

IRISH ASSOCIATION OF SPEECH AND LANGUAGE THERAPISTS



PROFESSIONAL COMPETENCE

PROFESSIONAL ETHICS

COMPLAINTS PROCEDURE

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IASLT

PROFESSIONAL COMPETENCE PROFESSIONAL ETHICS

COMPLAINTS PROCEDURE

This document sets out the process of addressing a complaint received by the Irish Association of Speech and Language Therapists (IASLT) by a member of IASLT or the general public in relation to the professional conduct or competence of a member of IASLT. This process is independent of any complaints or disciplinary procedure that may be put in place by the employer of the speech and language therapist

1.0 Introduction

The maintenance of a high standard of ethical and professional conduct is essential to all those working in the field of Speech and Language Therapy, both for the welfare of the clients/patients and for the reputation of the profession as a whole. Members of the Irish Association of Speech and Language Therapists are bound by the Charter of Ethics of IASLT. At all times, the primary professional obligation for all Speech and Language Therapists is the long-term welfare of their clients/patients. Speech and Language Therapists are obliged to maintain and advance their knowledge and keep up with technical progress throughout their careers in order to offer their clients/patients the best treatment available.

2.0 Complaints

A complaint can be brought to the attention of IASLT by a member, an employer, a client/patient, or a member of the public. A formal complaint must be lodged with IASLT within six months of the event alleged to constitute grounds for the complaint. However the Council of IASLT may in special circumstances extend the time for lodging a complaint.

A complaint may refer to a failure to adhere to the Code of Ethics of IASLT, to the conditions for membership or to the rules that are laid down by IASLT and which may be revised from time to time.

3.0 Formal Procedure

3.1 Notification of the complaint

- (a) A formal complaint must be in writing and must be signed. It should set out the exact nature of the complaint and contain a full statement of the background and the facts relating to the issue that in the view of the complainant justifies the complaint being made.
- (b) The Chairperson and/or Council of IASLT will appoint the officer who will be responsible for processing the complaint. This will usually be the Chairperson of the Professional Development and Ethics Committee.
- (c) The complaint will be acknowledged in writing within 15 working days of receipt of the complaint.
- (d) The member about whom the complaint is made (respondent) will be informed in writing within 15 working days of the receipt of the complaint that a complaint has been received and will be given a summary of the complaint.

3.2 The Screening Process

The relevant Officer of IASLT (usually the Chairperson of the Professional Development and Ethics Committee) will investigate the complaint and invite the respondent to comment in writing. All details relating to the complaint and all correspondence will be retained by IASLT in a secure and confidential manner. Initially an attempt will be made to resolve the issue by conciliation. If conciliation fails, the formal procedure must begin. IASLT will endeavour to ensure that the procedure will, under normal circumstances, be concluded within six months of receipt of the formal written complaint.

- (a) If the complaint cannot be resolved by conciliation, a Screening Committee will be convened.
- (b) Membership of Screening Committee:
 - (i) The Screening Committee is convened by the relevant Officer of IASLT (usually the Chairperson of the Professional Development and Ethics Committee), or other nominated Officer, who acts as Chair of the Committee

(ii) The membership of the Screening Committee: The Chair of the Screening Committee and two other members nominated by the Chair of the Screening Committee, or the Chair and Council of IASLT (The Chair of IASLT is excluded from membership of the Screening Committee). The Screening Committee has the authority to co-opt a lay member to the Committee or to co-opt an individual with expertise relevant to the nature of the complaint.

(c) The Screening Committee will determine whether the complaint should be referred to a Fitness to Practice Committee. The Screening Committee may decide that the complaint does not warrant referral to a Fitness to Practice Committee for any of the following reasons:

- The Screening Committee does not believe that the complaint warrants further action
- The Screening Committee believes that the complaint can be resolved in other ways and will endeavour to bring resolution to the complaint in this way
- The Screening Committee believes that the complaint should be dealt with in other fora, e.g. through a Union or the respondent's employment systems

(d) The complainant and respondent will be informed of the decision of the Screening Committee within 15 working days of the decision being agreed and noted by the Committee and reported to the Chair of IASLT and IASLT Council.

If the Screening Committee believes that the complaint is of such nature or gravity that warrants investigation by the Fitness to Practice Committee, the Chair of the Screening Committee informs the Chair and Council of IASLT who then commission the Fitness to Practice Committee to proceed with an investigation

3.3 The Fitness to Practice Committee

(a) The Fitness to Practice Committee investigates complaints that are referred to it by the Screening Committee, that is, if the Screening Committee believes that the nature and gravity of the complaint is such that a full formal

investigation is required, such formal investigation will be carried out by the Fitness to Practice Committee. The Fitness to Practice Committee is commissioned by the Chair and Council of IASLT to carry out a full and formal investigation of the complaint.

- (b) Membership of the Fitness to Practice Committee: In addition to the Chair of the Fitness to Practice Committee, the committee will be made up of least two members of IASLT Council (excluding the Chair of IASLT) or IASLT members who are not members of the Screening Committee and who have been chosen because they have expertise in the broad professional field of the member about whom the complaint has been made. Up to two other members may be co-opted. The Chair of the Fitness to Practice Committee will be nominated and appointed by the Council of IASLT and be chosen because of experience and expertise in areas relevant to the complaint or the investigation and examination of complaints. The Fitness to Practice Committee may also co-opt an individual from another professional body, or a lay person, if such co-option is thought to benefit the process. The Fitness to Practice Committee will number not less than three and not more than five members.

Each member of the Fitness to Practice Committee must declare any interest in the participants or the subject matter of the case which might render, or be seen to render, a conflict of interest, or affect, or be seen to affect, objectivity or impartiality, and if such is the case, the member must be excused from involvement in the proceedings.

The Fitness to Practice Committee may seek legal or employment relations advice/support.

- (c) The Chair of the Fitness to Practice Committee will immediately seek a written submission from the respondent in relation to the complaint, if this has not already be received by the Screening Committee. The Fitness to Practice Committee, as far as possible, will convene within two calendar months from the time of notification by the Screening Committee to examine the complaint. The Fitness to Practice Committee will decide the most appropriate manner in which to investigate the complaint and will have

authority to advise the Chair and IASLT Council on the appropriate action to be taken. The respondent and the complainant will be notified of any decision taken within 15 working days of the decision being taken. In some situations the Fitness to Practice Committee may decide to hold a formal hearing of the complaint.

3.4 The Formal Hearing

- (a) The complainant and the respondent will be notified in writing of the date, time and place of the hearing at least six weeks before the hearing. This notification will be sent by registered post.
- (b) Any written submissions from the complainant or the respondent must be received by the Chair of the Fitness to Practice Committee at least 3 weeks before the date of the hearing. These submissions will be circulated to the members of the Fitness to Practice Committee.
- (c) Prior to the formal hearing the disclosure of documents to the parties involved will be at the discretion of the Chair of the Fitness to Practice Committee.
- (d) The complainant and the respondent will be invited to be present at the formal hearing. Complainants and respondents may be supported by the presence of a friend, but as this process has no legal standing they may not be accompanied by a lawyer acting in a professional capacity or by a trade union representative.
- (e) The Fitness to Practice Committee may receive oral or written evidence which in the view of the Committee is relevant to the hearing, however the process is not bound by the legal rules of evidence.
- (f) Questions may be put to the complainant and respondent by the members of the Committee and the complainant and respondent may address the Committee and put questions to each other.
- (g) The Chair will ensure that the proceedings are orderly, balanced, transparent and equitable.

- (h) The hearing will be confidential and conducted in a manner consistent with the gravity of the situation.

3.5 Conclusions

- (a) The Fitness to Practice Committee will agree a conclusion:
 - 1 No further action
 - 2 One of the following:
 - (i) censure without suspension or withdrawal of membership of IASLT
 - (ii) censure and continuing membership of IASLT with prescribed conditions and timescales
 - (iii) suspension from membership of IASLT with prescribed conditions and specified timescale for application for readmission to membership. The timescale for application for readmission to membership is decided by the Fitness to Practice Committee
 - (iv) indefinite withdrawal of membership of IASLT
- (b) The prescribed conditions referred to in (ii) and (iii) above will be determined by the Fitness to Practice Committee and will be part of the concluding statement. The decision of the Fitness to Practice Committee and the reasons for the decision including any prescribed conditions will be notified to the Chair and Council of IASLT who will then inform the complainant and respondent within 15 working days of the notification being received from the Fitness to Practice Committee.
- (c) IASLT will maintain a record of all decisions. The records are retained by the Chair of the Professional Development and Ethics Committee and kept in a secure and confidential manner.
- (d) Conditions and timescales for re-admission to membership may be modified by the Fitness to Practice Committee if there is good cause to so do.
- (e) If membership of IASLT is withdrawn indefinitely, IASLT has an ethical obligation to inform the relevant employer that membership has been withdrawn or in the case of a member in private practice, IASLT will inform the Irish Association of Speech and Language Therapists in Private Practice.

4.0 Appeals

- 4.1 A member who has been suspended or who has had membership of IASLT withdrawn has the right of appeal to an Appeals Committee.
- 4.2 The Appeals Committee will consider whether the sanction imposed on the member is appropriate to the breach of conduct or whether a breach of procedure has occurred.
- 4.3 Membership of the Appeals Committee: The Chairperson of IASLT, two members of Council and two members of IASLT who are chosen for their expertise and experience. None of these will have been members of the Screening Committee or the Fitness to Practice Committee. Appeals must be lodged with the Chairperson of IASLT within three months of the decision of the Fitness to Practice Committee.
- 4.4 The Appeals Committee will be chaired by the Chairperson of IASLT.

5.0 Restoration of Membership

- 5.1 Application for restoration of membership of IASLT must be made to the Chairperson of IASLT who will convene a committee comprising three members of Council to consider the application and give a report and recommendation to the full Council of IASLT.
- 5.2 Restoration of membership can only be granted with the approval of the Council of IASLT