

Terms of Reference

AASW Ethics Hearing and Appeal Panels

Purpose

The purpose of the Hearing and Appeal Panels (the Panels) is to provide an independent peer review mechanism for:

- complaints involving alleged serious misconduct by AASW members,
- declarations relating to criminal background, criminal proceedings, fitness to practise, or other matters referred by the Ethics Council, and
- appeals arising from Hearing Panel determinations.

The Panels support the AASW's commitment to protecting the public, upholding the Code of Ethics 2020, ensuring procedural fairness, and maintaining confidence in the social work profession.

Authority

The Panels are established by the Ethics Council under the AASW By-Laws on Ethics 2025.

The Panels:

- consider matters referred by the Ethics Council,
- make findings and recommendations in accordance with the By-Laws on Ethics 2025,
- do not make final determinations regarding membership suspension or cancellation,
- provide recommendations to the Ethics Council for consideration and endorsement, and
- operate independently in their assessment of matters allocated to them.

Guiding Principles

In carrying out their functions, Panel members will:

- act impartially and without bias,
- uphold procedural fairness,
- ensure parties are afforded a reasonable opportunity to be heard,
- maintain confidentiality of proceedings,
- make evidence-based decisions,
- apply proportionate outcomes, and
- act consistently with the AASW Code of Ethics 2020 and relevant Practice Standards.

Composition

Hearing Panels

A Hearing Panel will comprise not fewer than two members appointed by the Ethics Council from the approved Hearing Panel Pool.

Appeal Panels

An Appeal Panel will comprise two members appointed by the Ethics Council.

Each Panel will appoint its own Chair.

The Chair is responsible for:

- coordinating Panel deliberations,
- liaising with the Ethics Office regarding procedural matters,
- overseeing Panel communications through the Ethics Office, and
- submitting the final report to the Ethics Office.

Conflict of Interest

Panel members must:

- disclose any actual, potential, or perceived conflict of interest,
- disclose any prior involvement with the matter or parties, and
- withdraw if independence could reasonably be questioned.

A person with prior involvement in the matter must not participate in the Hearing or Appeal Panel.

Confidentiality

Panel members must:

- sign a confidentiality agreement before appointment,
- keep all complaint, declaration and appeal information confidential,
- use information solely for the purpose of determining the matter before the Panel, and
- securely destroy or return all material when proceedings conclude.

Hearing Panel Functions

Complaints Matters

For complaints referred to Hearing, the Panel must determine:

- whether the alleged misconduct is substantiated on the balance of probabilities,
- whether the substantiated conduct constitutes a breach of the Code of Ethics 2020,
- which provisions of the Code of Ethics 2020 have been breached,
- whether the conduct constitutes serious misconduct, and

- an outcome proportionate to the misconduct found.

Declarations Matters

For declarations referred to Hearing, the Panel must consider:

- the extent to which the matters declared are consistent with public trust in the applicant or member as a social worker,
- contextual factors relevant to the declaration,
- evidence of rehabilitation, insight, accountability and remediation,
- whether membership or continued membership should be recommended, and
- any conditions or review dates that should accompany a recommendation.

Appeal Panel Functions

The Appeal Panel must determine:

- whether the grounds of appeal are established,
- whether procedural fairness was afforded in the original Hearing,
- whether the recommended outcomes are proportionate,
- whether any identified procedural deficiencies can be remedied, and
- whether the Hearing Panel findings or recommendations should be upheld, varied, or overturned.

Where necessary, the Appeal Panel may:

- request clarification of information,
- ask questions of parties,
- consider additional written submissions,
- call witnesses (complaints matters only), and
- make alternative recommendations to those of the Hearing Panel.

Procedures

The Panels may determine their own procedures, provided those procedures are consistent with the By-Laws on Ethics 2025 and procedural fairness requirements.

Panel proceedings:

- are inquisitorial rather than adversarial,
- are not legal proceedings,
- are not bound by the rules of evidence,
- may be conducted in person, by teleconference, by videoconference, or on the papers, and
- may permit the attendance of witnesses where clarification is required.

Decision Making

Hearing Panels

Findings and recommendations are determined by majority decision.

Appeal Panels

Findings and recommendations must be unanimous.

Reports

The Panel must provide a written report containing:

- the issues considered,
- findings,
- reasons for those findings,
- application of the Code of Ethics 2020 and the By-Laws on Ethics 2025,
- recommendations,
- any minority views (for Hearing Panels where relevant), and
- any suggested review dates or conditions.

Reports are submitted to the Ethics Council for review and endorsement in accordance with the By-Laws on Ethics 2025.

Relationship with Ethics Council

The Ethics Council:

- appoints Panels,
- reviews reports to ensure compliance with the By-Laws on Ethics 2025 and procedural fairness requirements,
- endorses, varies or makes further recommendations where permitted, and
- refers suspension or cancellation recommendations to the AASW Board where required.

Administrative Support

The Ethics Office provides secretariat support to the Panels, including:

- coordination of appointments,
- scheduling Hearings and deliberations,
- preparing and distributing materials,
- managing correspondence,
- recording proceedings,
- supporting report finalisation, and

- monitoring compliance with outcomes following determination.

Review

These Terms of Reference should be reviewed every two years, or sooner where amendments to the AASW By-Laws on Ethics 2025 require revision.

Terms of Reference Status

Terms of Reference Name Ethics Complaint Management Process Hearing & Appeals Panel Terms of Reference	Approved by the CEO Kerryn Pennell 03 September 2026
Prepared/Updated AASW Ethics Office	Scheduled Review Date 02 September 2028