

NZANLP Complaints & Disciplinary Procedure 2008

This Complaints & Disciplinary Procedure has been adopted by the NZANLP (“the Association”) and is binding on all Members.

1. Complaints

- 1.1. A complaint may be made about a Member of the Association by another Member or by the President of the Association on behalf of the Association or by anyone else who is directly affected by the professional conduct of the Member. Complaints against people who are not Members of the Association cannot be accepted under any circumstances.
- 1.2. Complaints must be made in writing to the President of the Association, citing specifically: the name of the Member being complained about (“the Respondent”); which element of the NZANLP Code of Ethics and Code of Practice (“the Code”) the Respondent has allegedly breached; providing details of how the alleged breach has disadvantaged the complainant; indicating what other action, if any, that the complainant has taken to attempt to resolve the matter; and the redress sought.
- 1.3. Complaints must be lodged as prescribed in section 1.2 as soon as possible but, except in exceptional circumstances, within 90 calendar days beginning with the date on which the action alleged occurred or came to the notice of the complainant.

2. Handling of Complaints

- 2.1. The President of the Association must urgently consider the complaint, and if the complaint is accepted, must appoint an appropriate person to conduct an investigation into the complaint and report back to an Ethics Panel (“the Panel”), which shall be separately convened by the Convener of the Ethics Committee (“the Convener”).
 - 2.1.1. the person appointed to undertake the investigation into the complaint (“the Investigator”) should, ordinarily, be a qualified NLP Trainer. Where there is no NLP Trainer available the Investigator must be a qualified and experienced NLP Master Practitioner. The Investigator need not be a member of the NZANLP Committee (“the Committee”).
 - 2.1.2. the Panel shall have the power to make the final and binding decision except where the Panel is recommending to the Committee the expulsion of the Respondent from membership of the Association. The Panel shall consist of no less than four Committee Members.
- 2.2. Immediately that the President decides to appoint an Investigator, he/she must advise the Complainant and the Respondent of the process that will be followed in investigating the complaint; who is investigating it; that the Ethics Panel (or in the case of expulsion, the NZANLP Committee) will be making the final decision. A copy of the complaints procedure and a copy of the complaint must also be provided.
- 2.3. The President must also consider what professional support is required in investigating the complaint. This is particularly relevant where the complaint is of a very serious nature, which could result in expulsion from the Association.
- 2.4. Where the complaint is of a very minor nature, they must still follow the above process. However, they may decide to follow a toned down approach. For example, they may elect to suggest to the Investigator that it may be appropriate to address the problem by way of a phone conversation with the complainant and the Respondent, in an attempt to find a mediated solution.
- 2.5. The President of the Association may reject any complaint without investigation where the conduct being complained of is, or has been, the subject of another grievance process (e.g., by the Human Rights Commission; by the Police; by the Ombudsman; or by the Health and Disabilities Commissioner; by any Court, or another authority legitimately able to investigate the complaint).

- 2.6. The President of the Association may also reject any complaint if, in their absolute discretion, they believe that the complaint is frivolous or vexatious.

3. The Investigation

- 3.1. The investigation of a complaint must adhere to the principles of natural justice, and all information and documentation related to a complaint and the investigation shall be treated as confidential information, with the proviso that clause 5.3.2 of this Procedure shall apply, and with another proviso that the Investigator is able to include any information uncovered during the investigation in the report to the Panel.
- 3.2. The Investigator must contact the Complainant and seek further information or clarification about the complaint.
- 3.3. The Investigator must also write to the Respondent, provide information and seek a response to the complaint. Preferably a meeting should be arranged to hear any responses. However, a written response is acceptable if it is not practicable to meet. Where the complaint is of a very minor nature, a response could be sought from the Respondent by telephone conversation. However the Respondent must also be given the opportunity to present any further comments in writing, either personally or through a representative.
- 3.4. After considering the complaint and the response, consideration must be given to whether any other people need to be spoken to or any other information needs to be gathered. Where further information comes to light, it must be put to the Respondent for their comment.
- 3.5. Once the Respondent and the Complainant have been provided with sufficient opportunity to provide all relevant information, a written report must be prepared and provided to the Panel outlining the following:
 - 3.5.1. the substance of the complaint;
 - 3.5.2. who was spoken to in investigating the complaint;
 - 3.5.3. any additional information that came to light;
 - 3.5.4. the Respondent's response to the substance of the complaint;
 - 3.5.5. the conclusions that the investigator has arrived at as a result of the entirety of the investigation;
 - 3.5.6. the investigator's recommendations.

4. Ethics Panel Process

- 4.1. Upon receiving the report of the Investigator, a copy of the report must immediately be dispatched to the Respondent by the Convener with a letter pointing out that no decision has yet been made, and that the Investigator's report will be one of the matters taken into account when the decision is finally taken. The Respondent must be given a reasonable time within which to make a written submission to the Panel before consideration of the decision begins. The confidentiality requirements of clause 3.1 apply to all members of the panel in the same manner, with the same provisos as they applied to the Investigator.
- 4.2. Following consideration of the Investigator's report and any submission received from or on behalf of the Respondent, the Panel must determine if the evidence shows that the complaint has sufficient substance, on the balance of probabilities, to warrant a finding that the complaint be upheld.

- 4.2.1. Where the Panel determines that the complaint is not going to be upheld, the Convener shall notify the Respondent, the Complainant and the NZANLP President of that fact and the matter shall be ended there.
- 4.2.2. Where the Panel determines that the complaint is going to be upheld, it shall then decide what sanction is to be imposed. The sanctions that the Panel may impose are: a warning; a reprimand; a direction to cease certain actions; a direction to receive specified educative or training assistance; a direction to participate in a period of professional supervision.
- 4.3. In circumstances where the Panel determines that it will impose one of the allowable sanctions that shall be the outcome of the complaint. The Convener must inform the Complainant of the outcome.
- 4.4. Where the final sanction, that of the expulsion of the member from the Association, is the preferred option that option must be made as a recommendation to the full NZANLP Committee. Also, where the Respondent refuses to accept the Panel's imposition of a lesser sanction, that fact must be advised to the Committee.

NZANLP Committee Process

- 5.1 Upon receiving a recommendation from the Panel that the Respondent should be expelled from the Association, or upon receiving advice from the Panel that the Panel had imposed a sanction and the Respondent had refused to accept it, the Secretary (on behalf of the Committee) must immediately write to the Respondent informing of the advice received from the Panel and inviting the Respondent to make a written submission to the Committee as to why they should not be expelled from the Association.
- 5.2 The Respondent must be given a reasonable time within which to make a written submission to the Committee before consideration of the decision begins. The confidentiality requirements of clause 3.1 apply to all members of the Committee.
- 5.3 Following consideration of the Panel's recommendation or advice, along with any submission received from or on behalf of the Respondent, the Committee must determine if the evidence shows that the complaint has sufficient substance, on the balance of probabilities, to warrant the expulsion of the Respondent from membership of the Association.
 - 5.3.1 Where the Panel determines that the Respondent is not going to be expelled, the Committee may instead impose any other sanction that was available to the panel, and that shall be the end of the matter.
 - 5.3.2 Where the Panel determines that the Respondent is going to be expelled, it shall then implement that expulsion with immediate effect. Where a lesser sanction was imposed and the Respondent refused to accept it, the Committee shall likewise expel the Respondent from the Association.
- 5.4 Notwithstanding the confidentiality requirements of the Procedure, where the Committee considers it to be important in the public interest it may publish the details and the outcome of the complaint.

5. General Misconduct by Members

- 6.1 Notwithstanding any other section of this Procedure, where the conduct of a Member has been the subject of a decision of the High Court of New Zealand, the Committee may, with or without an investigation, make a decision regarding the Member's standing including summary expulsion from the Association where the circumstances warrant such serious action; such decision will be final and binding.