

Filing an Ethics Complaint with the JamPsych

Please review this information sheet regarding filing a complaint prior to submitting your complaint. These recommendations are designed to facilitate the efficient review of your complaint. **Kindly follow these instructions for preparing your materials to avoid any delay in the processing of your complaint.**

The following must be put into consideration when filing a complaint.

- ✓ **Have you attempted to resolve the problem by discussing it with the psychologist/counsellor?**
- ✓ **Which organization can I submit my concern to?**

The Jamaican Psychological Society is a membership organization and Psychologists and counsellors in Jamaica are not required to be licensed to be a member. The highest sanction the JamPsych can impose on a member is to *expel the member from the society with notifications to other entities*.

JamPsych cannot obtain a monetary award for you from the member or require that member to do something you request.

JamPsych does not provide a license to practice and cannot *on its own* restrict a psychologist or counsellor from practicing.

Psychologists and Counsellors are licensed by the Council for Professions Allied to Medicine (CPAM) which governs the ability to practice in Jamaica. Please note that in Jamaica the regulatory organization is a separate entity from JamPsych yet abide by the same code of conduct and bylaws that govern the society.

- ✓ **Please ensure that the behaviour clearly fits within one or more Ethical Standards of the Ethical Principles of psychologist/counsellor and Code of Conduct (the “Ethics code”)**
- ✓ **Ensure that there is documentation that you are legally able to share to prove the allegation?**

Please note that the General Principles are aspirational only and do not provide the basis for an ethics complaint.

Others

Time frame in which to file a complaint

Members of the JamPsych have three years from when the behaviour occurred or was discovered to file a complaint against another member.

Non-members (including non-members psychologists/counsellors) have five years. The behaviour generally may occur more than ten years prior to the filing of the complaint.

Filing a complaint on behalf of somebody

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JamPsych does not recommend that one individual should file a complaint on behalf of another. It is very difficult to conduct an investigation without the involvement of the individual who has direct knowledge of the conduct in question and who is able to allow the psychologist/counsellor to respond to the allegations and to the release of relevant records.

While third parties may be able to provide a written summary as a supporting witness to corroborate a complainant's allegations, third parties acting in the role of complainant may not be able to provide the necessary data for a matter to move forward in the complaint process.

Filing a complaint against an organization

We do not accept complaints against organizations, psychology departments, doctoral programs, or internship or post-doc sites. The ethics committee can only address each member's unethical behavior as an individual, and not their involvement in a group decision or action. You may wish to review information concerning the separate complaint process related to doctoral programs, internships and postdoctoral programs accredited by Jam Psych

The Complaint Review Process time span.

Our ethics review process will begin after you have completed and returned the complaint form and supporting documentation. The complaint process can take a minimum of six months to one year to complete. In some instances, the process may take several years or more if there are other reviews and/or legal processes that are occurring. It is important that our office receive your cooperation throughout the course of the investigation. Requested information, such as decisions from licensing boards, should be sent in as soon as they become available.

Follow up calls to the Ethics committee about a filed complaint.

General procedural questions may be answered over the phone but questions regarding a specific complaint must be submitted in writing via email or fax. For example, a question regarding the status of a specific complaint must be submitted in writing.

Closure of Complaints

We understand that having a complaint closed without action may be disappointing to you. However, please note that all complaints are reviewed thoroughly and each complaint is taken very seriously. A behavior may be upsetting to you but may not be a clear violation of a specific standard of the JamPsych Ethics Code. Complaints may also be closed without further action because there is not sufficient evidence to prove the behaviors, or the violations have already been adequately addressed in another forum or are likely to be corrected. It is also possible that at the time the complaint is reviewed, the psychologist is no longer a member.

adapted from APA

To get more information about the complaint process please contact us via email or contact us directly using the information below.

JamPsych Secretariat

Address: **68 Lady Musgrave Road,
Kingston 10**

Telephone: **876-484-1999**

Opening Hours: **Thursdays 2 - 5pm**

Form Adapted from APA

**Ethics Complaint Form
Jamaican Psychological Society (Jam Psych) Ethics Committee**

Please type or print in ink.

Please review the documents Information for Individuals filing Jam Psych Ethics Complaints and Submission of Information to the Jam Psych Ethics Committee to assist you in completing this form.

Have you verified that the person you want to file against is a Jam Psych member?

Yes No

If no, please contact our membership office to make sure that the individual is a member of

Jam Psych. Contact information is available on our complaint webpage.

JamPsych cannot process complaints against non-members.

Person making complaint:

Address: _____

Phone: _____

Are you a member of JamPsych? Yes No

Member you are filing a complaint regarding:

Address: _____

Phone: _____

Note: You must file a separate form for each individual you wish to file a complaint against.

When did the alleged unethical behavior begin? _____

What is the most recent date of the alleged unethical behavior?

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Have you discussed this situation with the psychologist/ counsellor you are complaining about? ___Yes ___No

Have you filed a complaint with any other organization(s)? Yes No

If yes, please indicate below:

Yes, Licensing Board Date: _____ Status: _____

Yes, Psychological Association Date: _____ Status: _____

Yes, civil suit (e.g., malpractice suit) Date: _____ Status: _____

Yes, other (e.g., university grievance) Date: _____ Status: _____

Please answer the following questions to help us to understand your complaint:

Summarize for us in 2-3 sentences the nature of the alleged ethical misconduct:

_____ List the Ethical Standards you believe have been violated:

On separate paper, please type (or print neatly in ink) the following information while being as concise as possible:

- (1) a summary of the events in chronological order leading up to the behavior including the most important dates related to the behavior by the psychologist/counsellor,
 - (2) a complete account of the behavior at issue,
 - (3) any relevant information about what happened after the behavior occurred, and
 - (4) any steps you have taken to address this situation.
- .

‘Please send us certified photocopies (not originals) of any evidence you have related to your allegations. *Note: Please only send documents directly relevant to your complaint. A large volume of unnecessary documentation may delay the completion of review of your complaint.* If this is a billing matter, have you included all the relevant bills? __Yes __No __NA

If this is related to an evaluation, have you included (i) any court order appointing the evaluator, (ii) the evaluation itself, and (iii) transcript(s) of any testimony by the member related to the evaluation? __Yes __No __NA

If this is related to therapy, have you included proof of the dates of treatment and any correspondence with the member? __Yes __No __NA

*******Important*******

Please sign each of the releases below without modification. We will only process your complaint form if these releases are complete. If they are incomplete, processing of your complaint will be delayed while we return this form to you for your signature.

Releases

I hereby give the member(s) against whom I am making this complaint permission to give the JamPsych Ethics Committee any confidential information regarding me, including any records of our interactions, and to answer all questions the Committee may have concerning such information.

Signature: _____ **Date:** _____

I hereby give the JamPsych Ethics Committee permission to send to the member(s) against whom I am making this complaint, copies of any materials submitted by me or on my behalf concerning this complaint.

Signature: _____ **Date:** _____

I hereby waive any right to subpoena from JamPsych or its agents, for the purposes of private civil litigation, any documents or information concerning this matter.

Signature: _____ **Date:** _____

Return the completed form and documentation to: Jamaican Psychological Society, Ethics Committee, 68 Lady Musgrave Road, Kingston 10

Form adapted from APA

adapted from APA

adapted from APA and ACA Ethics

Steps in Filing Ethical Complaints

The Ethics Committee will consider a complaint if the individual who is the subject of the complaint is a member of JamPsych or was a member when the alleged violation (s) occurred. The committee has no authority over non-members; therefore those who file complaints against non-members are advised of alternative avenues for addressing their complaints. If any legal action is filed after a complaint has been accepted, all Ethics Committee actions are stayed until the legal action has been concluded. The Ethics Committee does not act on anonymous complaints. Only written complaints, signed by complainants, are considered. Any individual who has reason to believe that a JamPsych member has violated the *Code of Ethics* may initiate complaints.

If you believe that a JamPsych member has acted unethically, you have an ethical responsibility to take action.

Step One -Try to resolve the issue informally with the other counsellor/ psychologist if feasible, as long as such action does not violate confidentiality rights that may be involved.

Step Two -Write a letter to the Ethics Committee outlining the nature of the complaint, sign it, and send it in an envelope marked “confidential” or email a signed and scanned copy of the said complaint.

Step Three - Sign the complaint form (or suggest modifications if needed) and sign the release-of-information form.

Process before a decision can be made:

- ✓ The accused member respond to the charges.
- ✓ Gather all pertinent materials.
- ✓ The ethics Committee meets to carefully deliberate., committee deliberates and decides on the complaint.
- ✓ All perspectives are fully examined prior to reaching a decision.

Decisions are reached based on:

1. The evidence
2. The documents provided by the complainant accused member, and others.

The Ethics Committee has the following options for disposition of a complaint:

- Dismiss the complaint or dismiss charges within the complaint.
- Determine that ethical standards have been violated.
- Impose sanctions.

Possible sanctions include:

- Remedial requirements

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- A reprimand
 - Cease and Desist order
 - Probation or suspension for a specific period of time subject to Ethics Committee review of the complaint.
 - Permanent expulsion from the JamPsych membership.
- Or other corrective action such as:**
- Successful completion of specific education or training.
 - Supervision
 - Evaluation or treatment.

A decision to expel a member requires a unanimous vote. Members found to be in violation may appeal the decision, but only on a specific ground. An Appeals Panel reviews such cases. After the appeals process has been completed or the deadline for appeal has passed, the sanctions of suspension and expulsion are published to the membership.

What to do if a complaint is filed against you.

Although many counsellors/psychologists spend their lifelong careers without having to deal with this situation, it is wise to be prepared for such an event and know how to respond.

First, take the complaint seriously although you may believe the charges are unwarranted, it is not in your best interest to ignore them or to respond in a casual manner. The most severe sanction available to the JamPsych Ethics Committee is permanent expulsion from the association, however, when a sanction of suspension or expulsion is imposed, notifications are made to counsellor licensure, certification, or registry boards, other mental health boards, the ACA Insurance Trust, and other entities. This could very well trigger an investigation by a state licensing board that could result in loss of license to practice.

Second, respond fully to the charges. You are required to cooperate with the Ethics Committee in its investigation. Keep in mind that the Ethics Committee's decision will be solely dependent on the information presented to them. You are therefore advised to write your response as deliberately and dispassionately as possible. Although you may be tempted to write an impassioned defence, the Committee must deal with the factual materials provided.

Third, DO NOT attempt to contact the complainant to discuss the sanction. Despite your best intentions, doing so could be deemed as an attempt to coerce or unduly influence the complainant. Instead, immediately notify your professional liability insurance carrier that a complaint has been filed against you.

Fourth, consult with an attorney who can help you prepare your response and provide you with legal counsel, although an ethics committee is not a court of law, an attorney who is familiar with due process and is skilled at formulating responses to charges of wrongdoing can be a helpful resource. This assistance will be crucial if the allegations in the ethical complaint are later used as the basis of a lawsuit against you. (Chauvin & Remley, 1996)

adapted from APA

Finally, it is vital that you take care of yourself emotionally throughout the process.

When you are notified about the complaint you may feel strong emotions such as: shock, disbelief, anger, indignation and fear. Your first impulse may be to unburden yourself by talking to a family member, friend, or colleague for emotional support. If you do this take great care not to divulge the details of the complaint. Remember you are bound by the same confidentiality requirement toward the accuser as is required with any other client.