



CCAA Professional Conduct Procedure

Introduction:

The Christian Counsellors Association of Australia Inc ABN 98 863 022 563 ("**National Association**") is a national association, whose membership comprises State based associations ("**State Associations**"). The members of the State Associations include individual counsellors ("**Members**"), who are the subject of this CCAA Professional Conduct Procedure ("**Complaints Procedure**").

Purposes:

The aim of this Complaints Procedure is to provide persons who make complaints against Members ("**Complainants**") an open and transparent route of remedy. In processing such complaints, the National Association aims to protect the public, the name and reputation of CCAA and the professions of counselling and psychotherapy.

Application:

Where the Complaints Procedure applies, it applies in place of the disciplinary procedures for Members set out in the relevant State Association Constitution.

It is the responsibility of the National Association, the State Associations, Members and Complainants to ensure they fully understand the Complaints Procedure. This procedure forms an essential part of CCAA's commitment to the protection of the public. Members are required to inform any client who indicates that they have a complaint about the existence of this procedure and any other complaints procedure applicable to the service provided.

This document offers guidance on processing complaints against Members. It is not to be released to the public.

This document constitutes Version 3 of the CCAA Professional Conduct Procedure that was adopted by the National Council as a By-Law of the National Association on September 11th 2014. In this document, reference to "**CCAA**" means the National Association and State Association.

Making a complaint:

Who can make a complaint?

A complaint can be made by:

- anyone who has sought or received a service provided by a Member or CCAA itself;
- a legal guardian or other authorised adult on behalf of a minor and/or an adult lacking legal capacity for services sought or received; or
- a third party who can demonstrate sufficient interest, or who speaks on behalf of another vulnerable person/s, such as joint children, and who has been directly affected by the actions of the practitioner, and where there is corroborating evidence of unethical conduct.

For the purposes of this document, the person making the complaint will be identified as the Complainant and the Member that the complaint is made against will be identified as the Respondent.

Complaints against non-Members:

CCAA cannot deal with complaints against individuals who were not members of a State Association at the time of the alleged misconduct or are not current members of a State Association.

Records:

All records will be kept for a period of at least seven years. CCAA reserves the right to reconsider complaints previously submitted when similar complaints subsequently arise and give good reason to suggest a practitioner's continuing membership should be reviewed. Where the outcome of a complaint has resulted in termination of membership, all records will be kept unless and/or until such time as the Member concerned has successfully re-applied for membership of the relevant State Association. Such records will be referred to in any re-application for membership of a State Association.

Administration:

The administration of the Complaints Procedure will follow the protocols set down and as amended from time to time by the National Council. These will be administered by the National Association's Chair of Ethics ("**National Ethics Chair**") in consultation with the relevant State Association's Chairs of Ethics ("**State Ethics Chair**"). The data from complaints will be used for the purposes of research and statistical analysis.

Where there is no State Ethics Chair, the administration of this Complaints Procedure will be the responsibility of the relevant State Association's President.

Time:

In considering any matter or complaint, the Complaints Procedure will be carried out as expeditiously as the circumstances permit.

Expenses:

CCAA is not responsible for travel or any other expenses (e.g. mediation or conciliation) incurred either by the Complainant, the Respondent, or any support person/representative in connection with any stage of a complaint. CCAA will not pay a party's costs or order one party to a complaint to pay another party's costs.

Dual accountability:

CCAA may request that PACFA be involved or manage complaints they receive. This may be due to CCAA's self-assessed inability to provide a just and fair hearing, to allocate available resources where particular expertise is not available or in any other instance that CCAA deems appropriate.

PACFA may decide to hear a complaint against a Member when another organisation (such as The Psychologist's Registration Board or the Australian Association of Social Workers) is involved in a similar process arising out of similar matters.

Resolution:

Before submitting a complaint, the Complainant is encouraged to attempt to resolve the issue with the Respondent. The details of any attempts at resolution should be included with the complaint. If resolution is not possible, or is considered to be inappropriate given the circumstances, the Complainant may be required to provide a written explanation as to why this is the case.

Complaints and findings:

A complaint will be dealt with, as far as possible, on a confidential basis and consistent with the protection afforded by the legal principle of qualified privilege. However, the Complainant(s) should be informed that the CCAA does not guarantee anonymity of those making complaints.

The National Association and State Association reserve the right to notify their membership and/or other professional bodies and agencies about complaints and to distribute findings against a Member, where it considers it appropriate and just to do so.

The Complaint:**Receipt of complaint:**

The complaint must:

- be in writing in the form of the official CCAA Complaints Report available at www.ccaa.net.au;
- be addressed to either the National Ethics Chair or relevant State Ethics Chair;
- provide a detailed account of the practice giving rise to the complaint, together with details of dates when the event(s) occurred and all other supporting evidence; and
- make reference to the standards of practice in force at the time, as outlined in the CCAA Code of Ethics, as appropriate considering the nature and type of the complaint.

No complaint will be considered unless it is in writing and includes the name and address of the Complainant(s). The National Ethics Chair or State Ethics Chair will acknowledge receipt of a complaint in writing.

Alternatively, if the National Ethics Chair or State Ethics Chair become aware that a Member has been investigated by a statutory complaints authority, professional standards committee, professional board or other relevant authority (“**Authority**”) and there is an adverse finding in relation to the professional conduct of the Member, the matter may be referred in accordance with this Complaints Procedure.

Evaluation of a complaint:

Before referring a complaint, the National Ethics Chair or relevant State Ethics Chair will determine whether the complaint warrants formal investigation through the Complaints Procedure. The complaint must satisfy four criteria:

1. The Respondent must be a current Intern Member, Graduate Member or a Clinical Member of a State Association.
2. The complaint must concern professional conduct as a Member.
3. A professional relationship entailing ethical responsibility must exist between the Complainant and the Respondent.
4. The allegations in the complaint must, if upheld, constitute a breach of the CCAA Code of Ethics.

The National Ethics Chair or relevant State Ethics Chair may also consider whether the complaint should be adjourned or, pending a hearing or determination by another Authority.

The National Ethics Chair and State Ethics Chairs have the discretion to interview or request additional information from Complainants before deciding whether to accept the complaint, in instances where:

- the complaint contains insufficient information to determine whether the four criteria have been met;

- there is a question regarding the legitimacy of the complaint (for example, it is vexatious); or
- there is a question as to whether the Complainant has been unduly influenced by a third party.

If the four criteria are not satisfied, the National Ethics Chair or relevant State Ethics Chair will reject the complaint. If the four criteria are satisfied, the National Ethics Chair or relevant State Ethics Chair will institute the formal Complaints Procedure.

Notification of Complaints Procedure:

Where the formal Complaints Procedure is not instigated, the National Ethics Chair or relevant State Ethics Chair will notify the Complainant of their decision and the reasons for that decision in the form set out in Attachment 1.

Where the formal Complaints Procedure is instigated, the National Ethics Chair or relevant State Ethics Chair will notify the Complainant and Respondent that a formal complaint has been received and accepted and a Professional Conduct Panel is being formed to address the complaint in the form set out in Attachments 2 and 3.

The Formal Professional Conduct Procedure:

Appointment of a Professional Conduct Panel

Upon acceptance of a complaint, the relevant State Ethics Chair or the National Ethics Chair will appoint a Professional Conduct Panel (“**Panel**”). The Panel will comprise a Chairperson and not less than three persons in total, one of whom is independent of the CCAA. The Panel may decide to invite other Members as relevant to individual complaints. Such members must be of good standing and may include practitioners with specific expertise either within or outside the professions of counselling and psychotherapy.

Request for information from the Respondent:

The Chairperson of the Panel will write to the Respondent in the form set out in Attachment 4, to notify the Respondent of the acceptance of the complaint, provide a copy of the complaint and the CCAA Code of Ethics and request the Respondent to provide a written submission addressing the allegations within 28 days.

Openness of evidence:

The Respondent will be provided with any further information submitted by the Complainant and considered by the National Ethics Chair, the State Ethics Chair or the Panel. Any response to the complaint must be forwarded to the Panel.

In particular circumstances, a case officer may be assigned by the Chairperson to assist with this process. Such circumstances may relate to the type of complaint, the location or resources of the Member involved.

Parties may request evidence:

All evidence submitted for the purposes of the Complaints Procedure, by the Complainant or the Respondent, will be available on request to the parties involved in the complaint. This includes a clear statement about the relevant Codes of Ethics and any specific clauses that may become the measure for the complaint.

However, the Chairperson of the Panel may exercise discretion in the provision of evidence to other parties, where it is deemed that disclosure will violate the confidentiality of third parties or be detrimental to the health and well-being of the Complainant (by reference to the Australian Privacy Principles).

Appointment of a support person:

The President of the relevant State Association or the State Ethics Chair may, in appropriate circumstances, appoint another Member to serve in a pastoral capacity to provide support to the Respondent during the formal investigation process. The Member appointed must be otherwise uninvolved in the Complaints Procedure.

Conduct:

The parties must comply with the procedures for implementation of the Complaints Procedure, as well as the relevant protocols set down by the CCAA Code of Ethics and the CCAA Code of Honour Principles.

Lapsed/resigned membership:

Failure to renew or resignation of membership by a Member complained against during the course of a complaint will not normally terminate the Complaints Procedure.

The Panel Hearing Process:

Venue for the hearing:

The hearing of the Panel will be held at a neutral venue, other than in exceptional circumstances. Hearings and other meetings may be carried out by Skype, teleconference, video conferencing or other electronic means, at the discretion of the Panel. Any limitations caused by the use of such technology, including impacting on a fair hearing, must be considered by the Panel.

The Panel will conduct itself with as little formality as possible; but otherwise, will have total discretion to regulate its conduct and operation, including convening and adjourning any meeting or hearing as it may require.

Proceedings of the Panel will be confidential, except for appropriate reporting to the parties involved and reporting of the decision and reasons to the National Ethics Chair or the relevant State Ethics Chair or State Executive Committee.

The Panel will keep appropriate minutes of meetings, including decisions of any determination made in relation to any complaint before it. Minutes of hearings of the Panel may be confined to a report of the decision made by the Panel.

Declaration of interest:

Members of the Panel have a duty to declare any conflict of interest which the National Ethics Chair or the relevant State Ethics Chair may consider would or is likely to affect their impartiality. Members of the Panel with such a conflict may only remain on the Panel where they have given notice to and received consent from both the Complainant and the Respondent.

Where such a conflict arises due to a Panel member being involved in the matter or complaint, having previously made a decision in relation to the matter or complaint, or being a partner or having any other family or professional relationship with the Member concerned, that member of the Panel cannot participate in any consideration of the complaint, notwithstanding any disclosure or approval.

Purpose of hearing:

The purpose of the hearing is for the Panel to examine all evidence presented by the parties and decide whether the complaint is established. If established, the Panel will consider whether any sanction should be imposed.

Communication:

All communication with the Complainant, the Respondent and other professional representatives of the parties will be conducted by the Panel. Other officials of CCAA will not engage in direct communication with the parties to the complaint while the investigation or hearing is underway, and will refer inquiries, correspondence and other communications to the Panel Chairperson.

Rules of evidence:

The Panel is not bound by the rules of evidence and, subject to the rules of natural justice, may inform itself on any matter and in such manner as it sees fit.

Presence of parties and representative:

The Chairperson may, in their absolute discretion, request that a Complainant or Respondent attend a hearing to present their case. This could occur by teleconference, Skype or involving a local committee established for this purpose.

When appearing at the hearing, the Complainant and the Respondent (with the prior consent of the Chairperson) may be accompanied by a representative who may support and/or speak on their behalf. A request for a representative/support person must be received by the Chairperson not less than 7 days prior to the date fixed for the hearing.

Written evidence:

Written evidence, submissions and witness statements must be submitted by the Complainant and the Respondent to the Chairperson within 28 days of the receipt of a request from the Chairperson for such materials.

Requests from the Respondent or Complainant for additional time may be granted at the discretion of the Chairperson.

All materials lodged by the parties will be circulated to the Panel, the Complainant and the Respondent, within a reasonable period prior to the hearing. The Chairperson may take advice on these materials and/or procedural matters from the National Ethics Chair, the relevant State Ethics Chair or such other relevant person as may be deemed appropriate.

New evidence:

The Chairperson will determine whether new evidence will be accepted on the day of the hearing. The decision will be based on the conditions set down in the relevant protocol. The Chairperson may consult the CCAA National Ethics Chair or the relevant State Ethics Chair on such matters.

Attendance by witnesses:

The Respondent will be given an opportunity to be heard at any hearing of the Panel, and the Panel will give due consideration to any oral or written submission of the Respondent.

The Panel, Complainant and Respondent may call witnesses to attend the hearing. A party may only call a witness if the witness has previously supplied a written statement contained within the parties' submissions to the Chairperson. Parties wishing to make a personal representation to the Panel and call a witness must supply the Chairperson the names and details of such witnesses not less than 14 days prior to the date fixed for the hearing.

The Chairperson will only permit the attendance of a witness if the Panel considers their written statement requires clarification and has discretion to refuse attendance if he/she believes on a reasonable basis that such attendance is not relevant and/or will not add any weight to the issue(s) being considered. Witnesses may attend in person or by electronic means and the Panel and each party will have the opportunity to question the witness.

Failure to attend the Professional Conduct Hearing:

Where a Complainant or Respondent fails or refuses to provide a response within the timeframes or chooses not to attend a hearing without reasonable explanation, the Chairperson has the power to:

- proceed with the hearing in the absence of one or both parties;
- adjourn the hearing to a date not less than 28 days in advance; or
- not proceed with a hearing.

Findings and determination of a complaint

Panel report and recommendations:

The findings of the Panel will be presented in a formal report to the appropriate State Ethics Chair and/or to the National Ethics Chair.

The report will present a summary of the findings, the Panel's conclusions as to whether there has been a breach of the CCAA Code of Ethics, and, if appropriate, the recommended Head of Complaint and sanction. The Panel may consult with the National Ethics Chair or the relevant State CCAA Ethics Chair regarding the appropriate Head of Complaint and sanction (see attachment 5).

Recommended sanctions may include, but are not limited to:

- taking no action;
- dismissing the matter or complaint and exonerating the Member;
- counselling the Member and/or requiring the Member to participate in any relevant CCAA program or activity;
- censuring the Member;
- suspending the Member;
- expelling the Member through withdrawal of membership; and
- referring the complaint to an appropriate Authority.

In cases where it is necessary to prevent harm to the Complainant or Respondent, the Chairperson has the discretion to provide a supplementary confidential report to the State Ethics Chair that contains additional sensitive information that it is not appropriate to include in the formal Panel report.

Final determination of findings:

The State Ethics Chair and/or to the National Ethics Chair will provide a copy of the Panel's report to the relevant State Association's executive committee ("**State Executive Committee**"), who will be responsible for determining final Head of Complaint and appropriate sanctions for the Member. The State Executive Committee may consult the National Ethics Chair with respect to the Heads of Complaint and appropriate sanctions.

After considering the complaint, the State Executive Committee may also refer the complaint to an appropriate Authority.

Communication of findings:

The State Ethics Chair will communicate the decision of the State Executive Committee to the Complainant and the Respondent within 14 days of the State Executive Committee's decision.

Such correspondence:

- Will detail the Heads of Complaint and applied sanctions (if any) and be in the form set out in Attachments 6 and 7.
- May attach a copy of the Panel's report (without appendices). As a general rule, a copy of the Panel's report should be included in the formal letter of notification of findings; however, this is at the discretion of the State Ethics Chair, whose decision will be made on a case by case basis, taking into account exceptional circumstances (for example, where the release of the report may have detrimental impact upon the Complainant and/or Respondent).

PACFA shall be notified regarding the final Head of Complaint by the National Ethics Chair in instances where the complaint is upheld, and the sanctions determined by the State Executive Committee include suspension or withdrawal of membership, and the Member is on the PACFA Register.

Failure or refusal to comply with sanction:

Failure or refusal by the Respondent to comply with a sanction may result in the Member's immediate termination of membership and removal of their listing from the CCAA website. The Respondent will be notified of any such decision in writing and no further correspondence will be entered into. PACFA will be advised appropriately.

Heads of Complaint:

The information that follows is intended to inform the choice between the three Heads of Complaint available to the Panel and the relevant State Executive Committee, being:

- professional misconduct;
- professional malpractice; and
- bringing the profession into disrepute.

The Panel is initially responsible for determining whether the ground(s) of the complaint are upheld. If upheld, the Panel must make a finding under one or more of the following Heads of Complaint. Such finding will be confirmed or varied by the relevant State Executive Committee.

The decision about the appropriate Head of Complaint ultimately rests on consideration of all the circumstances of the case.

Professional Misconduct:

A finding of professional misconduct signifies that the Member has contravened the ethical and behavioural standards that should reasonably be expected of a member of this profession. “Misconduct” is defined as acting in contravention of the written and unwritten guidance of the profession.

A finding of serious professional misconduct is appropriate if the misconduct is sufficiently serious to merit a period of suspension and/or withdrawal of membership of the relevant State Association. PACFA will be advised of the action taken by CCAA.

Professional Malpractice:

A finding of professional malpractice signifies that the service(s) for which the Member is responsible have fallen below the standards reasonably expected of a practitioner exercising reasonable care and skill.

Examples of malpractice include, but are not limited to:

- incompetence;
- negligence;
- recklessness; and
- the provision of inadequate professional services.

A finding of serious professional malpractice is appropriate if the malpractice is sufficiently serious to merit a period of suspension and/or withdrawal of membership of the relevant State Association. PACFA will be advised of the action taken by CCAA.

Bringing the Profession into Disrepute:

A finding of bringing the profession into disrepute signifies that the practitioner has acted in such manner that the public’s trust in the profession might reasonably be undermined, or might reasonably be undermined if they were accurately informed about all the circumstances of the case.

A finding of bringing the profession into disrepute will result in withdrawal of the Member’s membership of the relevant State Association. PACFA will be advised of the action taken by CCAA.

Formal Appeal Procedure:

Form and timing of appeal:

The Respondent (henceforth the “**Appellant**”) may appeal the findings of the State Executive Committee made in accordance with this Complaints Procedure.

An appeal must:

- be in writing;
- specify the ground(s) under which it is submitted;
- be accompanied by all relevant information and documentation on which the Appellant intends to rely; and
- be submitted to the appropriate State Ethics Chair or National Ethics Chair within 28 days of receipt by the Appellant of notice of the decision and/or sanction of the State Executive Committee.

Grounds of appeal / independent assessment:

The appeal will be considered by the National Ethics Chair, who will appoint an independent appeal assessor to evaluate the merits of the appeal.

The independent appeal assessor will examine the merits of the appeal and, if he/she finds that there is insufficient evidence to satisfy any of the ground(s) for appeal, the appeal will be rejected. The Appellant and Complainant will be notified in writing by the National Ethics Chair of this decision, which will be final.

An appeal may be considered on any of the following ground(s):

- The decision of the State Executive Committee is clearly inconsistent with the evidence and arguments put before the Panel/ State Executive Committee;
- Relevant and significant information was not considered or not sufficiently considered in the making of the original decision;
- Irrelevant information was considered in the making of the original decision;
- The sanction imposed by the State Executive Committee is disproportionate to the findings of the Panel and is unjust in the circumstances;
- There is evidence to suggest that a procedural impropriety or error in due process may have had a material effect on the findings and decision of the Panel/State Executive Committee;
- The original decision of the State Executive Committee was made in accordance with a rule or policy without regard to the merits of the particular case; and
- the original decision of the State Executive Committee or findings of the Panel were made for an improper purpose.

If the independent appeal assessor determines that there is sufficient evidence to satisfy the grounds of appeal, the National Ethics Chair will refer the appeal to the Appeals Committee, which will comprise a member of the National Council and two other members determined by the National Ethics Chair. The Appeals Committee will not include any individual who was a party to the decision of the State Executive Committee to which the appeal relates, with the exception of the National Ethics Chair and relevant State Ethics Chair.

Before referring a matter to the Appeals Committee, the National Ethics Chair may advise the Appellant to seek reconsideration and review of the original decision of the State Executive Committee. Such reconsideration and review does not constitute an appeal under these this Complaints Procedure.

The National Ethics Chair will not convene the Appeals Committee until satisfied that:

- all appropriate avenues of reconsideration and review of the original decision have been exhausted; and
- on the basis of the supporting material submitted and the finding of the independent appeal assessor, there are valid grounds for appeal.

Appeals Committee procedures

The Appeals Committee will conduct its affairs with as little formality as possible; but otherwise, subject to this Complaints Procedure, will have full power to regulate its conduct and operation.

The Appeals Committee must act according to the rules of natural justice and decide each appeal on its merits. The Appeals Committee is not bound by the rules of evidence and, subject to the rules of natural justice, may inform itself on any matter and in such manner as it sees fit.

At least 21 days prior to convening of any hearing of the Appeals Committee hearing, the National Ethics Chair will advise the Appellant of:

- the date, time and place of the hearing; and
- the right of the Appellant to:
 - appear before the Appeals Committee at the hearing;
 - have a support person present; and
 - seek leave to have legal representation.

The Appellant will have the right to appear and address the Appeals Committee in relation to his or her submissions. Members of the relevant Panel and/or State Executive Committee will be entitled to address the Appeals Committee on matters relevant to their decisions, being the subject of the appeal. The Appeals Committee will be entitled to consider all relevant information which it sees fit and may invite any person to appear before it, or to provide information.

The Appellant will not be entitled to have an advocate or be legally represented before the Appeals Committee unless the Appeals Committee has given its prior consent.

Except where otherwise required by law, or otherwise determined by the Appeals Committee, a transcript of the hearing of the Appeals Committee and other information provided to the Appeals Committee will be kept confidential (save that information may be released with the consent of the Appellant, and a report of the Appeals Committee hearing may be issued by to the National Council and/or published by the National Council as it sees fit).

Minutes of hearings of the Appeals Committee will be confined to a report of the decision made by the Appeals Committee and its recommendations, if any, to the National Council.

The National Council may require that, before convening an Appeals Committee, the Appellant pay a fee of such amount as the National Council determines. In the absence of a decision of the National Council to the contrary, the Appellant will also be liable for the costs associated with the convening of the Appeals Committee (including travel, accommodation, honoraria, recording costs, etc). The Appeals Committee may recommend to the National Council that some or all of the costs be waived.

Decision of the Appeals Committee

In any appeal, the Appellant will have the onus of proof to establish the grounds of the appeal.

An Appeals Committee may, upon considering all submissions:

- confirm the decision which is the subject of the appeal;
- revoke the decision which is the subject of the appeal;
- revoke the decision and/or refer the decision to the relevant State Executive Committee for further consideration (upon such terms and conditions as the Appeals Committee may determine);
- revoke the decision and/or replace it with such other decision as it sees fit; and
- recommend to the National Council whether part or all of the costs associated with the Appeals Committee should be waived.

The decision of the Appeals Committee is final.

Note:

In the preparation of the CCAA Professional Conduct Procedure full acknowledgement is given to the PACFA Professional Conduct Procedure, the BACP Ethical Principles for Best practice in Counselling and Psychotherapy 2010 and the American Psychological Association Code of Ethics 2002.

Rejection of Complaint – Attachment No: 1



Name and address of the Complainant

#

PRIVATE AND CONFIDENTIAL

Dear

Re:

I am writing in relation to your complaint received on **(date)** about the alleged care and treatment **(or insert relevant term)** provided to you by **(name of Respondent)** on **(date)**. Following preliminary review of your complaint in relation to the CCAA Code of Ethics, CCAA has determined that your complaint against (name of Respondent) does not warrant a formal investigation by CCAA.

The reasons for CCAA's decision are presented below:

(provide a brief statement outlining what criteria has not been satisfied)

I acknowledge that this will be a disappointing response to your complaint. Please feel welcome to provide additional information that may provide a basis for a reconsideration of these reasons.

Yours sincerely,

Name – *(insert relevant National or State CCAA Ethics Chair)*

Position

Date

Notification of Complaint – Attachment No: 2



Name and address of the Complainant

#

PRIVATE AND CONFIDENTIAL

Dear

I am writing in relation to your complaint received on **(date)** about the alleged care and treatment **(or insert relevant term)** provided to *you* by **(name of CCAA Member)** on **(date)**. Following a preliminary review of your complaint, the CCAA has determined that your complaint should be investigated.

The purpose of the investigation is to obtain further information in order to determine, what, if any, further action is required. The possible outcomes of an investigation may include making recommendations, taking disciplinary action, or terminating the investigation with no further action.

A CCAA Professional Conduct Panel has been established to investigate your complaint. The Panel comprises: **(names)**. Your contact will be **(name of Professional Conduct Panel Chairperson, contact e-mail and address)**.

Please notify CCAA if you have identified a conflict of interest in relation to any of these people. The Chair of the CCAA Professional Conduct Panel established to investigate your complaint may contact you in the near future to arrange to meet with you and take a statement from you about the matters you have raised in your complaint, or request additional written information, if it is required.

The CCAA Professional Conduct Panel may require additional information from external sources in relation to this matter. You will be advised of progress of the investigation. Please contact me in the first instance if you have any questions about the process. My contact details are shown below.

Yours sincerely,

Name – (insert relevant National or State CCAA Ethics Chair)

Position

Contact address

Date

Notification of Complaint – Attachment No: 3



Name and address of the Respondent

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PRIVATE AND CONFIDENTIAL

Dear

Re:

I am writing in relation to a complaint that has been received on **(date)** about the alleged care and treatment **(or insert relevant term)** provided by **you** to **(name of Complainant)** on **(date)**. Following preliminary review of the complaint in relation to the CCAA Code of Ethics, CCAA has determined that the complaint should be investigated.

The purpose of the investigation is to obtain further information in order to determine, what, if any, further action is required. The possible outcomes of an investigation may include making recommendations, taking disciplinary action or terminating the investigation with no further action.

A CCAA Professional Conduct Panel has been established to investigate the complaint. The Panel comprises: **(names)**. Your contact will be **(name of Professional Conduct Panel Chairperson, e-mail and address)**. Please notify CCAA if you have identified a conflict of interest in relation to any of these people. The Chair of the CCAA Professional Conduct Panel established to investigate the complaint may contact you in the near future to request a written submission addressing the complaint. The CCAA Professional Conduct Panel may require further information from external sources in relation to this matter or may request to meet with you and take a statement from you about the matters raised in the complaint.

You will be advised of progress of the investigation. Please contact me in the first instance if you have any questions about the process. My contact details are shown below.

Yours sincerely,

Name – (insert relevant National or State CCAA Ethics Chair)

Contact Address

Date

Request for Written Submission – Attachment No: 4



Name and address of the Respondent

#

PRIVATE AND CONFIDENTIAL

Dear

Re:

I am writing in relation to your complaint received on **(date)** about the alleged care and treatment **(or insert relevant term)** provided by you to **(name of Complainant)** on **(date)**. A copy of the complaint and of the CCAA Code of Ethics is included with this letter.

As you have already been advised, a CCAA Professional Conduct Panel has been established to investigate the complaint. The next step of the investigation is to receive a written submission from you addressing the allegations contained in the complaint. I am requesting that you provide a written submission for consideration by the Professional Conduct Panel by **(date – usually 28 days)**.

The CCAA Professional Conduct Panel will then meet to consider both the complaint and your response. Following the meeting, you may be contacted to provide further information if it is required. Please contact me in the first instance if you have any questions about the process. My contact details are shown below.

Yours sincerely

Name –
Chair – CCAA Professional Conduct Panel
Address for correspondence
Date

Professional Conduct Panel Report – Attachment No: 5



PRIVATE AND CONFIDENTIAL

Report to The CCAA (*State/National*) Ethics Chair
Re: Complaint of (*Complainant*) against (*Respondent*)
Professional Conduct Panel Members: (names)

Preamble

This report provides a summary of the information collected in order to assist the outcome of a decision regarding the complaint made to CCAA by (*Complainant*) against (*Respondent*)

Investigation Process

The complaint was received on (*date*), and the Professional Conduct Panel sent a letter to the respondent requesting a submission addressing the complaint on (*date*).

In the course of compiling this report, the Panel received written statements/submissions from Complainant and Respondent on (dates) [*and witnesses as appropriate*]. The Panel requested additional information from (Complainant/Respondent) which was received on (dates). The Panel has conducted (*telephone and/or face to face*) interviews with the complainant, (*name*); the respondent, (*name*); witnesses (*names*) (*relationship to complainant and/or respondent*). [include or exclude statements that apply to the particular process of the Panel]

Summary of Complaint

The Complaint contained the following allegations:

[Refer to specific allegations and incidents as they relate to alleged breaches of specific sections of the CCAA Code of Ethics]

Respondent's response

(The respondent's) account of the events described in the complaint was (describe respondent's capacity for reasoned communication, capacity for self-reflection, capacity to manage emotions etc.). Specifically the respondent stated that:

(Details of respondent's statements that are specific to complaint and possible outcomes).

The respondent *(either agrees with or refutes)* the complainant's account of the alleged ethical misconduct.

There *(either is or is not)* supporting evidence from witness accounts or other information. *Give details relevant to each area of the Code under consideration.*

Comments on Process

(Comment on process of integrating information from all parties. e.g. is it difficult to make assessments and/or recommendations based solely on the statements of the complainant and respondent? Is it possible to determine what exactly happened in the incidents described in the complaint?)

- *What could be established through interviews and information received? Detail appropriately...*

(List of information that can be clearly determined)

(Declare any conflict of interest of witnesses)

Panel Findings

Given the information provided, it is the Panel's assessment that the complainant *(either did not have cause for complaint/ had cause for complaint)*, and that the respondent *(either does not have a case to answer in regard to this complaint/ has a case to answer in regard to this complaint)*.

Present a finding for each alleged breach of each section of the CCAA Code of Ethics

Given the information provided, it is the assessment of the Panel that the complainant *(had / did not have)* cause for complaint, and that the respondent *(has / does not have)* a case to answer in regard to this complaint. Present a summary finding determining whether:

- (a) the Respondent has no case to answer;
- (b) clearing the Respondent from any breach of the CCAA Code of ethics;
- (c) is guilty of Professional Misconduct, Professional Malpractice, Bringing the Profession into Disrepute.

Recommended Sanctions

In cases where a breach of the CCAA Code of Ethics has been found:

The Professional Conduct Panel presents the following recommendations for what it regards as an appropriate sanction to levy against the Respondent to the **(Relevant State)** Executive Committee for Consideration and Ruling.

The Professional Conduct Panel recommends that the principle of **(relevant section(s) of Code)** be upheld by **(recommendation/s)**

Appendices

1. Letter of complaint
2. Interview summary: complainant
3. Interview summary: respondent
4. Interview summary: witness(es)
5. Written statement from respondent
6. Written statement from complainant (may just be letter of complaint)
6. Written statement(s) from witness(es)
7. Other relevant information

CCAA Notification of Findings to Respondent – Attachment No 6



Date #

Name and Address of Respondent

#

#

#

PRIVATE AND CONFIDENTIAL

Dear #,

I am writing in relation to the complaint received on ***(date of complaint)*** from ***(name of Complainant)***.

The CCAA investigation into the above complaint has been concluded. The CCAA Professional Conduct Panel has completed its inquiries has submitted a report of its findings to CCAA. CCAA in considering and endorsing (or endorsing with modifications) the Professional Conduct Panel's report, has made the following findings:

#

#

A copy of the Report from the CCAA Professional Conduct Panel is attached. As per the CCAA Code of Ethics, you have the right to appeal this decision within 28 days. You may lodge your appeal in writing with the State Ethics Chair, who will forward it to the CCAA National Ethics Chair for consideration.

Yours Sincerely

Name:

Respective State/National Ethic Chair

Address and contact details

Outcome letter to Complainant – Attachment No 7



Date #

Name and Address of Complainant

#

#

#

PRIVATE AND CONFIDENTIAL

Dear #,

I am writing in relation to the complaint received on *(date of complaint)* from *(name of Respondent)*.

The CCAA investigation into the above complaint has been concluded. The CCAA has considered this complaint and established the following outcomes:

#

#

A copy of the Report from the CCAA Professional Conduct Panel is attached.

As per the CCAA Code of Ethics, the Respondent has the right to appeal the decision within 28 days. You will be advised in the event that such an appeal is lodged and accepted.

Yours Sincerely,

Name:

Respective CCAA National / State Ethic Chair

Address and contact details