

Specific steps in formally investigating a complaint will be as follows:

1. The complainant will be sent a form, on which to outline the nature of the complaint, the sequence of events, and his or her expectations and desired outcome of the complaint. This written account is required in order for ACEP to investigate the complaint. The form also provides for the complainant to give permission for the ACEP member to disclose clinical records and relevant details of the therapeutic work undertaken. Without this permission, the Ethics Committee cannot proceed with an investigation, although may be willing to consider the complainant's concerns and offer advice if appropriate.

Written communication with ACEP can be either by registered mail or by E-mail. In the case of E-mail, it is the responsibility of the sender to confirm the receipt of the E-mail by the recipient. Once received, it is the responsibility of the Recipient to confirm receipt of the E-mail by return E-mail. E-mails should be considered confidential and are not to be forwarded to uninvolved parties. E-mails to ACEP may be shared within the Ethics committee and the executive director. If necessary they may also be shared with the board of directors.

2. On receipt of the completed form from the complainant, the Panel will contact the ACEP member and disclose the details of the complaint. Initial contact with the member could be by telephone.
3. The ACEP member will be asked to respond within 30 days, providing a written account outlining her/his intervention with the complainant, the sequence of events, his/her interpretation of the conflict and desired outcome at the end of a process of mediation.
4. The Panel will review the evidence provided by both the complainant and the member, and would endeavor to determine whether there had been a clear indication of a breach of the ethics code.
5. If it appeared that a breach of the ethics code may have occurred, the member will be informed of the particular feature of the code that is relevant to the complaint, and would be invited to respond specifically to this.
6. The complainant will be informed of the member's response and invited to comment.

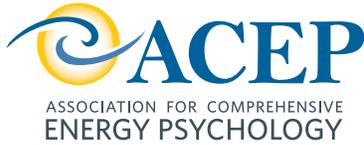
7. The Panel will inform the member of their initial conclusions, endeavoring to be specific in relating particular behaviors to particular items in the ethics code.
8. The member will be invited to respond to the Panel's initial conclusions.
9. If the final conclusion of the panel, following a careful consideration of the available facts, is that a breach of ethics had occurred, consideration will be given to appropriate mediation, or remediation, seeking a satisfactory resolution of the matter by the two parties, or the application of corrective actions in relation to the member.
10. In keeping with the emphasis upon ACEP's educational role, consideration will be given to whether additional consultation, or training might be required of the member who had breached the ethics code, and what form this might take. This would apply in those instances where the offence is not so severe that immediate expulsion is required. Different levels of educational work might be required according to the circumstances. A relatively minor breach (such as misleadingly 'enthusiastic' advertising) might require, for example, 1-4 hours of consultation around ethical issues. Misrepresentation of credentials would be an example of a more serious breach, since this might involve fraud if such dishonesty is intended to promote the member's business. Behaviors that involve potential harm to a client, trainee, or research participant (for example, discouraging a client from seeking appropriate medical care, or providing misleading information about the client's condition), would evoke particular concern. For these, regular consultation over 6-12 months might be indicated. Participation in an approved ethics course (or webinars) might also be required for any of these levels.[1] Consultation would be with a consultant approved by the Panel. The consultant would report to the Panel regarding the member's progress.
11. The member might be required to initiate modifications in practice, procedures, websites, or client materials to bring these in accord with the ACEP code. These might include (but are not limited to), for example, [i] re-writing advertising leaflets or websites in ways that avoid making or implying unrealistic claims, or which suggest a greater scientific basis for the therapeutic work than does in fact exist, [ii] avoiding implications of treating psychiatric or medical conditions if

the practitioner is not licensed to do so, [iii] refraining from verbal or written communications that could be experienced as coercing the client to commit to an extended number of sessions.

12. A persistent failure to cooperate with the Panel and agree to the proposed corrective actions, or willful failure to carry out required consultations, or modification of practice, may result in a recommendation to the Board of Directors that the person be removed from membership, pursuant to the bylaws of the organization. A 'failure to cooperate with the Panel' might, for example, include not responding to enquiries, refusing to discuss the complaint, or blatantly continuing with practices that the panel had requested should cease. The Panel will not resort to expulsion of the member from ACEP without first giving due warning that this final step was under consideration.
13. In cases where breaches of the code are considered sufficiently serious, and in the opinion of the panel proven beyond reasonable doubt, the Panel may decide that the appropriate response is a recommendation to the Board of Directors that the person be removed from membership, pursuant to the bylaws of the organization[2]. Examples that might elicit this ultimate sanction would include (but are not limited to) grossly exploitative, criminal, or in other ways knowingly dishonest behavior. Sexual assault, deliberate misrepresentation of qualifications, or discouraging a client from seeking appropriate medical treatment would be examples of this.
14. The Panel's deliberations will be guided by the assumption that, in most cases, members who fall short of ethical standards are not knowingly intending to harm, exploit, or deceive clients - and that an essentially educational response is often ACEP's preferred option. This stance must be balanced by concern for protection of the public in general, and the specific complainant in particular. The Panel will scrupulously endeavor to maintain a position of unprejudiced consideration of the facts of the case, refraining from premature conclusion or judgment.

Appeal Process

A complainant or ACEP member wishing to appeal against the Panel's findings and decisions may submit a letter stating the reasons for appeal. The Panel's deliberations would then be reviewed by the entire Ethics Committee. The grounds for appeal would be limited to questions of fact and procedure. A fee may be charged to cover the costs



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involved in an appeal. The bylaws permit that if removed from membership, the practitioner may appeal the decision of the board to the annual membership meeting of ACEP, providing that notice of intent to appeal is provided to the executive director at least thirty (30) days in advance of the meeting.

[1] These examples are intended as illustrative and suggestive, rather than prescriptive.

[2] The bylaws state that this would require a two thirds affirmative vote by the members of the Board of Directors present at the meeting.