



POLICY & PROCEDURE FOR HEARING COMPLAINTS AGAINST MEMBERS OF THE SA BOARD FOR PEOPLE PRACTICES

1. PURPOSE

The purpose of this document is to guide the SABPP Board members and executive in dealing with such issues as whistle blowing, complaints and other disciplinary matters relating to main board members, committee members and registered HR professionals due to, inter alia, misconduct, misrepresentation, dishonesty, criminal matters or any other action or allegation that may bring the name of the SABPP into disrepute.

This policy and procedures will provide a mechanism whereby alleged breaches of the SABPP code of professional conduct may be handled fairly, consistently, effectively and promptly.

This document forms an appendix to the Charter of the SA Board for People Practices and must be read in conjunction with the Charter.

2. SCOPE

This policy is applicable to SABPP Board members, Committee members and registered HR professionals in any category of registration (“registered members”).

3. DISCIPLINARY POWERS OF THE SABPP

In terms of paragraph 25 of the SABPP Charter the Board has the following powers: “

“(1) The Board shall have the power to institute an inquiry into any complaint, charge, or allegation of improper or disgraceful conduct against any person registered under this Charter; and on finding such person guilty of such conduct, to impose any of the penalties prescribed in section 26: provided that, in the case of a complaint, charge, or allegation which forms or is likely to form the subject of a

case in a court of law, the Board may postpone the holding of an inquiry until such case has been resolved.

- (2) The Board may, whenever it is in doubt as to whether an inquiry should be held in connection with the complaint, charge, or allegation in question, consult with or seek information from any person, including the person against whom the complaint, charge, or allegation has been lodged.*
- (3) If the Board exercises the powers conferred upon it by this section, it may appoint any person as pro forma complainant to present the case to the Board: provided that the Registrar for the time being, or any member of the Board, shall not be so appointed.*
- (4) The Board may, subject to the provisions of the proviso to subsection (3), appoint a person to institute proceedings, or to continue proceedings, if the person appointed in terms of subsection (3) is, for any reason, unable to do so.”*

4. COMPOSITION OF DISCIPLINARY COMMITTEE

In respect of complaints against the various levels of membership, the disciplinary investigation and hearing (if applicable) will comprise members as set out below. The final decision on appropriate sanction will vest in the most senior member who will be appointed to the position of Chair of the disciplinary investigation so convened. In the event that any of member, for any reason whatsoever, feels that their impartiality or objectivity are impeded, then such individual shall declare their interest and recuse themselves from the process. The Chair of the applicable category may then appoint a replacement appropriate to the level of standing.

4.1 Allegations lodged against Main Board Members

- Chairman of the Board (or Vice-Chair in the event that Chairman is unavailable)
- CEO;
- Chair of Ethics Committee

Except in the instance that a complaint is lodged against any of these individuals, then the Board may appoint an appropriately qualified and experienced individual which may include an external expert (for example qualified attorney or member of the Arbitration Foundation of South Africa (AFSA)).

4.2 Allegations lodged against Committee Board Members

- Main Board Member;
- CEO;
- Chair of the Ethics Committee (or Vice-Chair in the event that the Chair is unavailable)

4.3 Allegations lodged against Mentors of the SABPP

- Chair of the Mentoring Committee (or Vice-Chair in the event that the Chair is unavailable);
- CEO;
- Chair of the Ethics Committee (or Vice-Chair in the event that the Chair is unavailable)

4.4 Allegations lodged against Registered HR Professionals

- CEO;
- Member of the Professional Registration Committee;
- Chair of the Ethics Committee (or Vice-Chair in the event that the Chair is unavailable)

5. LODGING OF COMPLAINTS / WHISTLE BLOWING

5.1 Any person may lodge a complaint against a registered member including, but not limited to, the following.

5.2 Any registered member regardless of seniority may lodge a complaint against another registered member.

5.3 Any company which employs a registered member and/or any client or individual that makes use of the services of a registered member may lodge a complaint against that registered member.

5.4 Any formal external body appointed to investigate the activities of any registered member may lodge a complaint against the registered member.

- 5.5 All complaints, whether verbal or written, must be lodged with either:
- A member of the Board;
 - The CEO;
 - Any member of the Ethics Committee
- 5.6 The person receiving the complaint must solicit as much factual information as possible relating to the nature of the complaint and details of the complainant. The complainant should be encouraged to put the allegations in writing. The complainant should be further encouraged to appear in person at any stage during the disciplinary process if this is required. In the event that the complainant wishes to remain anonymous, the receiver of the complaint must still solicit as much factual information as possible in order that further investigation is possible and practical. The person receiving the complaint will immediately inform the relevant committee as above who will then decide how to continue the investigation.
- 5.7 The committee may delegate further investigation to an appropriate person or persons which may, depending on severity, include external resources. The committee may request the person(s) investigating the matter to meet with the complainant and/or respondent to obtain further information.
- 5.8 The committee must record all complaints lodged and receive feedback on the progress of investigation. The committee will determine whether to close the matter or to institute formal proceedings as outlined herein.
- 5.9 In the event that formal proceedings are deemed necessary, the respondent must be informed of the nature of the complaint, in writing, within seven (7) days by means of any appropriate method. The respondent must be given a minimum of seven (7) working days in which to respond, in writing. If the committee is satisfied with the explanation received, it may decide to close the matter or, if not, a formal disciplinary enquiry will be convened.

6. FORMAL DISCIPLINARY ENQUIRY

- 6.1 The relevant Chair (see above) will convene a formal disciplinary hearing within a reasonable period of time (not exceeding 14 days except if there are extenuating circumstance) and advise the respondent, in writing, to attend such formal disciplinary hearing.
- 6.2 At the hearing, the person who received and/or investigated the complaint and/or the complainant in person shall table all evidence and/or facts pertaining to the matter. The respondent shall be given a fair opportunity to answer to the allegations and to present his or her own evidence and/or facts in defense of the allegation.
- 6.3 After all evidence has been led the hearing will be adjourned to enable the committee to consider the facts and evidence tabled and to decide appropriate finding(s) and sanction. These must be communicated to the respondent, in writing, within a period of seven (7) days.

7. SANCTION

Sanctions may include:

- a. a caution, a reprimand or both;
- b. suspension of the respondent's name from the register or from the board or committee for a specified period of time; or
- c. permanent removal of the respondent from the register or board or committee.

Any board member, committee member or mentor who has been removed from their respective positions would not necessarily cease to be a registered member unless the transgression for which s/he has been found guilty is of such serious nature that it warrants the member's removal from the register.

8. RIGHT TO APPEAL

Any person aggrieved by a finding of, or penalty imposed, by the Board may, within a period of two (2) months after the date of such finding, or the imposition of such penalty, appeal to the Board against such finding or penalty as more fully set out in the Charter of the SA Board for People Practices.

9. RE-REGISTRATION OF DE-REGISTERED MEMBERS

Any member who has been de-registered as a result of this policy and procedure may, after a period of three (3) years, re-apply for registration following the normal registration procedures. The onus is on de-registered member to show that s/he now meets all registration requirements and such application will not be unreasonably withheld.