

SLOGES Complaints and Appeals Procedure

These procedures are only to be used to address allegations of serious (gross) professional misconduct by Members of SLOGES.

1. Introduction

1.1. The Executive Committee delegates authority to the Chair of the Ethics Committee, with the support of the Committee, to manage the Complaints Procedures. The Chair of the Ethics Committee is accountable to the Executive Committee in relation to the manner of the carrying out of the delegated tasks, but not in relation to specific outcomes. Providing that the Executive Committee is satisfied that the process has been conducted according to the stated procedures of SLOGES, it will ratify the outcome once the matter has been concluded.

1.2. The Chair of the Ethics Committee will keep the Chair of SLOGES informed of the outcomes arising from each stage in the Complaints Procedure. This can and should be done while the anonymity of member complaint against is protected. The Chair of the Ethics Committee may also consult external advisors at any stage of the Complaints Procedure. And also not give the name of the member complaint against. This is an important guideline: protect the anonymity of the member complaint against.

1.3. If the Chair of the Ethics Committee has concerns about the workings of any Panel convened as part of the Complaints Procedure, then s/he will consult with the Ethics Committee and the Chair of the Executive Committee as to the advisability of convening a new Panel. This means that there must not be a conflict of interests, like if there is a complaint to someone who is some way is connected with one of the members of a Panel or a committee.

1.4. In the event of a Complaint being taken out against a member of the Ethics Committee in relation to his/her professional practice, the Chair of the Executive Committee appoints a special ad hoc Complaint Committee, which performs the functions of the Ethics committee.

1.5. The SLOGES Codes of Ethics and Professional Conduct reflects the current views of what constitutes ethical and professional practice. The Codes will be reviewed and revised, from time to time, at least every 4 years, in the light of experience and further developments in the practice of psychotherapy

1.6. All Members of SLOGES are required to abide by the SLOGES Codes of Ethics. It is acknowledged that, when faced with an ethical dilemma, practitioners sometimes have to choose which item of the Code to follow in preference to another. It is important that practitioners seek professional consultation in such circumstances and make choices that they can defend before a body of peers.

1.7. A Complaint against a Member may be brought by another Member, or by a member of the public, in relation to her/his personal experience of that Member's psychotherapy and/or supervision practice.

1.8. A Complaint can only be brought against a Member if s/he were a Member of SLOGES at the time of the alleged breach(es). The Complaint will be based on the particular Code of Ethics of SLOGES in force at the time of the alleged breach. The time limit within which a Complaint may be made is five years from the time of the alleged breach(es). In

exceptional circumstances, for instance if the complaint is about sexual abuse, the time limit is 10 years.

1.9. If the complaint is about a series of incidents the five-year period begins on the date of the last of the incidents. A Complaint is heard using the most current version of the SLOGES Complaint Procedures.

1.10. The following Complaints Procedure is intended to provide a structure for the presentation of facts and points of view, an impartial investigation of these and, where warranted, a fair hearing of the disputed facts. There are two main stages:- An Investigation: this is undertaken by a Panel appointed by the Chair of the Ethics Committee and made up of members of the Ethics Committee and one lay-person. This Investigation Panel will ascertain whether there is sufficient evidence to justify the Complaint going forward to the adjudication stage of the procedure.

1.9.1 An Adjudication: this is undertaken by an Honorary Arbitration Court (appointed by the Chair of the Ethics Committee and made up of one psychotherapist from an independent Member Organization and two senior psychotherapists from SLOGES. The Panel considers all the gathered evidence in order to decide whether to uphold a Complaint and, where necessary, what sanctions to impose.

1.9.2. A Complainant may appeal against the outcome of an Investigation (see 5.1) and both parties to a Complaint may appeal against the outcome of the Adjudication (See separate Appeals Procedure).

2. Mediating

2.1. Investigation Panel will contact the Complainant within fourteen working days to discuss the options and procedures available to the claimant. A member of the Investigation Panel will, as the first step, encourage the Complainant to engage in informal dialogue with the Member in order to come to a mutually satisfactory agreement as a resolution.

2.2. In the event that this informal dialogue is not feasible, or does not result in a resolution, this same Investigation Panel member will strongly recommend that two mediators, who are not necessarily SLOGES members and who are acceptable to both parties be appointed to mediate in a dialogue process between them.

2.3. In the event that the mediation is rejected or does not result in a resolution, the Complainant may submit a formal written complaint that is directed to the Chair of the Ethics Committee of SLOGES. Investigation Panel may return the written complaint to the Complainant for further clarification regarding the format and/or the content of the complaint. At this time the Member complained against will receive a written notification of the complaint.

3.Procedures

3.1. Time-limits are set for the stages of the proceedings and the whole procedure, from the receipt of the written complaint should take no longer than 6-7 months, providing no appeals take place. In the case of unforeseen circumstances that interfere with the schedule or practice of the Complaints Procedure, the Chair of the Ethics Committee may adjust the schedule to ensure that the process continues in a way that is both fair, effective and in the interests of

justice. In such circumstances, the Chair will keep the Chair of the SLOGES Executive Committee, and both parties to the Complaint, informed of any changes. If the Chair of the Ethics Committee is unavailable he/she will appoint a Deputy to take forward procedures within agreed time-scales.

3.2. Anyone who is involved in the Complaints Procedure is required to avoid action or disclosure that might unduly influence or prejudice the procedure or the outcome of the Complaint. All those having responsibility for managing a Complaint must regard all material in relation to Complaints as confidential. Material refers to the specific allegations and the names of the parties, and does not include the fact that a Complaint has been lodged or which item of the Codes of Ethics and Practice is allegedly breached. Everyone involved in the process, including advisors and supporters, should bear in mind the laws of libel and slander.

3.3. The resignation of a member of SLOGES: there also can be a rule that as long as a complaint is processed, this member cannot withdraw and shall not be allowed to impede the process of any Investigation as long as the alleged offence took place during that person's membership. The Chair of Ethics Committee will notify the Chair of the Executive Committee of the outcome of any Investigation, and may take the Complaint forward to Adjudication or close the case. In the latter instance, the Member who has withdrawn will be informed by the Chair of the Executive Committee that in the event of any future application for membership by him/her, the application will first go before the Executive Committee. If the Executive Committee accept him/her into membership the closed case will be re-opened and will progress to the next stage.

3.4. The Ethics Committee may not accept a Complaint if it is anonymous or if there is sufficient evidence that the matter has been formally investigated and not found to warrant an adjudication; if it has been both formally investigated and heard by an Honorary Arbitration Court; or if it is the subject of a current investigation in another organization/setting. The Chair of the Ethics Committee will suspend the Complaints Procedure where relevant civil or criminal proceedings are contemplated or underway. The process may be started again at the cessation of the civil or criminal proceedings.

3.5. SLOGES may seek advice from other relevant organizations/persons at any time. The complainant and Member complained against may seek such support and consultation from an adviser and/or supervisor as is required. SLOGES is not responsible for expenses incurred by either party to a Complaint. The Member complained against is to meet the cost of compliance with sanctions.

3.6. Going through any stages of the Complaints Procedure may be very stressful for the complainant and Member complained against. Different subjective views of the same events are likely to be presented. Members acting on behalf of SLOGES at hearings of complaints are likely to be faced with complex issues. In cases that do not involve gross professional misconduct, these complex issues may sometimes involve a conflict of ethical values. On such occasions there might be no one right outcome but, instead, a need to find a way through which honours the needs of both parties as fully as possible and which is consistent with fairness.

3.7. Where there is a complaint of serious (gross) professional misconduct or negligence made against a Member of SLOGES, the complaint must be put in writing and submitted to the Chair of the Ethics Committee of SLOGES.

3.8. The written submission should include a clear account of the behaviour complained about, with relevant facts and substantiating evidence/views where possible. Clear and specific statements should be made in relation to the item(s) of the Code of Ethics that the complainant alleges has been breached. It is important that the complainant includes all evidence available at the time of writing. Any evidence available to the complainant and not submitted at the time cannot be submitted at a later date.

3.9. When the Chair of the Ethics Committee receives a formal Complaint alleging serious professional negligence or misconduct, he/she will write to the complained-against Member to give notification of the fact, enclosing a copy of the Complaint, and to invite her/him to respond to the Complaint, in writing, within 21 days. In order that both parties to the Complaint can inform the Chair of any boundary issues, they will also be sent the names of those who are to carry out the Investigation.

3.10. Once the Chair of the Ethics Committee has received a response from the complained-against Member, s/he will send the other party a copy of the response. The Chair will summon the Ethics Committee and provide the members with copies of both the Complaint and response to it, and the Ethics Committee will begin its investigation. To do this the Ethics Committee members will take all reasonable steps to gather the information needed in order to draw a conclusion; this can include asking for clarification and/or further information from either party.

3.11. The Ethics Committee will meet within 30 days of the receipt of the response and, following the completion of the investigation, the Ethics Committee may conclude that

3.11.1. the Complaint cannot be supported

3.11.2. there is sufficient evidence to support the Complaint proceeding

3.12. Within 5 days of reaching its decision the Ethics Committee Chair will send a letter to the Complainant and complained-against Member to tell them of the decision reached and to provide details of the grounds on which the decision was made.

3.13. If some, or all, of the Complaint is not accepted, then the complainant or the member complaint against may appeal. The written appeal should be submitted to the Chair of the Ethics Committee within 28 days from the postage date of the letter informing him/her that the Complaint has not been accepted.

3.14. An Appeal can only be accepted on provision of additional relevant information that could not have been presented earlier, and which the Ethics Committee believes throws new light on the original complaint. The process from is then followed again. Following the expiry of the period for appeal or following an Appeal, the procedure will continue.

- 3.15. If all of the Complaint is accepted, the Chair of the Ethics Committee will inform both parties of the specific allegation(s) being accepted and provide details of the grounds on which the decisions were made. The Chair will request that each party submits, within 21 days, his/her final summary of the case to be presented, along with a list of any witnesses to be called and notification of any hearsay evidence to be presented.
- 3.16. The Chair will also provide a list of those people available to adjudicate the case and who may form the Honorary Arbitration Court and indicate the proposed date, time and place of the Adjudication. Within 7 days of the information being sent, both parties to the allegation must confirm that they will be attending the Adjudication at the time and place specified and inform the Chair of any disqualifying boundary issues they have with those named as available to adjudicate.
- 3.17. Once the Chair of the Ethics Committee has received notification from both parties of any boundary issues and confirmation of attendance at the Adjudication, and resolved any hindrances with these, s/he will appoint a Panel - the Honorary Arbitration Court - consisting of 3 members as and, within 7 days of this, notify all parties to the Adjudication of the agreed date, time, venue and membership of the Panel.
- 3.18. Care will be taken to ensure that the Honorary Arbitration Court members have no previous close, personal or professional relationship with either party to the Complaint, and whenever possible, that a member of equal seniority and experience to the member complained against is included in this organ. Both parties may object to the appointment of a the Honorary Arbitration Court member if they have clear grounds for thinking that his/her presence may prejudice the outcome. No person may take part in more than one Panel within any one Complaint.
- 3.19. The Chair of the Ethics Committee will appoint one of the Honorary Arbitration Court members to be the Chair. The Chair of the Honorary Arbitration Court will take responsibility for managing the Adjudication; ensuring that the proceedings are audio-taped; keeping the tape until such time as the Complaint and any Appeal process is concluded; providing the final report to the Chair of the Ethics Committee on the outcome of the Honorary Arbitration Court.
- 3.20. The Complainant and the person complained against each have the right to nominate one adviser/supporter to attend the Adjudication. Advisers/supporters do not have a role in speaking directly to the Court. If the complainant is not a Member of SLOGES, then s/he may request that a Member be nominated as adviser/supporter. The Chair of the Honorary Arbitration Court will pay attention that no advisor/supporter is prejudicial to a fair Adjudication.
- 3.21. Once the final case submissions have been received, the Chair of the Ethics Committee will forward all relevant documentation with regard to the Complaint to the Honorary Arbitration Court and, at least 15 working days before the Honorary Arbitration Court meets, provide the parties to the Complaint with copies of the other party's case submission. Any additional submissions must reach the Chair of the Ethics Committee no later than 8 days before the Adjudication. These will then be forwarded to the other party and the Panel. Later submissions may be included at the discretion of the Chair of the Honorary Arbitration Court.
- 3.22. The Panel can allow any evidence, oral or written, direct or hearsay, and whether or not it would be admissible in a court of law. Hearsay evidence is permitted only if the Honorary Arbitration Court is satisfied that reasonable steps have been taken to obtain direct evidence of the facts sought to be proved by the hearsay evidence. The intention to

- use hearsay evidence must be given when the case summaries are first presented . It cannot be introduced for the first time at the Adjudication.
- 3.23. The Honorary Arbitration Court may invite people to attend the Adjudication to clarify aspects of their written submissions. The Adjudication is private to the Honorary Arbitration Court, the complained-against Member, the complainant, and those invited as supporters or advisors, or called as witnesses.
- 3.24. It is the responsibility of the person calling a witness to arrange for his/her attendance at the Adjudication. In addition, it will be the responsibility of the person calling the witness to arrange an interpreter if necessary.
- 3.25. The Complainant and the person complained against are required to be present during the Adjudication. If the Complainant fails to attend without reasonable cause, in the opinion of the Chair of the Ethics Committee, the Complaint will be deemed to have been withdrawn and may not be re-submitted.
- 3.26. An Adjudication will proceed as follows:
- 3.26.1. the opening statement by the complainant, followed by the opening statement of the complained-against
- 3.26.2. the complainant and the complained-against will call, in turn, his/her witnesses and question each. The other party is then able to question the witness. After this, the party calling the witness may question her/his witness again.
- 3.26.3. the Honorary Arbitration Court may ask questions at the completion of the parties' questioning.
- 3.26.4. the closing statement of the Complainant followed by the closing statement of the complained-against.
- 3.27. If the Member complained against fails to attend the Adjudication without reasonable cause, his/her membership will automatically be suspended. The Chair of the Honorary Arbitration Court will notify the Chair of the Ethics Committee of the facts. The Complaint may be put in abeyance or taken forward.
- 3.28. The Chair of the Ethics Committee will inform the Executive Committee of the suspension and the reasons for it. The Chair of the Executive Committee in the end only knows the name of the member complaint against if there need to be taken sanction(s) and the board processes this. The Executive Committee, if satisfied that procedures have been correctly followed, will ratify the suspension and the Member's membership will be said to be withdrawn. If the person complained against is a EAGT registrant, the Chair of the Executive Committee will notify EAGT of the withdrawal of membership, leading to loss of the person's EAGT registration through membership of SLOGES.
- 3.29. The Honorary Arbitration Court can:
- 3.29.1. allow an adjournment of the hearing if it feels it to be necessary or appropriate.
- 3.29.2. request the disclosure of any documents subject to the rules of law. The Honorary Arbitration Court will request this only when it reasonably believes it is necessary for the Adjudication to be fair. Failure to disclose documents can be taken into account by the Court subject to these procedures, regulate its proceedings as the Chair of the Honorary Arbitration Court thinks fit.
- 3.30. The Honorary Arbitration Court may make a decision by a simple majority vote by its members. In the case of a tie, the Honorary Arbitration Court Chair will have the casting vote.
- 3.31. When the Honorary Arbitration Court has finished its consideration of the Complaint, it will produce a written report. The report will set out the Honorary Arbitration Court

decision, giving clear explanations for the conclusions drawn. The options before Honorary Arbitration Court are:

- 3.31.1. the Complaint is not upheld in any respect
- 3.31.2. the Complaint is upheld in some, or all, respects.
- 3.31.3. the Complaint is not upheld but the lesser charge of Minor Failure(s) in Good Practice has been considered and is upheld.

3.32. A Complaint will be upheld, and sanctions imposed, when an Honorary Arbitration Court has concluded that there is evidence of either:

- 3.32.1. a relevant conviction in a criminal court
- 3.32.2. serious professional negligence, ie. practice that falls seriously below the standard expected of a competent practitioner
- 3.32.3. serious professional misconduct, ie. professional practice that falls seriously below the standard expected of a competent practitioner and which includes a serious violation of ethical conduct.
- 3.32.4. a relevant conviction following from a disciplinary hearing in another setting behaviour bringing SLOGES or the psychotherapy profession into disrepute.

3.33. If the complaint is upheld, the Honorary Arbitration Court's report will include a statement as to which item(s) of the Code of Ethics is deemed to have been breached and a statement on the sanctions being imposed and any time-scales for these. The Honorary Arbitration Court may recommend any of the following options:

- 3.33.1. to defer to obtain further evidence
- 3.33.2. to require the Member to have further supervised practice; practice limited to certain settings, clients or client groups; further training in a particular area.
- 3.33.3. to remove the Member from SLOGES, which by default would mean that he/she could not be a EAGT registrant via his/her membership of SLOGES.
- 3.33.4. to rectify or make redress.

3.35. Where the Honorary Arbitration Court does not uphold the Complaint but does find evidence of minor failure(s) in good practice, to warn the Member to cease working in a particular manner in accordance with Code of Ethics.

3.36. The Chair of the Honorary Arbitration Court will send the written report to the Chair of the Ethics Committee, within one week of the Adjudication. All material held by the Honorary Arbitration Court will be returned, un-copied, to the Chair of the Ethics Committee by recorded delivery.

3.37. Within one week of receiving the report, the Chair of the Ethics Committee will forward copies to the Complainant and the person complained against.

3.38. Either party to the Complaint may submit written notification of intention to Appeal to the Chair of the Ethics Committee. This must be received by SLOGES within 14 days of the notification of the Honorary Arbitration Court's decision. No sanctions will come into force until all Appeals procedures have concluded or until the end of the period within which an Appeal is allowed.

3.39. If an Appeal is not lodged within the time-scales specified above, the Chair of the Ethics Committee will present the conclusions of the Honorary Arbitration Court to the Executive Committee for ratification.

3.40. In the case that the breach is proved, the Chair of the Ethics Committee informs in writing the Chair of Executive Committee about the name of member complaint again and sanctions to be taken.

3.41. The Chair of the Ethics Committee will monitor compliance with any recommendations made, and/or sanctions imposed, and will inform the Executive Committee when they have been met in full. The Chair of the Ethics Committee will notify the Executive Committee of any Member's failure to comply with sanctions.

3.42. Failure to comply with sanctions may result in withdrawal of membership. Notification of withdrawal or suspension of membership will be published to the membership of SLOGES and, should the member be a registrant of EAGT, then the Chair of the Executive Committee will inform the Registration Board of EAGT within 28 days.

3.43. Following completion of all procedures, all original material relating to a Complaint is sealed and retained in the office of SLOGES for ten years. After that time a decision will be made by the Chair of the Ethics Committee and the Chair of the Executive Committee as to whether the material should be destroyed.

5. Appeals Procedure

5.1. The Member complained against and the Complainant may appeal against the outcome of the Honorary Arbitration Court. A decision to appeal should be sent to the Chair of the Ethics Committee within fourteen working days subsequent to the receipt of the Honorary Arbitration Court's report.

5.2. The appellant is required to give clear and convincing reasons to support his or her opinion that one or both of the following conditions have been met:

5.2.1. that the outcome of the complaint is inappropriate to the situation.

5.2.2. that the published procedures for managing complaints were not followed to such an extent that the outcome was prejudiced in some way.

5.3 The appeal is considered by the Appeals Co-ordinator, whose task is to determine whether there is just cause for appeal. The Appeals Co-ordinator is an independent Member of the SLOGES who has been candidated and voted in by the Meeting of Members.

5.4. If the appeal is accepted by the Appeals Co-ordinator s/he will inform both parties to the appeal. The presence of both parties will only be required at the discretion of the Appeals Panel.

5.5. An Appeals Panel is convened by the Appeals Co-ordinator. The Panel will comprise three Members who will be the Appeals Co-ordinator, a member of the Ethics Committee and the Chair, who will be an independent person – preferably with legal experience. Care is taken as far as possible to ensure that there are no close personal or professional boundary conflicts.

5.6. All the papers and audio recording which were available during the Complaint Process will be made available to the Appeals Panel. (Additional material – either verbal or written – may not be submitted by either party to the complaint.)

5.7. During the organization and conducting of the appeal, the Members of the Panel may choose to use a conference link given travel constraints. It is intended that the Appeals Process, once the appeal has been accepted, will be completed within forty days.

5.8. The decision of the Appeal Panel will be conveyed in writing within seven working days to the Chair of the Ethics Committee, the Chair of the Executive Committee and the Appeals Co-ordinator . The Appeals Co-ordinator will inform the Appellant(s) of the outcome within fourteen days.. This decision will be final and binding for all parties concerned.

5.9. All evidence and other written documents and testimony from the appeal will be stored in compliance with legal regulations.

The revised version of Complaints and Appeals Procedure was adopted at the General Assembly of the Association on the 22nd May 2010.

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