

Complaints Procedure

(As taken from the Australian Hypnotherapists' Association's Articles of Association)

A.12.(b) The Executive may at any meeting of the Executive by resolution unanimously passed by those present prescribe formal educative programme/s remedial training re-examination and/or personal clinical supervision and/or specify a reduction in status and/or suspension for such period it thinks fit or expulsion from membership of the Association for any member who in the opinion of the Executive shall:

- (i.) fail in the observance of any regulation of the Association, and/or
- (ii.) fail in the observance of any regulation or order of the Executive, and/or
- (iii.) by any act or omission demonstrate a lack of adequate knowledge experience skill judgement or care in the practice of hypnotherapy, and/or
- (iv.) engage in any other unprofessional improper or unethical conduct relating to the practice of therapy in general or hypnotherapy in particular, and/or
- (v.) have been guilty of any act or practice or conduct which may bring discredit to or lower the status of the Association, the Accreditation Board and/or the Hypnotherapy profession in general.

A.12.(c) The Executive having received a written complaint or having in its discretion and under the provisions of Article A.12(d) below decided to determine a verbal complaint about a member of any status of the Association from the general public a Governmental regulatory body a member of the Association and/or the Accreditation Board and having had the member immediately stand down from any official position that they may have held on the Executive and/or on the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive under the provisions of either Article A.15(e) or A.15(f) and having through the Association's Ethics Committee investigated the substance of the complaint in any way and degree that the Executive and/or the Ethics Committee considers appropriate and if the Executive and/or the Ethics Committee considers it appropriate having had the member appear before the Ethics Committee to respond to the substance of the complaint the Executive guided by the findings of the Ethics Committee may in accordance with the provisions of Article A.12.(b) determine a range of responses ranging from finding the complaint unfounded and at its discretion if applicable restoring the member to their official position/s on the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive under the provisions of Article A.15.(e) to finding the complaint to have been proved and/or otherwise substantiated and in such instances may prescribe formal educative programme/s remedial training re-examination and/or personal clinical supervision and/or specify a reduction in status and/or suspension for such period it thinks fit or expulsion from membership of the Association always provided that at least one week before the meeting of the

Executive at which a final resolution will be determined by the Executive the member shall have had notice of such meeting and of what is alleged against the member and that member shall at such meeting and before the voting on such resolution have had an opportunity of giving orally and/or in writing any explanation or defence they may think fit.

A.12.(d) On receipt of a verbal complaint about a member more particularly addressed in Article A12.(c) above the Secretary shall notify the President and Vice President who may in their discretion refer the complaint to the Executive which may in its discretion and under the provisions of Article A.15.(f) require the member to immediately stand down from any official position that they may hold on the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive pending determination of that complaint by the Executive and unless otherwise specifically directed by the Executive will within fourteen days of receipt of a verbal complaint advise the complainant that no action will be taken on verbal complaints and to request that they submit their complaint in writing to the Secretary by personally accepted address reply paid registered mail in sufficient detail to outline the substance of the complaint and to inform the complainant that in the process of the review it might be necessary for the complainant to meet with the Executive or its nominee to discuss the complaint and further that it might be necessary that the complainant meet with the Executive and the member so complained of to arbitrate the complaint.

A.12.(e) The Secretary will within fourteen days of receipt of such written complaint confirm to the complainant in writing by personally accepted address reply paid registered mail the receipt of the complaint outlining the review process to inform the complainant that in the process of the review it might be necessary for the complainant to meet with the Executive or its nominee to discuss the complaint and further that it might be necessary that the complainant meet with the Executive and the member so complained of to arbitrate the complaint and undertaking to advise progress of the matter no later than two months from the date of receipt of the written complaint and to advise details of the Executive's decision to the complainant no later than four months from the date of receipt of the written complaint.

A.12.(f) Should the complainant choose not to place the complaint in writing the Secretary will unless otherwise specifically directed by the Executive inform the complainant in writing by personally accepted address reply paid registered mail that the Association acknowledges that the complainant has made a verbal complaint against an individual who shall not be named in such communication.

A.12.(g) A notice of the Executive's determination and finding as described more particularly in Article 12.(c) above shall be sent forthwith by the Secretary to the member at their last known address in the Association's records by personally accepted address reply paid registered mail within seven days of the date that the member met with the Executive or failed to accede to the Executive's request to appear before it on a date nominated.

A12.(h) The member has a right of appeal against the Executive's determination and findings under Article A.12.(c) above to a General Meeting of the Association and the member may lodge a notice of such appeal to a General Meeting of the

Association by giving notice by personally accepted address reply paid registered mail to the Secretary's office within thirty days from and including the date of mailing of the notice of the Executive's determination and findings under Article A.12.(c) above and such notice of appeal should detail the grounds on which the appeal is founded and provide specific details of any information and/or evidence on which the member relies in the appeal not previously presented to the Executive.

A.12.(i) The Secretary on receipt of a notice of appeal shall forthwith:

(i.) place the matter on the published agenda for the next scheduled General Meeting of the Association if such meeting is to be held within one month,

(ii.) in the event of such an appeal being scheduled at a General Meeting of the Association that the meeting be cleared for the duration of the appeal hearing of all persons not entitled to vote, and

(iii.) if the next scheduled General Meeting falls on a date in excess of one month of receipt of the notice of appeal call forthwith an Extraordinary General Meeting of voting members only to consider specifically the appeal and the decision of that meeting and any adjournment thereof shall be final and conclusive.

A.12.(j) A member so notified of a complaint as set out in Article 12.(c) above and who fails following notification by the Executive to assist the Executive in the matter and/or who in the opinion of the Executive fails without just cause to attend any meeting/s called by the Executive in the investigation and resolution of the complaint and/or fails to lodge their notice of appeal within the time limits set out more particularly in Article 12.(h) above loses all rights to appeal to the members in any General Meeting.

A.12.(k) A member so notified of a complaint as set out in Article 12.(c) above will not make any contact in any way by any means whatsoever with the complainant and/or the individual on whose behalf the complaint has been made if that individual is not the complainant without the written permission of the Executive who at its discretion may decline to give such written permission and where such written permission to make such contact is given by the Executive to the member the member will abide by the terms conditions and limits for the contact and any other such requirements that the Executive may at its discretion set and any member whosoever makes such contact with a complainant and/or the individual on whose behalf the complaint has been made if that individual is not the complainant without the permission of the Executive and/or who in making such contact does not conform to any or all the terms conditions and limits and any other requirements and notwithstanding the provisions of Article A.12.(a) above will be immediately subject to disciplinary action under the provisions of Article A.12.(b) (i. to v.).

A.12.(l) Where a member has a ruling made against them by the Executive and on appeal to a General Meeting as set out in Articles A12.(h) and (i) above over any breach/es of Articles 12.(b) and sub-articles Article 12.(c) and where at the discretion of the Executive such breach/es warrant informing the Accreditation Board in

accordance with the provisions of Article A.18.(f) (xvii) they shall do so following expiration of the member's time to appeal plus fourteen days with the simple statement that the Association no longer endorses the member's or if the case may be ex-member's accreditation and where a member duly notified of a complaint as set out in Article 12.(c) and who has failed to respond as set out in Article A.12.(j) above the Executive will inform the Accreditation Board where such member is accredited by the Accreditation Board that the member has failed to respond to the Executive's request for assistance in a complaint and that the Association no longer endorses the member or if the case may be ex-member's accreditation.

A.12.(m) Where a complaint against a member is received as set out in Article 12.(c) above and the processes of investigation and appeal as set out in Articles 12.(g, h and i) are in process, resignation from the Association by the member will not be accepted by the Executive and the due process will continue.

Appendix:

A.15.(e) Notwithstanding the provisions of Article A.15.(d) above, any member of any status who is the subject of a written complaint in accordance with the provisions of Article A.12 and as more particularly set out in Article A.12.(c) and A.12.(e) shall immediately stand down from any official position they may hold on the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive pending determination of the complaint by the Executive and that particular individual will only resume their position on the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive following the Executive's express invitation.

A.15.(f) Notwithstanding the provisions of Articles A.15.(d) and (e) above, the Executive may in its discretion direct any member of the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive who is the subject of a verbal complaint in accordance with the provisions of Article A.12. and as more particularly set out in Articles A.12.(d) and (f) that has not been subsequently made in written form or of any other allegation in any form whatsoever to immediately stand down from any official position they may hold on the Executive and/or the Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive pending determination of the complaint or allegation by the Executive and that particular individual will only resume their position on the Executive and/or Standards Committee and/or the Ethics Committee and/or the Accreditation Board and/or any other sub-committee of the Executive following the Executive's express invitation.

A.15.(f)

(xvii.) in response to the Executive's express direction and in accordance with the provisions of Article A.12.(l) recording in the register that a particular individual is no longer accredited.