

0.0.2 Guidance

# Application process and questions: common requirements (aide-mémoire)

For Schemes being prepared under Professional Standards  
Legislation

June 2021





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<b>Written By</b>	Director, Professional Standards Regulation
<b>Approved By</b>	Chief Executive Officer, Professional Standards Councils

### Revision History

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1.0	PSC	18 June 2021	1 July 2021	This is a new guidance

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## 1. Guidance statement

A key aim of this guidance is to assist your association in understanding at a high level the common requirements and particular governance and improvement/consumer protection questions of the Scheme application modules, submodules, guidance and templates.

For detail, see Guidance 0.0.1 *Application organisation and process*.

## 2. Common process-related requirements

This guidance is designed as a ready reckoner to consolidate and assist your association in understanding those process-related requirements which consistently apply in all application modules, submodules, guidance and templates.

These requirements are summarised below:

*For all modules and submodules*

- The module/submodule is designed for initial applications for a Professional Standards Scheme and should be read in conjunction with the identified guidance document, if applicable (note that the guidance aims to assist you in completing the module/sub-module)
- the information requested in the module/submodule is mandatory, either as required under Professional Standards Legislation, or a reasonable consideration of the Professional Standards Councils, consistent with their statutory functions
- the information being requested is freestanding and can be completed and provided to the Councils on its own or alongside some, or all, other modules/submodules
- your submission responding to the module/submodule should have its own table of contents, body and attachments, as appropriate, and should avoid cross-referencing other application modules, so that the module/submodule may be assessed and analysed as a discrete submission to Councils<sup>1</sup>
- once you have completed the module/submodule, you need your governing body, or a senior manager nominated by your Chief Executive Officer (or equivalent) to review and approve the information that is provided to the Councils
- if your association is unable to complete the module/submodule, or seeks clarification on any of the questions, contact the Councils' support agency, the Professional Standards Authority, for assistance<sup>2</sup>

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<sup>1</sup> Cross-referencing material is not proscribed in this process, and may be a more convenient way to present information where several modules are submitted simultaneously. However, if a discrete submission is made in response to a specific module, the information contained in it should be complete: it will not be possible to assess the information if it refers to other material as-yet unseen.

<sup>2</sup> All the Councils have a statutory function to advise, assist and encourage associations with their occupational standards and member regulation – for example, see section 43 of the *Professional Standards Act 1994* (NSW)



- the Authority will arrange a meeting to provide further guidance for you to complete any of the modules/submodules during the course of the application.

*For all templates*

- Many modules/submodules include a template, which is provided to assist you to provide the information requested in the module/submodule. The Councils strongly recommend that you use the templates, unless you can accurately convey *all* the information required in a way that is more convenient for you.

*For all guidance documents*

- In preparing to start the Scheme application process, the Councils suggest that you become familiar with the relevant concepts and context published on the Councils' website (<https://www.psc.gov.au/>), particularly under the tab "Research Library of Modern Professionalism".

*For applications to remake or amend a Scheme*

- For detail on an application for a replacement Scheme (remake), or an instrument amending a Scheme, see Guidance 0.0.1 *Application organisation and process*
- the key common requirements are:
  - the modules/submodules/guidance set out the relevant application requirements but, for an application to remake or amend a Scheme, you must confirm the Councils' information requirements the Authority, before starting the process
  - if your association has previously provided the Councils with the information/data sought in a particular module/submodule (whether in a previous Scheme application, annual compliance report, or ad hoc report) *and* the information is unchanged, then the module/submodule may be completed by simply referring to (or attaching) the previous submission and, if necessary, clearly identifying and advising on any improvements or changes made since the information was originally provided to the Councils
  - notwithstanding your previous application experience, if you have considered the guidance provided and still cannot complete the module/submodule, or seek clarification on any of the questions, please contact the Authority, and the Authority will arrange a meeting with you to provide further guidance and assistance.

### **3. Common questions – governance, improvement & consumer protection**

There are various questions covering governance, improvement and consumer protection which are consistently asked in several application modules and submodules. This information covers: professional risk management; association codes; complaints; discipline; and enterprise/business risk management systems. The modules/submodules affected are:

- 4.0 *Professional risk management strategies*
- 4.1 *Association codes*



- 4.2 *Resolution of complaints from (members') client's system*
- 4.3 *Discipline of members system*
- 1.3 *Association enterprise/business risk management system.*

The common questions are summarised below:

*Governance, improvement and consumer protection questions*

- The Councils require applicant associations to provide information that underpins their capacity and capability to implement effective risk management systems, emphasising governance, standards improvement and consumer protection strategies.
- Module 4.0 *Professional risk management* and its submodules focus on:
  - association membership requirements (entry, annual, ongoing, fit and proper)
  - continuing occupational education requirements (continuing professional development)
  - quality management undertaken by the association (including member audits, quality reviews)
  - risk management required by the association of its members and/or their firms.
- for **each** of the above strategy areas for the identified module/submodule, describe the actions in place or proposed by your association to address the following:
  - detailed plans to improve each of the strategy areas, as well as the strategies to address consumer harms and risks
  - the role and responsibilities of your association's executive and governing body in assessing the effectiveness of your strategies within a framework of continuous improvement and consumer protection (a key question here is: how does your governing body go about seeking relevant independent expert advice to support its decision-making?)
  - the ways in which your requirements are communicated to your members, and how you assess and improve the communication of your strategies
  - what measures you use to assess the effectiveness of your strategies and their frequencies (e.g. qualitative metrics such as measures of satisfaction, or quantitative such as actual numbers or dollar amounts), and how the measures contribute to continuous improvement of your strategies, and further protecting consumers of the services provided by your members
  - your association's improvement cycle for each of the strategy areas, for example:
    - how emerging trends from the outcomes of conduct and competence processes (including but not limited to consumer claims, notification, and complaints data) are used to inform revisions of each of the strategy areas
    - how your association identifies and incorporates best practice



- how the purpose for, and benefits of, the improvement are identified and confirmed
- how adequate resources are assigned to the improvement
- how the process is free of inappropriate or conflicted influence (including by government, the profession, employers, or other interested parties)
- the process of engaging and consultation with stakeholders (e.g. members, public, consumers, regulators, related occupational associations) to assure alignment
- the development of practical measures of effectiveness of each of the strategy areas, for example, collection, collation, analysis and reporting to the governing body
- what changes require governing body approval and formal approval by a general meeting of members.

#### 4. 'Must' versus 'may' in the application framework

In providing your information to the Councils, please note that the application framework adopts the following use of auxiliary verbs to indicate degree of necessity:

- **must** implies obligation – that is, a mandatory requirement to provide information, based on statute or policy considerations. In most cases, an application that fails to respond to a mandatory requirement will be considered incomplete, unless the applicant can satisfy the Councils that special circumstances exist to justify the departure
- **should** implies that an action or response is strongly encouraged
- **should preferably** implies that an action or response would be beneficial and will be favourably regarded by the Councils in their overall assessment of the application
- **may** implies that an action or response is permitted – that is, the applicant has a choice to respond, although this is not obligatory<sup>3</sup>.

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<sup>3</sup> This definition applies to this application framework. However, in the Professional Standards Legislation itself, please read this word in context to determine if an action is optional or mandatory.