

Complaints Committee Report to PAM AGM 2012

The Complaints Committee of the Psychological Association of Manitoba (PAM) is composed of PAM members as follows: Drs. Daryl Gill, Jule Henderson, Bill Leonhart, Bruce Tefft, and Ms. Sandra Hayhow, and I as Chair, and public representatives Dr. Neil Arnason, Mr. Herbert Thompson and Ms. Val Stanowski. Dr. Gregg Tkachuk joined the Committee this year and we welcome his thoughtful contributions to the Committee deliberations.

As usual, we continue to be extremely well served by Mr. Blair Graham, Q.C. of Thompson Dorfman Sweatman LLP, as legal counsel to the Committee. Ms. Lorna Leader continues to provide the Committee with administrative and other support. Mr. Jeff Hirsch of Thompson Dorfman Sweatman LLP, assisted the Committee as well on one particular matter.

The work of the Complaints Committee fulfills one of the major functions of the regulatory mandate of PAM in monitoring and investigating the professional practice of Psychologists and psychological providers based on complaints that PAM receives.

I want to acknowledge here the very important, thoughtful, wise, and incisive analysis that Committee members engage in, in reviewing complex issues that arise in the complaint domain. Their responsibility is to review detailed and sometimes lengthy materials in determining the most appropriate outcomes given the professional issues that are evaluated in protecting the public and maintaining a high level of professional practice.

Each member of the committee is acknowledged here in providing a high level of service to the practice of Psychology in Manitoba. The wise counsel of Mr. Graham is deeply appreciated as was the more focal input from Mr. Hirsch. Ms. Leader has provided a very needed and important organizational role in shepherding the complaints through the process of review and ensuring that relevant information is before the Committee and that the process has good momentum and throughput. Her contribution is valued and herein acknowledged.

The Complaints Committee met seven times during 2011, and reviewed significant documentation and reports between meetings and has followed up with investigators, psychologists, complainants, and collateral sources.

In addition to deliberating on fifteen complaints, the Committee continued its review of the complaints process for improved efficiency, focusing primarily on the possibilities for informal resolution of complaints at the initial stages of the process and in implementing a case management model to increase its efficiency.

The description of the complaint process on the website and the information brochure are in the process of amendment to reflect the process accurately.

An important new consideration arising from the current legislation and By-laws is that of 'cost recovery'. The costs associated with the investigation process and Hearings are significant for the Association and the legislation now allows the penalty phase of the process to contemplate cost recovery when there is a finding of guilt.

The members of the Committee and I wish to emphasize that timely responses by Members during the complaint process is an important element in reducing cost to the Association. In the future, the Committee will be proceeding with its deliberations on complaints even in the absence of a response from a Member when responses are not received within a reasonable time frame as directed by the Committee.

The Committee members continued to provide input and comments to the Code of Conduct review through our representative Dr. Bill Leonhart. His contribution to shepherding this process for the Complaints Committee is commended.

Complaint Summary for 2011

	2011	2010	2009	2008
Carried Forward (from previous year)	9	11	7	8
New Complaints	6	7	9	6
Total Reviewed	15	18	16	14
Outcome of Committee Review				
Closed	7	9	5	7
Carried Forward(to next year)	8	9	11	7
Total	15	18	16	14

Of the seven complaints closed in 2011, two were received too late in 2010 to be considered by the Committee in 2010, and three were received in 2011. Of the seven closed complaints, six were dismissed and one resulted in a censure to the Member. Of the eight complaints carried forward to 2012, three are matters which first came to the Committee agenda in 2011. The Committee directed that one complaint go through to the Inquiry Committee which subsequently held a Hearing in 2011.

The Complaints Committee heavily relies on the members of PAM to facilitate and assist the complaints process. This is directed to the member Psychologists who had complaints against them and who responded in a timely manner with information and to the Investigators, Experts and Consultants who the Committee relies on to fulfill its regulatory duty. On behalf of the Committee, I wish to extend our thanks to those who have acted as Investigators, Experts, and Consultants in

2011. Drs. Carrie Lionberg, Jennifer LaForce, Del Ducharme, Don Stewart and Jaye Miles have provided invaluable support to the Committee.

The major issues that arise in Psychologists' professional practice that have resulted in complaints generally are associated with boundary issues, dual relationships, supervision issues, communication issues, reporting issues, and possible issues regarding practice competence.

An area of particular note in the complaints domain is in regards to providing assessments and consultations in areas where there is possible conflict between parties, such as in parent-child/parental fitness, and custody assessments, and in providing "Independent Assessments". Psychologists who practice in these areas will need to be conversant in the relevant scientific and professional practice literature in the area of their practice. Clarity in communication, informed consent, appropriate assessment and consultation strategies, and clear and timely reporting is important, and consultation with colleagues is seen to be an important 'check and balance' in situations where potential controversy may arise.

I would like the psychological community to be aware that the work of the Complaints Committee is intrinsic to our self-regulatory status and while it is frequently demanding, the work is rewarding and sharpens ethical thinking. I would invite Psychologists who have interest in playing an important role in this self-regulatory function of PAM to consider joining the Complaints Committee. Any member who has interest in this is invited to be in contact with me. I would encourage and invite Psychologists to consider being a part of this important function.

Respectfully submitted,

Michael Stambrook, Ph.D., C. Psych
Chair, Complaints Committee