



## **NZSTA Principles and Rules of Ethics**

### ***Ethical Complaints Procedure Updated December 2020***

#### **Purpose of the NZSTA Principles and Rules of Ethics**

Ethical practice and professionalism are integral values for the New Zealand Speech-language Therapists' Association and its members. The NZSTA Principles and Rules of Ethics focus members on the core purposes of our practice. All NZSTA members must read, understand and adhere to the NZSTA Principles and Rules of Ethics.

The NZSTA Principles and Rules of Ethics guide the practice of its members and provide a framework to review possible breaches of ethical practice. This framework, together with the NZSTA Ethical Complaints Process, guides the NZSTA Ethical Committee.

#### **Principle 1**

##### **Beneficence and non-maleficence**

Speech-language therapists seek to benefit others through their professional activities (beneficence). They also seek to prevent harm, and do not knowingly cause harm (non-maleficence). Speech-language therapists seek to provide services that enhance the wellbeing of clients and their family/whānau and caregivers.

Speech-language therapists will –

1. Use every resource, including referral when appropriate, to ensure that high-quality service is provided.
2. Consider the needs of clients and family/whānau and provide services that are appropriate and accessible.
3. Seek to avoid causing suffering, inconvenience or unnecessary expense.
4. Not misrepresent the credentials of or inappropriately delegate tasks to therapy assistants, support personnel or students.
5. Fully inform clients of the nature and possible effects of services provided and fully inform participants in research about the possible effects of their participation in research.
6. Respect the confidentiality and privacy of clients, their family/whānau and colleagues.

## **Principle 2**

### **Professional Competence**

Speech-language therapists have the responsibility to achieve and maintain the highest level of professional competence and performance.

Speech-language therapists will –

1. Provide all services competently and adhere to standards of competency as set out in Competency-based Occupational Standards for Speech Pathologists – CBOS (Speech Pathology Australia, 2011).
2. Work within their scope of practice.
3. Ensure they are current in their knowledge of evidence-based and culturally competent practice across different areas of professional practice.
4. Evaluate the effectiveness of the services they provide.

## **Principle 3**

### **Promotion and Development of the Profession**

Speech-language therapists have a responsibility to support the development of speech-language therapy as a profession and to promote public understanding of the profession. This is achieved by supporting the development of professional knowledge, skills and services designed to fulfill the needs of the public, and by providing accurate information in all professional communications, including the promotion, marketing, and advertising of products and services and dissemination of research information and scholarly activities.

Speech-language therapists will -

1. Provide appropriate explanations of findings, interpretations and limitations when reporting assessment findings, treatment recommendations and outcomes to clients, research participants and/or professionals.
2. Provide accurate and professional statements to clients, research participants, professionals and the wider public, about –
  - a. the nature and management of communication and swallowing disorders;
  - b. the profession and professional services;
  - c. products for sale;
  - d. research and scholarly activities.
3. Not bring the profession into disrepute and will uphold and foster the values, integrity and ethics of the profession.

## **Principle 4**

### **Professional Integrity**

Speech-language therapists undertake their professional responsibilities with integrity. This includes acting honestly, consistently and in a trustworthy manner with all clients, colleagues and professionals.

Speech-language therapists will –

1. Uphold and adhere to the principles of the Treaty of Waitangi.
2. Speak and act toward clients, colleagues and other professionals with respect and dignity, and deal judiciously with them, always mindful of their individual rights and sensibilities.
3. Be honest and truthful in all professional activities.
4. Respect the confidential nature of client information and only share this information with authorised persons or agencies.
5. Recognise the privileged nature of their relationship with clients and refrain from exploiting that relationship for material, ideological, or other advantage, excluding financial remuneration commensurate with the work performed.
6. Maintain appropriate professional boundaries and will not engage in intimate relationships including sexual activities with clients, students, or research participants over whom they exercise professional authority or power.
7. Work collaboratively and constructively with any other Speech-language therapists or professionals who support the same client.
8. Accurately represent their credentials, competence, education, training, experience, or scholarly or research contributions.
9. Exercise independent professional judgment before providing professional services.
10. Inform the NZSTA if they have reason to believe that the Principles and Rules of Ethics have been breached.
11. Appropriately terminate professional relationships with due regard to the client's needs.
12. Regularly reflect on their own practice and recognise when stress, fatigue, physical or mental illness or any other condition may reduce their clinical or other skills and seek appropriate support.
13. Be proactive in seeking out and taking responsibility for their supervisory requirements.
14. Engage in ongoing professional development in keeping with NZSTA guidelines and membership requirements.

## **Principle 5**

### **Fairness**

Speech-language therapists have a responsibility to work in a way that is fair to all. This is within the assumption that society has a responsibility to treat people fairly and that there are accepted social and legal frameworks within which this occurs.

Speech-language therapists will –

1. Not discriminate on any grounds.
2. Strive for equity of service provision and resource allocation
3. Treat students and members of other professions or disciplines fairly.
4. Take prompt and reasonable action to declare, minimize or avoid participation in activities involving conflict of interest in professional activities.
5. Accurately provide information, including information about consumer rights in line with the Code of Health and Disability Consumers' Rights.
6. Not engage in bullying or harassment.
7. Accurately acknowledge and reference the contribution of others to research, presentations, products and ideas.

### **Acknowledgement**

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Dr Brigid McNeill, Heather Drysdale, Kelly Bohot, Turid Peters, Clare McCann, Suzanne Purdy, Robyn Gibson and Dean Sutherland.

## **NZSTA Ethical Complaints Procedure (*updated December 2020*)**

“Every consumer has the right to complain about a provider in any form appropriate to the consumer”.

*Right 10 in the Code of Rights (Health and Disability Commissioner Act 1994)*

The New Zealand Speech-language Therapists’ Association is the self-regulating body for the speech-language therapists in New Zealand. The NZSTA is responsible for handling complaints and concerns regarding speech-language therapists.

### **The NZSTA Ethics Complaints Process includes:**

- electronic lodging of a complaint on our website for people to lodge a complaint: [Register a Complaint or Concern Form](#)
- a phone call from the Secretariat to the complainant and to the complainees regarding the complaint to explain the process and provide a point of contact
- use of electronic means of communication where appropriate to speed up the process
- updates to all parties on progress of the complaint
- supporting the recruitment of additional competence reviewers and professional conduct committee members based on the complaint made

The NZSTA takes all allegations of misconduct seriously, and uses all mechanisms available to conduct thorough investigations. We encourage anyone with concerns to report to us in confidence.

Being the recipient of a complaint is understandably stressful for a health practitioner, however, the Board has a clearly documented complaints/concerns procedure as set out below which will help members understand the process.

### **Some of the key things to understand are:**

- The NZSTA is required to inform the Health and Disability Commissioners Office of any complaint they receive affecting a health consumer. The Health and Disability Commissioners Office will complete their own review of the complaint. [www.hdc.org.nz/making-a-complaint](http://www.hdc.org.nz/making-a-complaint)
- The NZSTA will ensure the principles of natural justice prevail.

- The NZSTA consider three types of complaints: professional conduct, competence, fitness to practice.

**Professional Conduct:** Where professional conduct is the concern, the NZSTA follows the [NZSTA Principle and Rules of Ethics](#) which guides standards of behaviour expected of speech-language therapists in New Zealand.

**Competence:** Where clinical competence is the concern, speech-language therapists will be assessed against the CBOS requirements for entry-level clinical competency and relevant NZSTA policies and procedures. NZSTA members with relevant expertise, including NZSTA Expert Advisers, will be consulted.

**Fitness for Practice:** Where fitness for practice is the concern, the NZSTA will rely on Employer-based assessments wherever possible. For Private Practitioners working independently, the NZSTA will work with a member to ensure appropriate medical assessments are completed and that the member has the appropriate support processes / supervision processes in place.

If you need to call us for more information or a query – please contact us on Telephone: +64 9 475 0214; Email: [admin@speechtherapy.org.nz](mailto:admin@speechtherapy.org.nz)

## **NZSTA Complaints / Concerns Procedure**

All complaints must be in writing using the online NZSTA Complaint or Concern Form and clearly state contact details of all signatories\*.

All complaints will be received by the Secretariat.

The Secretariat will forward a copy of the complaint to the President and the Professional Standards portfolio holder within five (5) working days.

The President and the Professional Standards portfolio holder will triage the complaint with at least one other relevant members of the Board.

If the complaint is considered valid (related to professional conduct, clinical competence or fitness to practice) and in need of further action, it will be triaged:

1. Complaint affects a Health Consumer = complaint is directed to the Health and Disability Commissioner as a Health and Disability Complaint
2. Notification from another Health Practitioner or Agency = complaint is directed to the Board for consideration.
3. Complaint is regarding a non-NZSTA member = the complaint will be directed to the Health and Disability Commissioner as a Health and Disability Complaint.

The Board must confer within fifteen (15) working days of the complaint being received and decide if further action is required.

The Secretariat will acknowledge receipt of the complaint to the complainant, in writing, within fifteen (15) working days of the complaint being received. Additional information will be requested by phone and email. The information must be received within 15 days or the complaint will be ceased.

The Secretariat will inform the complainee – the member being complained about, within fifteen (15) working days of the complaint being received, that a complaint has been received by the Board.

The Board triages the complaint / concern into:

1. Professional Conduct
2. Clinical Competence
3. Fitness to Practice
4. Multi-level concerns

## **Professional Conduct**

A Professional Conduct Committee (PCC) is developed by the Board. This must include President, Professional Standards and two members with relevant expertise based on the complaint. Case by case relevant non-members may be requested e.g. nurse, teacher.

The letter to the Complainant and the Member will list the members of the PCC, include a copy of the NZSTA Ethics Complaint Procedure and the NZSTA Principles and Rules of Ethics, and indicate that the member being complained about will be contacted directly if further information is required. The member will also be able to state if they have any objections to the composition of the PCC, but must do so within five (5) working days.

A copy of the complaint will be forwarded to each member of the PCC upon formation of the Committee.

The PCC will discuss the content to determine if any further information is required, either from the complainant or from the member being complained about, within fifteen (15) working days of receiving a copy of the complaint.

If further information is required from the member, the Secretariat will send a copy of the complaint to the member complained about. The member will be advised in this correspondence to respond to the Association regarding the complaint within fifteen (15) working days\*\*. If further information is required from the complainants, they will also be advised to provide this information within fifteen (15) working days.

The PCC will investigate the complaint and determine whether or not in its opinion the member has breached the NZSTA Principles and Rules of Ethics or any other relevant patient rights. (NB: The PCC may seek independent legal advice at this stage.)

If there is no breach, the Secretariat will advise, in writing, the complainant and the member complained about.

If the PCC has reason to believe grounds exist entitling the Board to put in place sanctions, it will liaise with the Board regarding the complaint.

The Board will then:

- 1) issue a notice to the member complained against setting out the grounds of the breach; and
- 2) require the member to answer to the notice by appearing before representation of the Ethics Committee on a date not less than twenty-eight (28) days after the date of service of the notice. The member is entitled to bring a support person to the meeting. At this meeting, the sanctions recommended by the Ethics Committee will be outlined, and, where appropriate, a review date will be set.



The decision of a majority of the members present at any of the stages of this procedure shall be the decision of the Committee.

Proceedings shall not be open to the general public.

Every decision of the Committee(s) shall –

The Secretariat will keep a copy of the complaint, relevant documentation and outcomes on the NZSTA Complaints file. All other copies of the complaint and relevant documentation held by the PCC and Ethics Committee members will be destroyed at the conclusion of the case.

Sanctions may include but are not limited to:

1. Supervision
2. Retraining (details based on specific case)
3. Training
4. Mediation
5. Suspension or expulsion from the NZSTA.

All such sanctions will have recommended time frames and be monitored appropriately.

### **Clinical Competence**

Where clinical competence is the concern,

1. the Board will request support from at least two independent NZSTA members with relevant expertise (e.g. NZSTA Expert Advisers)
2. speech-language therapists will be assessed against the [CBOS requirements](#) for entry-level clinical competency and relevant NZSTA policies and procedures
3. will be consulted.

### **Fitness to Practice**

The NZSTA follows the [Medical Council of New Zealand's standards](#) regarding fitness to practice.

Where fitness to practice is the concern,

1. the Board will request evidence from the informer and member of concern

2. the Board will be non-judgemental and balance supporting the member's rehabilitation with safety to the public
3. the NZSTA do not have a Health Team to assess fitness of practice and work alongside a member and their community medical services to ensure both member and public safety is prioritised. This may include a period without clinical contact or increased supervision.

### **Multi-level concerns**

All multi-level concerns are managed under the Professional Conduct processes.

*\* If the complainant is unable to put the complaint in writing independently, then an advocate can support the writing of the complaint.*

*\*\* If the person being complained about is unable to meet timeframes they must request this in writing and attach proof e.g., medical certificate or travel documents.*

## **NZSTA Ethics Appeal Procedure**

### **The Appeal Process:**

- a. All appeals of actions taken by the Professional Conduct Committee (PCC) will be heard by a specially appointed Appeals Panel, consisting of 3-5 members. In all cases of appeal, the Chairperson of the Appeals Panel will consider whether there is any conflict of interest among those eligible to adjudicate the appeal, and will excuse any member for whom there appears to be a conflict of interest. All members of the Appeals Panel will be selected by the President of the NZSTA.
- b. Legal counsel for the NZSTA member may participate in any appeal process at the discretion of the Chairperson of the Appeals Panel. In cases involving the recommendation of suspension or expulsion from the NZSTA, legal counsel will participate in the appeal process as a non-voting participant.
- c. The NZSTA member may appeal any action of section by the PCC by writing to the President of the NZSTA who will forward the appeal to the Appeals Panel. Grounds for appeals may include new information, questions regarding accuracy or interpretation of information gathered, procedural concerns or questions regarding level of action taken. If no appeal has been received from the NZSTA member within 30 days of the receipt of the notification of the PCC's findings and the action(s), the case will be processed and closed.
- d. When an action is appealed, the original Chair of the PCC shall prepare a written summary of the case and forward a copy of the investigation's findings to the Chairperson of the Appeals Panel. This written summary will then be distributed amongst members of the Appeals Panel. The original Chair of the PCC may be asked to present a verbal summary of the findings to the Appeals Council. The previous decision adjudicated by the PCC will remain in effect throughout the duration of the appeal process.
- e. The NZSTA member may choose to present additional information in writing. For materials to be considered, they must be delivered to the Chairperson of the Appeals Panel no later than 45 days after request for appeal. The Chairperson will distribute these materials to the members of the Appeals Panel.
- f. The Appeals Panel will review the original complaint, investigation, findings and actions taken, as well as any additional information presented by the NZSTA member and make a decision regarding the appeal. Actions are limited to:
  - 1. Dismiss the original complaint and findings and set aside action taken.
  - 2. Reopen the investigation and request additional information;
  - 3. Uphold the original findings but modify the action, e.g., reduce or increase level of discipline; or
  - 4. Uphold the original findings and action.
- g. Decisions by the Appeals Council regarding appeals are final.