



COMPLAINTS PROCEDURE

May 2008

New Zealand Christian Counsellors Association

NEW ZEALAND CHRISTIAN COUNSELLORS ASSOCIATION

COMPLAINTS PROCEDURE

INTRODUCTION

When dealing with complaints, the aim of the Association is to ensure the highest standard of counselling, safe and sensitive care for anyone bringing a concern, and a process that is conducted in a way that brings clarification, healing, restoration, and reconciliation wherever possible. Because the Association is founded on, and embraces the Christian tradition in all aspects of its life, complaints will, as far as possible, be processed according to Christian principles, aiming to be supportive, and maintain the dignity of all parties concerned.

We appreciate that bringing a complaint is never easy for the complainant, and also that matters of this nature can have serious professional ramifications for a counsellor. The Association may take legal advice at any point of any complaints process.

The process will be conducted as expeditiously as circumstances allow. However, all parties should be aware that a complaints process can be a prolonged affair.

PROCEDURE

1. The complainant makes an initial verbal contact either with a member of the Executive committee or the Executive Officer to discuss a possible complaint:

The conversation is relayed to the Ethics Committee chair who takes up the process.

Is the counsellor concerned a member or provisional member of NZCCA?

YES	NO
Has a direct approach been made to the counsellor?	The complainant is advised NZCCA can take no further action and other possible courses of action suggested.

YES without satisfactory outcome	NO	
The complainant is sent a copy of the NZCCA Complaints process and is required to make the complaint in writing before it will be taken further	Is this a possible course of action? - bearing in mind complainant well-being and safety	

2. The complainant makes a written complaint (either with or without prior verbal discussion as above):

The complaint is forwarded to the chair of the Ethics Committee, who, together with another member of the Ethics sub-committee, takes up the process.

Is the counsellor concerned a member or provisional member of NZCCA?

YES	NO	
Ethics Committee Chair (in discussion with subcommittee members as appropriate) reviews the complaint: - Is the issue potentially professional misconduct? - Is the issue considered behaviour potentially prejudicial to the interests of the Association or the profession?	The complainant is advised NZCCA can take no further action and other possible courses of action suggested.	
YES	NO	
i. The ethics sub-committee nominates one of its members to coordinate the process.	The complainant is advised accordingly, with reasons. Other possible courses of action may be suggested	

<p>ii. Complainant is notified that the Association is pursuing the complaint and the possibility of offering support for the process will be discussed.</p> <p>iii. Coordinator will check that the letter of complaint is appropriate to be forwarded to counsellor. If not, the complainant needs to rewrite letter in such a way that it can be forwarded.</p> <p>iv. Coordinator writes to the counsellor, enclosing the letter of complaint and requesting that the counsellor contact the coordinator as soon as possible</p>	
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3. The counsellor (respondent) contacts the nominated contact person (coordinator) and discussion of the complaints process is held. The counsellor is required to respond in writing to the complaint within 28 days of the discussion.

Counsellors should note that their insurer would probably expect to hear about a complaint at this point in the process even in situations where the complaint is unlikely to progress to a formal hearing.

4. The nominated disciplinary sub-committee (normally the coordinator and two other members of the National Executive) will review the complaint and the response, and make a decision regarding action.

Possible outcomes:

Outcome:	Action:
i. The complaint is viewed as unfounded and no further action is to be taken	The complainant and respondent are notified accordingly
ii. The issue being complained about is viewed as poor or ill-advised practice but not as professional misconduct or prejudicial behaviour	The complainant is notified. The respondent is notified and suggested remedial supervision and/or professional development discussed, with a desired timeframe.
iii. The issue is of concern to the sub-committee and best addressed by the offer of a mediation process	<p>MEDIATION Can only proceed with the agreement of both parties.</p> <ul style="list-style-type: none"> • Coordinator will arrange a possible mediator and costs will be discussed • Mediator will conduct a mediation process and report the outcome to NZCCA • If mediation outcome is acceptable to both parties NZCCA would normally expect to accept the outcome • It may be that NZCCA would want to require or request supervision or professional development for the respondent in the light of the issues raised • In the event of failed mediation the issue will return to the disciplinary sub-committee for further discussion and action.
iv. The issue is significant and requires a formal complaints hearing.	<p>FORMAL HEARING Process: see #5</p>

5. Formal Hearing.

Process:

- The disciplinary committee will convene a panel (which would normally consist of two Executive members, one experienced practitioner from outside the Executive – who may or may not be a member of NZCCA, and one lay member from outside the profession) and set a date for the hearing.
- The complainant and respondent will be notified of the date and the panel, and will be invited to bring a support person and/or legal representative to the hearing if they choose to do so.
- The panel may request further information to be supplied before the hearing.
- The procedure for the hearing will be at the discretion of the panel, and will be in accordance with natural justice, Christian principles, dignity and respect.
- The panel will record the hearing either as transcript or as audiotape.
- The panel will aim to reach a decision on the issue at the end of the hearing and the decision will be communicated verbally to the parties at the time, and in writing within 21 days of the hearing.
- The panel may decide that it requires further information prior to making a decision. In this event the panel will specify the information requested and establish a timeline for continuing the hearing.
- The decision of the panel shall be communicated to the National Executive committee as soon as possible after the hearing, and ratified at the next meeting of the Executive. Only in exceptional circumstances would the Executive not ratify the outcome.
- The outcome is not final until ratified by the National Executive.
- The decision of the Executive committee is final and there is no appeal process.

Outcomes:

In the light of further information and discussion made possible by a formal hearing, the panel may decide on a range of possible outcomes:

OUTCOME	ACTION
<p>i. The complaint is unfounded and no further action is required.</p>	<p>It may be, in this situation, that mediation could be offered to the parties concerned with the aim of resolving conflict. See previous section re Mediation.</p>
<p>ii. The issue constitutes poor practice but not professional misconduct or conduct unbecoming.</p>	<p>The panel may choose to suggest remedial supervision and/or professional development discussed, with a desired timeframe.</p>
<p>iii. The issue constitutes professional misconduct or professional behaviour unbecoming to the association or the profession.</p>	<p>Possible sanctions in the event of this outcome:</p> <p>i. The member is reprimanded and may be required to do any or all of the following:</p> <ul style="list-style-type: none"> • undertake further training or professional development designated by the panel • restrict his/her practice in certain ways for a designated time period • increase/change supervision for a designated period • demonstrate a higher level of accountability, meeting prescribed requirements within the specified timeframe. <p>ii. The member has his/her membership suspended (ie he/she may not use NZCCA as a descriptor) until such time as the requirements of the panel are met. The requirement may be any of those listed under (1) above. A timeframe</p>

for completing the requirements and arrangements for review would be made clear.

- iii. The member may be expelled from the Association.
- iv. Other outcome, at the discretion of the panel.
- v. The National Executive reserves the right in the case of a finding of serious misconduct to publicise the outcome in the Association's newsletter. In this event the name of the counsellor, the broad terms of the complaint, and the outcome would be made known. Any details of the case that might lead to identification of the complainant would be withheld.