

ETHICAL COMPLAINT PROCEDURE

A. Introduction

The Professional Association of Christian Counsellor & Psychotherapists (PACCP) promotes professional conduct and counselling practices that are consistent with its **Code of Ethics**. PACCP is not regulated by statute and therefore its disciplinary procedures are not subject to the same administrative principles as are tribunals established by legislation. PACCP is, however, committed to the principle of fairness and the procedures outlined herein are intended to ensure complaints are processed in an equitable fashion having regard to the interests of all parties.

If it is believed that a PACCP member has violated the PACCP Code of Ethics, an opportunity will be provided for this matter to be brought to the PACCP National Ethics Committee for review.

Complaints can be made by

1. a member of the public, or through his/her authorized advocate, who has received services provided by a PACCP member; or
2. an individual who has become aware of unethical behavior of a PACCP member

PACCP will act only on those complaints where the member complained against is currently a member of PACCP or was a member at the time of the alleged violation. PACCP members are also responsible to help maintain the high ethical and professional standards of the association and are encouraged to deal with fellow members including submitting complaints when necessary. PACCP will proceed only when a written, signed complaints have been submitted.

A complaint must be lodged within two (2) years of the event which forms the substance of the ethical complaint. This limitation will not apply if formal court proceedings have commenced within that time frame.

When PACCP is made aware that formal court proceedings have commenced against a member that involve the relationship with his or her clients, it may require the member to accept a limitation on his or her practice, accept supervision, or may impose other limitations deemed reasonable and appropriate under the circumstances.

PACCP will not deal with complaints if the subject matter of the complaint is part of a formal court proceeding or when such a proceeding is pending. However, a complaint may be considered after any such proceedings are concluded.

When PACCP becomes aware that a member has been convicted of an offence under the Criminal Code or a similar penal statute of another country, or has been suspended by a governing body of an occupational group in a province or territory of Canada or another country

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for reason of professional misconduct, conduct unbecoming a member of the professional group or professional incompetence, this information will be reviewed by the National Ethics Committee.

Since members agree to adhere to the PACCP Code of Ethics, refusal of the member to cooperate with the investigation (e.g. meeting with the representatives of National Ethics Committee, provision of requested materials, etc) will result in suspension of membership in PACCP.

B. Procedures for Submitting Complaints

Authorized advocates, or individuals who have received services provided by a PACCP member who wish to submit an ethical complaint to PACCP should complete the forms located on the PACCP website.

The procedure for submission of complaints to PACCP is fully described on the PACCP website <http://www.paccp.ca/>

The documents required for submission are found at: <http://www.paccp.ca/>

Once completed, these forms are to be sent to the PACCP National Office, at the following mailing address:

10 Verona Circle
Simpsonville, SC 29681
Attention: Administrator - CONFIDENTIAL

C. Procedures for Processing Complaints

The procedure for processing complaints is as follows:

1. Within 10 business days upon receiving a written complaint at the PACCP National Office, the Administrator will verify that the individual is a PACCP member. The Administrator will send a letter to the complainant acknowledging the receipt of the complaint.
2. The chairperson of the National Ethics Committee will receive the notification of the ethical complaint, and will call a meeting of the National Ethics Committee and an *ad hoc* member from the appropriate jurisdiction, to determine the merit of the complaint.

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3. If no merit is found, the complainant will receive a letter from the chairperson of the National Ethics Committee, within 10 business days, indicating that there will be no further investigation of the complaint.
4. Once the Determination of Merit has been completed, and an ethical investigation is commenced, the member will receive a letter indicating that there is sufficient merit to proceed with a formal investigation. An outline of the process will be provided with the letter from the chairperson of the National Ethics Committee.
5. Recognizing that the National Ethics Committee is comprised of members who volunteer their time for this work, complainants and members can be assured that National Ethics Committee will prayerfully seek a determination of each complaint in a timely manner.
6. The *ad hoc* National Ethics Committee member (from the member's Branch) along with one additional member from the National Ethics Committee will arrange to interview the complainant. The *ad hoc* National Ethics Committee member and the member from the National Ethics Committee will be referred to as the interviewing team.
7. A summary of the interview with the complainant will be prepared and affirmation of its accuracy sought from the complainant. The complainant will be given a copy of the summary and will be asked to sign the document as verification of the agreement.
8. Once verification has been received, the interviewing team will report their findings to the National Ethics Committee as a whole for review. In the event there is new information arising out of the interview with the complainant, this would be passed on to the member.
9. The interviewing team would then set up a conference call to interview the member based on the information obtained in the complaint, the interview with the complainant, and any written information provided by the member. .
10. A summary of the interview with the member will be prepared and affirmation of its accuracy sought from the member. The member will be given a copy of the summary and will be asked to sign the document as verification of the agreement.
11. In the event the interviewing team deems it necessary, additional witnesses may be called to contribute to the information required to make an informed decision.

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12. In collaboration with the National Ethics Committee as a whole, the interviewing team would then move to debrief the findings from all sources utilized in the investigative process and come to a determination regarding the member's conduct (e.g. "determination of conduct") and outline requirements in accordance with the disposition and/or resolution options, given the nature of the complaint investigation.
13. The committee will then submit a report summarizing the outcomes and communicate this to both the complainant, the member, and to the National Board of PACCP.
14. Subsequent to the communication of the decision, both the member, as well as the complainant, has the right to appeal decisions of the PACCP National Ethics Committee. Appeals will need to be submitted in writing to the National Office within 20 business days of the communication of the decision. Appeals will be heard only when substantive evidence is presented that could call into doubt the appropriateness of a decision and/or that there could have been a failure with procedures consistent with the principles of natural justice.

D. Disposition Options

Where the National Ethics Committee determines that there has been a breach of the Code of Ethics, they will determine the best course of action for the member. This may include, but is not limited to, the following:

- i. Mandated Supervision of his/her counselling practice for a period
- ii. Continuing education requirement(s)
- iii. Submission of in-depth reflections
- iv. Probation or suspension, up to, and including revocation of membership in PACCP

E. Appeal Procedures

The member, as well as the complainant, has the right to appeal the decision of the National Ethics Committee. However, appeals will only be heard when substantive evidence is presented that could call into doubt the appropriateness of a decision and/or that there could have been a failure with procedures consistent with the principle of natural justice. It must be acknowledged that the outcomes may or may not satisfy the complainant and/or the member. Lack of satisfaction of the determination of the National Ethics Committee is insufficient grounds upon which to request an appeal.

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The following procedures shall govern appeals:

1. Appeals will need to be submitted in writing to the National Office with 30 days of the communication of the decision of the National Ethics Committee. This document should include a short summary outlining which of the three areas the appeal is based on – Bias, Procedural Fairness and/or New Information
2. This document will then be forwarded to the National Board who will determine if there is merit for an appeal

For appeals to be considered, evidence of one of the following items must be demonstrated:

- a) Bias: The appeal must provide evidence of reasonable apprehension of bias or conflict of interest on the part of the National Ethics Committee and its members,
 - b) Procedural Fairness: The appeal must provide evidence of a failure to follow principles of natural justice and procedural fairness which could have been reasonably considered to have affected the decision reached.
 - c) New Information: The appeal must provide clear and compelling evidence directly related to the decision that was not available during the National Ethics Committee's investigation
3. A three (3) member Appeal Committee is established, composed of the PACCP President or his/her delegate and members of the National or Branch executive
 4. The Appeal Committee shall review all materials considered by National Ethics Committee. The Appeals Committee can, at its discretion, interview the member, the complainant, any potential witnesses, as well as the National Ethics Committee Chairperson or his/her delegate.
 5. Any new information brought forth during the appeal process will be assessed to determine if this is information that was available during the initial investigation process. If so, it will not be considered as new information.
 6. Within forty business (40) days, the Appeal Committee shall submit a written decision regarding the appeal from the following alternatives:
 - a. Uphold the decision of the PACCP National Ethics Committee
 - b. Revise the decision of the PACCP National Ethics Committee

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- c. It is conceivable that the Appeal Committee, in the course of its review, may render a different disposition or resolution than originally reached by the National Ethics Committee. **The decision of the Appeal Committee will be the final determination.**

7. At the conclusion of the deliberation of the Appeal Committee, the National Board President or his/her delegate shall notify the member, the complainant, the National Board, and the National Ethics Committee of the appeal decision, in writing. All the documentation of the Appeal Committee, as well as that of the National Ethics committee, shall be secured by the PACCP National Office.