

## **INFORMATION FOR PSYCHOLOGISTS ABOUT RESPONDING TO COMPLAINTS**

Under the Psychologists Act 2000, the NSBEP has a mandate of public protection and must investigate every complaint within its jurisdiction. Once a letter of complaint is received at the NSBEP, the Registrar reviews the complaint, considers issues of jurisdiction and, in some cases, will ask the Complainant for clarification of the concerns. The Registrar will ask the complainant if he/she is interested in exploring possibilities for an informal resolution. If the Complainant does not wish to consider informal options, the Complainant is then asked to provide written consent to proceed with the investigation, and to release the complaint material to the Psychologist or Psychologist –Candidate Register.

The letter notifying you of the complaint will ask you to respond to the concerns raised by the Complainant and, in some cases, will also ask you to include a copy of your clinical file or other information related to the complaint. Please also enclose an updated copy of your Curriculum Vitae (CV). The Registrar forwards this information to an Investigation Committee(IC) that is composed of two psychologists and a lay person.

It is important to note that it is not assumed by NSBEP that you have acted in an unethical or incompetent manner. The role of the Registrar is to ensure concerns are investigated and that appropriate action is taken to protect the public in those cases where an investigation confirms violations have in fact occurred. As such, it is the role of the Registrar as well as the Investigation Committee Chair to request information that will assist the Investigation Committee in arriving at a decision. Sometimes the additional information is in the form of particular questions related to the concerns raised by the Complainant but which the Complainant, who is generally a layperson, would not be in a position to ask, because the Complainant may not have sufficient information about the practice or standards of the profession.

Your letter of notification will also include a form called, Psychologist's Acknowledgement Regarding the Release of Information to the Complainant. The purpose of this form is to obtain an acknowledgement from you that you are aware your response to the complainant will be forwarded to them. If you believe that it would be harmful to have your response disclosed, then you must provide your reasons. The IC will make the decision regarding disclosure or non-disclosure.

***The Code of Ethics*** requires a Psychologist (Registered and Candidate) to cooperate fully with duly constituted committees which are concerned with ethics and ethical conduct. Therefore a Psychologist (Registered and Candidate) is expected to respond promptly and fully to a letter of complaint and to any additional matters raised by the Investigation Committee. If a Psychologist (Registered and Candidate) does not respond appropriately, the Investigation Committee may draw conclusions about the complaint in the absence of complete information. Failure to cooperate with the Investigation Committee may result in the initiation of a further complaint. The Psychologist (Registered and Candidate) may respond by indicating he/she will not address the letter of complaint or answer any additional questions raised in the letter of notification. However, if the Psychologist (Registered and Candidate) does not provide adequate information, the Investigation Committee may be left in a position in which it may draw conclusions about the complaint without having complete information. It is generally considered to be in the Psychologist's (Registered and Candidate) best interests to provide a thorough response to the complaint from the outset. Psychologists (Registered and Candidate) may always contact the Registrar or Assistant to the Registrar

*with procedural questions arising from receipt of a letter of complaint, although the Registrar or Assistant to the Registrar cannot discuss the substance of the complaint.*

If you do not understand the nature of a concern raised by the Complainant in a complaint, it is appropriate to make note of your confusion about the allegation in your response to the Registrar. The Registrar may attempt to elicit clarification of concerns from Complainants; however, in some cases, it is difficult to obtain a clear, precise description of the concerns from the Complainant. The Investigation Committee will be cognizant of this fact when considering your response.

If it is your opinion that one of the concerns raised by the Complainant does not fall within NSBEP's jurisdiction, it is appropriate for you to indicate this opinion and to explain why you reached this conclusion. Although it is the role of the Investigation Committee to determine whether it has jurisdiction over the particular concern, it will be of assistance to the Committee, in evaluating the merits of the complaint to have this information (rather than having no information from you in response to the complainant's concerns.) It may also be appropriate for you to acknowledge if you cannot answer a question, for lack of information, or to acknowledge an error or change in practice, if such a situation has occurred. In many cases, the Investigation Committee will acknowledge the recognition of the error and/or change in the Psychologist's practice in its decision.

It may be helpful to provide all relevant additional documentation (e.g., clinical notes, test results) that would support the response or address the allegations. Although it may be evident to the Investigation Committee why a particular course of action was taken, without any supporting documentation, it may be impossible for the Committee to evaluate whether such action was appropriate in the circumstances. It may be to your benefit to include such supporting documentation to minimize delays and clear up confusion about why a particular action was taken. You need only include such supporting documentation if it is relevant to your response or if it has been requested.

It can be a traumatic event to be notified of a complaint. You may experience some conflicting emotions about the Complainant and may find it helpful to draft an initial response to the Registrar, wait a few days and then review the response, in order to ensure that all relevant information has been included and that the tone of the response is appropriate in the circumstances.

You are required to respond to the complaint within thirty days of the receipt of the complaint. Complaints are deemed to be received five business days after the Registrar mails them. Extensions on the time limit to respond may be granted in certain circumstances. Should you need to request an extension, please do so as soon as the circumstances present themselves, by contacting the Registrar by fax or mail. Please provide specific information about the reasons for the request.

It is not appropriate for you to contact the Complainant to attempt to discuss the matter, or to discourage the Complainant from proceeding with the complaint unless this is a part of a mediated resolution agreed upon by the Complainant.

It is not necessary for you to contact a lawyer upon receipt of a complaint, although some Psychologists (Registered and Candidate) find it helpful. You may wish to consult with your professional association and/or insurance company to review the provisions of your insurance coverage and make an informed decision about whether or not to retain independent counsel. Because the NSBEP is the regulatory body investigating the

complaint, the Registrar cannot provide advice to you in this regard. However, free legal consultation may be available through your professional liability insurance.

It is the position of the NSBEP that it is appropriate to provide otherwise confidential information, including clinical records, to the Investigation Committee, if it is relevant and necessary for the purpose of entering a response to the Complainant. In every case, the Registrar will advise the Complainant that you may release such information to the Investigation Committee in order to respond to the complaint.

It is inappropriate to release information to the Investigation Committee about a client who is not the Complainant, because no consent to do so has been obtained. If you are of the view that it is necessary to provide the Investigation Committee with such information, it is appropriate for you to contact the Registrar to discuss the issue. In some cases, the Registrar may be able to write directly to the individual in question to seek the information required. If the information is not available through other means, the Investigation Committee will be advised that you were of the view that such information would be of assistance and that it was not available.

At the Investigation Committee level, the NSBEP procedures are designed to keep confidential, even to members of the NSBEP, any information about a complaint. If allegations are referred to the Investigation Committee, and a notice of hearing is then issued and served to you it becomes public information that there is an upcoming hearing related to the matter and the hearings are generally public. You should also be aware that if you are asked to consent to reprimand and decide to do so, information regarding reprimands is sent to the Association of State and Provincial Psychology Boards (ASPPB) and provided to other regulatory bodies on request. It may also be published in the Annual report or on the NSBEP Website.

It is NSBEP's hope that this helps clarify the existing process. If you have any questions or concerns, please contact the Registrar.