

# **PAnzA Complaints Procedure**

The processes established by this Complaints Procedure are based on the following:

- Ongoing promotion of the *Code of Ethics*.
- Respectful responding, in accordance with the psychosynthesis principle of right-relating, to those who have been the subject of behaviour in breach of the *Code of Ethics*.
- Procedural fairness following the principle of natural justice.

## **DEFINITIONS**

**PAnzA:** Psychosynthesis Aotearoa New Zealand and Australia (Incorporated).

**Code of Ethics:** The document adopted by the PAnzA Committee in May 2015, as amended from time to time.

**Member:** a Clinical Member of PAnzA.

**Trainee Member:** a student of psychosynthesis counselling or psychotherapy who has paid the trainee membership rate.

**NB** - Trainee Members are not covered by the PAnzA Code of Ethics and complaints procedure - all psychosynthesis trainees are covered by the Code of Ethics of the Institute of Psychosynthesis New Zealand, and complaints relating to a trainee member will be referred to the Institute.

**Ethics Convenor:** A member of the PAnzA Committee who oversees the administration of the complaints process.

**Complaint:** a complaint in writing (see page 5 for details of what to include)

**Complaints Panel:** A three-person panel appointed by the PAnzA Committee (via the Ethics Convenor and/or Chair) to process a complaint when it is accepted.

**Complainant:** Any person who has had a complaint accepted for processing.

**Respondent:** Any Member who has had a complaint against them accepted for processing.

**Professional Body:** a membership organisation with its own Code of Ethics and Complaints Procedure.

## **STRUCTURES, PERSONNEL AND COMPLAINTS PROCESS OVERVIEW**

The PANzA Committee will appoint one Committee Member to be the Ethics Convenor. The Ethics Convenor will:

- oversee the implementation of the Complaints Procedure;
- carry out the initial assessment of complaints received;
- decide whether referral of the complaint is appropriate at the initial assessment stage;
- manage any conflict-of-interest issues;
- together with the Chair or his/her nominee, appoint the members of each Complaints Panel as required;
- report to the Committee of PANzA annually and identify the number and nature of any complaints considered (while maintaining anonymity);
- be available for consultation by anyone concerned about the behaviour of a Member.

If, after the initial assessment of the complaint, it is decided that the complaint will proceed, the Ethics Convenor together with the Chair or his/her nominee will appoint the members of the Complaints Panel. The Complaints Panel will be made up of the PANzA Chair (or a Committee Member nominated by the Chair), a PANzA Committee member and a senior counsellor/psychotherapist external to PANzA. A Complaints Panel is convened anew for each accepted complaint and will:

- determine the nature of the process to be followed (described below);
- decide whether or not referral of the complaint to another organisation is appropriate;
- hear the complaint;
- decide the outcome of that complaint and notify the complainant and the respondent of the decision in writing.

## **PRELIMINARY MATTERS**

### **Scope of practice**

The Complaints Procedure applies to all Members of PANzA in instances where the Member is involved in clinical practice with adults (counselling and/or psychotherapy with clients aged 18 years and older).

Members working with children and young people are also required to have membership of an appropriate professional body and it will be the responsibility of that body to deal with complaints related to a client under the age of 18.

### **Conflicts of interest**

Dual relationships are inevitable within the counselling and psychotherapy profession and it is part of the Ethics Convenor's role to manage these in separate consultation with both the complainant and the Member who is the subject of the complaint.

The Chair and/or PANzA committee will appoint an acting Ethics Convenor to manage a particular complaint where the Ethics Convenor has a conflict of interest in relation to that complaint.

## **Lay process**

The PAnzA complaints procedure is a lay, and primarily educational, process. Lawyers may not attend meetings, hearings or panel processes. Both the Complainant and the Respondent may have a support person with them at meetings, hearings or panel processes. The support person may not participate in the process except at the discretion of the Panel members present.

Any costs arising from this Complaints Procedure shall be borne by the person incurring them, except that if any legal costs are incurred by PAnzA, these costs shall, at PAnzA's discretion, be recovered from the respondent where the complaint is proven, or from the initiator of the complaint where unproven.

## **Confidentiality**

Details of the complaint will only be available to those directly involved in assessing and hearing the complaint.

## **Other complaints and referral of complaints**

Where the complaint has also been made to another professional body or statutory body, PAnzA may defer any decision until the matter has been dealt with by that body. Substantial weight will be given to the outcome of that process.

PAnzA (via the Ethics Convenor and Chair and/or the Complaints Panel) retains the discretion to refer a complaint to any other professional body of which the practitioner is a member, to a statutory Board, or to any other appropriate statutory body such as the Health and Disability Commission if it considers it more appropriate for that body to hear the complaint.

In making such a decision, PAnzA will take into account the nature of the complaint and the views of both the complainant and the respondent as to where the complaint would most appropriately be heard, but will not be bound by these views.

## **Court proceedings**

If, at any stage in this complaints procedure, the matter that is the subject of the complaint becomes a matter of criminal investigation or civil action, the PAnzA Complaints Procedure may be suspended until court proceedings are completed. A Member who is under criminal investigation or subject to civil action may be directed by PAnzA to stand down from counselling and/or psychotherapy activities until the investigation or court proceedings is concluded.

If the court proceedings lead to a criminal conviction or a civil determination against a Respondent, that conviction or determination will be included as evidence in the hearing of the complaint under this procedure. Depending on the nature of the conviction or determination, the Complaints Panel may conclude that there has also been a breach of the Code of Ethics.

## Timeframes

It is intended that complaints be dealt with in a timely manner. However, there may be circumstances where the timeframes outlined in the Complaints Procedure cannot be met and, in those circumstances, the Convenor will amend timeframes to meet the contingencies of the situation. Any change in timeframes will be communicated to all parties.

## MEMBER OBLIGATIONS

The following obligations apply to all Members of PAzA:

- All Members share a responsibility to uphold the good name of PAzA.
- Members respond in a relational manner to anyone involved in any matter of concern.
- Any Member who becomes aware of another Member's serious breach of the *Code of Ethics* must make a complaint or inform the Ethics Convenor. In a situation where the Convenor and a Chair decide that the complaint should proceed, the Convenor will nominate a member of the PAzA Committee to be deemed the Complainant.
- Members are familiar with the Complaints Procedure so they can respond to a breach of the *Code of Ethics* in accordance with the Procedure.
- Members have their own indemnity insurance.
- Members maintain strict confidentiality with respect to any information concerning a complaint, its circumstances and the people involved.
- A member who is the subject of a complaint is required to comply with this Complaints Procedure. Failure to respond to requests from PAzA within a specified time-frame will be considered a breach of the *Code of Ethics*.

## THE COMPLAINTS PROCESS

### 1 How is a complaint initiated?

By writing to the PAnzA Ethics Convenor. Complaints must include the full name and address of the person making the complaint, the name of the person complained against, a description of the incident and behaviour at issue, approximately when and where the incident occurred, and any additional information or evidence relating to the incident, e.g., documentation, witnesses. Anonymous complaints will not be acted on.

No action will be taken on any matter occurring more than two years previously unless special circumstances suggest action should be taken. In such cases the decision to proceed or not will be at the discretion of PAnzA.

### 2 What happens then?

The complaint will be acknowledged in writing by the Ethics Convenor, and the initiator of the complaint will be sent a copy of PAnzA's Code of Ethics and Complaints Procedure. They will be asked to provide information about all the steps taken with regard to the complaint (including complaints made elsewhere).

The Ethics Convenor decides if there is sufficient information to assess whether the alleged conduct (if proven) would constitute a breach of the Code of Ethics. The initiator of the complaint may be asked to supply more information in writing.

If the Ethics Convenor, together with the Chair or a committee member nominated by the Chair, decides a complaint, if proven, would not constitute a breach of the PAnzA Code of Ethics, they will inform the initiator of the complaint and the matter will be closed unless there is more information given to them to renew the complaint.

Alternatively, the complaint may be redirected to a statutory body, another professional body or a training organisation. If this is the case, the initiator of the complaint will be informed.

If the Ethics Convenor and the Chair decide that the complaint, if proven, may constitute a breach of the Code of Ethics, the complaint will progress to the next stage.

### 3 **What happens if the complaint is to be investigated?**

Within 14 days the Convenor will request permission of the Complainant to be identified to the Respondent and if this permission is not given, the complaint may be closed.

If the complainant is, or has been, a client of the respondent, they will also be asked to give written consent to a waiving of the respondent's (and the respondent's supervisor's) obligation of confidentiality.

### 4 **How is the respondent involved?**

After confidentiality is waived, the Respondent will be sent the following information to their last known address:

- 1 A copy of the complaint and the general outline of the evidence supporting it.
- 2 A copy of the PAnzA Code of Ethics referring to the sections of the Code considered to have been breached, and a copy of the Complaints Procedure.
- 3 A letter outlining who will be investigating the complaint, and requiring the respondent to reply by registered letter within 30 days, with any relevant information requested by the Ethics Convenor.
- 4 The expectation that the Respondent involves their supervisor in responding to the complaint.

If PAnzA receives information relevant to the complaint from other sources subsequently, they will inform the respondent about this information and she/he will be given the opportunity to comment on it.

### 5 **What happens when all the information has been collected?**

The Ethics Convenor and the Chair will convene a Complaints Panel, which will then decide on the appropriate course of action.

The Panel may invite the complainant to be interviewed in person by one or more members of the Panel. The complainant may bring a support person, who will not participate in the interview unless invited to do so.

The Panel may invite the respondent to be interviewed in person by one or more members of the Panel. The respondent may bring a support person, who will not participate in the interview unless invited to do so.

A more formal hearing procedure may be adopted if deemed appropriate where both the complainant and the respondent will have the opportunity to present information relevant to the complaint to the full Complaints Panel.

## **6      What happens if the complaint is not upheld?**

If the complaint is not upheld by the Complaints Panel, no further action will be taken.

## **7      What happens if the complaint is upheld?**

If the complaint is upheld by the Complaints Panel, the Panel may:

- a)      Require the respondent to provide written evidence that s/he has completed specified educative tasks, training or research relevant to the complaint; and/or
- c)      Require the respondent to meet specified supervision requirements; and/or
- d)      Require the respondent to cease working with a particular client group for a specified period of time; and/or
- e)      Suspend the membership of the respondent for a fixed period of time; and/or
- f)      Revoke the respondent's membership of PAnzA; and/or
- g)      Inform the police if the proven misconduct is illegal; and/or
- h)      Inform any other professional body to which the respondent belongs or any relevant statutory body of the complaint and its outcome; and/or

The initiator of the complaint and the respondent will be notified within 7 days of the outcome decided.