



AUSTRALIAN AND NEW ZEALAND PSYCHODRAMA
ASSOCIATION INCORPORATED

COMPLAINTS PROCEDURE

April 2009

This Complaints Procedure has been authorised by the Ethics Committee of ANZPA Inc to be the procedure for dealing with complaints about Members.

This copy is accurate as of the date shown above. Amendments are made from time to time and members should check the web site to obtain the latest version.

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ANZPA COMPLAINTS PROCEDURE

1. INTRODUCTION

1.1 This Complaints Procedure provides a practical approach by which ANZPA can give effect to the *Code of Ethics*. It provides a means to:

- hear complaints;
- facilitate communication to resolve disputes;
- discipline Members of ANZPA in appropriate situations;
- assure the public that Members of ANZPA are the subject of a working *Code of Ethics* and disciplinary procedures;
- assure Members of ANZPA that the good name of ANZPA is being upheld; and
- enable complaints by Members of ANZPA to be heard by their peers.

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

- There will be a continuing promotion of quality assurance and the *Code of Ethics* in practice.
- There will be a respectful response and right of redress to those who have been the subject of behaviour in breach of the ANZPA *Code of Ethics*.
- ANZPA will take action commensurate with the wrong that has been done.
- Procedural fairness implied by the principles of natural justice will be followed at all times.

1.4 The following obligations apply to all Members of ANZPA:

- All Members share a responsibility to uphold the good name of ANZPA.
- Members who observe another Member commit a serious breach of the *Code of Ethics* are obliged to bring a complaint or inform the Chair of the Ethics Committee (Chair) in the event that they do not bring a complaint. In a situation where the Complaints Assessment Sub-Committee believes that a complaint should proceed, the Chair may nominate a member of the Ethics Committee to be deemed the Complainant.
- Members should make themselves familiar with the Complaints Procedure so they can respond to a breach of the *Code of Ethics* in accordance with the procedures and be aware of the processes that follow.
- Members will maintain strict confidentiality with respect to any information concerning a complaint, its circumstances and the people involved.
- Members who are the subject of a complaint are required to comply with this Complaints Procedure. Long delays or failure to respond to requests from ANZPA may be considered a breach of the *Code of Ethics* and constitute unprofessional conduct.
- Members are required to respond constructively to any person who may contact them with a complaint related to the *Code of Ethics*.

2. PRELIMINARY MATTERS

- 2.1 The Complaints Procedure applies to all Members of ANZPA in instances where the Member is involved in the practice of the psychodramatic method including training conducted by, on behalf of, or in association with ANZPA.
- 2.2 The Complaints Procedure establishes timeframes for the orderly progress of complaints. The timeframes recognise that long delays cause stress for all concerned. However, there may be circumstances where the timeframes cannot be met for good reason and, in those circumstances, the Chair is authorised to amend timeframes to meet the contingencies of the situation. Any change in timeframes will be communicated to all parties.

3. DEFINITIONS

ANZPA: The Australian and New Zealand Psychodrama Association Incorporated, also referred to as ANZPA Inc.

Psychodramatic method: The practice of psychodrama, sociodrama, sociometry, role training and the application of role theory and action methods in group work and individual work are all part of the psychodramatic method. The method may include additional elements in some situations.

Code of Ethics: The document approved by the ANZPA AGM January 1994, as amended from time to time.

Member: Associate, ordinary, distinguished and honorary distinguished Members of ANZPA and any other membership category that may be created from time to time.

Client: An individual, group, community, institution or organisation which is the focus of a Member's professional services.

Complainant: Any client of a Member, or Member who has made a complaint to the Ethics Committee, or member of the Ethics Committee who is deemed a complainant by the Chair.

Respondent: Any Member who has a complaint against them accepted by the Complaints Assessment Sub-Committee.

4. STRUCTURES AND PERSONNEL

- 4.1 The Ethics Committee is authorised to promote understanding and awareness of professional ethical standards in ANZPA, to consider complaints against Members according to these procedures and to impose sanctions when appropriate.

The ANZPA Executive Committee will appoint the members of the Ethics Committee and will appoint one member to be the Chair.

The Chair will:

- oversee the implementation of the Complaints Procedure;
- ensure that, all people involved in managing the complaint process do not have a conflict of interest;
- report to the Executive Committee of ANZPA annually and identify the number and nature of any complaints considered;
- ensure that the President is informed in a timely fashion in cases where there is an immediate serious risk to the reputation of ANZPA;
- be available for consultation by anyone concerned about the behaviour of a Member; and
- determine when and how the Ethics Committee should meet and conduct its business, be it by telephone conference or face to face meeting.

- 4.2 The Ethics Committee will ensure that suitable people are appointed to the following committees and roles:

Secretary of the Ethics Committee of ANZPA (Secretary) who has functions prescribed by this Complaints Procedure.

Complaints Assessment Sub-Committee assesses all complaints and determines how they will be progressed. It comprises the Chair (or his or her nominee), the Secretary and, from time to time, a third member of the Ethics Committee appointed by the Chair. The Chair may appoint a Legal Counsel for advice on procedure and law, who shall not be present during any deliberations.

Hearing Panel determines the complaint and, where a complaint is proved, may recommend sanctions to the Ethics Committee. The Hearing Panel is appointed by the Chair and comprises three members:

- a Convenor, who will be a member of the Ethics Committee;
- a Member of ANZPA; and
- a person of standing not usually associated directly with ANZPA or its Members.

The Chair may also appoint a Legal Counsel for advice on procedure and law.

Procedural Advisors are Members who assist a Complainant or Respondent to:

- understand the Complaints Procedure;
- formulate their complaint or respond to a complaint; and/or
- interpret any communication related to this Complaints Procedure.

A Procedural Advisor can assist only one party in a complaint.

5. CRIMINAL MATTERS/CIVIL ACTIONS

- 5.1 When a complaint concerns an alleged crime, the Complainant will be advised of their right to take the matter to the police.

- 5.2 When the complaint concerns a child, any requirements for mandatory reporting in relation to children will be complied with.

- 5.3 The Ethics Committee will co-operate with any authority, eg police, government department, which is investigating a complaint subject to the constraints of professional privilege and existing privacy legislation.
- 5.4 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, these procedures will be suspended until court proceedings are completed. A Member who is under criminal investigation or subject to civil action will, if directed by the Ethics Committee, stand down from activities until the investigation or court proceedings are concluded.
- 5.5 If the court proceedings lead to a criminal conviction or a civil determination against a Respondent, that conviction or determination will be accepted as proof of any complaint that has been lodged under these procedures.

7. COMPLAINTS

- 7.1 All complaints must be in writing. They 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.
- 7.2 When a complaint is received, the Secretary will make two initial determinations:
(1) Whether the person who is the subject of the complaint is a Member of ANZPA; and
(2) Whether the behaviour which is the subject of the complaint relates to the practice of the psychodramatic method.
- 7.3 If the person is not a Member of ANZPA, the Secretary will inform the Complainant within 14 days that no further action can be taken under this Complaints Procedure, and may identify other courses of action, e.g., Human Rights Commission, another professional body, Ombudsman, Health and Disability Commissioner.
- 7.4 If the incident which is the subject of the complaint is not related to the practice of the psychodramatic method, the Secretary will inform the Complainant within 14 days that no further action can be taken under this Complaints Procedure, and may identify other courses of action, e.g., Human Rights Commission, another professional body, Ombudsman, Health and Disability Commissioner.
- 7.5 If the person is a Member of ANZPA and the incident which is the subject of the complaint is related to the practice of the psychodramatic method, the Secretary will inform the Complainant of this determination by registered letter within 14 days and provide:
- a copy of this Complaints Procedure;

- the name of an Procedural Advisor who is available to the Complainant to provide information and guidance on the procedures;
 - an informed consent form which states the Complainant:
 - 1) has read the Complaints Procedure;
 - 2) knows what is expected of them;
 - 3) wishes to proceed with the complaint; and
 - a request that they return the signed informed consent form within 28 days or at such other time determined by the Chair.
- 7.6 When the Complainant returns the signed informed consent form, the Secretary will:
- present the complaint to the Complaints Assessment Sub-Committee for their consideration;
 - inform the Member complained about by registered letter. The letter will state that a complaint has been made and the Complaints Assessment Sub-Committee will decide within 14 days whether the behaviour complained about is potentially professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA. Included with this letter will be:
 - a copy of the complaint;
 - a copy of this Complaints Procedure;
 - a list of the sanctions that may be imposed; and
 - the name of a Procedural Advisor who is available to the Respondent to provide information and guidance on the Procedures.
- 7.7 Within 14 days of the Secretary receiving the signed informed consent form, the Complaints Assessment Sub-Committee will decide whether the behaviour complained about is potentially professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA.
- The Secretary may seek further information from the Complainant in writing.
- 7.8 If the Complaints Assessment Sub-Committee determines that the behaviour complained about is not professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA, the Secretary will inform the Complainant and the Member and may identify to the Complainant some other course of action, e.g., Human Rights Commission, another professional body, Ombudsman, Health and Disability Commissioner.
- 7.9 If the Complaints Assessment Sub-Committee determines that the behaviour complained about is potentially professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA, the Secretary will:
- inform the Complainant of this determination;
 - inform the Respondent of this determination by registered letter;
 - request that the Respondent responds in writing to the Secretary within 28 days or such time as the Chair determines, stating if the circumstances of the complaint as set out are accepted or denied and identifying other matters they wish to be considered.

- 7.10 Within 14 days of receiving a response from the Respondent, the Complaints Assessment Sub-Committee will consider that response and decide whether:
- no further action needs to be taken; or
 - the option of complaint resolution should be instigated - this would typically be appropriate in circumstances where the behaviour is best characterised as minor or a one-off instance of poor judgement, ignorance, carelessness or behaviour causing offence; or
 - a Hearing Panel should be established to hear the complaint; or
 - (where the Respondent has accepted the circumstances of the complaint) a Hearing Panel should be established to consider sanctions.
- 7.11 If no further action is to be taken, the Secretary will inform the Complainant and may identify other courses of action, e.g., Human Rights Commission, another professional body, Ombudsman, Health and Disability Commissioner.

8 COMPLAINT RESOLUTION PROCESS

- 8.1 If complaint resolution is instigated, the Chair may appoint an independent party or a member of the Ethics Committee who will arrange the complaint resolution meeting and establish its terms and format. Complaint resolution may involve the Complainant, the Respondent and, in the event that an independent party is appointed, a representative of the Ethics Committee, or may involve only the Complainant and the representative of the Ethics Committee. The representative of the Ethics Committee will represent the interests of ANZPA.
- 8.2 The party appointed by the Chair will make a record of the outcomes or understandings reached and any outstanding matters and the record will be forwarded to the Secretary.
- 8.3 The Secretary will forward this record to the Complaints Assessment Sub-Committee who will, within 14 days, determine whether the matter should be the subject of a hearing by the Hearing Panel.
- 8.4 If any outcomes or understandings reached at the complaint resolution meeting are not or cannot be complied with, the matter will be referred back to the Complaints Assessment Sub-Committee to determine what further action, if any, shall be taken.
- 8.5 If complaint resolution does not result in a satisfactory outcome, the Complaints Assessment Sub-Committee will determine what further action, if any, shall be taken.
- 8.6 If complaint resolution is instigated but not accepted, the Complaints Assessment Sub-Committee will determine what further action, if any, shall be taken.
- 8.7 If complaint resolution does not result in a satisfactory outcome either the complainant or ANZPA may refer the matter to Psychotherapy and Counselling Federation of Australia (PACFA) for consideration.

9 HEARING PROCEDURES

- 9.1 In circumstances where a hearing is to be conducted, the Complaints Assessment Sub-Committee will identify in writing the following matters:
- the events that are the subject of the complaint;
 - the behaviour at issue that is potentially professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA;
 - all documents relating to those matters; and
 - if appropriate, the section of the *Code of Ethics* related to the complaint.

The Secretary will notify the Complainant and Respondent of these matters by registered letter within 14 days.

- 9.2 The Chair will appoint a Hearing Panel. If there has been a complaint resolution process, the representative of the Ethics Committee who attended the complaint resolution process will not be eligible for this Panel.

- 9.3 The Hearing Panel will, as soon as practicable:
- formulate the charges against the Respondent;
 - determine the place and time of the hearing, which will be held in private;
 - clarify who will be present, including parties, witnesses, support persons and/or Legal Counsel;
 - determine the procedure to be followed, which will comply with the principles of natural justice;
 - notify the Complainant and Respondent of these matters not less than 28 days before the hearing; and
 - ensure that the Respondent has details of all matters that the hearing will consider.

- 9.4 At the hearing:
- the Respondent is entitled to be represented by Counsel and/or a support person;
 - the Complainant can be called as a witness and can have a support person;
 - the Hearing Panel will consider:
 - any written material already presented by the Complainant and Respondent;
 - any additional information, oral or written, that the Complainant and Respondent wish to present;
 - any other information that it wishes to hear.

- 9.5 The Hearing Panel determines, on the balance of probabilities, if there has been professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA.

- 9.6 When possible, the Hearing Panel will deliver its decision orally to the Complainant and Respondent at the conclusion of the hearing. A written record of the Panel's oral decision or, if the decision is reserved, the written decision will be provided to the Complainant, Respondent and Secretary within 14 days of the conclusion of the hearing. Where the complaint is upheld, a notice stating that sanctions may be imposed will be provided.

- 9.7 In all situations where the Hearing Panel upholds the complaint against a Member, it will consult to consider sanctions.

10. SANCTIONS

- 10.1 When the Hearing Panel has upheld a complaint:
- the Respondent will be invited to provide, in writing within 28 days of receiving a notice that sanctions may be imposed, any information they wish to have taken into account by the Hearing Panel before it recommends sanctions; and
 - the Complainant may be invited to provide, in writing within 28 days of receiving a notice that sanctions may be imposed, any information they wish to have taken into account by the Hearing Panel before it recommends sanctions.
- 10.2 Where a hearing to consider sanctions only is to be conducted following an admission in writing by the Respondent:
- the Respondent will be invited to provide, in writing within 28 days of receiving a notice that sanctions may be imposed, any information they wish to have taken into account by the Hearing Panel before it recommends sanctions; and
 - the Complainant may be invited to provide, in writing within 28 days of receiving a notice that sanctions may be imposed, any information they wish to have taken into account by the Hearing Panel before it recommends sanctions.
- 10.3 When considering sanctions, the Hearing Panel may do so on the basis of the written submissions, if any, or it may hear from the Complainant or the Respondent in person.
- 10.4 The Complaints Assessment Subcommittee may recommend that the Ethics Committee:
- a. warns the Member;
 - b. provides educative advice to the Member;
 - c. requires the Member to cease and desist from the behaviour considered inappropriate or unethical;
 - d. censures the Member;
 - e. requires the Member to undertake a specified programme of training and/or supervision under the direction of the Ethics Committee;
 - f. requires the Member to cease working with a particular client group for a specified period of time;
 - g. requires the payment of compensation for the Complainant's trauma recovery process (provided that the Complainant is not entitled to claim for ACC for that trauma in New Zealand) up to a maximum of \$5,000;
 - h. suspends the membership of the Member for a fixed period of time;
 - i. asks the Member to resign from ANZPA; and/or
 - j. expels the Member from ANZPA.

- 10.5 Within 14 days of the sanctions hearing, the Convenor will forward a report to the Complaints Assessment Sub-Committee identifying whether the complaint has been established and, if so, the recommended sanctions.
- 10.6 Within 14 days of receiving the report, the Complaints Assessment Sub-Committee will either confirm the sanctions (if they fall within an acceptable range) and inform the Complainant and Respondent of the sanctions, or refer the matter to the Ethics Committee to consider such other sanctions as are appropriate in the circumstances.
- 10.7 The Ethics Committee will confirm the sanctions or impose other sanctions as are appropriate in the circumstances and inform the Complainant and Respondent within 28 days.
- 10.8 When a finding is made against the Respondent, the Chair will notify the ANZPA Executive Committee of the finding and sanctions imposed, in order for it to be formally received. The Chair will also include any recommendation regarding publication.
- 10.9 In circumstances where there is non-compliance with imposed sanctions (c), (e), (f), (g) or (i), this non-compliance may result in the Member's suspension until the sanctions have been complied with unless the Complaints Assessment Sub-Committee extends the time allowed to comply.
- 10.10 Continued non-compliance may be treated as a breach of the *Code of Ethics* and may be subject to a new complaint against the Member.

11. CONSEQUENTIAL SANCTIONS FOLLOWING COURT OR OTHER PROCEEDINGS

- 11.1 Where the conduct of a Member has been the subject of court proceedings or the proceedings of another professional body and where there is a finding adverse to the Member and those findings amount to professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA, the Ethics Committee may impose one or more of the sanctions identified in these procedures.

12. PREVENTATIVE STRATEGIES

- 12.1 All Members are to be made aware of the seriousness of professional misconduct, conduct unbecoming a Member of ANZPA or conduct prejudicial to the good name of ANZPA.
- 12.2 Whenever there is concern about the behaviour of any person connected to ANZPA, steps should be taken to determine whether the behaviour is the symptom of a deeper problem and appropriate action should be taken.
- 12.3 The Chair will report to the ANZPA Executive Committee annually and identify the number and nature of any complaints considered.

13. CONFIDENTIALITY AND PRIVACY

All documents received and sent will be coded for filing, marked “confidential” and dated by the Secretary. After procedures have been completed, one copy only will be maintained in secure storage by the Secretary. This copy will be dated and stamped Confidential File Copy. Material in storage will be reviewed periodically and may be culled by the Secretary after being held for seven years.