



**Psychotherapy & Counselling
Federation of Australia**

PACFA COMPLAINTS, CONCILIATION AND APPEALS PROCEDURE.

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1. The Role of the PACFA Ethics Committee.

The role of the PACFA Ethics Committee is to:

- 1.1. receive and manage the resolution of complaints made against PACFA or a Member Association (MA);
- 1.2. make a ruling as to whether the complaint is within the jurisdiction of the PACFA Ethics Committee;
- 1.3. assist PACFA and MAs to maintain a high quality of service to their members and the community;
- 1.4. use information obtained and lessons learned to recommend improvements to services offered by PACFA and MAs.

2. What the Ethics Committee, Complaints Committee and Case Officer offer.

The Ethics Committee, the Complaints Committee and the Case Officer offer a confidential process which includes:

- 2.1 listening to the details of the complaint;
- 2.2 clarification of the details of the complaint, the grounds of the complaint, the resolution principles, methods and process;
- 2.3 helping the complainant to take the complaint or concerns to PACFA or the professional association;
- 2.4 putting the complainant in touch with other people who can help if needed;
- 2.5 assessing and clarifying problems in the provision of services;
- 2.6 providing conciliation either formally or informally, between individuals and their professional association;
- 2.7 assisting in the resolution of complaints;
- 2.8 referring the complaint to a mediator, appeals committee or other bodies as appropriate, for further consideration and action if necessary.

3. Causes for Complaint.

Complaints may be lodged when PACFA or the MA has:

- 3.1 failed to provide due care;
- 3.2 failed to provide enough information for the complainant to make an informed decision;
- 3.3 failed to work in a transparent manner;
- 3.4 denied rights as stated in their constitution;
- 3.5 denied respect, dignity or privacy to the complainant;
- 3.6 acted in a negligent or unprofessional manner;
- 3.7 failed to deliver the quality of service stated in the relevant constitution or By-Laws.

4. Who can make a complaint?

A complaint may be lodged by:

- 4.1 a person who is a current or former member of a MA;
- 4.2 a Member of the public directly affected by the actions of PACFA or a MA.

5. The preliminary steps in resolving issues and complaints.

- 5.1 The first and most important step is for the complainant to approach the Executive and Management Committee of the Association, and discuss the issue. It is acknowledged that sometimes this is difficult and the Ethics Committee can assist with this;
- 5.2 If the discussion with the association is unsuccessful, a complaint may be brought against PACFA or the MA;
- 5.3 The PACFA Ethics Committee offers conciliation and mediation as a means to resolve issues and improve the services offered to members and the community.

6. The principal steps in the complaints and conciliation process.

The principal steps in the complaints and conciliation process are:

- 6.1 the complainant contacts the PACFA office and the matter will be referred to the Ethics Committee;
- 6.2 The Ethics Committee will make a ruling as to whether the complaint is within the jurisdiction of the PACFA Ethics Committee.
- 6.3 If it is deemed to fall within PACFA's jurisdiction, the Ethics Committee will:
 - 6.3.1 appoint a Case Officer;
 - 6.3.2 appoint a Complaints Committee;
 - 6.3.3 inform the respondent that a complaint has been lodged;
 - 6.3.4 keep the respondent and complainant informed of the progress on the complaint.

1 The detailed steps in the complaints and conciliation process.

- 7.1 The complaint should be submitted in writing, including any relevant documents
- 7.2 In a timely manner the respondent will be informed of the substance of the complaint, receive a copy of the complaint and conciliation process, and when deemed appropriate by the ethics committee, the respondent be requested to write a response to the complaint;
 - 7.2.1 If the complainant or the respondent needs assistance during the process an appropriate support person, other than the Case Officer, may be appointed by the PACFA Ethics Committee.
- 7.3 Within two weeks of receiving the written complaint, an impartial and appropriately qualified Case Officer will be appointed and both the respondent and complainant will be informed of the name of the case officer;
- 7.4 In a timely manner a Complaints Committee will be appointed by the PACFA Ethics Committee.

2 The role of the Case Officer.

- 8.1 The Case Officer will meet with the respondent and complainant separately, collecting additional information, clarifying the issues and / or requesting submissions from whomever he/she deems appropriate;

- 8.2 The Case Officer will complete the collection of information and documentation regarding the complaint, including the context of the complaint, by the due date set by the Ethics Committee;
- 8.3 The Case Officer will submit all the material including a summary and recommendation to the Complaints Committee as to whether, there is cause for a complaint and a case for the respondent to answer;
- 8.4 The Case Officer will make a recommendation to the complaints committee, as to the most appropriate process for the resolution of the complaint;
- 8.5 The Case Officer will have four weeks after the collection of relevant information and documentation to prepare the summary and recommendations to the Complaints Committee;
- 8.6 The Case Officer may request an extension of time from the Ethics Committee, on the basis that such extension of time will allow for fairer and more diligent conduct of his/her task;

9. The role of the Complaints Committee.

- 9.1 The Complaints Committee will receive the recommendations of the Case Officer, fully review the documentation and summary of the complaint provided, and make a ruling as to whether:
 - i) there is cause for complaint;
 - ii) whether there is or is not a case to be answered report their decision to the ethics committee
- 9.2 The chair of the Ethics Committee will inform complainant and respondent this decision, and this decision is final.
- 9.3 If the decision of the Complaints Committee is that there is cause for complaint and a case for the respondent to answer, the Complaints Committee, in a timely manner, will;
 - 9.2.1 map out a course of action appropriate to the nature of the complaint,
 - 9.2.2 set dates for the appropriate meetings,
 - 9.2.3 arrange any additional submissions or further meetings,

- 9.2.4 inform the complainant and the respondent of all relevant decisions and procedural details in a timely manner;
- 9.3 The course of action may include mediation and/or conciliation;
- 9.4 **Mediations and Conciliations** - The Complaints Committee where ever possible will use mediation and conciliation as part of the process to address and/or resolve the complaint.
- 9.5 If mediation is to be used as a course of action then a clear description of the process, the role, impartiality and independence of the mediator and a contingency plan will be developed and offered to the complainant and respondent. Both the complainant and respondent must be fully informed of the benefits and limitations of the process, and **agree to the process in writing.**
- 9.5.1 If mediation is chosen, this process must be kept separate and distinct from all other present and future processes used to address the complaint.
- 9.5.2 If mediation is chosen, this process is not to be conducted concurrently with any other complaints process related to that complaint.
- 9.5.3 If mediation is used and an outcome is achieved, the fact of the satisfactory outcome will be reported in writing to the Ethics Committee.
- 9.6 **Other process to resolve the complaint** - The Complaints Committee will inform the complainant and respondent in writing of:
- The meetings format
 - The specific dates for meetings and
 - Approximate dates and time line for the process, final findings and determinations.
- 9.7 After the meetings and investigations have been conducted to the satisfaction of the Complaints Committee, a finding and determination will be made by the Complaints Committee and conveyed both verbally and in writing to the complainant and respondent, and in writing to the PACFA Ethics Committee;
- 9.7.1 The findings are the outcome and assessment made by the Complaints Committee, of the information collected, the submissions made to the committee and the investigations of the committee;

- 9.7.2 The determinations are the consequent application of sanctions and recommendation for future changes and courses of action, that are both required and recommended to be taken by parties involved in the complaint;
- 9.7.3 The findings and determinations are very important to both the complainant and the respondent. Hence verbal and written delivery of the outcomes of the complaint process are intended as an opportunity for the complainant and the respondent, to separately use the time to ask questions and to hear the finding within the context of a discussion with the Complaints Committee;
- 9.7.4 If the finding(s) is that the complaint is upheld, sanctions will be applied to the respondent. This may involve a number of measures depending on the nature of the complaint;

10. Recording and monitoring the outcomes of the complaints and conciliation process.

- 10.1 The outcome of the complaints process will be recorded with the PACFA Board and the MA Ethics Committee;
- 10.2 The outcome of the complaints process against a MA will be recorded in such a way as to protect the privacy of the respondent and complainant;
- 10.3 The outcome of the complaints process against a MA will be recorded in such a way as to allow for monitoring of the application of sanctions, if any to the appropriate party;
 - 10.3.1 The sanctions can range in severity and in detail of application. The sanctions will be directly related to the specifics of the complaint and the context of the complaint, but will also focus on;
 - 10.3.1.1 Ensuring the safety and well being of members of the community;
 - 10.3.1.2 Ensuring the future credibility of PACFA and the MA, where the severity of the complaint makes this an appropriate consideration;
 - 10.3.1.3 Ensuring that standards, quality and credibility of the professional practice of counselling and psychotherapy are maintained;

11. The Appeals Procedure.

- 11.1 If the complainant or respondent do not accept the findings or the determinations and have reasonable grounds for appeal, either may take the matter to appeal;
- 11.2 All appeals need to be made in writing on the Appeal Form if possible. The grounds for appeal include;
 - 11.2.1 Key material was overlooked or not included in the report of the basis of the findings and determination that were made by the Complaints Committee;
 - 11.2.2 The Complaints Committee did not follow either the detail or the principle of the complaints procedure;
- 11.3 A clear statement of the grounds for appeal against a decision needs to be made including supporting information, submissions or other evidence, and submitted to the PACFA Ethics Committee within 28 days of the findings and determination being handed down;
- 11.4 If the PACFA Ethics Committee accepts or rejects an appeal, it must give reasons for the course of action and their decision is final;
- 11.5 If PACFA Ethics Committee finds that there are grounds for appeal, the PACFA Ethics Committee will:
 - 11.5.1 Appoint an Appeals Committee, consisting of three people. Two people shall be appropriately qualified senior members of the counselling profession and one person shall be appropriately qualified but not a counsellor. None of the members of the appeals committee will have a conflict of interest, nor a direct personal or professional relationship with either party involved in the appeal;
 - 11.5.2 Inform the parties in writing as to the findings and determinations of the impending appeal;
- 11.6 The procedure for the conduct of the appeal will be the same as that of the complaint, but with the addition of new and impartial committee members and include all the new material relevant to the complaint;
- 11.7 The procedure of handing down and informing of the findings and determinations of the appeals committee will be the same as the procedure for handing down the findings and deliberations of the Complaints Committee;
- 11.8 The finding and the determination of the appeals committee shall be final.

