

IQP Disciplinary Policy

Purpose:

To provide the values, principles and beliefs in delivering building owners a level of quality specified system inspection work and personal ethics by a registered Independent Qualified Person (IQP) to sustain a safe and healthy workplace.

Policy:

The disciplinary code applies to all registered IQP individuals.

Council will manage disciplinary matters under a due and fair process to provide an efficient procedure, received in writing by the Registrar and / or Panel relating to an IQP.

In the Public interest, an IQP needs to be held accountable for their performance in carrying out their responsibilities under the appropriate sections of the Building Act 2004, inclusive of any amendments.

References:

Regulation

- Building Act 2004 – sections 7, 108 & 108A

Internal reference

- AC1432 IQP registration guidelines

Process overview:

Principle of policy

IQPs are expected to be honest in dealings, act lawfully and ethically in the best interests of building owners and Auckland Council, and be compliant with all relevant legislation, regulations and the building code. All information gained is to be treated with care and to only be used for appropriate purposes.

IQPs are responsible for ensuring they comply with the IQP Guidelines, and any terms of conditions agreed as part of their application

Disciplinary action is applied to encourage acceptable work ethics and provide consequences for failing to do so. Reasons for discipline include, but are not limited to the following:

- Failure to comply with the IQP registration guidelines, conditions of acceptance or ongoing obligations
- Carrying out or supervising IQP functions negligently or incompetently
- Obtaining registration for specified systems dishonestly
- Failing to provide correct documentation
- Misrepresenting their competence on specified systems
- Carrying out or supervising work on specified systems outside their registered competency
- Making any declaration or representation, orally or in writing, knowing it to be false or misleading
- A complaint received from a customer which is proven to be valid after investigation, regarding the quality of the service being provided or any matter regarding inappropriate behaviour.

Warning

Auckland Council reserves the right to vary the warning process as deemed appropriate to the situation. If the breach is deemed to be of a serious nature, immediate disciplinary measures, suspension and/or deregistration may apply. The warning process may include but is not limited to:

- In the first event of a breach of discipline the IQP may be issued an oral warning, formal written (Level 1)
- In the second event of a breach of discipline the IQP may be issued a first written warning (Level 2)
- In the third event of breach of discipline the IQP may be issued a final written warning (Level 3)

- In the event of any further breach of discipline the IQP may be classified as serious misconduct ending in suspension or deregistration (Level 4).

Penalties

Depending on the seriousness of the breach, penalties may include:

- Request that further training is required
- Being formally reprimanded, orally or written
- Suspension of registration up to 12 months
- Removed from the register entirely or deregistered for a specified system.
- Infringement

Serious misconduct

An instant suspension from the IQP register during an investigation. This may mean waiting for reports from emergency services or suitably qualified persons to determine the extent of the issue.

Serious misconduct may include but is not limited to:

- A specified system is found to be in a state that would suggest that no testing and / or maintenance has been completed for some time
- A specified system is directly linked to a serious injury
- A specified system is directly linked to a death
- Dishonest conduct

Suspension / Removal of registration as an IQP

Registration will continue if it is determined no further action is required. If further action is required, registration may be suspended until further investigation is complete. The information will be relayed to the IQP and to other Territorial Authorities. Removal of registration would only occur after a thorough investigation had been completed and if the findings are that the IQP registration is to be suspended or deregistered the IQP and TA will be notified.

Appeals

Any complainant may request an appeal of the outcome of the disciplinary hearing. The appeal will be forwarded to a senior management committee and others as we see fit to consider and respond.