



PSYCHOLOGY PRIVATE AUSTRALIA Inc.

THE FEDERATION OF ORGANISATIONS OF PRIVATELY PRACTISING PSYCHOLOGISTS OF AUSTRALIA

<http://www.psychologyprivate.org>

CONSTITUENT BODIES

Association of Private Practising Psychologists (NT)
Association of Private Practising Psychologists (QLD)
Australian College of Private Consulting Psychologists (NSW)
Psychology Private Tasmania

Australian College of Psychologists in Clinical Private Practice (ACT)
Australian College of Psychologists in Clinical Private Practice (VIC)
Institute of Private Practising Psychologists (SA)

COMPLAINTS ARRANGEMENTS SUBMISSION **ATTENTION: PRACTITIONER REGULATION SUBCOMMITTEE**

On behalf of Psychology Private Australia Inc. (PPAI) we submit the following suggestions:

General Process

1. Accreditation Authority (AA) receives complaint and acknowledges it to complainant
2. Authority passes complaint to relevant Board for preliminary assessment of its substance - do facts need to be established to enable assessment to be made?
 - is it vexatious in nature or is it a matter with some substance?
 - is it a matter of relevance or interest to the Board?If necessary, the Board will ask for AA's Research Officer(s) to establish facts and refer back to requesting Board for assessment. This may involve input from both the complainant and the registrant
3. Board asks AA to notify the registrant of the complaint
5. If Board decides that the matter is vexatious it refers its assessment to a Health Complaints Commissioner for review (HCC). If HCC concurs in assessment, the Board transmits assessment to AA, as the outcome to be advised to complainant and the registrant
6. If Board decides that the matter has substance, it will consider issues for 'streaming': *performance*, to a Panel; *health*, Board to implement a programme to remedy problem; *conduct*, to a Tribunal. If the matter has issues that involve more than one stream, the order for streaming is first *health*, then *conduct*, then *performance*. The Board will work closely with the AA to ensure that expeditious handling as between streams will be achieved
7. Board will prepare 'outcome advising' and refer it to HCC for review. After review has been completed, Board will forward final outcome advising to AA for transmission to the complainant and the registrant
8. Throughout the assessment/consideration process, AA monitors movement of complaint closely to ensure that advice of an outcome will be transmitted to complainant and registrant as close as possible to an elapsed time of 2 months from receipt of the complaint.

...../2

President

Ms S. M. Wilkie
32/101 Wickham Tee
BRISBANE Q 4000
Ph (07) 3832 5454
Fax (07) 3839 8716
Email: smwilkie@bigpond.net.au

Vice President

Mr K. Harris
262 Melbourne St.
North Adelaide SA 5006
Ph (08) 8267 1397
Fax (08) 8267 3105
Email: kym@psychology-private.org.au

Secretary

Mr E. P. Milliken
5/53 Ross Smith Ave
PARAP NT 0820
Ph (08) 8981 7772
Fax (08) 8941 3043
Email: epmilliken@ozemail.com.au

Treasurer

Ms Sharon Daniels
Suite 3 175 Bunda Street
Cairns Qld 4870
Ph: (07) 4031 6448
Fax: (07) 4041 3094

If there is a good reason for not meeting this deadline, both the complainant and the registrant should be notified of the delay and the reason.

In addition to the comments and suggestions already contributed by forum attendees, we submit the following:

Tribunals

For unsatisfactory conduct opinions must be accessed from peers rather than an “expert”. This is especially necessary for private practitioners where peers understand issues far better than an academic expert who has never experienced private clinical practice.

Timeliness

Timeliness is crucial. A complaint can disrupt a registrant’s practice and threaten his/her livelihood. It is also extremely stressful. There are far too many instances of complaints processes dragging on indefinitely (even 5 or 6 years).

However, it is also critical that the process is not rushed in a way that limits the registrant’s right to natural justice. A registrant should be given the opportunity to check investigator’s report to ensure that there are no factual errors due to poor note taking or misunderstandings of what was said during investigating interviews. Should the registrant request, reports should be made available to any legal representative that the registrant may have engaged.

There should be a liaison officer to report back to the registrant as well to the complainant.

Panels

There are currently major problems with the registrant’s first right of reply to a complaint. Unnecessary and costly investigations and hearings are taking place because the registrant has been deemed guilty until proved innocent. In current complaints processes, natural justice and presumption of innocence is often denied. In planning any new process, there is an opportunity to institute a system which has fairness for all parties i.e. *the complaint is received but until Board’s initial assessment is made, the complaint is not assumed to be factual.*

...../3

Impairment process

In impairment investigations more weight should be given to reports from treating practitioners who have a thorough understanding of the severity and likely prognosis of a registrant's impairment rather than an "independent expert" who bases an opinion on one consultation. Often this one consultation is compromised by the increased stress caused by the investigation process and the requirement of a coerced evaluation.

S M Wilkie, President
E P Milliken Secretary [Ph (08) 8981-7772]
Psychology Private Australia Inc
4 Macartney St Fannie Bay NT 0820