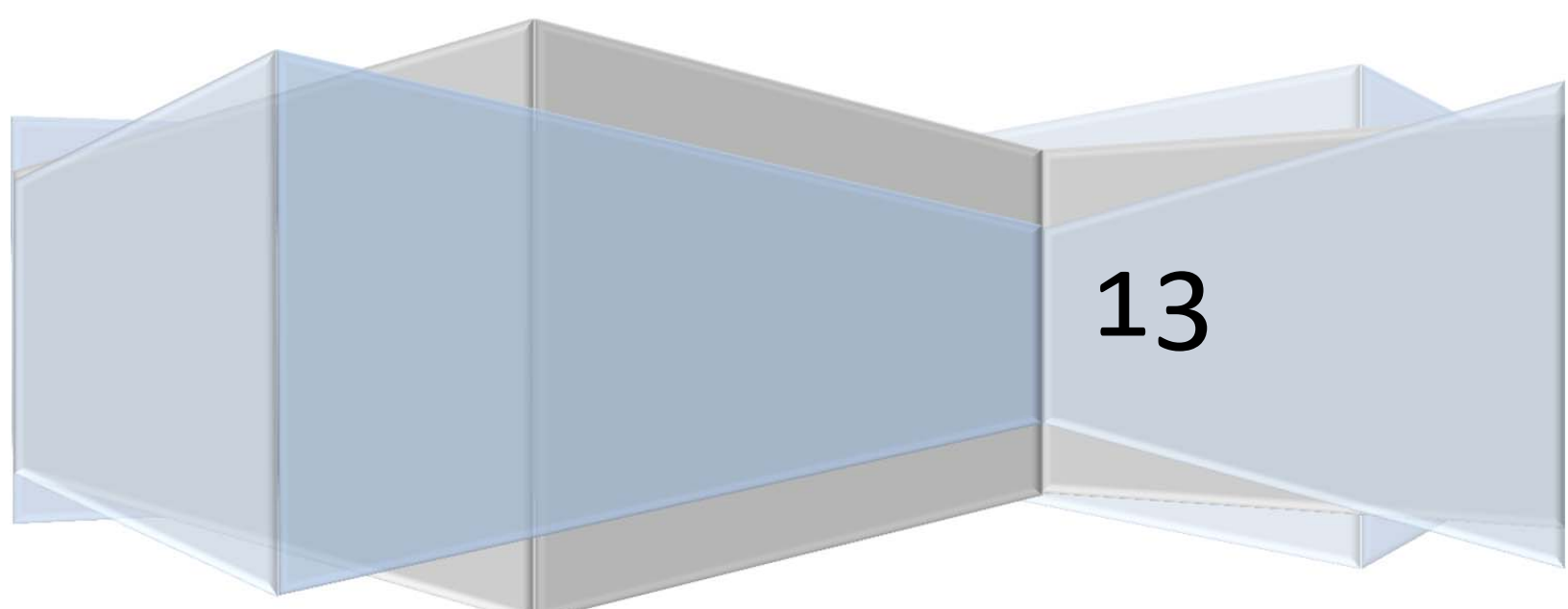


B.C. Association of Clinical Counsellors

COMPLAINT and INQUIRY PROCESS - PROCESS GUIDE FOR THE COMPLAINANT



13

Introduction

The B.C. Association of Clinical Counsellors (BCACC) has been incorporated since 1988 under the Society Act of BC. Two of the principal goals are to regulate the professional practice of *Registered Clinical Counsellors* and to *protect the public*.

The Association grants the use of the title "Registered Clinical Counsellor" (RCC) to persons who are voluntarily registered with the Association. When you see the RCC designation, you will know that the counsellor has met the rigorous academic training, clinical experience and supervision requirements that are part of the BCACC membership criteria. A prospective member must provide a clear criminal record check and submit references from regulated mental health practitioners.

Registered Clinical Counsellors are accountable to the Association and to the public through our Code of Ethical Conduct and Standards of Clinical Practice, as well as through its complaint, investigation and discipline procedures. Protecting the public is done initially through a rigorous registration process and, when a complaint is lodged, through an inquiry process.

The Association's Inquiry Committee receives and investigates complaints against members.

The Complaint Process

During the complaint process the BCACC works with the counsellor (RCC) to ensure accountability to the Code of Ethical Conduct and Standards of Clinical Practice.

BCACC will address your complaint when:

- ❖ The counsellor you're complaining about is a current member of BCACC.
- ❖ The counsellor was a member at the time of the events that gave rise to the complaint.
- ❖ Your concern is about a potential breach of BCACC [Code of Ethical Conduct or Standards of Clinical Practice](#).
- ❖ You (or the minor for whom you are guardian) were the direct recipient of counselling services provided by the BCACC member.

Types of complaints

The types of concerns BCACC can address include:

- ❖ Failure to address informed consent
- ❖ Privacy/confidentiality
- ❖ Respect for others
- ❖ Disrespect towards client
- ❖ Excessive self-disclosure from counsellor
- ❖ Poor professional boundaries
- ❖ Incompetence
- ❖ Inadequate risk management
- ❖ Client exploitation for personal or financial gain
- ❖ Undeclared conflict of interest
- ❖ Failure to provide information about background and training
- ❖ Demonstrated bias

- ❖ Improper termination of therapy
- ❖ Failure to release records at client request
- ❖ Child custody and access issues

Jurisdiction limitations

BCACC **does not** have jurisdiction to address concerns about counsellors when:

- ❖ The complaint is currently under legal proceedings.
- ❖ The complaint is about a health care facility, institution or agency.
- ❖ The complaint is about business practices outside the Code of Ethical Conduct and Standards of Clinical Practice.

Inquiry Committee limitations

The Inquiry Committee cannot

- ❖ Terminate membership. This is under the jurisdiction of BCACC's Discipline Committee (for more information, contact the office of the Registrar).
- ❖ Engage in any financial restitution negotiations.
- ❖ Make rulings on legal matters.
- ❖ Investigate allegations of criminal behaviour.

GETTING STARTED WITH THE COMPLAINT PROCESS

Call the BCACC Head Office at 1-800-909-6303, extension 0.

- ❖ You will be asked to provide the counsellor's name so that we can determine if the counsellor is currently a registered member.
- ❖ You will **not** be asked to provide your own name until you choose to make your complaint formal.
- ❖ If the counsellor is a BCACC member, you will be directed to the Office of the Registrar.
- ❖ A phone interview between you and the Registrar will determine if your complaint falls within our jurisdiction and what information we will need to proceed.
- ❖ If these criteria are met we will send you a formal complaint package.

Formal complaint package

The formal complaint package consists of two forms

- ❖ The BCACC Complaint Form
- ❖ An Authorization For Release of Complainant Information

Once we receive your completed complaint package, the Registrar conducts a preliminary review and the complaint is forwarded to the Inquiry Committee

What you can expect of the Inquiry Committee

The Inquiry Committee will

- ❖ Review the formal complaint material.
- ❖ Notify the counsellor of the complaint (via the Office of the Registrar) by providing him/her with a copy of the complaint material and requesting a written response within 30 days.
- ❖ Review the initial response provided by the counsellor.
- ❖ Propose a resolution to the complaint OR dismiss the complaint if there is enough information to do so.
- ❖ Launch an investigation if further information is required. When a formal investigation is indicated, it is conducted by a certified investigator under the direction of the Inquiry Committee.
- ❖ Make a careful review of the Investigator's Report.
- ❖ Propose a resolution of the case by either negotiating a Consent Agreement (see below) or dismiss the case.
- ❖ Refer the case file to the BCACC Discipline Committee in extraordinary circumstances.
- ❖ Provide an update letter at the conclusion of each step of the process.

Resolution of complaints

Typically, resolution of a complaint includes a Consent Agreement which prescribes:

- ❖ Specific remedial activities that the RCC agrees to undertake, at their own expense, in order to address the area(s) of concern identified by the inquiry process, e.g. clinical supervision, course work, rewriting reports etc.
- ❖ Responsibilities of the member to comply with and complete the Consent Agreement.
- ❖ A time line for completion of the remedial activities.

When all the items in a Consent Agreement are completed, the case file is closed. You will receive a letter informing you of this.

If the Inquiry Committee is unable to resolve a complaint, it may place an Advisory Statement in the Counsellor's file.

Conclusion

Every effort is made to resolve complaints in a timely manner; the average is one year. You will receive a summary of the case outcome in writing. You have the right to appeal the decisions of the Inquiry Committee to the BCACC Board of Directors.

SUMMARY CHECKLIST

The Complaint Process

- ✓ The purpose of this process is to protect the public.
- ✓ The complaint process allows the public an opportunity to express concerns with the services provided by a member of BCACC. It creates an opportunity for the counsellor to be accountable for her/his actions under the Code of Ethical Conduct and the Standards of Clinical Practice.
- ✓ *It is not* a process to punish counsellors and has no compensation available for any parties involved.
- ✓ *It is not* a court/civil proceeding.
- ✓ *It is not* connected to other regulatory bodies.
- ✓ *It is not* able to change decisions of other bodies, or any other grievance process.
- ✓ *It is not* connected to any investigation at a facility.

What does a complaint involve?

- ✓ The complaint must be in writing on the Complaint Form provided by BCACC.
- ✓ The complaint must identify member of BCACC.
- ✓ The complaint must have specific concerns related to the services provided by the member of BCACC.
- ✓ The complainant must have an intention to make a formal complaint.

Confidentiality and its limitations

- ✓ The complaint process is a confidential process, and not an anonymous process.
- ✓ Please note that BCACC will share your complaint with the BCACC member being complained about.
- ✓ During the inquiry process confidential information will be shared with relevant parties in BCACC . You will be asked to provide your authorization for release of information.

What an investigator does

- ✓ BCACC uses certified investigators to conduct investigations.
- ✓ The investigator is a neutral fact finder; s/he is not working for either side in a complaint.

- ✓ The investigator conducts an investigation under the direction of the Inquiry Committee.
- ✓ The investigator is not involved in the decision making process of the Inquiry Committee.
- ✓ The investigation belongs to the BCACC and not the complainant.
- ✓ The investigator may contact the complainant and any other relevant parties.
- ✓ The investigator will make arrangements to interview relevant parties.

Inquiry Committee process timelines

- ✓ The resolution of a complaint file may take up to a year.
- ✓ Delays can occur due to the time required to accumulate all relevant information about the complaint, and the workload of the Inquiry Committee.
- ✓ You will receive an acknowledgement of your complaint and will be provided with periodic updates.
- ✓ When the complaint is resolved you will be notified in writing.

BCACC Inquiry process overview

- ✓ The Inquiry Committee consists of 'at least three persons appointed by the Board including one public representative' (Bylaw 78(1)).
- ✓ The Inquiry Committee investigates and attempts to resolve complaints.
- ✓ The Inquiry Committee reviews all information that is gathered during the investigation process.
- ✓ The member who is the focus of your complaint is required to respond to the committee in writing.
- ✓ Neither the complainant nor the member who is being complained against attends the committee meetings.
- ✓ The Committee needs sufficient information that the Code of Ethical Conduct and/or the Standards of Clinical Practice of BCACC were breached in order to be able to take action.
- ✓ After a thorough review of information gathered, the Inquiry Committee will decide: whether each allegation is supported, or not; identify the concerns of the Committee that must be addressed by the RCC; and, work with the RCC to resolve the concerns of the Committee.

- ✓ The majority of complaints are resolved successfully by a Consent Agreement process.
- ✓ A Consent Agreement documents the process for resolving a complaint. Remedial actions may include clinical supervision, up-grading course work, all of which happens at the expense of the counsellor, and also a written report from the counsellor outlining what was learned and thus how s/he would manage the situation that gave rise to the complaint in a different manner.
- ✓ When all items in a Consent Agreement have been completed, it is considered to be discharged and the case is closed.
- ✓ A summary of the outcome will be provided to you in writing by the Inquiry Committee.
- ✓ After the resolution of the complaint and the case is closed you have the right to appeal the decision of the Inquiry Committee to the BCACC Board of Directors.