



CANADIAN COUNSELLING AND
PSYCHOTHERAPY ASSOCIATION
L'ASSOCIATION CANADIENNE DE
COUNSELING ET DE PSYCHOTHÉRAPIE

CCPA Procedures for Processing Inquiries and Complaints of an Ethical Nature

Approved by the CCPA Board of Directors on May 24, 2003
Revised by CCPA Board of Directors, November 27, 2004
Revised by CCPA Board of Directors, January 12, 2006
Revised by CCPA Board of Directors, November 4, 2007
Revised by CCPA Board of Directors, July 22, 2011

The purpose of this document is to facilitate the work of the Ethics Committee by specifying procedures for submitting and processing ethical complaints against members of the Canadian Counselling and Psychotherapy Association.



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A. The Ethics Committee

The Canadian Counselling and Psychotherapy Association (CCPA) promotes professional conduct practices that are consistent with its Code of Ethics and Standards of Practice for Counsellors¹. Through its by-laws CCPA has established an Ethics Committee which is tasked with handling third party complaints in addition to responding to questions pertaining to ethical issues and standards of practice.

B. Procedures for Submitting Complaints

If someone is not satisfied with the practices or behaviour of a CCPA member they have the opportunity to submit a complaint to the Ethics Committee. This committee will investigate, process, and where possible, resolve the complaint.

The Ethics Committee will act only on complaints against members who were members of CCPA at the time of the alleged violation. Any individual with reasonable grounds to suspect that a CCPA member has committed an ethical violation may submit a written, signed complaint. If the Ethics Committee deems it appropriate to proceed with an investigation, the CCPA member who is the subject of the complaint will be informed of the nature and details of the complaint and the identity of the individual who has submitted the complaint.

Whenever feasible, and appropriate, the complainant is encouraged to approach the counsellor directly to discuss and attempt to resolve the complaint. In cases where a resolution is not forthcoming following personal contact with the CCPA member, and/or personal contact is not feasible or inappropriate, the complainant shall prepare a written statement detailing the nature of the complaint. The written statement must state the name of the member against whom a complaint is being laid, the attempts made to resolve the matter, and the specifics about the alleged unethical conduct [including the date(s) of the alleged violations(s)]. The written statement of complaint shall be marked “confidential” and be submitted to the Ethics Committee Chairperson at the following address:

CCPA Ethics Committee
Canadian Counselling and Psychotherapy Association
202 – 245 Menten Place
Ottawa, ON, K2H 9E8

¹ The terms “counselling” and “counsellor” are used consistently as a general, umbrella terms to describe the breadth and depth of more specific titles and actions used across Canada. Counselling reflects a variety of specific counselling-related titles such as counselling therapist, psychotherapist, mental health therapist, clinical counsellor, career counsellor, conseiller d’orientation, and guidance counsellor, and many more.



The Ethics Committee may elect not to initiate the processing of a complaint while its subject matter is part of an ongoing legal investigation or proceeding. Should the Ethics Committee learn of an ongoing legal investigation or proceeding on a complaint, after initiating the processing of a complaint, it may elect to stay any further processing of the complaint until after the investigation and, any related proceeding, has concluded.

A complaint must be submitted within three (3) years of the event(s) which forms the substance of the complaint. Complaints of an ongoing nature will not be processed unless submitted within three (3) years of the most recent allegation of impropriety. In instances in which the subject matter of a complaint is part of an ongoing legal investigation or proceeding the timeline for submitting a complaint will commence once the legal investigation, and any related legal proceeding, has concluded.

When the Chair of the Ethics Committee becomes aware that a member has been (1) convicted of an offence under the provisions of the *Criminal Code* or a similar penal statute of another country, or (2) has been suspended by a governing body of an occupational group in a province or territory of Canada or another country for reason of professional misconduct, conduct unbecoming of a member of the professional group or professional incompetence, this information shall be acted on by the Ethics Committee as if it were a complaint.

Once a complaint has been received, the Chairperson of the Ethics Committee will notify the complainant as to CCPA procedures for processing complaints and forward a copy of the written statement of the complainant to the member complained against. The Chairperson will notify other members of the Ethics Committee of the complaint within ten (10) business days after receiving it.

The substance of a complaint will be communicated to the fewest people necessary to implement the complaint procedures. Subject to the disclosure requirements set out in these procedures, all documentation filed with the CCPA will be kept confidential.

C. Procedures for Processing Complaints

CCPA is not regulated by statute and therefore its procedures for processing complaints are not subject to the same administrative principles as those established pursuant to legislative powers. CCPA is, however, committed to following the procedures established herein and to ensuring that complaints are processed in a fair and equitable fashion that demonstrates regard for the interests of all parties and the geographical and financial limitations involved.

Within ten (10) business days after receipt by the CCPA (National Office) the complaint, along with verification of membership for the member complained against, shall be sent to the Chairperson of



the Ethics Committee. The Chairperson will determine whether or not the complaint meets criteria for processing.

If it is determined that the complaint does not meet criteria for processing, the Chairperson shall dismiss the complaint and notify the complainant of the decision in writing.

If it is determined that processing of the complaint is warranted, the Chairperson of the Ethics Committee shall:

1. notify the complainant of this decision in writing and provide the complainant with a copy of the *CCPA Procedures for Processing Complaints of Ethical Violations*;
2. notify the member complained against of the complaint and request a written response to the complaint within thirty (30) calendar days; and
3. notify members of the Ethics Committee of the case.

A member's response shall be in writing and signed by the member. The failure of a member to comply with a request by the Chairperson for a response may constitute conduct unbecoming a member and may be acted on by the Ethics Committee as a separate complaint

Within ninety (90) calendar days of receipt of the member's response to the complaint, the Ethics Committee may exercise one or more of the following powers:

1. refer the complaint back to the Chair of the Ethics Committee for investigation and alternative dispute resolution, subject to approval of the committee
2. require the member complained against, and/or the complainant to take part in a teleconferenced meeting with the Ethics Committee in an attempt to reach a resolution to which both parties can agree

When the Ethics Committee is of the opinion there are no reasonable grounds to believe the member has acted unethically, the committee shall dismiss the complaint and give notice in writing of the dismissal to the complainant and the member. Subject to a successful appeal, in the event of a dismissal of a complaint all documentation filed with the Ethics Committee shall be destroyed after three (3) years from the dismissal order.

When the Ethics Committee is of the opinion that there are reasonable grounds to believe the member has acted unethically, and a satisfactory alternative dispute resolution cannot be reached, the committee shall order the member to cease and desist the unethical conduct with or without the imposition of any sanction(s). The Ethics Committee also may

1. caution the member with or without recommendations for corrective action;
2. issue a time-limited reprimand with or without recommendations for corrective action; or



3. refer the complaint to a three member Adjudication Panel.

Where the complaint is referred to a three member Adjudication Panel, the Ethics Committee may, at any time before a final determination by the Adjudication Panel, require the member to accept a limitation on his or her practice, accept supervision, or impose other limitations deemed reasonable and appropriate under the circumstances.

The Ethics Committee shall provide written notification of the reasons for its decision(s) to both the complainant and the member.

D. Adjudication Panel

The CCPA President or his/her designate will appoint five (5) CCPA members to serve as members on the Adjudication Panel.

1. Of the five CCPA members first appointed to serve on the Adjudication Panel, three (3) members will be appointed for a period of two (2) years and two (2) members for a period of one (1) year. All subsequent appointments will be for a period of two (2) years.
2. Notwithstanding the expiry of his or her term, a member appointed to serve on the Adjudication Panel continues to be a member until he or she is reappointed or a replacement is appointed.
3. Persons appointed to serve on the Adjudication Panel may be reappointed.
4. For the purpose of dealing with a complaint referred to it by the CCPA Ethics Committee, an Adjudication Panel will be constituted by any three (3) members of the Panel.
5. The Adjudication Panel shall select its Chairperson.

When a complaint is referred to the Adjudication Panel a hearing shall be held within sixty (60) calendar days of referral. The commencement of the hearing may be adjourned beyond sixty (60) calendar days by order of the Adjudication Panel on the reasonable request of one or both parties.

The members of the Adjudication Panel shall be provided copies of the complaint, the response of the member, and any relevant documentation obtained by the Ethics Committee in the processing of the complaint.

Where a member complained against pleads guilty to one or more of the charges set out in the complaint, the Adjudication Panel shall, without calling evidence or hearing witnesses, unless the tribunal believes it is appropriate to do so, hear submissions on disposition and/or resolution options from the complainant and the member.

The hearing shall be conducted by way of teleconference. The parties to the hearing shall be the complainant and the member complained against. Neither the member nor the complainant will



be entitled to legal representation before the Adjudication Panel, however each will be entitled to have a support person and witnesses present who may, where appropriate, speak on their behalf. The hearing will normally follow this sequence:

1. the complainant presents an oral summary of the complaint;
2. the member presents an oral summary of his or her response;
3. the complainant is given the opportunity to present evidence by way of the presentation of documents and/or witnesses;
4. the member is given the opportunity to ask questions of the complainant and/or the complainant's witnesses;
5. the member is given the opportunity to present evidence by way of the presentation of documents and/or witnesses;
6. the complainant is given the opportunity to ask questions of the member and/or the member's witnesses;
7. the complainant, followed by the member, is given the opportunity to summarize his/her positions on the evidence as well as submissions on the disposition and/or resolution options.

Where a member complained against pleads guilty to the charges set out in the complaint, the Adjudication Panel shall, without calling evidence or hearing witnesses, unless the Panel believes it is appropriate to do so, hear submissions on disposition and/or resolution options from the complainant and the member.

Within thirty (30) calendar days following the completion of hearing, the Adjudication Panel shall decide whether or not a member's conduct is unethical and dispose of the matter in accordance with paragraph *E. Disposition and/or Resolution Options*. The Adjudication Panel shall forward a written copy of its decision to both the complainant and the member and shall file the original decision, along with all documentary exhibits presented during the hearing, with the CCPA National Office.

E. Disposition and/or Resolution Options

Where an Adjudication Panel is of the opinion there are no reasonable grounds to believe a member has acted unethically, it shall dismiss the complaint and give notice in writing of the dismissal to the complainant, the member, and the Chair of the Ethics Committee.

Where an Adjudication Panel is of the opinion that a member's conduct is unethical the Adjudication Panel shall notify the member and the complainant of this determination and order the member to cease and desist the unethical conduct with or without the imposition of sanction.



Should the Adjudication Panel determine that the member's conduct is deserving of sanction, the Adjudication Panel may

1. reprimand the member;
2. recommend or order corrective action;
3. order that the member be placed on probation until fulfillment of conditions that may require the member to undertake one or more of the following:
 - a. make restitution to the complainant or other persons affected by the conduct of the member;
 - b. obtain appropriate treatment (e.g., mental health and/or medical)
 - c. participate in substance abuse treatment, until such time as the member can demonstrate to the Adjudication Panel that substance abuse no longer impairs their ability to engage in competent and ethical practice;
 - d. successfully complete a continuing education program;
 - e. submit to restriction of the member's counselling practice or agree to practice under certain conditions, such as supervision;
 - f. cooperate with conditions imposed that are just and reasonable under the circumstances;
 - g. report on compliance with the condition(s) and authorize treatment providers or supervisors to submit reports.
4. order that the member's membership in the CCPA and/or certification be suspended for a fixed period, or until conditions which it may impose are fulfilled, or until further order of the Adjudication Panel; and
5. order that the member surrender his or her membership in the CCPA and/or certificate permanently.

Subject to successful appeal, in the event the Adjudication Panel is of the opinion that the member's conduct is deserving of sanction, the Adjudication Panel's decision, and all documents filed before the Panel and/or the Ethics Committee in relation to the complaint shall be kept on file at the CCPA National Office for a period of a minimum of five (5) years.

F. Appeal Procedures

Decisions of the CCPA Ethics Committee or Adjudication Panel may be appealed within sixty (60) days by the member or complainant.

Appeals shall be heard by a three (3) member Appeals Committee composed of the CCPA President, the CCPA President-Elect and the Past-President of CCPA or his/her designate.

The request and details of the grounds for an appeal must be submitted in writing..



Grounds for appeal are limited to the following:

1. an error in fact on the face of the record which would affect the outcome;
2. an error in interpretation and/or application of the CCPA Code of Ethics and/or the CCPA Standards of Practice for Counsellors which would affect the outcome; and
3. a failure to provide due process.

Appeals shall be on the record of the proceedings as before the Ethics Committee or Adjudication Panel whose decision is being appealed. The Appeals Committee may, at its discretion, interview the member complained against and the complainant before rendering its decision.

The Appeals Committee shall render a written decision that is forwarded to the CCPA National Office within sixty (60) calendar days of receipt of the request for appeal. Copies of this decision will be forwarded to the complainant and the member. In reaching its decision, the Appeals Committee shall either:

1. support the decision of the CCPA Ethics Committee or Adjudication Panel;
2. reverse the decision of the CCPA Ethics Committee or Adjudication Panel; impose a different disposition or resolution.

A decision of the Appeals Committee is conclusive and is not open to question or review in a court of law. It shall not be restrained by injunction, prohibition or other process or proceedings in a court of law nor be removable by certiorari² or otherwise in a court of law.

G. Procedures for Submitting and Interpreting Questions of Ethical Conduct

Whenever possible, the questioner is advised to first consult with other colleagues when seeking an explanation or interpretation of the CCPA Code of Ethics and/or Standards of Practice for Counsellors and/or its application to a particular circumstance.

If a national level response is deemed warranted, the questioner shall prepare and forward to the CCPA National Office a written inquiry detailing the matter in question. The inquiry is forwarded to the Ethics Committee for review. Ethics Committee will develop a response to the question and, if requested by the questioner, make recommendations for appropriate conduct.

The inquiry will be directed to the Ethics Committee for review and response.

² A formal request to a court challenging a legal decision of an administrative tribunal, judicial office or organization (e.g. government) alleging that the decision has been irregular or incomplete or if there has been an error of law.



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