

Code of Professional Responsibility for Telecare Services Association of New Zealand (TSANZ)

The members of the Telecare Services Association of New Zealand (TSANZ) are committed to the highest standards of professional and ethical conduct at all times.

All TSANZ members are expected to abide by all applicable laws and regulations as well as TSANZ Codes:

- Specification for telecommunications based personal emergency response systems (PERS), Parts 1 & 2
- Code of Professional Responsibility as well as complying with all applicable laws and regulations.

An alleged breach of this Code by a member will be dealt with in accordance with the provisions of the Telecare Consumer Protection Policy.

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Definitions

For definitions, please refer to the Specification for telecommunications based personal emergency response systems (PERS) Part 1 – Alarm Equipment Provider Technical and Operational Requirements, and Part 2 – Alarm Service Provider Requirements.

The term “member” includes the staff, agents and contractors of a member company.

Values and Principles

All members shall act in accordance with the following values and principles:

INTEGRITY

- a. Members will act with integrity. They shall not gain unfair advantage from the lack of knowledge, inexperience or inability of a client. Members will treat all persons fairly, respectfully and with dignity.
- b. Members will always conduct their business in a manner that reflects favourably on the industry and encourages other companies to do the same. Members will adhere to the Code of Health and Disability Services Consumers' Rights.
- c. Members will not misrepresent themselves as agents of any government department or as agents of any company other than their own. Members will not represent or imply that they hold any exclusive government or TSANZ approved supplier status.

ETHICS

- a. Members must always conduct their business to the highest standards of honesty, accuracy, integrity and decency.
- b. Members must not make claims, which are false, misleading, deceptive or fraudulent.
- c. Staff training programs must include ethical considerations.
- d. Members shall not pursue advantages of privileged position to compete unfairly or fail to give credit for the work of others to whom credit is due.
- e. Members will not seek to manage the client's interface with Government agencies.
- f. Members shall act promptly to correct any incorrect information for which they are responsible.
- g. Members recognise that clients have a choice whether or not to apply for Disability Allowance. Members will not use pressure or “hard sell” techniques and will treat the client's decision with respect. Clients should fill in their own application forms for Disability Allowance and other government programs – members and their representatives must never complete these forms on behalf of a client.
- h. Members shall respect the decision of a client's medical practitioner as to whether or not the client requires a medical alarm and shall not pressure the client or medical practitioner in any way or offer any inducements in order to have a client's Disability Allowance application approved.
- i. Members will treat all clients fairly and equitably, respecting cultural and moral values and the dignity of the individual.

DUTY OF CARE

- a. The welfare, health and safety of the client shall at all times take precedence over professional or private interests.
- b. Members shall only operate in their areas of competence, inform clients in any instances where they do not hold appropriate qualifications or experience to carry out work and to only give advice and opinions on the basis of adequate knowledge.
- c. Members shall fully inform clients of their available options and the capabilities of the alarm unit and monitoring service they are being supplied as well as all associated fees and charges.
- d. Members will advise all clients of their right to have a third-party present during any contact with the member.

ENVIRONMENTAL CARE

- a. Members shall act responsibly towards the environment at all times, ensuring compliance with all relevant environmental legislation and encouraging environmentally responsible work practices.

COOPERATION

- a. Members shall not injure the professional reputation or practice of colleagues, government, non-government agencies, associations; other interested parties, clients or other members and will cooperate with any inquiry conducted by TSANZ to resolve any dispute involving clients or another member.

CONFLICT OF INTEREST

- a. Members shall strive to avoid all known conflicts of interest and to keep clients or other relevant third parties fully informed in any such matter. Members shall not allow any preferred relationship with another member to interfere with the interest of clients.

PRIVACY

- a. Salespersons and telemarketers must protect the confidentiality and privacy of clients and the client's personal information.
- b. Salespersons and telemarketers must not attempt to obtain alternative contacts or personal client information via any other means (e.g. through the friends and family of the client).

DISCRIMINATION

- a. Salespersons and telemarketers must not participate in any conduct that is in any way discriminatory or disparaging of any person or group on the basis of race, colour, religion, national origin, gender, sexual orientation or marital status.

Insurance

TSANZ members shall hold at their own cost the following insurances;

- a. Public Liability Insurance of not less than five million dollars (\$5,000,000) limit of liability for any one occurrence.
- b. Products Liability Insurance of not less than five million dollars (\$5,000,000) limit of liability for any one occurrence and in annual aggregate.
- c. Statutory Liability Insurance of not less than five million dollars (\$5,000,000) limit of liability for any one occurrence in annual aggregate.
- d. Include suppliers and subcontractors as additional named insured are under these insurance policies.
- e. Prove TSANZ of the auditor, upon request, written evidence that these insurance policies are in place.

TSANZ Approved Supplier Status

- a. Approval as a member is non-transferrable. Where a member is sold to or merges with a non-member company, TSANZ membership no longer applies and will be deemed to have lapsed.
- b. Where a member is sold to or merges with another company, membership is also non-transferrable although TSANZ may assess the continuance of the membership and allow a reasonable period for an audit and remediable action to be undertaken.
- c. Members are required to advise TSANZ of any change in ownership, management or governance structure, business closure, liquidation or receivership.
- d. If an existing member intends to sell their business or controlling shareholding in that business to a new owner who wants to retain TSANZ membership, TSANZ will provide a three month accreditation of the new owner, subject to the new owner agreeing to adhere to all conditions of this Code and the Specification for Telecommunications Based Personal Emergency Response Systems (PERS) Part 1 – Alarm Equipment Provider Technical and Operational Requirements, and Part 2 – Alarm Service Provider Requirements. Within three months of purchase;
 - i. The new owner must undertake an independent audit as detailed in the Specification for Telecommunications Based Personal Emergency Response Systems (PERS) Part 1 – Alarm Equipment Provider Technical and Operational Requirements, and Part 2 – Alarm Service Provider Requirements.
 - ii. Where the audit indicates that TSANZ requirements are being met, TSANZ will provide on-going membership.
 - iii. Where the audit indicates that TSANZ requirements not are being met, membership may lapse.

Sales and Telemarketing

- a. Organisations involved in sales and telemarketing must comply with all applicable laws and regulations. The primary legislation(s) to be aware of:
 - i. Fair Trading Act 1986,
 - ii. Client Guarantees Act 1993,
 - iii. Human Rights Act 1993,
 - iv. The Privacy Act 1993.
- b. TSANZ members (including staff, agents and contractors) may not engage in any uninvited direct sales activity. This includes any approach to a potential customer or customers to sell goods or services, by physically approaching them uninvited in their home or any other private setting. Telemarketing is permissible providing it meets the telemarketing conditions described in this Code of Professional Responsibility.
- c. Salespeople and telemarketers must not make claims, which are false, misleading, deceptive or fraudulent, including:
 - i. misrepresent themselves as being from another organisation.
 - ii. indicate that a funded medical alarm is "free" or at "no cost". The cost for a funded medical alarm may be paid for by a government agency when appropriate criteria are met.
 - iii. imply that their accredited supplier status is bestowed solely upon them.
 - iv. misrepresent themselves as agents of the Ministry of Social Development (MSD), Work and Income or any organisation other than their own company.
 - v. use misleading sales tactics, such as representing that the purpose of a call or visit is to undertake market research or to provide a free gift or other service when the provision of the gift or service is conditional on an action on the part of the client.
- d. Alarm Service Providers shall have a fully documented training programme to ensure that all sales and telemarketing personnel, including those from third parties, receive:
- e. Regular (at least annual) up-skilling and assessment in the appropriate approaches for elderly and vulnerable Clients.
- f. Training in current relevant legislation and in new legislation as it becomes applicable.
- g. Training in organisational policy for customer service management.
- h. Training in professional and ethical conduct, including privacy issues.
- i. If the prospective client requests the following information, the sales person or telemarketer is obliged to supply:
 - j. Their name and contact details
 - k. The name and contact details of their supervisor
 - l. The name of the company or organisation the telemarketer is calling on behalf of

- m. The nature of the business of the company or organisation they are representing
- n. The source of the client's contact information

TELEMARKETING

- a. Due diligence and care must be exerted to ensure that phone Calls, or any form of unsolicited electronic messaging (referred to as Calls) are not intrusive on the prospective client.
- b. Hours when phone Calls to prospective clients can be made. -
- c. Phone Calls, or any form of unsolicited electronic messaging can only be made between Monday and Friday.
- d. No unsolicited Calls must not be made before 9 am and not after 5 pm (local time at the called party's location).
- e. No unsolicited Calls are to be made on Saturdays, Sundays and Public Holidays.
- f. Unlisted or unpublished numbers must not be called, unless requested by the subscriber.
- g. Appointments may not knowingly be taken from minors without adult approval.
- h. During an outbound call, an introduction must be made where the telemarketer must clearly state their name, the name of the company or organisation they are calling on behalf of, and the purpose of the call.
- i. On answering inbound Calls, telemarketers must clearly state their name and the name of the company or organisation they are speaking on behalf of.
- j. Telemarketers, at the beginning of each call, should check if the called party has been interrupted at an inconvenient time. The telemarketer must promptly offer to call back at a mutually agreeable time.
- k. If requested to do so, telemarketers must remove the name of any person from their telephoning lists. These people must not be contacted.
- l. If an appointment is not made during a telemarketing call, the telemarketer must ask for permission to recall the client.
- m. Prospective clients may not be contacted within 6 months of a telemarketing call, unless specifically requested by the client.
- n. Telemarketers must provide clients with a clear opportunity to accept or decline the offer where a sale or appointment is to be made via the telephone.
- o. Sales or appointment times must be clearly confirmed with the client. Where applicable request the client to write down the appointment time and give contact telephone numbers.

Audit and Resolution of Audit Issues

TSANZ Accredited Medical Alarm Suppliers shall:

- a. Have their compliance with this Code and the Specification for Telecommunications Based Personal Emergency Response Systems (PERS), Parts 1 & 2 certified at a

- frequency and level determined by TSANZ with their designated independent auditor.
- b. Ensure that audit reports are provided to TSANZ within 7 days of the conclusion of an audit.
 - c. Endeavour to resolve compliance issues arising from the audit within 21 business days and if requested by TSANZ submit a Remedial Correction Plan to address non-compliance within a time frame agreed with TSANZ or decided by a third-party mediator.
 - i. Acknowledge that TSANZ may require a further audit, at the members cost, if the compliance issues cannot be remedied by providing TSANZ with documentary evidence to verify resolution.
 - d. Understand that non-compliance with the Code may result in loss of TSANZ membership and MSD revoking its status as an accredited supplier.