

Policy Title: <b>Complaint Resolution Process (Formerly the Inquiry and Complaint Policy and Procedure)</b>	
Policy Number: <b>00037</b>	Policy Date: <b>Originally prepared and adopted by the board in 2013. This revised version has been given a policy number and format similar to all ACCT policies and procedures.</b>
Created By: <b>Staff and Board February 2023. Revised by the board October 2023.</b>	ACCT Board Approval: March 7, 2024
<p><b>Purpose of the Policy</b></p> <p>In many provinces in Canada, the counselling profession is not regulated by provincial law. At the time of this writing, BC, Alberta, Saskatchewan, Manitoba and the two territories are unregulated. The majority of ACCT counsellors work or live in these unregulated provinces.</p> <p>The Association of Cooperative Counselling Therapists of Canada, ACCT, has been incorporated since August 14, 2013, under the British Columbia Cooperative Association Act, 1999 - 2023. ACCT is dedicated to cooperatively supporting excellence in competency based counselling therapy. In this way, a primary focus is to protect the public by establishing and regulating the ACCT Code of Ethics and ACCT Standards of Practice for its members. The Association grants the use of these designations:</p> <ul style="list-style-type: none"> <li>● Registered Therapeutic Counsellor, (RTC);</li> <li>● Accredited Counsellor, (AC);</li> <li>● Master Therapeutic Counsellor, (MTC);</li> <li>● Registered Counselling Supervisor, (RCS);</li> </ul> <p>to members who are voluntarily registered with the association. RTC, AC, MTC and RCSs are counsellors who have satisfied rigorous standards and successfully completed comprehensive supervision.</p> <p>The purpose of these policies and procedures is motivated by the following goals, in order of priority:</p> <ol style="list-style-type: none"> <li>1. Protect the public.</li> <li>2. Protect the ACCT community, the membership as a whole including staff and volunteers, and its brand and property such as designations and logos.</li> <li>3. Protect and accommodate the needs of individual ACCT members.</li> </ol> <p>Counsellors registered with ACCT are accountable to the Association and to the public through the ACCT Code of Ethics and the ACCT Standards of Practice, as well as through its complaint, investigation, fitness to practice and discipline procedures. Protecting the public is initially satisfied through a rigorous registration process and, when a complaint is lodged, through an inquiry and resolution process.</p>	

## Policy

ACCT receives and investigates complaints against its members. Generally, four internal groups are responsible for decisions within the complaint process:

1. The Ethics Committee
2. The Fitness to Practice Committee
3. Special Appeals Committee
4. The Board of Directors

It is also important to remember that the ACCT membership itself can make decisions regarding ethics complaints at General Meetings of the members.

ACCT responds to complaints in accordance with its rules and in keeping with the rules of administrative fairness and natural justice. In particular, confidentiality is maintained through the investigative process, to the maximum extent possible while allowing the relevant ACCT staff, committees, and board to perform their assigned duties. All efforts should be made to keep the identities of the involved parties confidential, except as necessary to conduct the complaint process fairly, and/or where disclosure may be required by law.

To the extent that resources permit, complaints are investigated in a timely fashion. Because parts of the complaint resolution process depend on the efforts of volunteers, the investigation and resolution of a given complaint may take up to a year or longer. Other factors affecting the complaint resolution process are related to the severity and complexity of the case.

During the complaint process, ACCT works with the respondent to ensure accountability to the ACCT Code of Ethics and ACCT Standards of Practice. In some cases involving an ACCT supervisor, the ACCT Supervisors Standards of Practice will be referenced. In other cases, the complaint may be more appropriately addressed by the Fitness to Practice committee.

Complaints that fall within ACCT's jurisdiction must meet the following criteria:

1. The complaint involves concerns about a current member of ACCT; or
2. The complaint is about possible conduct detrimental to the association, or a potential breach of the Code of Ethics or Standards of Practice; or
3. The concern(s) are expressed on behalf of the complainant or a minor for whom the guardian acts as the complainant, and either the guardian or the minor were clients of the ACCT member and/or received counselling services from him or her.

ACCT is not able to deal with the complaint if:

1. There are current legal proceedings involved; or

2. The complaint concerns a healthcare facility, institution or agency; or
3. The complaint is about business practices outside the ACCT Code of Ethics and ACCT Standards of Practice.

Examples of types of concerns ACCT can address involving its members or staff.

1. Any conduct that is detrimental to the association
2. Disrespectful behaviour towards clients
3. Disrespectful behaviour towards members of the ACCT community
4. Poor professional boundaries
5. Client exploitation
6. Confidentiality/disclosure and informed consent issues
7. Incompetence
8. Improper termination of therapy
9. Privacy or confidentiality issues
10. Failure to address informed consent
11. Undeclared conflicts of interest
12. Failure to provide information about training and background
13. Misrepresentation and fraud
14. Demonstrated bias
15. Failure to release records at client request
16. Inadequate risk management
17. Bullying or harassment of ACCT members, staff or the public by an ACCT member or staff.
18. Complaints or concerns related to a member's Fitness to Practice.
19. Billing concerns

## Procedure

The ACCT Code of Ethics and ACCT Standards of Practice should be reviewed carefully before submitting a complaint, to determine if a concern is one that ACCT can address.

### **Starting the complaint resolution process**

The ACCT Ethics Committee adjudicates complaints against its members or staff. If you have a potential complaint:

1. Please email [info@acctcounsellor.com](mailto:info@acctcounsellor.com) with details of the complaint and the names of the parties involved.
2. Complainants have up to 3 years from the date that the concerning event occurred to submit a complaint.
3. If the respondent is currently not a registered ACCT member, ACCT will not be able to address the complaint. However, a note will be added to their file and if the member wishes to renew their membership, it would be investigated at that time;
4. The Registrar contacts the complainant to determine if the complaint falls within ACCT jurisdiction. The Registrar may delegate this task to the Investigator. If the complaint falls within ACCT's jurisdiction, the Registrar will email the complainant a formal complaint package to initiate the process.

### **The Complainant Package**

The complaint package consists of two forms:

1. The ACCT complaint form
2. The Authorization for Release of Complainant Information Form

Once the two forms are completed, signed and returned to the Registrar, the Registrar will acknowledge receipt.

### **The Respondent Package**

The respondent package consists of the following:

1. A copy of the completed complaint form and authorization for the release of complainant information form.

2. A copy of the Complaint Resolution Process.
3. Instructions on how to respond to the complaint in writing.
4. The Respondent is given 30 days in which to respond including any material in support of their response.

The Registrar will acknowledge receipt of the respondents response and begin the Preliminary Investigation process.

### **Fitness to Practice Complaints**

In some situations, the complaint may be more related to a member's fitness to practice and not be of a purely ethical nature. In this case, the Registrar may seek additional basic information and the matter may be referred to the Fitness to Practice Committee for a deeper exploration of the complaint. A fitness to practice complaint follows a different path and is outlined separately.

### **The Complaint Review Process**

ACCT follows a six step process:

1. The Registrar will determine and or identify the potential violation(s).

The Registrar, at their discretion, may use an investigator to collect additional information needed for this step. The Registrar can reach out for advice from any number of resources including staff, board liaison, past registrar's, lawyers and ethics consultants. Once basic information is collected, the Registrar will advance to step #2.

2. The Registrar will send a copy of the ethics complaint to the respondent as part of the Respondent Package. The Respondent Package will also include the request for a written response from the respondent within 30 days of delivery. Correspondence will be sent via email to the email addresses held on record with ACCT unless we are notified otherwise. Once a response to the complaint is received, the Registrar will advance to Step #3.

3. The Registrar will review the initial response provided by the respondent and report to both parties that the respondent has submitted their response as per step #2 above.

If the respondent does not submit their response, the Registrar will still notify both parties that no response from the respondent was received. The Registrar will assess the seriousness, complexity, and context of the complaint and the respondent's written response. At this point in the process, the Registrar may recommend a resolution or may dismiss the case.

If warranted, the Registrar will advance the case to Step #4 for to the Ethics Committee for review.

4. The Ethics Committee members will review the case individually. They will then begin a preliminary communication process amongst themselves to build a consensus opinion on the case. Communications may occur via digital or live meetings or email at the discretion of the members. A decision by the Ethics Committee will be conducted in a live online meeting. The decision can be based ideally on consensus but a majority vote is also acceptable.

The Registrar will observe all meetings and communications to ensure fair process occurs. The Registrar will chair any group meetings amongst the Ethics Committee members. However, the Registrar will not vote on any decisions involving sanctions, discipline, suspensions or dismissal of the complaint. The Registrar's role is as process observer and process advisor. During step #4, the Ethics Committee may, when appropriate, propose a resolution to the complaint to the two parties or the committee may dismiss the complaint entirely. If the case is more complex or requires more information, the case will advance to step #5. The Ethics Committee will determine if further information is required and if so, launch a Formal Investigation. When a formal investigation is required, the Ethics Committee will inform the Registrar. The Registrar will arrange for a certified investigator to carry out the investigation. The Registrar directs this part of the investigation with inputs from the executive director when appropriate.

The formal investigation often involves the collection of additional statements from the complainant, respondent, witnesses, audio or video recordings, documents, timelines, photos, screenshots of web pages, and any other information that can help form an accurate description of the key issues related to the complaint. The investigator will decide on what information and evidence is relevant.

Once all the necessary information is collected, the investigator will prepare a full report including any documents, evidence, screenshots, recordings, or photos, plus a summary of their findings and recommendations for the Ethics Committee. The investigator's report is presented to the Ethics Committee and a copy is provided to the Registrar. The Ethics Committee, Registrar and Investigator may meet to discuss the report to add clarity to it. During this discussion, it may be determined that additional information is required and the Registrar with the help of the Investigator will strive to accommodate the request if possible. Once the Ethics Committee and Registrar are satisfied with this report, the case advances to step #6.

5. The Ethics Committee will make a careful review of the investigator's report and:
  - a) The Ethics Committee may, at their discretion, propose a resolution of the complaint by either negotiating a consent agreement with both parties or the Ethics Committee may dismiss the case. If either of these options are determined, the two parties will be notified. If the Ethics Committee determines that #6(a) is not viable, then proceed to #6(b).
  - b) The Ethics Committee may, at their discretion, decide to apply minor sanctions and disciplinary actions on the respondent. If minor sanctions or discipline is determined, the parties will be notified with instructions. If the Ethics Committee determines that #6(b) is not viable, then proceed to #6(c).
  - c) The Ethics Committee may refer the complaint to the Board of Directors in circumstances where detrimental conduct is severe or the case is complex, without precedent, or major sanctions, suspensions or deregistration or termination of membership are deemed appropriate for consideration. If the Ethics Committee decides to advance the matter to the board, both parties will be notified with instructions by the Registrar. Generally, most complaints are resolved by the Ethics Committee.
  - d) If 6(c) is necessary, the Ethics committee, with the help of the Registrar, drafts a recommendation to the board to explain the rationale for advancing the case to the board. The Registrar submits this document to the Ethics Liaison, who initially alerts the board and its Chair to the case.

The board chair, then, surveys the board for conflicts of interest per Conflicts of Interest Policy #0038. Once this is resolved, a hearing date will be set, and all the pertinent documents about the case will be shared with the board and the respondent.

(Note: In the absence of an Ethics liaison, the Registrar may submit the ethics committee recommendation directly to the board chair. In the event that the board Chair has a conflict of interest, the Vice-President will lead these steps. In the event that both are not available, the Executive Director will help facilitate the board.)

Instructions referred to in 6(c) will include references to Section 34 of the BC Cooperative Act regarding terminations of membership. The respondent will be given a copy of the investigators report and invited to submit a response to the complaint at a scheduled meeting of the board. After considering the response and interviewing the respondent, the board will review the case and consider all options including sanctions, suspensions, deregistration or termination of membership. The board may also choose to dismiss the case.

If termination is determined to be the appropriate solution, the board will comply with the Act and:

1. Provide at least seven days notice to the respondent indicating that termination is to be resolved at a meeting of the board. A 3/4 majority of our seven board directors is required to pass the resolution.
2. Define the resolution with grounds for the resolution and the date and time of the meeting.
3. Invite the respondent and a representative to attend the meeting where the respondent can present arguments on their behalf.
4. Define the appeal process for decisions involving termination.

The respondent **MUST** participate in the investigations and cooperate with ACCT representatives, including the Ethics Committee, Board, Registrar and Investigator. Failure to do so will not negate the Ethics Committee's findings or decisions.

NOTE: The board is empowered with the authority to terminate memberships as outlined in section 34 of the BC Cooperative Association Act.

Memberships can also be terminated by resolution at a general meeting of the members as defined in the BC Cooperative Association Act.

There is no other method to resolve the need to terminate memberships.

### The Ethics Committee

During this process, the Ethics Committee is empowered to make decisions regarding minor sanctions, discipline and dismissal of the complaint. The Ethics Committee is composed of ACCT members, fellow

counsellors, who volunteer their time towards these tasks. The Ethics Committee generally works anonymously and does not communicate directly with the complainant or respondent.

[w ACCT Ethics Committee - Terms of Reference.docx](#)

The Ethics Committee cannot:

1. Suspend or deregister or terminate a member. This is under the jurisdiction of the ACCT Board of Directors.
2. Negotiate any financial penalties;
3. Investigate allegations of criminal behaviour; and
4. Make rulings on legal matters.

The Appeal Process

ACCT allows for appeals on decisions made by the Ethics Committee in some cases. These appeals are processed by the Appeals Committee, as per the Appeal Process (procedure 0013).

Under rare circumstances, a decision made by the board may be appealed to the board for reconsideration.

In order to appeal a decision by the Ethics Committee or the board, a respondent must file an application. The appeal application will be reviewed by the Registrar to determine eligibility, as per the Appeal Process. All appeals must meet specific criteria detailed in the Appeal Process.

A decision to terminate membership by board resolution can be appealed to the general membership and resolved at a general meeting of the members. There is no other means to appeal a board decision to terminate.

Decisions to terminate a member made by the members at a general meeting cannot be appealed.

Instructions on the Appeal Process can be found here

[☰ Procedure 0013 - The Appeal Process - DRAFT REVISION](#)

Associated Documents, Regulations, Acts and Forms:

[Rules Revised November 26 2022.pdf](#) (Part 21 - Dispute Resolution)

[Policy 0024 Anti-Harrasment and Bullying](#)

[How To File A Complaint](#)

[ACCT Board Code of Ethics 2022](#)

## Link to ACCT Code of ethics?

[☰ Procedure 0013 - The Appeal Process - DRAFT REVISION](#)

## Discipline process

## Link to Supervisors Standards of Practice

### Definitions

#### Consent Agreement

Where the complainant and respondent come to an agreement in writing and agree that the respondent will comply with new behaviours and the complainant will tolerate the respondent under this new arrangement. The board or its designated officers may help to negotiate a consent agreement.

#### Member in Good Standing

A member in good standing is current and up to date with all ACCT membership requirements such as the payment of fees, the completion of annual continuous competency activities, and holds active liability insurance. The member has full use of the ACCT designations granted to them (i.e. RTC, AC, MTC, RCS).

ACCT will on request prepare a “Letter of Good Standing” to endorse a membership for professional purposes such as insurance claims, applications for jobs or school etc. This is a courtesy provided by ACCT. It is not a requirement for ACCT to issue a letter of good standing. Each letter will be considered on a case by case basis by staff.

A member not in good standing is one who:

1. Has not paid their annual membership fees or dues on time, or
2. Has not completed their annual continuous competency requirements on time, or
3. Has not purchased liability insurance, or
4. Is under suspension by ACCT, or
5. Has been deregistered.

#### Suspension

ACCT can suspend the use of its designations (RTC, AC, MTC, RCS), and use of its property such as logos and information. A member under suspension will have clear instructions on what is suspended, the duration of the suspension and any conditions required to lift the suspension.

## Sanctions

ACCT can apply sanctions against a member for a period of time based on the need for corrective or disciplinary actions.

- Minor sanctions may include but are not restricted to the completion of training, education, additional supervision. Sanctions may also involve warnings, restrictions on their scope of practice, and/or references to support their readiness to practice.
- Major sanctions may include suspension of use of ACCT designations, logos, information, brand and property. It also includes suspension, deregistration, or termination of membership (see below).

## Sanction Agreement

If the Ethics Committee or board deems it necessary, a Sanction Agreement will be created. The Sanction Agreement can be offered as a condition of membership. Typically a Sanction Agreement contains:

1. Specific remedial activities that the counsellor agrees to undertake, at their own expense in order to address the area(s) of concern identified by the complaint process. For example: coursework, clinical supervision, rewriting reports etc.;
2. Responsibilities of the counsellor to comply with and complete the Sanction Agreement; and
3. A timeline for completion of the remedial activities.

If the respondent does not agree with the sanction agreement, in some cases, they may be eligible to appeal the decision, as per the Appeals Process. If the decision is not eligible for appeal, and the respondent refuses to sign the agreement, the Ethics Committee may escalate the matter to the Board where possible termination of membership will be considered.

Non-compliance with a Sanction Agreement may result in escalation to the board.

A letter will be sent by the Registrar, to the complainant when all the items in a Sanction Agreement are completed and the complaint process is closed.

## Suspension or Deregistration or Termination of membership

If the ACCT Board of Directors deems it necessary, it may impose a suspension or deregister or terminate a membership as per Section 34 of the BC Cooperatives Act.

If a member is deregistered or terminated from ACCT, then the Board will inform:

1. The member involved via email or registered mail,
2. The professional insurance provider and
3. May inform the ACCT membership and any other person or party it deems necessary for the purpose of protecting the public as a duty to report.

## Detrimental Conduct

ACCT defines and clarifies what it considers to be detrimental conduct so that existing rules and policies can be interpreted more efficiently. Detrimental conduct is conduct that is detrimental to ACCT, the public or any thing or person; or conduct that could negatively affect ACCT, its brand, its reputation or the safety of its staff, volunteers, members, board or the public.

ACCT understands that detrimental conduct exists within a range of severity or relevance. The Board and its delegates can determine the severity and relevance of the detrimental conduct when making decisions regarding the safety and well being of its staff, volunteers, members and the public.

Members and staff of ACCT are expected to conduct themselves with a professional level of care and respect for self and others at all times. Detrimental conduct should be avoided at all times and will be assessed beyond the confines of work environments including but not limited to activities related to teaching, training, studying, practicing, volunteering, mentoring, supervising, managing and of course counselling therapy.

The following are examples of detrimental conduct:

1. Where a member is found to have committed an indictable offence;
2. Where a member is deemed to have behaved in a way that involves any of the following: lying, cheating, forging, harassing, bullying, slandering, defaming, libeling, defrauding, misinforming, misrepresenting, embezzlement, theft, hacking, impersonating another, or vandalism; or any other conduct unbecoming a healthcare professional;
3. Where a member is found to have breached or violated any of the ACCT Code of Ethics, Standards of Practice, Board Code of Ethics, Supervisors Standards of Practice.
4. Where a member deliberately and consistently neglects a fiduciary duty, policy or procedure;
5. Where a member is found to have not disclosed a conflict of interest;
6. Where a member has breached a confidentiality agreement;
7. Where a member has shared proprietary information or trade secrets without ACCT's permission;
8. Where a member is found to have tarnished the ACCT brand, reputation, property or other assets.
9. Where a member does not comply with an ACCT sanction directed at them.
10. Where a member has deliberately obstructed an ACCT procedure.
11. Where a member has deliberately destroyed documents, records or information that would normally be kept as part of their practice and is required by ACCT.
12. Where a member has deleted or destroyed ACCT property including digital messaging on its internal group chats without ACCT permission.
