



**Fire Protection Association Australia**  
**Auditing and Compliance**  
**Policy and Procedures**  
**AL002V002**

<b>Policy Code</b>	<b>AL002</b>	<b>Version</b>	V002	<b>Version History</b>	6.9.21 to current V002 includes: amendments to all policy sections, inclusion of Show Cause Notice, Notice of Decision, Suspension, Termination and Letter of Warning Processes. Cautions.
<b>Department Responsible</b>	Accreditation and Licensing (AL)	<b>Accountable</b>	National Manager Accreditation		

## Auditing and Compliance Policy and Procedures

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## 1.0 Audience

The audience for FPA Australia Auditing and Compliance Policy and Procedures includes individuals accredited under Fire Systems Design (FSD) and Fire Safety Assessment (FSA) categories.

This also includes individuals who have registered with FPA Australia to become accredited in the above-mentioned categories.

## 2.0 Purpose

The purpose of this document outlines the policy and procedures applying to the audit and investigation of individuals who are accredited or have registered for accreditation under the Fire Protection Accreditation Scheme.

The policy and procedures will deliver on FPA Australia's commitment to the protection of life, property and the environment.

## 3.0 Scope

Fire Protection Association Australia (FPA Australia) accredits individuals under the Fire Protection Accreditation Scheme (FPAS) to carry out fire systems design, certification, routine service (inspect and test) and annual assessment activities. The following outlines what is in and out of scope under this policy:

- (i) Individuals accredited under Fire Systems Design (FSD) and Fire Safety Assessment (FSA) categories.
- (ii) Individuals who have registered with FPA Australia to become accredited in the above-mentioned categories.
- (iii) Individuals who are not registered or accredited with FPA Australia may not be investigated under this policy and procedure. However, this policy outlines actions required when a matter falls out of scope (*refer to Letter of Warning*)

## 4.0 Policy Statement

Fire Protection Association Australia (FPA Australia) accredits individuals under the Fire Protection Accreditation Scheme (FPAS) to carry out fire systems design, certification, routine service (inspect and test) and annual assessment activities.

These individuals are required to comply with all relevant laws, regulations, standards, and codes, and to act ethically at all times.

In New South Wales, individuals accredited under the Fire Systems Design (FSD) and Fire Safety Assessment (FSA) categories are formally recognised by the Government as Accredited Practitioners (Fire Safety) (APFS).

Under this arrangement, FPA Australia is committed to auditing a certain proportion of practitioners each year to ensure ongoing compliance and the highest possible standards of performance.

## 5.0 S.E.L.F Test

FPA Australia uses the S.E.L.F test in audits to investigate potential breaches committed by Individuals.

The S.E.L.F test (scrutiny, ensure compliance, lawful, fair) allows FPA Australia to identify whether a breach, discipline, or misconduct has occurred by asking the following key questions:

- (i) Would the individual's behaviour or performance withstand **scrutiny** of FPA Australia and the Accreditation Appeals Panel if the breach were overseen?
- (ii) Did the individual's behaviour or performance **ensure compliance** with FPA Australia's Code of Professional Conduct, relevant rules, regulations, policies, procedures and legislation?
- (iii) Was the individual's behaviour or performance **lawful**?
- (iv) Was the individual's behaviour or performance **fair**?

If the individual's behaviour or operational performance does not withstand standards of the S.E.L.F test, then an Authorised Officer must follow the procedures outlined in this policy.

## 6.0 Selection of individuals for audit

In accordance with the NSW Government's approval of FPAS, FPA Australia is required to conduct audits of at least ten percent (10%) of Accredited Practitioners (Fire Safety) yearly.

### 6.1 Selection criteria

To ensure fairness and transparency, individuals will only be selected for a scheduled audit if:

- (i) they are currently accredited and have been for at least six (6) months
- (ii) they have not been through a scheduled audit within the previous five (5) years; and
- (iii) they are not subject to an investigation (general) or investigation audit.

The only exceptions to these criteria will be if the individual has been the subject of a successful complaint or investigation, in which case they will be added to the pool of individuals (see section 5.2 *Selection process*, below).

### 6.2 Selection process

Individuals for an audit are selected in the following way:

- (i) Every twelve months, FPA Australia records the total number of individuals accredited in each of the FSA and FSD categories.
- (ii) 10% of individuals are selected randomly from each list, with different weightings for metropolitan and regional practitioners, using a dedicated formula.
- (iii) Once an individual has been audited and deemed compliant, they are moved out of the current selection pool.

An individual may be audited more than once during the course of a year if a complaint or investigation has been upheld against them, or at the request of FPA Australia.

If an individual is subject to a successful complaint or investigation, they will be added to the selection pool for audit in either the current year or the next – these individuals will be in addition to the required minimum numbers of accredited practitioners.

### 6.3 Audit plan

Once individuals have been selected, they are divided into two selection spreadsheets – one for FSA accredited practitioners, and one for FSD accredited practitioners.

Individuals on the list are divided up geographically and allocated an expected timeframe in which their audit is to occur.

An Authorised Officer must then complete an audit plan, in line with this policy and procedures, which outlines when each practitioner will be audited.

Once the annual audit plan is established, it is presented to FPA Australia's Accreditation Manager for approval.

## 7.0 Scheduled audit

An Authorised Officer may conduct a scheduled audit on any individual accredited under the Fire Protection Accreditation Scheme.

There is no specific period regarding the length of a scheduled audit, though it is generally expected that all audits identified in an annual audit plan be completed prior to the conclusion of the calendar year.

### 7.1 Documents required for scheduled audit (Stage 1)

FPA Australia has developed the **Form 1 – WPA List** to assist individuals record their Workplace Activities (WPA) and records of prior experience.

While not mandatory, the Form 1 provides a process for an individual to record any assessment jobs or design projects where good records may not be readily available, including works undertaken prior to becoming accredited.

The Form 1 does not however serve as a replacement for additional documentation.

During Stage 1 of the scheduled audit, the Authorised Officer will send a notification to the individual outlining the documents required within five (5) business days, including:

- (i) A completed Form 1 or a list of WPA's for which the individual has prepared reports/relevant documents within the past twelve (12) months (all jobs performed, up to a total of one hundred (100), should be recorded, prioritising the most recent jobs).
- (ii) Documents that demonstrate that the practitioner's insurance is current.
- (iii) Evidence that the practitioner is appropriately experienced to be performing regulated work in accordance with their accreditation. See appendix "**Requirements for Demonstrating Evidence of Experience for Fire Safety Assessment**".

Five (5) business days is to be allowed to provide further documents if outside of the original 5-business day period.

### 7.2 Documents required for scheduled audit (Stage 2)

An Authorised Officer will review the Form 1 and other documents submitted by the individual during Stage 1 and select WPA's that provide a broad overview of their accreditation.

During Stage 2 of the scheduled audit, the Authorised Officer will assess:

- (i) a minimum of five workplace activities (WPA); and
- (ii) a maximum of 10% of all WPA's provided, or up to ten (10), whichever is greater.

Once selected, the Authorised Officer will advise the individual of the WPA's chosen and allow ten (10) business days for them to provide:

- (i) any relevant reports, documents, diagrams, or evidence that substantiate competency in identified areas of accreditation; and
- (ii) any photographic or other evidence that shows the condition of essential fire safety systems or how decisions were made.

This evidence will be reviewed and assessed as part of the audit process, and if the Authorised Officer seeks more information or documentation, they will advise the individual accordingly.

Five (5) business days is to be provided if further documents are requested outside of the 10-business day period.

FPA Australia reserves the right to ask for materials or information not described above as part of the audit process, if required.

### *7.3 Key performance indicators*

FPA Australia uses the program iAuditor for its assessments, and compares WPA's against key performance indicators (KPI) within that program.

These KPI's have been developed to ensure compliance with the FPA Australia Code of Professional Conduct, relevant Australian standards and legislation, and this policy.

### *7.4 Scheduled audit document examination (Stage 3)*

An Authorised Officer must examine any supporting documentation using the S.E.L.F-test and the KPI's in iAuditor.

In order to be deemed compliant, the individual must provide either:

- (i) evidence contained within a WPA;
- (ii) additional information, as identified by the Authorised Officer, to assist in the examination; or
- (iii) a verbal explanation.

This evidence will be reviewed and assessed as part of the audit process, and if the Authorised Officer seeks more information or documentation, they will advise the individual accordingly.

Five (5) business days is to be provided if further documents are requested outside of the original 10-business day period.

FPA Australia reserves the right to determine if sufficient evidence has been provided to support the WPA, and where required may outsource to industry professionals to conduct an assessment on the individual's performance.

### *7.5 On-site inspections*

During a scheduled audit, the Authorised Officer may attend on-site in order to verify the WPA submissions. This inspection may include attending the individual's workplace to verify the documentation and processes they have, or a site the individual has worked on to verify information relating to a WPA.

This inspection will be carried out in line with the processes outlined in this policy.

### *7.6 Finalisation of scheduled audit*

At the conclusion of a scheduled audit, the Authorised Officer must complete a report outlining the outcomes of the audit, including whether the individual was compliant or non-compliant (breach). The individual will be notified of the audit outcome and the result will be stored by FPA Australia with the individual's records.

If a breach is identified during the audit, the Authorised Officer will follow the processes and procedures outlined in this policy.

## 8.0 Investigations

Where required, FPA Australia reserves the right to investigate individuals in response to a complaint or as part of an audit.

An Authorised Officer must evaluate the legitimacy of each case and determine whether an investigation is to occur. FPA Australia will endeavour to investigate each complaint when there are sufficient grounds to do so.

An Authorised Officer may decide that a complaint is frivolous or vexatious and not require an investigation audit or an investigation (general). A frivolous or vexatious complaint must still be recorded within the relevant register, though may not be produced or referred to as part of the APFS's compliance history.

A complaint occurring prior to an individual's application for accreditation may not be investigated.

### 8.1 Investigation (general)

Investigation (general) is a process of determining whether an individual has committed a breach when an investigation audit is not appropriate or necessary. An investigation (general) may come as a result of a complaint or for reasons identified by FPA Australia. An investigation (general) is required to be finalised as soon as reasonably practicable.

An Authorised Officer must comply with the following procedure when completing an investigation (general):

- (i) Disclose sanitised information regarding the investigation to the individual.
- (ii) Ensure that sufficient inquiries have been conducted.
- (iii) Advise the complainant (if relevant) and individual upon finalisation.
- (iv) Record the outcome in the relevant FPA Australia register.

If a breach is identified during the investigation, the Authorised Officer will follow the processes and procedures outlined in this policy.

### 8.2 Investigation Audit

An investigation audit must follow the same process as a scheduled audit. Additional information may be required of the individual to allow an Authorised Officer to sufficiently investigate the matter. Investigation audits are required to be finalised as soon as reasonably practicable.

An investigation audit may occur at any time from the date an individual is accredited with FPA Australia.

### 8.3 Documents required for investigation audit (Stage 1)

Prior to an investigation audit, an Authorised Officer will send a notification to the individual requesting documents within five (5) business days, including:

- (i) A list of WPA's for which they have prepared reports/relevant documents within a specific time frame.
- (ii) Documents that demonstrate that the individual's insurance is current.
- (iii) Evidence that the individual is appropriately experienced to be performing regulated work in accordance with their accreditation. See appendix "**Requirements for Demonstrating Evidence of Experience for Fire Safety Assessment**".

Five (5) business days is to be provided if further documents are required outside of the original 5-business day period.



During an investigation audit, the Authorised Officer will assess a minimum of five (5) Workplace Activities (WPA's).

In addition, an Authorised Officer may request and assess various documents during an investigation audit as required. There is no limit to the documentation that can be requested.

#### *8.4 Documents required for investigation audit (Stage 2)*

Once the WPA's have been selected, the Authorised Officer will advise the individual of the selected WPA's and allow ten (10) business days for them to provide:

- (i) any relevant reports, documents, diagrams, or evidence that substantiate competency in identified areas of accreditation; and
- (ii) any photographic or other evidence that shows the essential fire safety systems or how decisions were made.

This evidence will be reviewed and assessed as part of the audit process.

If the Authorised Officer seeks more information or documentation, they will advise the individual accordingly. Five (5) business days is to be provided if further documents are required outside of the original 10-business day period.

FPA Australia reserves the right to ask for materials or information not described above as part of the audit process, if required.

#### *8.5 Onsite inspections (investigation audits)*

During an investigation audit, the Authorised Officer may attend on-site in order to verify elements of a submitted WPA.

This inspection will be carried out in line with the processes outlined in this policy.

#### *8.6 Investigation audit document examination (Stage 3)*

Once an Authorised Officer has selected the relevant WPA's for review, they will examine any supporting documentation using the S.E.L.F-test and the KPI's in the program iAuditor.

In order to be deemed compliant, the individual must provide either:

- (i) evidence contained within a WPA;
- (ii) additional information, as identified by the Authorised Officer, to assist in the examination; or
- (iii) a verbal explanation.

Five (5) business days is to be provided if further documents are required at this stage.

FPA Australia reserves the right to determine if sufficient evidence has been provided to support the WPA, and may outsource to industry professionals to conduct an assessment on the individual's performance, where required.

## 8.7 Finalisation of investigation audit

At the conclusion of an investigation audit, the Authorised Officer will complete a report outlining the outcomes of the audit, including whether the individual was compliant or non-compliant (breach).

The individual will be notified of the audit outcome and the result will be stored by FPA Australia with the individual's records.

If a breach is identified during the audit, the Authorised Officer will follow the processes and procedures outlined in this policy.

## 9.0 Cautions

FPA Australia may administer a written caution with the utmost fairness, transparency and equity to address circumstances of audits and investigations in a constructive and purposeful manner.

A caution is not a sanction as outlined under **section 9.4 of FPA Australia's Code of Professional Conduct** and does not constitute a breach as defined under this policy. A caution does not appear on public registers, though may be referenced by FPA Australia for compliance purposes.

Dependent on the circumstances and where appropriate, an Authorised Officer may caution an individual in circumstances where:

- (i) the individual's behaviour or operational performance did not constitute a breach; however, the circumstances were considered an area for improvement; and
- (ii) proceeding by way of a Show Cause Notice would not be in the interest of FPA Australia and the community.

### 9.1 Criteria and administering a Caution

An Authorised Officer may administer a caution with the endorsement of FPA Australia's National Manager of Accreditation or CEO/COO.

Cautions may not be administered in circumstances where:

- (i) an individual has not accepted the terms or conditions of accreditation;
- (ii) an APFS is under a current suspension, Show Cause Notice or Notice of Decision; or
- (iii) the circumstances constitute a breach as defined in this policy.

In circumstances where a caution may be administered, an Authorised Officer must ensure the following:

- (i) the circumstances satisfy the criteria for cautions under this policy;
- (ii) the caution is appropriate to the circumstances and in the interests of FPA Australia and the community;
- (iii) the caution is endorsed by the National Accreditation Manager, or the COO or CEO of FPA Australia;
- (iv) the caution is written and administered on FPA Australia's approved form; and
- (v) the caution is recorded on the individual's file for compliance purposes.

## 10.0 Show Cause Notice

A Show Cause Notice is a formal document which sets out the basis for FPA Australia's understanding of an alleged breach of the terms and conditions of accreditation. A Show Cause Notice must be issued in accordance with FPA Australia's Disciplinary Framework.

Once a Show Cause Notice is issued to an individual, the individual should consider whether or not to proceed further with applying for any Accreditation or service offered by FPA Australia until such time that the matter is finalised. The individual should refer to FPA Australia's Refund Policy when appropriate in the circumstances

An individual subject to the Show Cause Notice may respond and provide any evidence which supports their position. FPA Australia will not accept a Show Cause Notice response from a third party other than a legal representative acting on behalf of the individual. After a Show Cause Notice is issued, the individual has fourteen (14) days to action the following:

- (i) provide a response and any evidence which supports their case;
- (ii) request further information in relation to the alleged breach; or
- (iii) request an extension to respond to the Show Cause Notice.

In the event that further evidence is requested by the individual, an Authorised Officer will review the request and determine the appropriateness of the information provided to the individual.

If an extension is requested, the individual must present a reasonable excuse in accordance with the definition under this policy. An authorised officer will review the individual's request, and determine if an extension for an additional fourteen (14) days is granted.

After this time, an Authorised Officer must present the Show Cause Notice, Show Cause Notice Response (if provided) and an assessment of previous case studies to FPA Australia's Case Management Committee. The Case Management Committee then review all information and determine an outcome in accordance with the Disciplinary Framework.

Failure to respond to the Show Cause Notice within fourteen (14) days without a reasonable excuse will result in the matter proceeding to FPA Australia's Case Management Committee without a response.

## 11.0 Notice of Decision

A Notice of Decision is a formal document which communicates a decision made by FPA Australia in regards to a breach of the terms or conditions of accreditation. A Notice of Decision must be issued in accordance with FPA Australia's Disciplinary Framework.

An Authorised Officer must present a Notice of Decision to the FPA Australia National Manager of Accreditation and CEO for endorsement. An electronic copy of the Notice of Decision will then be provided to the individual.

Once a Notice of Decision is issued to an individual, the individual should consider whether or not to proceed further with applying for any Accreditation or service offered by FPA Australia until such time that the matter is finalised. The individual should refer to FPA Australia's Refund Policy when appropriate in the circumstances.

An individual subject to a Notice of Decision may respond and provide any evidence which supports their position by way of an Appeal Application.

## 12.0 Breaches

Breaches under FPA Australia's Auditing and Compliance Policy and Procedure are categorised as either a Breach of Discipline or Misconduct, in order to aid in providing the most appropriate outcome when non-compliance is identified.

A Breach of Discipline or Misconduct is identified when an individual does not meet compliance standards, or when their actions are brought to FPA Australia's attention and do not withstand elements of the S.E.L.F test.

A breach's category is determined based on their definition outlined in this policy, and is not enforced until either the fourteen (14) business day appeals period has passed or an appeals panel decision has been made.

An Authorised Officer is required to record all breaches, including any action taken, within a register to ensure accuracy and fairness when investigating future breaches.

Individuals who are deemed to have committed a breach will be subject to sanctions outlined under **section 9.4 of FPA Australia's Code of Professional Conduct**.

### 12.1 Managing a Breach of Discipline or Misconduct

An Authorised Officer must ensure each case passes a two-tier test. They should not proceed with further action if the case does not meet the following:

- (i) there is sufficient evidence to support the breach; and
- (ii) managing the breach is in the interest of FPA Australia and the community.

Once an Authorised Officer has determined that a case concerning a breach meets the above-mentioned criteria, they must assess the breach against the FPA Australia Disciplinary Framework to determine whether the breach meets the criteria of a Breach of Discipline or Misconduct.

An Authorised Officer must only conduct an assessment based on their investigation and follow FPA Australia Disciplinary Framework to manage the Breach of Discipline or Misconduct.

The Case Management Committee is responsible for deciding on the breach outcome based on the information provided. This decision must be made unanimously and in accordance with the Disciplinary Framework.

### 12.2 Breach of Discipline

FPA Australia recognises a Breach of Discipline as being behavioural or operational performance that would otherwise be considered unsatisfactory and not withstand elements of the S.E.L.F-test.

It is deemed that if an individual commit two (2) separate acts of Breach of Discipline that any subsequent breaches are considered to be Misconduct, regardless of their nature.

### 12.3 Misconduct

FPA Australia recognises Misconduct as being behavioural or operational performance that would otherwise be considered unethical, unsafe or unlawful of an individual and not withstand elements of the S.E.L.F-test.

FPA Australia must consider termination or suspension of accreditation when an individual has committed Misconduct.

### 12.4 Failure to permit scheduled / investigation audit or investigation (general)

Once a scheduled or investigation audit has been arranged with an individual, they must permit an Authorised Officer to investigate the matter. If the individual refuses or is unable to allow the scheduled / investigation audit to be conducted, the individual must:

- (i) provide an Authorised Officer written notice within twenty-four (24) hours of being advised of the scheduled / investigation audit, outlining a reasonable excuse regarding why the audit cannot be conducted; and

(ii) propose an alternative date and time no later than five (5) business days from the original audit date.

An Authorised Officer will consider the individual's reasonable excuse and determine whether it meets the definition as outlined under this policy.

If an individual fails to comply with this section, they are considered to have committed Misconduct and an Authorised Officer must follow the procedure outlined under this policy.

### *12.5 Failure to meet minimum experience requirements of the Fire Protection Accreditation Scheme (FPAS)*

During Stage 1 of a scheduled or investigation audit an individual must produce evidence that they are appropriately experienced to perform regulated work in accordance with their accreditation. See appendix **"Requirements for Demonstrating Evidence of Experience for Fire Safety Assessment"**.

If an individual is unable to produce evidence, they must:

- (i) provide information to the Authorised Officer regarding their experience and attempts to obtain records; and
- (ii) provide a Statutory Declaration from an individual who can verify the APFS's experience. This individual must be a previous employer, manager or superior/senior colleague.

If an individual fails to comply with this section, they are considered to have committed Misconduct and an Authorised Officer must follow the procedure outlined under this policy.

### *12.6 Failure to comply with Notice of Decision*

Once an individual has become subject to a Notice of Decision, the individual must complete all requirements. If the individual is unable to complete the requirements, they must take the following actions prior to the required due date:

- (i) provide an Authorised Officer written notice and outline a reasonable excuse regarding why they were unable to complete all that was required; and
- (ii) propose an extension date in writing to an Authorised Officer in order to complete the requirements.

An Authorised Officer must consider if the individual's excuse and proposed extension date are reasonable. If an extension is granted, an Authorised Officer may determine the extension length and then advise the individual of this extension.

If an individual fails to comply with this section, they are considered to have committed Misconduct and an Authorised Officer must follow the procedure outlined under this policy.

### *12.7 Monitoring Individuals after non-compliance*

An individual must comply with the outcomes of the Notice of Decision, which is effective fourteen (14) days after the signing of the Notice of Decision.

An Authorised Officer will monitor the progress of the individual subject to the outcomes of the Notice of Decision and ensure that it is adhered to.

FPA Australia reserves the right to conduct additional audits or investigations of individuals within two (2) years after they were found to be non-compliant.

This monitoring serves to ensure that the individual has maintained compliance with the terms or conditions of accreditation.

## 13.0 Suspension and Termination

Suspension or termination occur when an individual commits a breach against the terms or conditions of the Fire Protection Accreditation Scheme.

The suspension or termination must be appropriate to the circumstances of their breach, and applied in accordance with FPA Australia's Disciplinary Framework.

FPA Australia must communicate the suspension or termination by way of Notice of Decision and provide the individual the opportunity to appeal the decision in accordance with this policy.

### 13.1 Suspension

A suspension may be partially or wholly applied to an individual's accreditation or registration. The suspension will remain effective until;

- (i) an NCAT proceeding overturns the suspension;
- (ii) the individual has completed all actions required of them as specified in the Notice of Decision, and provided evidence that substantiates this to FPA Australia;
- (iii) the period of suspension has passed and the individual has re-applied for accreditation; or
- (iv) the period of suspension has passed and the individual has applied to have the suspension lifted.

Individuals who are subject to a partial suspension must complete the approved form and submit it to FPA Australia to have their suspension lifted. The individual's accreditation will remain suspended until such time that the approved form is completed and submitted.

Individuals who are subject to a whole suspension must follow the application process to the relevant accreditation pathway in order to re-attain their accreditation, once the suspension period has passed.

### 13.2 Termination

Termination may be wholly applied to an individual's accreditation or registration. The termination will remain effective until:

- (i) an NCAT proceeding overturns the termination; or
- (ii) the termination has been effective for three (3) years and the individual's application for accreditation has been successful.

If an application is received after three (3) years from the date of termination, the FPA Australia National Accreditation Manager must review the individual's application for accreditation and determine if the application is successful.

The National Accreditation Manager may reject the individual's application if any of the following apply:

- (i) The Application for Accreditation was submitted within three (3) years after the termination became effective.
- (ii) The severity of the individual's actions preceding termination presented a risk to Life, Property and Environment.
- (iii) The individual has been subject to complaints received by FPA Australia or other authorities following their termination.
- (iv) FPA Australia perceive the individual is likely to continue to breach the terms or conditions of accreditation.

The individual will be provided a Notice of Decision from the FPA Australia National Accreditation Manager if the application is successful.

In the event that the individual's application for accreditation is unsuccessful, the FPA Australia National Accreditation Manager will provide a Notice of Decision to the individual and advise them of the Appeal Application process. The individual may then appeal the unsuccessful application for accreditation in accordance with this policy.

## 14.0 Appeals and Grievances

An individual may appeal decisions made by FPA Australia, though this must be done within fourteen (14) days after being provided a Notice of Decision.

FPA Australia will not accept an Appeal Application from a third party other than a legal representative acting on behalf of the individual. After a Notice of Decision is issued, if the individual wishes to appeal they have fourteen (14) days to action the following:

- (i) provide an Appeal Application and any evidence which supports their case; and
- (ii) make payment and produce evidence of the Appeal Application fee; or
- (iii) request an extension to submit their Appeal Application.

If an extension is requested, the individual must present a reasonable excuse in accordance with the definition under this policy and evidence to support their request. An Authorised Officer will review the individual's request, and determine if an extension for an additional fourteen (14) days is granted.

Once an Appeal Application and payment is received, the Notice of Decision will not be enforced until such time that the Accreditation Appeals Panel reach a decision on the matter.

Failure to submit an Appeal Application without a reasonable excuse will result in the Notice of Decision being enforced. A Notice of Decision that has become effective can only be overturned by way of civil court (NCAT) proceeding.

Upon receipt of a completed Appeal Application, FPA Australia will suspend the decision until such time that the Accreditation Appeals Panel (AAP) oversees the matter. An Authorised Officer will then complete the following:

- (i) Ensure the appeal application has been completed and payment for appeal received.
- (ii) Compile a Brief of Evidence, which includes the Appeal Application and evidence from the individual, within two (2) weeks.
- (iii) Forward the Brief of Evidence to FPA Australia's National Accreditation Manager.

### 14.1 Accreditation Appeals Panel.

FPA Australia's National Accreditation Manager will review the Brief of Evidence and convene the Accreditation Appeals Panel (AAP).

The Accreditation Appeals Panel will review the Brief of Evidence and decide whether a hearing is required.

In the event of a hearing, the AAP secretary must:

- (i) Issue a Notice of Hearing to FPA Australia and the individual within ten (10) business days after the Brief of Evidence is received.
- (ii) Request FPA Australia and/or the individual supply any additional evidence within ten (10) business days.

Following a review of a Brief of Evidence or hearing, the AAP will make a final decision to either:

- (i) affirm (uphold) FPA Australia's decision;

- (ii) quash (dismiss) FPA Australia's decision; or
- (iii) quash (dismiss) FPA Australia's decision and provide a substitute decision.

An Authorised Officer will then complete a Final Notice of Decision, which will outline the decision made by the AAP.

FPA Australia's National Manager of Accreditation and CEO will endorse the Final Notice of Decision and an electronic copy will be provided to the individual.

The decision made by the AAP is final and may only be overturned by way of civil court (NCAT) proceeding.

## 15.0 Letter of Warning

A Letter of Warning may be issued to an individual in the case of a complaint or for reasons identified by FPA Australia. Consideration must be given to the matter and whether there is sufficient evidence and information to issue the Letter of Warning.

FPA Australia may only issue a Letter of Warning to an individual who does not hold accreditation or is not associated with FPA Australia. Letters of warning may be issued in the following circumstances:

- (i) fraudulent use of accreditation number or particulars;
- (ii) completion of regulated work without accreditation; or
- (iii) falsely misrepresenting accreditation under the Fire Protection Accreditation Scheme.

If there is sufficient evidence to issue a letter of warning, an authorised officer must take the following action:

- (i) Issue a letter of Warning to the individual.
- (ii) Allow the individual ten (10) business days to provide a response.
- (iii) Record the Letter of Warning against FPA Australia's register and systems.
- (iv) Notify the Department of Customer Service – Fair Trading of the Letter of Warning.

FPA Australia's National Manger of Accreditation may consider the circumstances of the Letter of Warning in the event an individual applies for accreditation.



## 16.0 Administration

FPA Australia's Auditing and Compliance Policy and Procedure follows administration processes to ensure that data obtained is accurately recorded and managed. The guidelines, which relate to auditing administration, allow data pertaining to scheduled and investigative audits to be easily accessed by an Authorised Officer or a respective management member of FPA Australia. All information received from individuals during audits or investigations is handled in accordance with FPA Australia's Privacy Policy. The auditing process utilises a paperless system to ensure efficiency and accuracy.

### 16.1 Dropbox

Individuals are required to upload all WPA's and relevant documents, including insurance records, to an allocated Dropbox.

This Dropbox must only be accessed by the relevant individual, Authorised Officers and FPA Australia management in order to maintain confidentiality. Improper use of Dropbox may lead to an investigation of an individual.

### 16.2 Naming conventions

Once an individual is selected for a scheduled or an investigation audit, they are assigned identification particulars. These particulars are created using a formula which ensures that no one practitioner will have the same identifier throughout an audit. These particulars are required to be used for documentation purposes, including notification letters and registers.

Once an audit or investigation is finalised, the particulars remain until the data is disposed of (**10.4 Data Management**). If another audit or investigation occurs, the practitioner is assigned other naming particulars to differentiate them.

### 16.3 Registers

Audit registers are maintained by an Authorised Officer of FPA Australia. Registers are required to be updated regularly and should accurately capture the most current information relating to audits.

Registers may only be accessed by Authorised Officers and FPA Australia management in order to maintain confidentiality.

## 16.4 Data management

Upon finalisation of a scheduled or investigation audit, WPA's and documents relating to the audit are retained for twenty-one (21) business days, after which they are disposed of. The FPAA Form 1 or equivalent document, including records of prior experience and statutory declarations, are retained for compliance purposes.

In the event that a breach is identified all documentation is retained for twenty-one (21) business days after the NSW Department of Customer Service is notified.

FPA Australia will retain the iAuditor and KPI results relating to audits and investigations for compliance purposes.

## 17.0 Definitions

Accreditation Appeals Panel	A group of independent individuals who oversee the decisions made by FPA Australia with respect to breaches that are appealed.
Accredited Practitioner (Fire Safety) (APFS)	An individual who is recognised as competent and able to perform certain regulated work under the <i>Building and Development Certifiers Act 2018</i> and the <i>Environmental Planning and Assessment Act 1979</i> .
Audit	A process for assessing the ongoing performance and compliance of an Accredited Practitioner (Fire Safety).
Authorised officer	An employee of FPA Australia who is approved to carry out audits and investigate complaints about individuals.
Breach	A failure to comply with any provisions, terms, or conditions relating to accreditation.
Breach of Discipline	Includes, but is not limited to, behavioural or operational performance that would otherwise be considered unsatisfactory.
Case Management Committee	A group of FPA Australia employees who decide the outcomes of a Notice of Decision in accordance with the Disciplinary Framework.
Caution	A letter providing constructive and purposeful advice following an audit or investigation, identifying areas FPA Australia expects to see improve.
Complaint	An expression of grievance or dissatisfaction with a service offered or provided by an individual or FPA Australia.
Corrective Action	Action outlined as a requirement within a Notice of Decision where an individual requires remedial training or other action to improve their work performance.
Disciplinary Framework	Assessment criteria a breach is measured against to determine the most appropriate course of outcome.
Document	Electronic or paper-based materials containing information relating to an individual's work.
Fire Protection Accreditation Scheme (FPAS)	An accreditation scheme that has been recognised by the NSW Government as evidence of competence for practitioners carrying out design or annual assessment work on fire safety measures.

Fire Safety Assessment (FSA)	A category under FPAS that accredits practitioners carrying out annual assessments of essential and critical fire safety measures.
Fire Systems Design (FSD)	A category under FPAS that accredits practitioners who endorse plans and specifications for certain fire safety systems.
KPI	Key Performance Indicators enable an auditor to assess documents and determine compliance.
Letter of Warning	A formal document setting out an understanding of an alleged breach which falls outside FPA Australia's jurisdiction to act upon.
Misconduct	Includes, but is not limited to, behavioural or operational performance that would otherwise be considered unethical, unsafe, or unlawful.
Notice of Decision	A formal document setting out FPA Australia's decision made with respect to a breach.
Reasonable excuse	Circumstances considered being beyond the individual's control, including prolonged illness, planned recreational leave and financial duress.
Registered	Status of an individual whose application for accreditation has been accepted by FPA Australia. This includes the individual's endorsement of the Code of Professional Conduct and Statutory Declaration of the minimum experience requirements.
Show Cause Notice	A formal document which sets out the basis for FPA Australia's understanding of an alleged breach.
Suspension	A period of time applied to an individual's registration or accreditation that must pass prior to being reinstated.
Termination	An individual's application or accreditation being revoked due to a breach of the terms, or conditions relating to accreditation.
Work place activity (WPA)	A job executed by the individual which demonstrates their competency in an area of accreditation.

## 18.0 Review

This Policy will be reviewed on an ongoing basis and a full review will occur by 30 March each calendar year

## Approval

**Department Responsible:** Accreditation and Licensing (AL)

**Accountable:** National Manager Accreditation

**Date:**

**Signature:**

