

The Australasian Confederation of Psychoanalytic Psychotherapies

Register Complaints Procedure

PROCEDURES FOR RESOLVING COMPLAINTS ABOUT REGISTRANTS OF THE ACPP REGISTER OF PSYCHOANALYTIC PRACTITIONERS

Introduction

The Australasian Confederation of Psychoanalytic Psychotherapies (ACPP) is a peak body of professional associations of psychoanalytic practitioners. It exists to promote excellence in psychoanalytic thinking, to promote training and research, to seek to make psychoanalytic psychotherapies more readily accessible, and to safeguard the patients by maintaining high and ethical standards of practice. Accordingly, the ACPP has established and maintains a Register of Psychoanalytic Practitioners (**Register**) to assist members of the public seeking psychoanalytic psychotherapies to identify appropriately trained and credentialed practitioners. All practitioners listed on the Register are fully trained and credentialed; are required to complete ongoing accreditation requirements; are bound by the requirements and expectations of ethical practice as articulated in the Code of Ethics of their Member Association; and are in good standing in their Member Association.

A requirement of membership of the ACPP is that Member Associations have a Code of Ethics for the practice of psychoanalysis, analytical psychology or psychoanalytic psychotherapy, and detailed procedures for the management of complaints against their members. In turn, the members of those Associations have undertaken to abide by their respective Code of Ethics, which set out professional standards against which any breach will be tested. As such, every Registrant is bound by the Code of Ethics of their Member Association. Registrants are required to advise the ACPP's Ethics and Professional Standards Committee should they be subject to a professional complaint made to another professional body or statutory authority.

As part of the endeavour to ensure that the Register promotes patient safety, the ACPP has developed this Complaints Procedure to provide a framework for complaints about Registrants to be received and assessed. Complaints may be dealt with in a variety of ways, and in different professional contexts. This Procedure endeavours to outline the alternative pathways for the appropriate management of complaints. While it is expected that complaints against Registrants would in the first instance be addressed to, and dealt with by, the responsible body of the professional association of which the Registrant holds individual membership, or by the relevant statutory authority, as part of our role in safeguarding the public, the ACPP may, under the circumstances outlined in this Procedure, itself process complaints about its Registrants.

This Complaints Procedure will be reviewed in response to changes in the legal and professional contexts within which the ACPP operates.

Glossary

Australasian Confederation of Psychoanalytic Psychotherapies: The Australasian Confederation of Psychoanalytic Psychotherapies is a peak body of professional associations of psychoanalytic practitioners. In this document it may also be referred to as the “ACPP”.

Board: Means the Board of the ACPP.

Code of Ethics: Means the Code of Ethics of the particular Member Association to which the Registrant/Respondent holds membership. A requirement of membership of the ACPP is that a Member Association has a Code of Ethics for the practice of psychoanalysis, analytical psychology or psychoanalytic psychotherapy, and detailed procedures for the management of complaints against its members. In turn, the members of those Associations have undertaken to abide by their respective Code of Ethics. As such, every Registrant is bound by the Code of Ethics of their Member Association.

Complainant: This refers to the person, agency or body raising a complaint or concern about a Registrant.

Complaints Review Panel: Refers to a Panel consisting of no less than three senior practitioners from Member Associations appointed by the Ethics and Professional Standards Committee in accordance with section 11.1.1.

Correspondence: Written correspondence referred to in this Procedure includes both physical letters and electronic forms of written communication.

Electronic attendance: Attendance at a meeting of a committee, a subcommittee or panel referred to in this Procedure may be by telephone or other means of instantaneous communication which permits all participants to be simultaneously in contact. A person who participates in a meeting via such electronic means is taken to be present at that meeting.

Ethics and Professional Standards Committee: A Standing Committee of the ACPP tasked with oversight of matters related to ethics and professional standards.

Member Association: A member association of the ACPP.

Psychoanalytic Psychotherapies include the practice of psychoanalysis, analytical psychology and individual and group psychoanalytic psychotherapy.

Register of Psychoanalytic Practitioners: The ACPP Register of Psychoanalytic Practitioners (also referred to in this document as "the ACPP Register") is a register of trained and credentialed psychoanalytic practitioners. All practitioners listed on the Register must be members in good standing of their respective Member Associations and are bound by the requirements and expectations of ethical practice as articulated in the Code of Ethics of their Member Association.

Registrant: A registrant is a practitioner listed on the ACPP Register of Psychoanalytic Practitioners.

Respondent: If following initial screening of a complaint it is concluded that there may be a case to answer, the Registrant concerned will be referred to as the Respondent for the purpose of this Procedure.

1. General Principles

1.1 This Complaints Procedure is governed by the need to ensure the safety and well-being of

patients/clients of Registrants and the community, the need to uphold the professional standards and reputation of the ACPP and the psychoanalytic psychotherapies, and by a concern for the safety and wellbeing of a practitioner under consideration.

- 1.2 This Complaints Procedure applies to all practitioners listed on the Register.
- 1.3 Complaints can only be considered under this Complaints Procedure if they concern a Registrant. All Registrants agree to participate in good faith in the resolution of complaints made about them and are required to comply with this Complaints Procedure, whether as the person complained against or as a provider of relevant information.
- 1.4 A complaint to the ACPP is a professional matter that seeks to address issues of alleged professional misconduct or ethical breaches by a Registrant.
- 1.5 Inquiries into complaints must be conducted having regard to procedural fairness and the principles of natural justice, but the ACPP will not be bound by those principles. Complaints should be processed and concluded in as timely a fashion as possible.
- 1.6 Procedures for dealing with complaints must be conducted in a sensitive, respectful and confidential manner and address the well-being and safety of all concerned.
- 1.7 Complainants and Respondents must be made aware of this Complaints Procedure and agree to be parties to the hearings.
- 1.8 Complainants and Respondents have the right to challenge for cause any individual serving on a committee or panel that is to investigate or decide a complaint or appeal concerning them.

2. Methods of dealing with complaints

- 2.1 Complaints will ordinarily be referred to the Registrant's Member Association (see section 8.2). The Ethics and Professional Standards Committee is available to serve a consultative function for each Member Association's Ethics Committee.
- 2.2 The Ethics and Professional Standards Committee may seek legal or other advice as to the appropriate course of action to take regarding a complaint.
- 2.3 The Ethics and Professional Standards Committee will assist the resolution of complaints in one or more of the following ways:
 - 2.3.1 **An initial screening** of a complaint by the Ethics and Professional Standards Committee in consultation with the Respondent's Member Association's Ethics Committee. This Committee may dismiss a complaint if it considers that the complaint does not constitute a breach of the applicable Code of Ethics or otherwise inappropriate conduct. In order to facilitate its deliberations, the Ethics and Professional Standards Committee may seek further information, clarification or documentation from either the Complainant or the Respondent. If, on the basis of an initial screening and in consultation with the Member Association's Ethics Committee, the Ethics and Professional Standards Committee determines that the complaint may warrant further investigation, the Committee will recommend either

referral of the complaint to the Member Association or an investigation by a Complaints Review Panel.

2.3.2 **Referral.** A complaint will ordinarily be referred to the Respondent's Member Association. Alternatively, the complaint may be referred to the appropriate professional organisation or supervising/registering body or bodies, including statutory bodies (eg Australian Health Practitioners Regulation Authority or Health Care Complaints Commission) responsible for the profession to which the Respondent belongs or for the service which the Respondent is providing if the Respondent has contravened the conditions of registration with that body.

2.3.3 **Examination.** If it has been determined that a complaint warrants further investigation, and that it is not appropriate for the matter to be referred to the Respondent's Member Association, or another statutory or professional body, the complaint will be handled by the Ethics and Professional Standards Committee. This Committee may refer the complaint to mediation, in which the Complainant and the Respondent are offered the services of a trained mediator acceptable to both to assist them to come to a mutually acceptable solution. If mediation fails, is not wanted, or is inappropriate in the circumstances, the Ethics and Professional Standards Committee will establish a formal Complaints Review Panel to investigate the complaint.

3. Receiving and Processing Complaints

3.1 A complaint must be in writing and addressed to the Chair of the Ethics and Professional Standards Committee or to the ACPP's Secretary.

3.2 A complaint must name a Registrant as the Respondent.

3.3 A complaint must state what professional behaviour or other circumstances gave rise to the complaint or concern.

3.4 A complaint must state where and, at least approximately, when the offending behaviour took place. The ACPP will not normally deal with complaints made more than 5 years after the events giving rise to them. Exceptions will be made where in the judgement of the Ethics and Professional Standards Committee the allegation is sufficiently serious, or where it would be in the public interest to consider the complaint.

3.5 A complaint must identify any witnesses to the behaviour.

3.6 A complaint must contain the full name and address of the person making the complaint. Ordinarily, no action will be taken on anonymous complaints.

3.7 Complaints cannot be considered under this Procedure against Registrants who have died.

3.8 Complaints cannot be considered against Registrants who have retired or resigned unless the complaint was received by the ACPP before the Registrant's retirement or resignation.

3.9 If a complaint brought to the ACPP is also being considered by another membership or regulatory organisation, the ACPP may stay the complaint until the proceedings of the

other body are complete.

- 3.10 The ACPP will not consider a complaint that has previously been determined by a Member Association or where the substantive issues have been previously determined by the ACPP or another body unless:
 - 3.10.1 there is compelling new evidence; and/or
 - 3.10.2 the original decision did not take into account the particular requirements of the ACPP Register.
- 3.11 The Board may initiate an investigation at its own discretion when a Registrant appears to have:
 - 3.11.1 breached an applicable Code of Ethics;
 - 3.11.2 engaged in otherwise inappropriate behaviour; or
 - 3.11.3 demonstrated impaired professional functioning that might compromise the safety of a patient or adversely affect the reputation of the ACPP, or the profession as a whole.
- 3.12 If a complaint is withdrawn by the Complainant, the Ethics and Professional Standards Committee may still proceed with the matter.
- 3.13 Any counter-complaint from a Respondent against a Complainant may not be considered until completion of the initial complaint.
- 3.14 The Chair of the Ethics and Professional Standards Committee will inform the Complainant of the necessary procedures involved in the complaint process and provide:
 - 3.14.1 a copy of this document and a Formal Consent form for signing (note: the formal consent form is appended to this Procedure); and
 - 3.14.2 a letter acknowledging receipt of the complaint, noting that information provided will become part of the case record, and advising that consideration of the complaint will begin as soon as the requirements of section 3 have been met and a signed Formal Consent to waive the Respondent's duty of confidentiality has been received.
- 3.15 The Chair of the Ethics and Professional Standards Committee will inform the Respondent of the complaint and provide the Respondent with a copy of the written complaint.
- 3.16 If the Complainant or the Respondent cannot participate adequately at any stage in the process due to age, illness, mental capacity or other influencing factor, they may be represented by an advocate who, at the discretion of the Chair of the Ethics and Professional Standards Committee, may take a direct role in the proceedings as appropriate.

4. Conflict of Interest

- 4.1 Except when acting as a support person, members of any committee or subcommittee dealing with these procedures who experience a conflict of interest (or what might reasonably be perceived as a conflict of interest) in the matter, having a past or present personal or financial association with either the Complainant or the Respondent, or an interest/involvement with the case which would interfere with a fair and objective assessment of the situation, should disqualify themselves or may be required to withdraw from a consideration of the complaint. Any vacancy created in these circumstances will be filled by a person appointed by the Ethics and Professional Standards Committee or the Board.

5. Assessing Complaints

- 5.1 When the complaint meets the submission requirements of section 3, and the signed Formal Consent form has been received, the Chair of the Ethics and Professional Standards Committee or their delegate will, without delay, call a meeting of that Committee. That Committee will then decide whether the alleged behaviour, if proven, would constitute a breach of the applicable Code of Ethics or is otherwise inappropriate behaviour.
- 5.2 A quorum of the Ethics and Professional Standards Committee will consist of three members and, if a quorum cannot be constituted, additional members will be appointed by the Board for the duration of the consideration of the complaint.

6 Dismissal of a Complaint

- 6.1 If the Ethics and Professional Standards Committee determines that there is no evidence of breach of the Respondent's Code of Ethics or otherwise inappropriate behaviour, it must, as soon as practicable:
- 6.1.1 notify the Complainant in writing of its decision and the reasons for it;
 - 6.1.2 advise the Complainant that if they not satisfied with the decision, the complaint should be directed to the legally constituted association responsible for the professional discipline in which the Respondent has trained and/or to the body or bodies responsible for the registration or supervision of the professional service which the Respondent provides; and
 - 6.1.3 notify the Respondent of the decision and actions of the Ethics and Professional Standards Committee.

7. Acceptance of a Complaint for Further Action

- 7.1 If the Ethics and Professional Standards Committee determines that there is an arguable case for a breach of the Respondent's Code of Ethics or otherwise inappropriate behaviour, it must:
- 7.1.1 decide which of the methods for dealing with the complaint (section 2) is/are appropriate;
 - 7.1.2 authorise the Chair or their delegate to meet the Complainant to discuss the options

available and ascertain which process the Complainant wishes to follow;

- 7.1.3 authorise the Chair or their delegate to meet the Respondent to advise what process the Complainant wishes to follow; to gain approval if mediation has been requested by the Complainant; and to suggest that the Respondent enlist a support/resource person (who may be a member of the Ethics and Professional Standards Committee or a colleague of the Respondent's choice); and
- 7.1.4 temporarily replace any member of the Ethics and Professional Standards Committee who becomes the mediator in the process or a support/resource person for either party.

8. Managing a Complaint Through Referral

- 8.1 **Statutory authorities.** Psychoanalytic training takes place at a post-graduate level. As such, all ACPP Registrants have training in a professional discipline prior to pursuing psychoanalytic training. The majority of Registrants will have trained in a health discipline (e.g. medicine, psychology, social work), the practice of which is subject to statutory regulation via government authorities such as the Australian Health Practitioner Regulation Authority or state-based Health Complaints Commissions. These bodies are created by Acts of Parliament, and as such carry legal authority which the ACPP does not have. As such, if it appears that there is an arguable case to answer, the ACPP may decide it is appropriate that a Complainant be directed toward one of these bodies.
- 8.2 **Member Associations.** It is expected that complaints against Registrants will in the first instance be addressed to, and dealt with by, the Ethics Committee of the Association of which the Registrant holds membership. If a complaint against a Registrant is investigated by a Member Association, the findings and recommendations must be promptly conveyed to the ACPP Board. In the case of an adverse finding, the Board, in consultation with the Ethics and Professional Standards Committee, may apply one or more of the sanctions listed in section 16.2.

9. Managing a Complaint Through the Ethics and Professional Standards Committee

- 9.1 A complaint may be managed by the Ethics and Professional Standards Committee if either that Committee determines that this is the most appropriate course of action or if a Registrant's Member Association is unable to adequately deal with the complaint because of a conflict of interest or other significant impediment.
- 9.2 If mediation has been deemed appropriate by the Ethics and Professional Standards Committee and the Complainant and Respondent agree to such a course, the following process will be followed.
- 9.3 The Ethics and Professional Standards Committee will appoint a mediator who may be a professional mediator, or a suitably qualified person from another discipline acceptable to both parties.
- 9.4 At the mediator's discretion, both the Complainant and the Respondent may be accompanied by a support person who will take no direct part in the proceedings unless invited to do so. No legal representation will be permitted.

- 9.5 The mediator will report the outcome to the Ethics and Professional Standards Committee. If the matter has been satisfactorily resolved, the Chair of the Ethics and Professional Standards Committee will report the resolution to the Board, but the substance of the complaint and the matters canvassed during the mediation must remain confidential to the Committee. The Chair's report may include a recommendation as per section 16.
- 9.6 The cost of a mediation must be shared equally between the Complainant and the Respondent. Any exception to this will be at the discretion of the Ethics and Professional Standards Committee.

10. Managing Complaints through Investigation

10.1 If:

10.1.1 the Complainant or Respondent does not wish to participate in mediation;

10.1.2 the Ethics and Professional Standards Committee does not consider mediation an appropriate option; or

10.1.3 mediation does not produce a satisfactory resolution;

and the Ethics and Professional Standards Committee determines that the matter would be most appropriately managed through an internal inquiry, it shall initiate an investigation.

11. Investigation

11.1 In the event the Ethics and Professional Standards Committee initiates an investigation, it must:

11.1.1 constitute a Complaints Review Panel consisting of no less than three senior practitioners from Member Associations and appoint a Chair for that Panel. At any point in the process, if the Ethics and Professional Standards Committee deems it appropriate additional members may be appointed to the Complaints Review Panel, either from within the ACPP structure or outside (e.g. a legal practitioner). The Chair of the Ethics and Professional Standards Committee is to ensure that no member of the Complaints Review Panel has a conflict of interest;

11.1.2 appoint a Liaison Person who will deal with procedural matters and act as a resource to both the Complainant and the Respondent, but will not take part in the formal hearing;

11.1.3 notify the Complainant in writing of the decision to proceed to investigation;

11.1.4 authorise the Liaison Person to meet the Complainant to explain the process and to arrange for a preliminary hearing with the Complaints Review Panel and the Respondent;

11.1.5 advise the Respondent in writing of the process to date;

- 11.1.6 authorise the Liaison Person to meet with the Respondent to explain the process and to arrange for the preliminary hearing with the Complaints Review Panel and the Complainant; and
- 11.1.7 authorise the Complaints Review Panel to conduct a preliminary hearing with the Complainant and the Respondent at which both may be accompanied by a support person who will take no direct part in the proceedings unless invited to do so. Legal representation is not permitted during a preliminary hearing.
- 11.2 If the Complaints Review Panel determines that a complaint is not within the jurisdiction of the ACPP or that an arguable case for a formal hearing has not been made by the Complainant, the complaint will be dismissed and all information will remain confidential to the Complaints Review Panel. In this case, the decision of the Complaints Review Panel together with the supporting reasons will be notified to the Complainant and Respondent in writing.
- 11.3 If the Complaints Review Panel determines that the complaint is within the jurisdiction of the ACPP and an arguable case for a formal hearing has been made by the Complainant, it must:
- 11.3.1 consider whether the complaint might be appropriately resolved other than by way of a formal hearing; or
- 11.3.2 proceed to a formal hearing of the complaint.
- 11.4 If the complaint is resolved to the Complainant's satisfaction and with the agreement of the Respondent without a formal hearing, such agreement by both parties will be confirmed by the Complaints Review Panel in writing. The Complaints Review Panel will then report to the Ethics and Professional Standards Committee making any recommendations it considers appropriate, as per section 16.2. These recommendations will then be considered by the Board.

12. Formal Hearing

- 12.1 The formal hearing will be conducted by the Complaints Review Panel under the leadership of the Chair. No person who is acting or has acted as a mediator or a support or Liaison Person in the process is eligible to be a member of the Complaints Review Panel.
- 12.2 The Complaints Review Panel will conduct its proceedings in such a way as it considers best in the circumstances having regard to procedural fairness and the principles of natural justice, although it will not be bound by those principles. It will review in confidence all pertinent records.
- 12.3 The Complaints Review Panel has the discretion to allow representation by legal counsel at any hearing and at any time before or after the hearing.
- 12.4 The Liaison Person appointed by the Ethics and Professional Standards Committee will continue to maintain contact with both the Complainant and the Respondent to ensure that the process is clearly explained to both and to be of assistance to them throughout a hearing.

13. Procedure for a Formal Hearing

- 13.1 If a complaint is to proceed to a formal hearing, the Respondent is to be given the following information in writing:
- 13.1.1 a copy of the complaint and details of any other information which may be presented in evidence against him or her;
 - 13.1.2 a copy signed by the Complainant of the formal consent to waive the Respondent's duty of confidentiality;
 - 13.1.3 a copy of the applicable Code of Ethics;
 - 13.1.4 a copy of this Procedure;
 - 13.1.5 a letter from the Chair of the Complaints Review Panel giving the reasons for proceeding with the investigation including a statement indicating which section(s) of the applicable Code of Ethics may have been breached or details of the otherwise inappropriate behaviour;
 - 13.1.6 the name of the Complainant or information to the effect that the Board is proceeding on its own initiative;
 - 13.1.7 advice that any information provided, whether verbal or written, will become part of the case record;
 - 13.1.8 the names of the members of the Complaints Review Panel hearing the complaint with information to the effect that the Respondent may object in writing, within 10 working days of the date of the letter, to the involvement of any such member, giving reasons in each case. These objections and the reasons for them will be considered by the Complaints Review Panel and the member or members concerned may be required to withdraw from assessing the complaint. The decision of the Complaints Review Panel in this regard shall be final;
 - 13.1.9 a recommendation that the Respondent discuss the complaint with their current supervisor and consider how the supervisor may contribute to clarifying and resolving the complaint;
 - 13.1.10 a recommendation that the Respondent seek assistance from a support person;
 - 13.1.11 a statement of a reasonable time frame within which the Respondent may submit a response to the complaint to Complaints Review Panel;
 - 13.1.12 advice that at the hearing the Respondent will have the opportunity to:
 - (a) answer the case put against the Respondent,
 - (b) speak to the concern that has been raised; and

- (c) apply for the Complaints Review Panel's permission to be accompanied by legal counsel or a support person, neither of whom may directly participate in the proceedings unless permitted to do so by the Chair;

13.1.13 notice that further submissions may be made to the Complaints Review Panel provided that written notice to do so is received by the Chair of the Complaints Review Panel within 10 working days of the date of the letter advising of the hearing;

13.1.14 notice that the Complaints Review Panel will inform itself of the facts in such a manner as it determines appropriate, subject to section 12.2; and

13.1.15 the date, time and place for the hearing.

14. Actions required of a Respondent Involved in a Formal Hearing

14.1 The Respondent is required to reply in writing to any request of the Complaints Review Panel to provide information relevant to the complaint. This information must be supplied within 30 days of the date of the letter advising of the complaint.

14.2 If the Respondent believes there is a conflict between their responsibilities to a patient and the request for information, or they hold information which may incriminate the Complainant, advice must be sought from appropriate ethics bodies to help resolve the conflict.

14.3 The Respondent may be required to attend a hearing.

14.4 The Respondent's:

14.4.1 failure to respond to the Complaints Review Panel;

14.4.2 unwarranted delay in responding; or

14.4.3 lack of cooperation in the hearing;

will not prevent continuation of the hearing (in the absence of the Respondent, if the Complaints Review Panel so determines) and will constitute a breach of this Procedure.

15. Actions Required of the Complainant Involved in a Formal Hearing

15.1 The Complainant will be advised of the date, time and place of the hearing.

15.2 The Complainant may be required to attend the hearing.

15.3 The Complainant may be accompanied by legal counsel or a support person, neither of whom may directly participate in the hearing unless permitted to do so by the Complaints Review Panel.

16. Actions by the Complaints Review Panel on conclusion of a formal hearing

- 16.1 When the Complaints Review Panel is satisfied that it has reviewed all pertinent information, it will by a simple majority make a decision as to one of the following:
- 16.1.1 **Exoneration:** the Respondent is cleared from blame where the evidence shows no breach of the applicable Code of Ethics or other cause for concern as to the Respondent's behaviour or functioning;
 - 16.1.2 **Complaint dismissed:** there is insufficient reliable evidence which does not permit the complaint to be sustained; or
 - 16.1.3 **Complaint sustained:** there is sufficient reliable evidence to support the complaint that the relevant Code of Ethics has been breached; the Respondent's behaviour was otherwise inappropriate; or the Respondent's functioning is impaired.
- 16.2 If the complaint has been sustained, the Complaints Review Panel will provide a written report to the Ethics and Professional Standards Committee and recommend to that Committee one or more of the following:
- 16.2.1 that the Respondent be required to undertake specific education, supervision, or treatment;
 - 16.2.2 that the Respondent be required to cease and desist from the offending conduct;
 - 16.2.3 that the Respondent is censured or reprimanded;
 - 16.2.4 that the Respondent be required to enter into a period of probation such that their compliance with the specific requirements of the Complaints Review Panel's recommendations be actively and systematically monitored for a specific period of time;
 - 16.2.5 that the Respondent's registration be either suspended or cancelled and a record of that suspension or cancellation be included on the Register. If suspension or cancellation of registration is recommended the Respondent will be advised of this and given 14 days to make submissions to the Committee about this recommended disciplinary outcome before the Committee makes its final decision.
 - 16.2.6 that the Respondent's Member Association be asked to consider the membership status of the Respondent; and
 - 16.2.7 any other recommendation deemed appropriate by the Complaints Review Panel.

17 Actions by the Ethics and Professional Standards Committee

- 17.1 The Ethics and Professional Standards Committee must consider the Complaints Review Panel's report and recommendation and then make its decision.
- 17.2 The Ethics and Professional Standards Committee must report its decision and the reasons for that decision, to the Board. Subject to clause 17.3 and clause 16.2.5, the complaint, the

proceedings and any disciplinary outcome will be kept confidential within the Complaints Review Panel, the Ethics and Professional Standards Committee and the Board, unless this is necessary for the ongoing management of the ACPP.

- 17.3 The President of the ACPP will inform, in writing, the Respondent and the Complainant of the Ethics and Professional Standards Committee's decision within 5 working days of the receipt of the report from the Ethics and Professional Standards Committee. The President will also inform the Committee of Management of the Registrant's Member Association(s) of the decision of the Ethics and Professional Standards Committee. The decision of the Ethics and Professional Standards Committee will come into effect on the date of the President's letter to the Respondent detailing the decision.

18 Appeal procedure

- 18.1 If the either the Complainant or the Respondent wishes to appeal an Ethics and Professional Standards Committee's decision, the request to appeal must be made in writing to the President within 10 working days of the date of the correspondence notifying the decision, and clearly stating the grounds on which the appeal is requested.
- 18.2 The Board must consider any request to appeal and, if it decides to grant that request, appoint an Ad Hoc Appeals Committee to hear and determine that appeal.
- 18.3 An Ad Hoc Appeals Committee must consist of three members, one from the Board, one previous office bearer of the Board and one person who is outside the psychotherapy profession, such as a lawyer or a senior member of another appropriate profession.
- 18.4 If conflicts of interest or other impediments limit the availability of Board members or previous Board members, senior members of Member Associations will be recruited for the Ad Hoc Appeals Committee.
- 18.5 The Board must acknowledge in writing receipt of the appeal request and, if permission to appeal is granted, must name the intended Ad Hoc Appeals Committee.
- 18.6 The Appellant may challenge the choice of any Ad Hoc Appeals Committee member in a letter to the President within 10 working days of the date of the letter from the Board which conveyed the permission to appeal. The reasons for the challenge must be clearly stated. The response of the Board to any such request will be final.
- 18.7 The Ad Hoc Appeals Committee will conduct its proceedings in such a way as it considers best in the circumstances having regard to procedural fairness and the principles of natural justice, although it will not be bound by those principles.
- 18.8 The Ad Hoc Appeals Committee must review in confidence all pertinent records and proceedings.
- 18.9 The decision of the Ad Hoc Appeals Committee will be final.
- 18.10 Where the decision is that the appeal is upheld, the Ad Hoc Appeals Committee must set aside the decision of the Ethics and Professional Standards Committee and substitute its decision.

- 18.11 The Ad Hoc Appeals Committee will inform the Board of its decision.
- 18.12 The Board will accept the decision of the Ad Hoc Appeals Committee.
- 18.13 The President will inform the parties to the appeal of the Ad Hoc Appeals Committee's decision within 5 working days of the Board's notification of that decision.

19 Acceptance of the Decision

- 19.1 The Registrant must signify acceptance of the final decision regarding a complaint within 30 days of the date of notification of that decision.
- 19.2 The Registrant must subsequently provide to the Board satisfactory evidence of compliance with that decision. If either of these requirements is not met, the Board must determine what further disciplinary action, if any, is to be taken.

20. Case Records

- 20.1 All records relating to complaints will be kept confidentially by the Ethics and Professional Standards Committee for a period of seven years and will then be destroyed.

21. Costs

- 21.1** If a complaint is either admitted by the Respondent, or found to be sustained, the Board may require the Respondent to make a contribution to all or part of the costs which were incurred by the ACPD and the Complainant.
- 21.2** If the Board finds that a complaint lodged by one Registrant against another is frivolous, vexatious, or made in bad faith, it may require the complaining Registrant to make a contribution to all or part of the costs which were incurred by the ACPD and the respondent Registrant.

22. Management of Hearings

- 22.1. If the Complainant, the Respondent, or a witness fails to appear at any hearing or if requests for assistance or information are not met, the responsible body may, at its discretion, postpone, dismiss, or proceed with a hearing.

23. Indemnification

- 23.1 As a condition of registration with the ACPD Register of Psychoanalytic Practitioners each Registrant agrees to release, hold harmless, and indemnify the ACPD, its officers, agents, and members of its panels and committees from any and all claims
 - 23.1.1 arising out of the institution and processing of any complaints in respect of the Registrant and the imposition or disclosure of sanctions as a result of the uphold of any such complaint; and
 - 23.1.2 with respect to any action or proceeding brought against the Registrant based upon,

relying on, arising from, or with reference to any complaint investigated by the ACPP about such a Registrant.

24 Qualified Privilege

- 24.1 The deliberations of the Ethics and Professional Standards Committee, any Complaints Review Panel, the Board and any Ad Hoc Appeals Committee (and any member of those bodies) are protected by qualified privilege.