



**Singapore
Association for
Counselling**

FOR COUNSELLING
AND PSYCHOTHERAPY

ETHICS COMPLAINT PROCEDURE

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FEBRUARY 2025

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1. Introduction

- 1.1 The members of SAC subscribe to the SAC Code of Ethics developed for the benefit of the client(s). The SAC Code of Ethics are not laws, but standards of conduct that defines the essential of principled behaviour for the members of SAC.
- 1.2 The Ethics Board is appointed by the SAC Executive Committee to manage ethics complaints against its members. Ethics complaints refer to allegations of conduct, which if true, may violate the SAC Code of Ethics.
- 1.3 Any disciplinary action taken by the Board is limited to internal measures such as reprimand, suspension of membership, or expulsion. The SAC Ethics Board does not have the legal authority to impose sanctions or penalties beyond this scope.
- 1.4 Allegations of misconduct (e.g. sexual misconduct; fraudulent or deceptive billing practice etc.) may have to be taken up by relevant administrative, civil, and/or criminal systems separately.
- 1.5 When a complainant takes up such action/s, proceedings by the SAC Ethics Board may be suspended until the other systems resolve the issues that are within their jurisdiction.
- 1.6 The primary purpose of the Ethics Complaint Procedure is to ensure procedural fairness for all parties involved in the complaint process.
- 1.7 Ethics complaints and their proceedings are confidential. The allegations, the names of parties and other information are made to parties directly participating in the proceedings. All parties involved in the complaint process shall treat all information received as private and confidential.
- 1.8 Both the Complainant and Respondent shall be given the right to consult with their legal counsels at all times, but both parties shall be active participants in these proceedings.

2. Jurisdiction

2.1 Jurisdiction

- 2.1.1 The SAC is a self-governing professional association with members in all membership categories. The SAC Ethics Board is appointed by the SAC Executive Committee to oversee complaints of alleged ethical violations in accordance with SAC Code of Ethics by its members that occurred during the period of his/her membership.
- 2.1.2 The SAC has jurisdiction in relation to complaints within the timeframe of three (3) years from the time of the alleged incident in relation to any such claim by the Complainant.
- 2.1.3 For the avoidance of doubt, SAC shall not have the power to hear any such complaints of alleged ethical violations that are outside its jurisdiction as defined in Clauses 2.1.1 and 2.1.2 above. The Complainant shall not be precluded from pursuing other remedies applicable and/or available to him/her in respect of such alleged ethical violations, and where applicable, shall be at liberty to lodge the necessary police report(s) and obtain legal representation.

2.2 SAC Code of Ethics (the "Code")

- 2.2.1 The Code shall be binding on members of SAC in all membership categories.
- 2.2.2 The Ethics Board shall review the Code from time to time and interpret it to the membership and to the public.

2.3 Role of the Ethics Board

- 2.3.1 The Ethics Board shall follow the procedures in this document for handling ethics complaints against SAC members, and where applicable, resigned members.

3. Making a Complaint

3.1 Who Can Raise a Complaint?

- 3.1.1 Client who is currently receiving a therapeutic service from a SAC member.
- 3.1.2 Anyone who has received a therapeutic service within the last three (3) years.
- 3.1.3 A family member or a relevant professional representative who wishes to raise a concern on behalf of someone who is vulnerable.
- 3.1.4 A current or former employer (not more than three years after leave of service) of a SAC member.

3.2 The Process of Submission

- 3.2.1 A complainant may submit a formal complaint with the Ethics Board through the SAC office, by making such a complaint in writing and supplying the substantiating evidence utilising prescribed forms (refer to Appendix). An individual submitting a complaint should be aware that in doing so, they may seek no reward or compensation.
- 3.2.2 The Ethics Board shall receive written complaints regarding members of SAC. The Complainant must have personal knowledge of the alleged behaviour complained about or be in the position to supply relevant, reliable testimony or other evidence of the matter.
- 3.2.3 All complaints must be submitted in writing by the complainant using the SAC-prescribed Ethics Complaint Form (Appendix #1) and the Waiver of Confidentiality Form and Authorisation to Release Information Form (Appendix #2). Both forms must be completed and signed by the Complainant. The submitted documents must include the Complainant's full name, NRIC number, contact address, email address, telephone number, and signature. Anonymous or verbal complaints will not be accepted. The Complaint Form shall also require the Complainant to declare and consent to the following without which the complaint will be dismissed:
 - a) Details about the Complainant: e.g. name, address, contact details, employment position and the position you were in at the time of the alleged ethics violations e.g. client, colleague, etc.
 - b) The name, address and contact number(s) of the person/s that the complaint is against (the Respondent).
 - c) The date(s) of the alleged violations.
 - d) The details of the alleged violation(s) of the SAC Ethics Code. The section(s) of the Code that the Complainant believes has been violated.
 - e) Any evidence or persons that could help to support Complainant's allegations.
 - f) Any evidence of any action that the Complainant has taken to resolve the matter with the respondent before filing a formal complaint as required by the Code and these procedures.
 - g) That all the information provided is true and correct to the best of his/her knowledge; at his/her identity and all the information provided by him/her in relation to the complaint will be disclosed to the person(s) complained against in order for the latter to respond to the complaint.
 - h) That the information provided will be used by the SAC Ethics Board for the purpose of investigation.
 - i) The provision of additional information in writing and/or in person at an inquiry.
 - j) The decision by Ethics Board is final.

3.3 Submission of the Complaint

- 3.3.1 The Ethics Complaint Form, together with the Waiver of Confidentiality – Privilege and Authority to release information may be submitted via postal or email to ethicsboard@sacsingapore.org.
- 3.3.2 For email filing, Subject Header should state “Ethics Complaint”. All signed documents attached must be encrypted and password protected. The password for access to documents must be sent in a separate email.
- 3.3.3 For postal mail, documents should be labelled “PRIVATE AND CONFIDENTIAL”, sent via registered mail to SAC Secretariat 151 Chin Swee Road, #03-12 Manhattan House, Singapore 169876, attention to **“the Chairperson SAC Ethics Board”**.
- 3.3.4 Please ensure that all forms and information are to be complete and duly signed. Incomplete forms will not be accepted.

3.4 Confidentiality

- 3.4.1 All correspondence to the Complainant shall be labelled “confidential” and sent by appropriate means.
- 3.4.2 Correspondence should not be faxed or sent by any electronic means unless the sender has confirmed that only the intended recipient(s) will receive. Where there is sensitive information such as NRIC etc., information should be password encrypted.

3.5 Simultaneous Proceedings

- 3.5.1 It is acknowledged that the Complainant shall not be precluded commencing any such suits, inquiry, judgments, claims, investigations, prosecution, proceedings or legal action against the Respondent in respect of the allegation(s) of the complaint, as he/she may deem fit or necessary, at any stage of the ethics complaints procedure.
- 3.5.2 If the complaint is pursued in a separate forum, the Ethics Board may suspend its proceedings until the other system(s) address the issues that are within their jurisdiction.

4. Preliminary Review

- 4.1 The Ethics Board will make a preliminary review of the case and notify the Complainant in writing if the case warrants further action by the Ethics Board.

5. Investigation

5.1 Notification to the Respondent

- 5.1.1 The Secretariat shall notify Respondent in writing. The notice to the Respondent shall:
- a) State the portions of the Code of Ethics relevant to the allegation(s) of the complaint;
 - b) Enclose a copy or a summary of the complaint;
 - c) Enclose a copy of the Code of Ethics and a copy of the SAC Ethics Complaint Procedure; and
 - d) Direct the Respondent to respond to the allegations, in writing, within thirty (30) days from receipt of the notification.

6. Hearing and Outcome

6.1 Hearing and Outcome Notification

- 6.1.1 The Respondent shall be notified of the date and venue of the Hearing and the Ethics Board shall convene to hear the case.
- 6.1.2 At the completion of the hearing, the Ethics Board shall decide whether the allegation(s) has/have been proven.
- 6.1.3 If the Ethics Board decides that the allegation(s) have not been proven, the case will be closed, and the Complainant and Respondent shall be advised accordingly.
- 6.1.4 If the Ethics Board decides that the allegation(s) have been proven, the Ethics Board may order any of the following actions against the Respondent:
- (a) To cease and desist.
 - (b) Censure the Respondent.
 - (c) Undergo specified clinical supervision.
 - (d) Education, and/or therapy.
 - (e) Suspension (holding membership in abeyance for a specific purpose, for example, rehabilitation).
 - (f) Resignation with or without publication.

7. Appeal

7.1 Grounds for Appeal

- 7.1.1 The only basis for appeal by the Respondent regarding the decision of the Ethics Board is that there was a violation of the procedural rules, and that this violation substantially impaired the Respondent's ability to defend himself/herself against the complaint.
- 7.1.2 The appeal shall be limited to a review of the procedures, evidence and findings, with no new evidence being submitted.

7.2 Composition and Power of the Appeals Board

- 7.2.1 The Appeals Board is appointed by the President of SAC and is the duly authorised committee of the SAC Executive Committee.
- 7.2.2 The Appeal Board is composed of the President and two (2) members delegated by SAC Executive Committee excluding the Chairperson(s) of the Ethics Board. The Appeals Board shall have the power to change the findings of the Ethics Board or dismiss the case.
- 7.2.3 In cases involving the recommendation of suspension or expulsion, the Appeals Board shall have the right to initiate the process of suspension for a period of up to twelve (12) months or to expel the Respondent from membership of SAC. Any grounds and procedures contained in the SAC bylaws are to be followed in such cases.

7.3 Procedure for Appeal

- 7.3.1 To affect an appeal, the Respondent shall state, in writing, to the President of the SAC Executive Committee (the "President"), the specific violation of procedural rules and how this violation substantially impaired his/her ability to defend against the complaint.
- 7.3.2 The Respondent shall have thirty (30) days from receipt of the Ethics Board's decision to appeal to the President of SAC.

7.4 Appeals Board's Decision

- 7.4.1 The President shall issue a written decision on the appeal and shall inform the Respondent and the Ethics Board of the decision. The Appeals Board must either
 - (a) Affirm the Ethics Board's decision; or
 - (b) Change the decision;
 - (c) Dismiss the case.

7.5 If no Appeal is made

- 7.5.1 If no appeal is made within thirty (30) days after the Respondent had been notified of the decision of the Ethics Board, the decision of the Ethics Board shall become final.
- 7.5.2 As soon as the decision becomes final, the Chairperson shall transmit the decision to the Ethics Board, inform the President, legal counsel of the SAC, SAC staff, and to the Complainant and Respondent.

8. Confidentiality

8.1 Obligations of Parties

- 8.1.1 All information concerning ethical complaints made against SAC members shall be treated in a strictly confidential manner by all parties involved in the complaint, including SAC Ethics Board members, SAC staff persons, and SAC members. Ensuring that confidentiality is maintained is important to protect the rights of the individual members who are the subject of complaints, and to protect SAC from charges of improper disclosure of information. Under the terms of these procedures, all information regarding complaints shall be treated in a strict, confidential manner. Ethics case information is not to be faxed or sent by any electronic means unless the sender has ensured that only the recipient will see it.

8.2 Breaches of Confidentiality

- 8.2.1 The Ethics Board may take action against any party who breaches confidentiality by:

- (a) Sending letters of warning, or
- (b) Terminating proceedings.

- 8.2.2 SAC may demand that all confidential materials must be immediately removed from any unauthorised person(s) to whom the material was given and returned to the SAC office.

8.3 Personal Data Protection Act

- 8.3.1 Any and all personal data or information collected by SAC or the Ethics Board pursuant to this SAC Ethics Complaints Procedure shall, where applicable, be processed, managed, utilised, disclosed, retained and safeguarded in accordance with Singapore's Personal Data Protection Act 2012, any regulations enacted thereunder and any guidelines that may be issued from time to time by the Personal Data Protection Commission.

Email: _____

Appendix #1 – Ethics Complaint Form

3. Your relationship with the Respondent at the time of the alleged violation (e.g. client, colleague, employee, trainee, etc.)
 4. Date(s) of the alleged unethical behaviour
 5. Please state the section(s) and clause(s) of the SAC Code of Ethics that you believe the Respondent has breached.
 6. Details of the alleged ethical violation(s) of the Code
 - a. Write an account of what happened that you believe to be an ethical violation and how the events affected you. Be as specific as possible. Please print or type your response. You may send additional information at any time up until the Ethics Board begins its deliberation.
 - b. Any action that you have taken or are considering to deal with the alleged ethical violation(s) (e.g. advising the Respondent's employer, initiating a formal grievance process with another body, seeking legal sanctions, etc.)
 7. Have you filed a formal complaint against the SAC member with any other organisation?
Yes_____ No_____
If yes, please indicate the name of the organisation? Please include brief details and the contact number.
 8. Please provide names, addresses and contact numbers of witnesses, if any, or others who could provide relevant information about the event/s in your complaint. If possible, please obtain a signed statement from them along with your submission.
- .

I hereby declare that all information provided in this complaint is true and accurate to the best of my knowledge. I acknowledge that providing incomplete, or false or misleading information may lead to the dismissal of the complaint or be reported to the appropriate authorities.

Full Name (please print) / Signature / Date

10. APPENDIX #2

Waiver of Confidentiality Privilege and Authorisation to Release Information

I, _____ have filed a complaint with

(Full Name of Complainant as in NRIC)

the Singapore Association for Counselling (SAC) dated _____ against

(date of the complaint)

a member of SAC _____.

(Full Name of the SAC member (Respondent))

I hereby waive any confidentiality privilege on all information related to the complaint that I have provided to SAC with respect to the SAC member (Respondent) against whom I have made a complaint so that the member (Respondent) may respond to my complaint; the SAC Ethics Board, its staff, legal counsel, and any other individuals whom the Board deems necessary to contact for a thorough and impartial investigation of the complaint.

I hereby authorise the release of the information contained in my complaint to the Respondent, the members of the SAC Ethics Board, the investigator(s) or investigation sub-Committee who will conduct a thorough and fair investigation of the complaint, the legal counsel for the SAC, and those individuals who in the discretion of the Ethics Board or its legal counsel may need to receive this information. I also authorise the release of this information to those that might carry out any ensuing therapy or supervision resulting from discipline to the respondent.

I waive any claims that I may have or could have against the SAC, its employees or Ethics Board members, relative to the release of information that is the subject of my complaint. I acknowledge that I will not pursue any claims or actions against SAC at the end of the proceeding.

I authorise the SAC Ethics Board and its legal counsel to use my name in the investigation of this complaint.

Name of Complainant (Please Print)

Signature of Complainant