**COMPLAINTS PROCEDURE OF**

**Name of IAAP Group Member**

1. **INTRODUCTION**

The purpose of this document is to provide means of investigating, and resolving when possible, any complaint against a member of (Name of IAAP Group Member). The Complaints Procedureshall also be used in cases where unethical conduct has taken place before the alleged offender was a member of the (Name of IAAP Group Member), should the seriousness of the case call into question the member’s suitability to remain accredited. Resignation or lapse of membership shall not terminate the processing of a complaint, which will continue to its conclusion.

1. **FUNDAMENTAL PRINCIPLES**

All parties concerned have fundamental rights which must be respected. In the application of the Complaints Procedure, the Complaints Committee shall endeavour, as far as possible within the limits of the process, to respect and balance the following rights:

1. The right to information regarding the Complaints Procedure;
2. The right to fairness and the principles of justice;
3. The right to confidentiality within the limits of the process;
4. The right of both parties - complainant and respondent - to have a support person present.
5. The right of each party to challenge for cause any individual’s serving on a committee that is to investigate or decide a complaint or appeal involving the party.
6. **MAKING A COMPLAINT**
7. How to make a complaint
8. The procedure described in this code commences with the making of a formal complaint to (IAAP Group Member).
9. The complaint must satisfy the following requirements:
10. It shall be written in the form of a signed letter addressed to the Chair of the Ethics Committee and posted to (IAAP Group Member) Registered Office.
11. It shall state clearly that it is intended to be a ‘formal complaint.’
12. The envelope and contents shall be marked ‘Strictly Confidential’.
13. It shall itemise the grounds of the complaint in the form of numbered points.
14. Each ground of complaint shall constitute a breach of a specific provision of the Code of Ethics.
15. Attempts to resolve the dispute between the parties shall be shown to have been made or, if not, an explanation of why not shall be provided.
16. Persons who may bring a complaint

The complainant must be one of the following:

1. A member of the public who is (or has been) a professional client of the person complained against, or
2. A member of the public who has sought the professional services of the person complained against, or
3. A current member of (IAAP Group Member) who was also a member of (IAAP Group Member) at the time when the facts giving rise to the complaint occurred, or
4. A third party acting on behalf of someone falling within one of the above categories who is incapacitated from bringing a complaint in person by reason of age or mental or physical infirmity.
5. Except as provided in para III.B.4 above, complaints by third parties will not be accepted and the complainant must be the alleged victim of the offence(s) described in the complaint.
6. Where the complainant is a third party acting on behalf of someone incapacitated from bringing a complaint in person by reason of age or mental or physical infirmity, the person on behalf of whom the complaint is brought must be the alleged victim of the offence(s) described in the complaint.
7. Persons who may be complained against
8. A complaint may only be brought against a respondent who satisfies the following requirements:
9. The respondent is alleged to have committed a breach of the Code of Ethics in force at the time, and
10. The alleged breach occurred whilst the respondent was practicing in (Country of applying Group) as a clinician such as psychologist, psychiatrist or nurse and
11. The respondent was a member of (IAAP GM) at the time when the alleged breach occurred, and
12. The respondent is a member of (IAAP GM) at the time when the complaint is received.
13. For the purposes of paras above terms, the phrase ‘member of (IAAP GM) ' includes full members, affiliate members, honorary members, and candidates in training.
14. Members of (IAAP GM) who practice outside (the country of the IAAP Group Member) remain under a moral obligation to comply with the Code of Ethics. However, for practical reasons, (IAAP GM) has no jurisdiction over them in respect of breaches committed outside of (Country of IAAP GM).
15. Members of (IAAP GM) who practice outside of (Country of IAAP GM) must have insurance coverage with a professional organization in that country.
16. **AIMS**
17. To protect the standards of the practice of analytical psychology within the (IAAP GM).
18. To provide a structure for examining any complaint against a member of (IAAP GM) in order to determine whether a breach of the Ethics Code has occurred;
19. To resolve, where possible, all such complaints concerning members.
20. **RESTRICTIONS UPON MAKING A COMPLAINT**
21. When the Ethics Committee proceeds to hear a formal complaint, it will conduct a professional peer investigation. Such an investigation is not a judicial process.
22. Time Restrictions. The Ethics Committee will only consider complaints in which the claimed unethical conduct occurred:
23. Three years, or less, prior to the date of the complaint if the alleged unethical conduct did not take place during the complainant's analysis or psychotherapy;
24. Seven years, or less, prior to the date of the complaint if the alleged unethical conduct took place during the complainant's analysis or psychotherapy. The seven-year period shall be deemed to have started immediately after the termination of the analysis or psychotherapy or when there is no longer significant contact between the complainant and respondent, whichever date is later.
25. A complainant shall have the right to show cause as to why such a time restriction for a complaint shall be extended. Any extension beyond the time limit specified here must be approved by a majority of the members of the Ethics Committee.
26. Resignation of a member does not in itself prevent the final resolution of an ethics complaint.
27. **COMPOSITION, FUNCTION AND PROCEDURES OF THE ETHICS AND COMPLAINTS COMMITTEE**
28. Composition
29. The Ethics Committee shall be an ad hoc Committee consisting of four members of the (IAAP GM) and shall be appointed with due regard for the balance of the Committee.
30. The members of the Ethics Committee shall be chosen by the membership of the (IAAP GM), and shall not include the President of the IAAP GM).
31. For the processing of any given complaint, three members of the Ethics Committee shall constitute a Complaints Committee specifically for handling that complaint. One member shall be designated Secretary of the Complaints Committee. The term of the Complaints Committee will extend until the case is resolved.
32. Functions and Procedures
33. The Complaints Committee shall investigate complaints about possible or alleged breaches of the (IAAP GM’s) Code of Ethics by members, and shall make recommendations to the Executive Committee of the (IAAP GM) about appropriate action. These proceedings shall remain confidential and the identity of the complainant and person complained against shall be released only in accordance with specific procedures.
34. All complaints shall be made to the Chair of the Ethics Committee. Only a written and signed complaint shall be accepted. Anonymous written complaints shall be destroyed. The complainant as well as the respondent shall have their identities protected.
35. Upon receipt of a written complaint, the Chair of the Ethics Committee shall convene the Complaint Committee to determine whether in fact a specific breach of the Code of Ethics has been alleged. If it is decided that there is no case to answer, the Secretary of the Committee shall inform the complainant of this in writing. The Complaints Committee shall respond within 60 days.
36. If the Complaints Committee decides that a specific breach of the Code of Ethics has been alleged, the Secretary of the Complaints Committee shall send to the complainant a copy of the Code of Ethics and a copy of the Complaints Procedure. This form shall be completed and returned within one month, along with a note of any verbal communication made to the respondent about the matter. Copies of any relevant written material sent by or to the complainant shall also be included. If the complainant does not reply within two months, the two members of the Complaints Committee will request a meeting with the complainant to ascertain whether the complainant wishes to pursue the complaint. If not, the complainant and the respondent shall be informed at the meeting and later in writing, that the initial letter of complaint, and the response of the respondent, shall be destroyed after 30 days.
37. If and when the Complaints Committee receives a response from the complainant, the Committee shall forward by mail to the respondent a copy of the complaint and all relevant correspondence from the complainant.
38. Both the complainant and the respondent shall be notified as to who is serving on the Complaints Committee and afforded the opportunity to challenge for cause any members of the Committee, members of which may recuse themselves.
39. The Chair and oneother member of the Complaints Committee may then call the complainant and the respondent together for an informal meeting. Both parties shall be advised of their right to have a support person present and of their right to no less than 21 days’ notice of the informal meeting. If either party wishes, a person to support that party may be nominated by the Complaints Committee. This person must be a fully accredited member of the (IAAP GM). If the complainant does not wish to meet the respondent face to face, then the complainant (with supporter) and the respondent (with supporter) may be interviewed separately. At this stage, the primary interest is in seeking a mediated resolution of the matter.
40. Should the matter remain unresolved after the informal meeting(s) have taken place, the respondent shall be notified to attend a special meeting of the Complaints Committee, to be held at least 30, but no more than 120, days after the serving of such notice.
41. If, after full investigation, the Complaints Committee finds that the respondent has committed a minor breach of the Code of Ethics, it may recommend one or both of the following courses of action to the Executive Committee. That the respondent:
42. Give an apology or reparation to the complainant;
43. Be given a written warning outlining the potential ethical issues a particular action may involve;
44. Be given a written reprimand censuring the member for any unethical violation he or she has taken;
45. Require the member to be supervised by an approved senior colleague, possibly from another State or Country, the period and frequency of the supervision to be approved by the Ethics Committee;
46. Recommend to the member to have therapy with an approved senior colleague or seek independent medical and/or psychological examination and treatment to be approved by the Committee.

10. If the Complaints Committee finds that the breach of the Code of Ethics is sufficiently serious, the Chair of the Committee shall inform the President of the (IAAP GM). Examples of serious breaches are: breach of confidentiality, financial dealings with clients other than in matters pertaining to professional fees, and sexual misconduct. In all such cases, the matter will then be dealt with according to the provisions of the Complaints and Appeals Procedures.

1. A member’s refusal to cooperate with the Complaints Committee’s procedure and/or recommendations shall constitute a violation of the (name of IAAP Group Member)’s Code of Ethics.
2. Both the complainant and the respondent shall be notified in writing as to the Complaints Committee’s findings and action on a complaint within three weeks of the decision being made.
3. In the case where the recommendation of the Complaints Committee is for the expulsion of a member, the membership of (IAAP GM) shall vote to accept the recommendation. Where the membership of the (IAAP GM) has voted in favor of this recommendation, the President of the (IAAP GM) shall inform the Chair of the IAAP Ethics Committee of this decision.
4. **APPEALS PROCEDURE**

An appeal against the findings of the Complaints Committee shall be made in writing to the Chair not later than 30 days after the Complaints Committee has communicated its findings to the parties concerned.

The Request for an appeal shall be reviewed by a Committee consisting of the Chairman of the Ethics Committee, a representative nominated by the respondent and complainant to determine whether or not there is a good cause. If it is decided that there is a valid basis for an appeal, the case will be forwarded to the Appeals Committee. Both parties shall agree to the third nominee.

The Appeals Committee is selected by the President of the (IAAP GM) and shall be comprised of three senior members. Once an appeal is received, the Appeals Committee has 90 days to make a decision.

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