

THE
INSTITUTE *of*
ARBITRATORS & MEDIATORS
—  —
AUSTRALIA

**POLICY ON THE ACCREDITATION AND REGISTER OF
PROBITY SERVICE PROVIDERS**

The Institute of Arbitrators and Mediators Australia requires and maintains the highest standards for probity service providers accredited by the Institute.

1. Introduction

- 1.1 This policy replaces all previous statements on the subject of accreditation of probity service providers.
- 1.2 The Institute maintains a Register of Probity Service Providers.
- 1.3 The Register of Probity Service Providers identifies those members of the Institute who are recognised and accredited to act as probity service providers and who, in the opinion of Council, have the necessary qualifications to so act. It is essential to the function of the Institute as an accrediting body for probity service providers, that only such persons who, by education, experience, reputation and competence are qualified to so act, should be represented as probity service providers. Institute membership of itself does not qualify an individual to be a probity service provider.

2. Register of Probity Service Providers

- 2.1 The Register of Probity Service Providers shall be arranged in Panels according to the professional or occupational fields in which the members listed respectively practice.
- 2.2 The Register of Probity Service Providers shall comprise those members of the Institute who have applied for inclusion on the Register and who have been accredited by Council as a probity service provider in one or more disciplines.
- 2.3 Subject to the provisions of 2.4 of this policy, any member who satisfies the requirements of the policy for accreditation as a probity service provider and for inclusion on the Register of Probity Service Providers may apply on the prescribed application form, which appears at Schedule 1 to this policy, to have her or his name placed on the Register of Probity Service Providers.
- 2.4 Notwithstanding anything contained in this policy or elsewhere, inclusion in the Register of Probity Service Providers shall be restricted to those members who satisfy Council that they have the knowledge, experience, reputation, personal quality and qualifications necessary and desirable to be held out as a probity service provider accredited by the Institute. The Council of the Institute may, in its unfettered discretion, apply conditions or limitations on the accreditation of a person or on the inclusion on the Register of Probity Service Providers. The Council of the Institute may also, in its unfettered discretion, refuse to accredit a person as a probity service provider and may refuse to include a person on the Register of Probity Service Providers.

- 2.5 The Council of the Institute may, if it is otherwise satisfied as to the competence of a member to act as a probity service provider, in its unfettered discretion, exempt a member from compliance with any or all of the requirements of this policy.
- 2.6 To obtain and maintain accreditation as a probity service provider a person must satisfy the Council that the person:
- a) Meets all relevant statutory requirements (if any) for registration or recognition as a person eligible to be a probity service provider of the relevant discipline in the jurisdiction to which the relevant statute applies.
 - b) Is a person of good standing in the occupation or profession in which that person practices.
 - c) Has applied for accreditation and inclusion on the Register of Probity Service Providers using the application form as included at Schedule 1 to this policy and must have signed the acknowledgement on the application form.
 - d) Has satisfactorily completed the Institute's course of training for accreditation as a probity service provider for the relevant discipline(s) at the time of accreditation and inclusion on the Register of Probity Service Providers, in the discipline(s) for which accreditation is granted.
 - e) Has demonstrated competence as a probity service provider in the relevant discipline at the time of accreditation and inclusion on the Register of Probity Service Providers, in the discipline(s) for which accreditation is granted.
 - f) Can demonstrate a sufficient understanding of probity, integrity, ethics, fiduciary duties, related law and relevant discipline factors (eg, procurement and related practices).
 - g) Can demonstrate that she or he has relevant and sufficient experience in the industry or area of practice in which accreditation is sought.
 - h) Has met the CPD requirements and the requirements in respect of attendance at and satisfactory completion of a Master Class for Probity Service Providers in accordance with this policy.
 - i) Has been interviewed by an Interviewing Panel in accordance with this policy.

3. Interviewing Panel and Procedure

- 3.1 Unless the Executive or Council otherwise determine, prior to accreditation as a probity service provider and prior to inclusion on the Register of Probity Service Providers a person must be interviewed and recommended by an Interviewing Panel constituted in accordance with this Policy.
- 3.2 The Interviewing Panel shall satisfy itself that the person seeking accreditation and inclusion on the Register of Probity Service Providers (the Applicant) meets the requirements of this policy.

- 3.3 The Interviewing Panel shall complete the Interviewing Panel Report and Recommendation as appears at Schedule 2 to this policy. The Interviewing Panel may recommend conditions or limitations, which, in their opinion, should be applied to an accreditation or to inclusion on the Register of Probity Service Providers. Each member of the Interviewing Panel is required to sign the completed form.
- 3.4 Any member or members of the Interviewing Panel who decide that the Applicant does not meet the requirements of this Policy shall not approve the application for accreditation and inclusion on the Register of Probity Service Providers and shall provide brief reasons, expressed in their own terms, to Council for that decision.
- 3.5 Any recommendation for accreditation as a probity service provider or inclusion on the Register of Probity Service Providers which is conditional (such as 'subject to providing documents', or 'subject to further training, experience' etc) will generally not be approved by Council unless, at the sole discretion of the Council, the person can readily satisfy the removal of the condition or that the condition is not significant to the integrity of the provision of the probity services in the discipline being sought for accreditation.
- 3.6 As provided in Section 6 of this policy, a copy of the completed Interviewing Panel Report and Recommendation is to be provided to the Chapter Chairperson and to the Chief Executive Officer (CEO).

4. Continuing Professional Development

- 4.1 To maintain accreditation as a probity service provider and remain on the Register of Probity Service Providers a person must maintain a satisfactory level of continuing professional development (CPD).
- 4.2 A satisfactory level of CPD will be a minimum of 20 CPD points in any year and a minimum of 75 CPD points in any three year period of which not less than 75% of the CPD points are in respect of probity services or other activities or disciplines which Council approves as relevant for the purpose of CPD points for probity service providers.

5. Review of Accreditation

- 5.1 A member's accreditation as a probity service provider and inclusion on the Register of Probity Service Providers shall be reviewed once in every three year period or earlier should any relevant governing policy, statute, or statutes be amended.
- 5.2 Council may, of its own accord, determine that the accreditation of a probity service provider and/or the inclusion on the Register of Probity Service Providers should be reviewed at any time, if Council considers that circumstances are such as to reasonably justify such review before the next triennial review.
- 5.3 Following the review referred in 5.1 or 5.2, a person shall maintain her or his accreditation as a probity service provider and their inclusion on the Register of Probity Service Providers only if they meet the requirements of this policy.

6. Procedures for Dealing with Applications

- 6.1 The Chief Executive Officer shall be responsible to the Council for the administration of this Policy, including the following:
- a) preparation, updating and presentation to Council for approval of Rules, Guidelines and Policy Statements for accreditation and re-accreditation of probity service providers and for listing on Panels;
 - b) processing of all applications for accreditation and re-accreditation including liaison with Interviewing Committees;
 - c) the submission of all applications to Council for accreditation and re-accreditation, together with a report and recommendation;
 - d) publication of the Register of Probity Service Providers;
 - e) liaison with, and formulation of recommendations to, the Education & CPD Committee in respect of the subject matter, timing, form and conduct of the education and training requirements for accreditation and re-accreditation.
- 6.2 All Applications for Accreditation as a Probity Service Provider and inclusion on the Register of Probity Service Providers are to be made on the Application Form at Schedule 1 to this policy. The Application Form is to be signed by the Applicant.
- 6.3 The Application Form may be lodged with a Chapter Office or the National Office. An application received by a Chapter Office is to be forwarded immediately to the National Office.
- 6.4 The Chief Executive Officer is to request that the relevant Chapter Administrator convene a panel as soon as practicable following the receipt of a completed and signed Application for Accreditation and Inclusion on the Register of Probity Service Providers. The relevant Chapter Administrator shall convene an Interviewing Panel as soon as reasonably practicable following the Chief Executive Officer's request. The Interviewing Panel shall comprise at least two members of the Institute who are themselves accredited Probity Service Providers, plus one member of Council or a person nominated by the Executive. At the sole discretion of the Council, the Interviewing Panel may also include a member or observer from the major stakeholder of the user of probity services. The Applicant is not to be made aware of the identity of the panel members prior to the applicant being interviewed by the panel. A person selected to act as a member of an Interviewing Panel shall decline to act as a member of the panel where the person believes that there is or may be an apprehension of bias or potential conflict of interest.
- 6.5 A copy of the completed Interviewing Panel Report and Recommendation is to be provided to the Chapter Chairperson and to the Chief Executive Officer (CEO).
- 6.6 The Panel may provide to the CEO any comment in respect of the applicant or the application which it considers relevant. The Panel may recommend conditions or limitations, which, in the Panel's opinion, should be applied to an accreditation or to inclusion on the Register of Probity Service Providers.
- 6.7 The CEO shall place before Council for its consideration, all recommendations made by the Interviewing Panels.

- 6.8 Having regard to 3.5 of this policy, Council may approve, reject or approve with conditions or limitations any application for accreditation as a probity service provider or inclusion on the Register of Probity Service Providers.
- 6.9 The Executive may grant an interim approval of accreditation as a probity service provider and inclusion on the Register of Probity Service Providers. The Interim Approval shall not, without further approval of the Executive, extend beyond the next meeting of Council following the interim approval.
- 6.10 The CEO shall advise the relevant Chapter Office and each applicant of approval, interim approval or rejection of an application and any conditions or limitations applied by Council.
- 6.11 An applicant, if unsuccessful, may not re-apply for accreditation before the expiration of 12 months after the relevant determination by Council unless otherwise exempted by Council or by statutory requirements. Upon reapplication, the applicant must provide evidence of his/her conduct of probity services or attendance at further training programmes, if any, during the 12 month period. The applicant must then submit to a further interview.

7. Withdrawal of Accreditation or Removal from the Register of Probity Service Providers

- 7.1 Council may, by resolution, withdraw a person's accreditation as a probity service provider or remove an accredited probity service provider from the Register of Probity Service Providers where in the opinion of Council the person has not complied with this policy.

8. Appeals from Council's Decisions

- 8.1 Any person who is not satisfied with a decision of the Council (the Appellant) in respect of the Appellant's standing as a probity service provider or inclusion on the Register of Probity Service Providers, or in respect of an application made by the Appellant for accreditation as a probity service provider for inclusion on the Register of Probity Service Providers may seek a review of that decision.
- 8.2 The Appellant must notify the CEO in writing that the Appellant is dissatisfied with a decision of the Council. The Appellant must identify the decision, or the parts of the decision, with which the Appellant is dissatisfied and provide the basis of the dissatisfaction.
- 8.3 The CEO shall refer the notification to the Executive and to the Chairperson of the Professional Affairs Committee. The Executive shall decide what, if any, interim steps should be taken pending the outcome of the review of the decision. The Chairperson of the Professional Affairs Committee, or that Chairperson's nominee, shall act promptly to review the decision and recommend to the Executive within two weeks of the notification being referred to the Chairperson of the Professional Affairs Committee, whether the decision should stand or should be the subject of a further review.

- 8.4 The recommendation of the Chairperson of the Professional Affairs Committee, or that Chairperson's nominee, shall be referred to the Executive who shall decide what, if any, interim steps should be taken.
- 8.5 Where the Executive, or Council, resolves that the decision should be reviewed, a Decision Review Panel consisting of 3 members of Council shall be appointed by the Executive to review the decision and to recommend to Council the course of action to be adopted.
- 8.6 The Decision Review Panel shall provide the Appellant with an opportunity to present her or his case. The Decision Review Panel shall apply procedural fairness to the Appellant in dealing with the review of the Council's decision.
- 8.7 The Decision Review Panel should aim to make a recommendation to Council through the CEO within one month of the Decision Review Panel being constituted.
- 8.8 Council is to consider the dissatisfaction with the decision as expressed by the Applicant and consider the recommendations made by the Decision Review Panel. Council shall then resolve what action is to be taken in respect of the decision. Council may resolve to affirm, reject or modify its decision.
- 8.9 The decision of Council in accordance with Section 8.6 of this policy is final and binding.
- 8.10 Council is not required to give a reason or reasons for any decision made by it under this policy.