel members, and the Subject's response and determine a recommended course of action, in agreement with the Subject if possible.
- 4.11 The Complaints Panel will choose from the following options in determining a recommended course of action:
 - i. The complaint be dismissed. In this case, no further action will be taken other than recording the proceedings and communicating the decision as required under Clause 4.18 below.
 - ii. The complaint be dismissed, but specified minor improvements to enable the Subject to achieve compliance with the Code of Conduct are recommended. In this case, no further action will be taken other than recording the proceedings and communicating the decision as required under Clause 4.18 below.
 - iii. The complaint be upheld, specified improvements to enable the Subject to achieve compliance with the Code of Conduct

are recommended, and the Subject is asked to submit all and any future audit reports up to a specified number to the Convenor within a given period of time for review by the Complaints Panel members. The Complaints Panel may require the specified number of audits to be carried out under the guidance of a Mentor and may appoint a separate panel of independent Auditors from which the Subject may select a Mentor. Following the review of the specified number of audit reports, the Complaints Panel will be reconvened to consider the Subject's progress in achieving compliance with the Code of Conduct and will determine whether a further recommended course of action is required.

- iv. The complaint be upheld and the Subject is asked to take a specified course of training at the Subject's cost within a given period of time and to notify the Convenor once completed. Following the given period of time, the Convenor will confirm whether the Subject has undertaken the training. If so, the fact will be recorded. If not the Complaints Panel will be reconvened and will determine what further recommended course of action is required.
- v. The complaint be upheld and the Subject is required to take a specified course of training at the Subject's cost within a given period of time and to submit any and all future audit reports up to a specified number to the Convenor within a given timeframe for review by the Complaints Panel members. The Complaints Panel may require the specified number of audits to be carried out under the guidance of a Mentor and may appoint a separate panel of independent Auditors from which the Subject may select a Mentor. The Subject is to notify the Convenor once the training has been completed. The Convenor will confirm whether the subject has undertaken the training. Following the given period of time for training and review of the additional audit reports, the Complaints Panel will be reconvened to consider the Subject's progress and will determine whether or not a further recommended course of action is required.
- vi. The Subject's accreditation as an Auditor be withdrawn for a specified minimum period of time, after which the Subject may reapply for accreditation in the normal manner.

4.12 The Complaints Panel will not normally recommend option (vi) above when considering a first complaint and shall endeavour to identify further training for the Subject, in the first instance.

4.13 The Complaints Panel will keep a record of its proceedings.

- 4.14 If the investigation is prolonged, the Convenor will provide regular written reports on the progress of the investigation to the Road Safety Panel.
- 4.15 Upon completion of the investigation the Complaints Panel Convenor will, in agreement with the other Complaints Panel members, prepare a written draft report on the investigation and findings and send a copy to the Subject of the investigation for comment before preparing a final report. The final report will, in agreement with the other Complaints Panel members, include the recommended action and the Subject's response to the investigation and findings (wherever practicable the determination and advice of the Complaint Panel's findings shall be made within 45 days of the appointment of the Panel).
- 4.16 The Complaints Panel Convenor will arrange for copies of the final report to be referred to the Road Safety Panel for consideration.
- 4.17 After considering the final report on the investigation and findings, the Road Safety Panel will determine what action if any is to be taken and make its recommendation to the Institute's Executive Committee accordingly. The Road Safety Panel will arrange for the Subject of the investigation and the Institute's Executive Committee to be advised in writing of the Road Safety Panel's recommendation as soon as possible after the report has been considered. The Subject of the investigation will be advised that they have a right of appeal to the Institute's Executive Committee within 28 days from the date of notification.
- 4.18 If the Subject of the investigation does not appeal within the specified time, the Institute's Executive Committee will decide whether or not to accept the recommendation of the Road Safety Panel or make a different decision.
- 4.19 Except in the situation where an appeal has been requested, the Institute's Executive Committee will arrange for the Subject of the investigation, any person who made a complaint, the Client and asset owners if appropriate to be advised in writing of the decision.

5. Appeals Procedure

- 5.1 The Subject of an investigation may appeal regarding the determination following the investigation. The appeal is to be made in writing to the Institute's Executive Manager within 28 days of the date of notification. The Institute's Executive Committee will consider whether to hear the appeal.
- 5.2 The Executive Committee may receive representations by the Subject and any other people who made representations to the Complaints Panel and will determine the appeal based on the information contained in the original complaint, the supporting documentary or other evidence if

available, the records of the investigation and findings and the written appeal and representations if made. The Executive Committee may also request the Convenor to answer questions in relation to the investigation. The decision on the appeal will be final.

- 5.3 After the appeal has been determined, the Institute's Executive Committee will arrange for the Subject of the investigation, any Person who made a complaint, the Client and asset owners if appropriate to be advised in writing of the decision.

6. Costs

- 6.1 Costs incurred by the Complaints Panel, associated with this Procedure shall only be paid by the Institute if prior approval has been obtained from the Institute's Executive Committee. This approval may be in the form of an agreed annual budget item.
- 6.2 Costs incurred by the Subject or any other part will not be paid by the Institute.

Appendix A

Flow-Chart for the Process of the Complaints Procedure

