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# INFORMATION FOR COMPLAINANTS

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## ACHA Complaints Management Process

This document provides information about the Australian Clinical Hypnotherapists Association (ACHA) response to complaints about its members. It is a summary document and includes information about the following:

- Australian Clinical Hypnotherapist Association
- Code of Ethics
- ACHA Complaints Panel
- Complaints Management Process
- How to make a complaint

### **What is the Australian Clinical Hypnotherapists Association?**

ACHA was founded in 1996 and is incorporated in Victoria. While most members are from Victoria, membership is open to all hypnotherapists in Australia providing they meet membership requirements.

### **Hypnotherapy is the only therapeutic modality that ACHA covers.**

All full members have completed diploma level training with over 400 hours comprising class time, research, professional reading and other associated training activities and assessments. Only these members will be considered to be eligible to be providers with Medibank Private.

Associate members are members who are not practising and would not be considered eligible to be providers with Medibank Private.

Student members are those who have completed a certificate level of study. They

would not be considered eligible to be providers with Medibank Private.

The ACHA is a member association of the Council of Clinical Hypnotherapists (CCH).

ACHA members are eligible for the Australian National Hypnotherapy Register (ANHR).

### **What is ethical conduct?**

Ethical conduct is the behaviour expected of hypnotherapists in their work following the guidelines of the ACHA Code of Ethics. In brief, ethical conduct for hypnotherapists includes:

- Respect for privacy of their clients
- Conducting themselves in a professional and competent manner
- Upholding the integrity of the profession

Ethical misconduct occurs when a hypnotherapist acts outside the code of ethics guidelines.

### **What happens when a member behaves unethically?**

If the hypnotherapist is a member of the ACHA, the matter will be handled by the ACHA Secretary who works closely with the ACHA Ethics Panel to seek a satisfactory response to the complaint.

### **What is the ACHA Ethics Panel?**

The ACHA Ethics Panel comprises two people from the ACHA executive and one other person



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who is a full member of the ACHA and may be a member of the ACHA executive.

The Panel is appointed at the Annual General Meeting (AGM) and will meet as required to respond to complaints.

### **Who can make a complaint?**

Anybody is entitled to make a complaint about the conduct of a hypnotherapist who is a member of the ACHA. However, the Ethics Panel normally will not accept a complaint unless it is made by the person to whom the alleged misconduct has been directed. The exceptions here are if the person who has been the subject of misconduct is unable to make the complaint themselves, and the person writing the complaint is authorised to act for them. The Ethics Complaints Management Process is not a legal one. Complainants and respondents (the person about whom the complaint is made) are not able to have lawyers act for them in this process.

### **What happens when a complaint is lodged with the ACHA?**

When a complaint is lodged with the ACHA the respondent will be sent a copy of the complaint and will be asked to respond to it. The Ethics Panel will then work closely together to decide if there is a complaint to be answered and whether a Hearing Panel should be set up. The Hearing Panel can request an investigation into the matter. The investigator will be someone who is nominated at the hearing.

Appendix 1 at the end of this document is a flowchart that provides a summary of how the process works.

### **Will the Ethics Panel always respond?**

The Ethics Panel will always respond to your complaint. However, the Ethics Panel may not be able to set up a Hearing Panel if the matter is already being investigated by another party, such as the Police.

### **Will the hypnotherapist know that I have complained?**

Yes, the hypnotherapist will be told about the complaint and be asked to respond to it. The ACHA is not able to investigate complaints that are made anonymously.

### **Do I have to see the hypnotherapist?**

It is likely that the Ethics Panel will set up a Hearing. It is usual that the person who makes the complaint is there to explain why they have made the complaint, the nature of the complaint and impact on them

### **Can I appeal a decision of a Hearing Panel?**

It is possible to appeal to the Ethics Panel if you do not agree with the decision. If the Ethics Panel agrees that the decision should be re-looked at it can set up an Appeal. The decision of the Appeal is binding. Please be aware that the Appeals process is limited to a review of the procedures that were used. You will not be able to introduce new information at this stage. Any relevant information you have that you wish to



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be considered by the Ethics Panel at the Hearing must be included in your initial complaint. New information cannot be brought into an Appeal.

### **What happens to a hypnotherapist if the complaint is proven?**

There are a number of different responses that can occur if a complaint is proven. These responses range from there being no penalty awarded, through to the hypnotherapist being ineligible for membership of the ACHA. Response is in accordance with section 7 Discipline, suspension and expulsion of members in the Model Rules for an Incorporated Association.

### **Can I do something else rather than make a formal complaint?**

Yes, you can talk to the ACHA President about the situation. However, if the behaviour of the hypnotherapist appears to be a serious breach of ethical behaviour you should consider making a formal complaint. If the complaint is about criminal behaviour, you should see the police.

### **How long do I have to make a complaint?**

Complaints about a hypnotherapist must normally be made within one year of the misconduct having occurred. If there is some reason why the ACHA should consider a complaint that is older than one year, please call and discuss it with the President (contact details at the end of this document).

### **How long will the process take?**

The Ethics Panel tries to respond to complaints quickly, however, there are a number of things that may make the time involved longer – such as: waiting for reports from investigations, waiting for responses from complainants and respondents, difficulty in setting Hearing Dates, if appeals are made, and so on. It is possible that a case may take up to eight months to be finalised.

### **How do I make a complaint?**

There is a particular way for complaints to be made so that all the information that is needed is provided. The complaint must be in writing stating very clearly what the misconduct is and to what part of the Code of Ethics the complaint relates. You should provide all the information that you have about the complaint, including other documents and reports.

The Complaints Form is for you to fill in. This can be done online from our website [www.hypnosis.asn.au](http://www.hypnosis.asn.au). Also, Complaints Forms can also be posted to you by contacting the President on the phone number provided.

### **The complaint should:**

- contain the facts
- be objective
- say who the complaint is about;
- say when and where the misconduct occurred
- Include any other documents that may be relevant.



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## ACHA Complaints Management Process

### Is this a confidential process?

Yes, this is a confidential process. The Ethics Complaints Management Process (ECMP) is set up to ensure that only relevant parties have access to complaint materials. All complaint materials (both paper and electronic) are stored securely and in accordance with the National Privacy Principles.

All parties involved in the ECMP are required to maintain strict standards regarding confidentiality. All parties are required to sign the Confidentiality Agreement prior to engaging in the ECMP.

### Can I get help to make a complaint?

Yes, you may get help to make a complaint. The best assistance is from people that know you and are close to you. This could be a friend, relative or a counsellor.

### Where do I send the complaint?

Your complaint (written on the proper form) should be sent to:

**Secretary  
Australian Clinical Hypnotherapists Association  
PO Box 196  
Forest Hill, Vic, 3131**

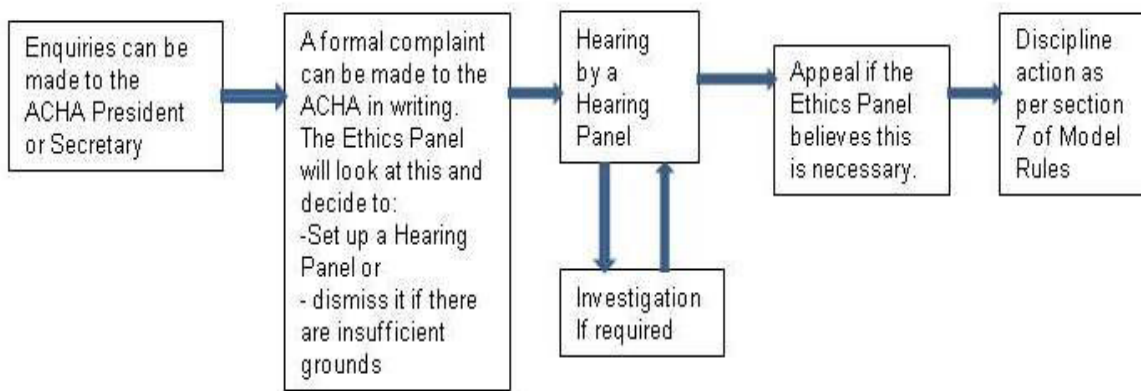
The envelope should be marked 'Confidential'.

### Who can I telephone about this complaint?

The best person to call if you want to discuss the complaint, or get copies of the Complaints Form or Code of Ethics is the President of the ACHA (Victoria).

**Please phone the President on the ACHA  
mobile number: 0423 786 602**

### Appendix 1 – Summary Flowchart





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# Australian Clinical Hypnotherapy Association

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## Complaint Form

The ACHA would ask that you be as accurate as possible when making a complaint. If further information is required, you will be requested to submit those details to us. A complaint can only be pursued with your co-operation.

**Instructions:** Please fill in this form with your computer. Then print it, sign the declaration and post this page to the ACHA. It is recommended that you photocopy this page and keep the copy for your records. If you are unable to fill in the form with a computer, you may fill in the information by hand. Important: Please ensure your hand writing is legible.

First Name:	
Surname:	
Address:	
Suburb:	
Postcode:	
State:	
Email:	
Contact Phone Number:	
Your Age:	
Name of Hypnotherapist:	
Location of Session:	
Number of Sessions:	
Date(s) of Session(s):	
Complaint Details:	

**Declaration:** I believe that all details are true and accurate to the very best of my knowledge and belief.

Signed \_\_\_\_\_ Dated \_\_\_\_\_