



PROFESSIONAL CONDUCT COMMITTEES (PCC)

1. A PCC is a Board committee that investigates complaints. It operates at arm's length from the Board and may adopt and follow its own procedures. It must however ensure that the psychologist, the complainant(s) and the Board are kept informed about the progress of the investigation.
2. A PCC investigation can take anywhere from one month to more than a year to complete, depending on how complex the issues are and any obstacles that may arise.
3. If the Conduct Competence and Fitness (CCF) Committee decides to refer a complaint to a PCC, the Registration and Standards Coordinator (Coordinator) will inform both parties¹ that a PCC will be appointed. It can take several weeks for a PCC to be established. The PCC must consist of 2 psychologists and 1 layperson.² Once the PCC's members are appointed, the Coordinator will write to both parties providing a brief profile of each PCC member.
4. Either party may request changes to the membership of the PCC. They each have 5 working days to make a written request that any PCC member/s not be appointed. They must give reasons for the request. The Board must consider the request but does not have to make changes to the membership. If no request for change is received, the PCC members are confirmed. The Coordinator will then advise both parties and will send the PCC members all the information the Board holds about the complaint.
5. The PCC will then officially begin its investigation.
6. The PCC may (and usually does) appoint a legal advisor to advise it on matters of law, procedure, or evidence. It may also appoint an investigator.
7. The PCC may consider any evidence or information that it decides may assist the investigation, whether or not that information or evidence would be admissible in a court of law. The PCC may hear from or take written submissions from the psychologist, their employer or former employer, anyone the psychologist practises in association with, the complainant, and/or any clinical expert.
8. The PCC must give the psychologist and complainant reasonable opportunity to present evidence. Keep in mind that the efficiency of the PCC's progress can depend

¹ "Party/Parties" means parties to the complaint (i.e., the psychologist and complainant).

² "Layperson" means a person who is neither registered nor qualified to be registered as a health practitioner.

on how quickly requests for information are met. As a guide PCCs normally ask for information to be provided within 10 working days of the request.

9. The complainant may have a support person. If the PCC agrees, the support person may also be heard by the PCC on the complainant's behalf.
10. No one who gives evidence or information to a PCC will face civil or disciplinary proceedings unless that person has acted in bad faith.
11. If at any time while investigating the complaint the PCC believes that the psychologist's practice poses a risk of serious harm to the public, it may recommend to the Board that the psychologist's practising certificate be suspended. Having considered the information, the Board may or may not decide to suspend the psychologist's practising certificate.
12. At the end of the complaint investigation, the PCC must write to the Board, the psychologist, and the complainant making one determination and/or one or more recommendation(s). It must give reasons for its decision. Possible determinations and recommendations are set out in s.81 of the Health Practitioners Competence Assurance Act (HPCAA) and are also included in the table below.

Determinations that a PCC may make:

1. That no further steps be taken.
2. That a charge be laid before the Health Practitioners Disciplinary Tribunal.³
3. That the complaint be submitted to conciliation.

Recommendations that a PCC may make:

1. That the Board review the psychologist's competence to practise.
2. That the Board review the psychologist's fitness to practise.
3. That the Board review the psychologist's scope of practice.
4. That the subject matter of investigation be referred to the police.
5. That the Board counsel the psychologist.

13. The Board has delegated the CCF Committee to consider PCC reports.
14. If any determinations are made, the CCF Committee must accept them.
15. If any recommendations are made, the CCF Committee must promptly consider whether to accept them. Both parties will be informed if any further procedures (e.g. a competence review or fitness assessment) will follow.

³ <http://www.hpdt.org.nz>

16. If the PCC decides to send a complaint to conciliation, it will appoint a Conciliator to help the parties resolve the complaint by agreement. The Conciliator will report the outcome to the PCC, who will decide whether the complaint has been successfully resolved or not. If not, the PCC must decide what further determination and/or recommendations to make. This could include taking no further action.
17. If the PCC decides to lay a charge before the Health Practitioners Disciplinary Tribunal (**HPDT**), it will appoint a prosecutor, lay a charge and give a copy of the charge and the PCC's report to the psychologist. If a charge is laid, it is likely that the complainant(s) will need to give evidence and/or provide a sworn statement or affidavit to the HPDT.

New Zealand Psychologists Board

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