

## **CODE OF ETHICS AND PROFESSIONAL PRACTICE**

### **INTRODUCTION:**

This is the new edition of a Code of Ethics and Professional Practice for all individual and institutional members of the European Association for Gestalt Therapy. The purpose of this code is twofold; firstly, to define general values and principles and to establish standards of professional conduct for Gestalt Therapists and Gestalt Training Institutes, and, secondly, to inform and protect those members of the public who seek their services.

Gestalt Therapists are responsible for the observation of the principles inherent in the Code of Ethics and the Professional Practice and are to use this code as the basis of good practice rather than a set of minimal requirements.

These codes are beneficial not only for the protection of clients, but are also meant to protect the therapist by establishing standards of conduct that clarify the boundaries of practice and accountability in the work setting.

The general aim of psychotherapy is to promote the psychophysical and socio-environmental well being of the individuals, groups and community at large within the psychotherapeutic relationship (preferred setting). Gestalt therapy recognizes these goals in general, and in particular the subjectivity of the well being of the individual as a phenomenological entity within their field. Since the realization of this specific goal is implemented through a dialogical approach grounded in the recognition of the autonomy and self-regulation of the individual, these codes of practice offer a meeting place for the resolution of difficulties between two or more parties. The resolution of difficulties for Gestalt Therapists is attained through dialogue and exchange as opposed to a hierarchical system of judgment and consequences.

These codes are applicable to all individual and institutional members of the European Association for Gestalt Therapy on an international level. When a discrepancy between this code and national codes occur, the conditions of the national code take preference. This code is subject to revision in the event that it proves inadequate in the practical application as standards of professional conduct.

Complaints against a Training Institute as such, or against the majority of a staff will be addressed – also for consultation – to the EAGT Ethics Committee.

The code is divided into two sections. The first section states those values and principles that are inalienable rights of the individual. The second section demonstrates guidelines that honour and protect these rights.

All members of the EAGT agree to have a complaints procedure to report and evaluate the violations of their Code of Ethics and Professional Practice.

Each member will adopt and adhere to, together with the Code of Ethics and Professional Practice, the rules for Complaints Procedures.

The EAGT Ethics Committee is responsible for maintaining an overview of the Code of Ethics and Complaints Procedures for national umbrella organizations and, where relevant, national awarding organizations.

The EAGT will encourage and support those countries without a Code of Ethics and Complaints Procedure in their process of developing and establishing such a code that is agreeable to EAGT standards allowing for cultural diversity or field conditions (e.g. legal, political).

The EAGT will also encourage and support each national umbrella organization to establish and maintain a code of Ethics and Complaints Procedure in the event that this does not already exist.

The complaint procedure in section C of this Code is the procedure that is to be followed in the event that there is a grievance or a complaint against a Member of the EAGT who resides in a country where there is NO national awarding organization or no national Gestalt Psychotherapy organization with a Code of Ethics and a Complaints Procedure.

In countries where these organizations do exist, the national awarding organization will be the arbiter with EAGT providing the final appeals process in the event that correct procedures have not been followed.

## **A. CODE OF ETHICS**

1. Statement of equality of worth among individuals
2. Respect for the uniqueness, worth and dignity of the individual
3. Appreciation of the differences of race, extraction, ethnicity, gender, sexual identity or preference, handicap, age, religion, language, social or economic status and of the need for spirituality.
4. Recognition of the importance of autonomy and self-regulation of the individual in the context of contactful interpersonal relationships.

## **B. CODE OF PROFESSIONAL PRACTICE IN GESTALT THERAPY**

### **B.1 Competence**

B.1.1 The Gestalt therapist will only undertake those tasks where he/she knows, or should know that he/she has the necessary competence to address these tasks and bring them to a completion that is beneficial to the client's process.

B.1.2 During the working process, the Gestalt therapist, upon discovering the limits of his/her competence, will either refer the client to another professional or will establish collaboration with another professional/other professionals including seeking supervision how to do this.

B.1.3 The first step during this process is the renegotiation of the original contract with the client. Continuing with the client means taking the necessary action to improve competence.

B.1.3.1 The therapist examines carefully whether his/her competence can be applied in the field in which the therapeutic work is to take place fully to the benefit of the client. If the Gestalt therapist determines that the contextual field, its structure, boundaries and the aims that dominate that field to be in any way contradictory or too restrictive to/for the unfolding of the competence that is necessary to further the client's process, he/she abstains from any further working project undertaken in this field.

B.1.3.2 The Gestalt therapist seeks support and clarification of his/her difficulty regarding a problematic situation in an intermission context with experienced colleagues.

B.1.3.3 The Gestalt therapist seeks individual or group supervision, depending on which supervision setting is best suited for support and clarification in his/her situation.

B.1.3.4 The Gestalt therapist builds networks with members of other professions and institutions (such as clinics) in order to dispose of the necessary diagnostic and therapeutic security and availability of means of help for the client in case he/she reaches the boundaries of his/her competence or setting.

B.1.4 The Gestalt therapist protects his/her work and the profession in general from any unqualified actions and projects and procedures (lectures, interviews, in the public media, seminars) that are not in correspondence with the professional standards consented upon.

B.1.5 The Gestalt therapist seeks individual therapy in case of turbulence in his/her therapeutic work such as personal crises, signs of burn-out and/or difficulties in safeguarding the boundaries of intimacy and seducement.

B.1.6 The methodological and technical approach in the therapeutic process must serve the therapeutic aims and developmental requirements of the client agreed upon in the contracting. The Gestalt therapist is aware that any acting-out, especially expressive and cathartic acting-out, requires de-dramatization achieved through detailed and careful working through.

B.1.7 In an educative process lasting a whole professional life, the Gestalt therapist takes care to enlarge and deepen his/her professional and personal competence. The Gestalt therapist is open to important developments that affect this process, whether in the field of Gestalt Psychotherapy or in other fields or schools of psychotherapeutic research and practice, with regard to the benefit of the clients.

B.1.8 The Gestalt therapist maintains careful documentation of his/her diagnostic and therapeutic work with the client and observes the national prescriptions for the duration of document preservation and the security measure demanded. Careful documenting means corresponding to the scientific level foreseen by the national psychotherapeutic regulations and adhering to the objectivity and clearness necessary in order to make the documentation and its contents understandable and feasible for another therapeutic professional.

## **B.2 The client/therapist relationship**

B.2.1 The client/therapist relationship is a professional relationship within which the welfare of the client is the therapist's primary concern.

B.2.2 Gestalt therapists recognize the importance of the relationship for effective therapy and are aware of the power and influence and the issues of dependency inherent in this situation. The Gestalt therapist will act in a manner consistent with this recognition and not exploit or abuse clients financially, sexually, emotionally, politically or ideologically for his/her own personal advantage, or his/her own needs, or the advantage of any other person or institution.

B.2.3 Gestalt therapists are aware when other relationships or external commitments conflict with the interests of the client. When such a conflict of interests exists, it is the responsibility of the Gestalt therapist to bring it openly into the field of the therapeutic relationship and take necessary action to resolve the issue.

B.2.4 Physical contact in the therapeutic process is exclusively orientated to the welfare of the client and requires special professional reflection and care. In the handling of physical contact in the therapeutic process, the consent of the client is of primary importance.

B.2.5 Gestalt therapists recognize that dual relationships, such as employee, close friend, relative, neighbour or partner is incompatible with the therapeutic process.

## **B.3 Confidentiality**

B.3.1 All exchanges between the Gestalt therapist and client are regarded as confidential, subject to clause B7 below.

B.3.2 The storing of clients' personal data, including case notes, is subjected to the relevant national legal and professional regulations.

B.3.3 The Gestalt therapist takes care that personally identifiable information is not transmitted through overlapping networks of confidential relationships, such as supervision.

B.3.4 When a Gestalt therapist wishes to use specific information gained during work with a client in a lecture or publication, the client's permission will be obtained and strict anonymity preserved around names/data through the use of well disguised writing, a process approach, the use of composites or another colleague as author to ensure that the client cannot be recognized.

B.3.5 When a Gestalt therapist wishes to use specific case material for case studies, reports or publications, he/she obtains the client's informed consent wherever possible and preserves the client's anonymity.

B.3.6 Video, photo and tape recordings or film will require the permission of the client or his/her legal representative's written permission.

B.3.7 When a Gestalt therapist wishes to obtain relevant data about a client from other professionals or institutions, he/she observes the right of the client as regulated by national law. This also applies to the handling of written data regarding the client.

B.3.8 A Gestalt therapist takes into consideration the right of insight of the client into his/her written data as described in the national legal regulations, and is discriminatory in the handling of these documents towards the client.

B.3.9 When public or private institutions, such as law courts, insurance companies etc. request data regarding a client, the Gestalt therapist observes the legal national regulations. In doing so, the Gestalt therapist enters into a discourse with the client and proceeds in a manner that is the most beneficial to the therapeutic process.

B.3.10 When the client is considered to be a minor according to national legal formulations, the Gestalt therapist applies all the above considerations to the therapeutic relationship. In addition, the Gestalt therapist will conform to the national legal and professional regulations concerning information to child care in cases of abuse or other forms of serious lack of care.

B.3.11 In case, the Gestalt Practitioner in Organisations has reasonable doubt or worry about the safety of the client and/or his/her environment, it may substantiate his/her decision to break the rule on confidentiality and to inform those officials or professionals, who are able to intervene and prevent the assumed danger or risk. The client needs to be informed about such steps

#### **B.4 Contracting with Client**

B.4.1 Any contract made between a Gestalt therapist and a client is binding for both parties whether it is written or verbal.

B.4.2 The Gestalt therapist is clear and open regarding his/her competence, expertise and experience when negotiating a therapeutic contract with the prospective client.

B.4.3 The Gestalt therapist will implement an intake procedure that is compatible with the intake procedures where he/she practices.

B.4.4 Any recording, filming or observation of the therapy sessions will be discussed and a contract made with the client.

B.4.5 Contracts with clients, whether written or verbal, are explicit regarding fees, payment schedule, location, breaks and cancellation of sessions by client or therapist. Some examples of breaks could be holidays, other professional commitments, illness etc. The length of the therapy, transfer of clients and terminations are discussed with clients and mutual commitment sought.

B.4.6 In the event of a personal crises or physical illness, the Gestalt therapist will engage in supervision as a way of re-establishing the professional relationship.

B.4.7 In accordance with professional confidentiality the Gestalt therapist will ensure that during the therapeutic relationship s/he will not communicate with any person connected to the client, whether intentionally or with awareness of the connection, without the approval of the client.

B.4.8 Any changes that occur in the above mentioned conditions will require the re-negotiation of the original contract.

### **B.5 Advertising**

Advertising will be confined to descriptive statements about the services available and the qualifications of the person providing them. Advertising will not include testimonials, make comparative statements, or in any way imply that the services concerned are more effective than those provided by other colleagues other schools of therapy or organisations. Advertising is subject to the national codes and regulations of legal and professional organizations.

### **B.6 Safety**

B.6.1 The Gestalt therapist will take all reasonable steps to ensure that the client suffers neither physical nor psychological harm during the therapy sessions in the physical environment in which the therapy takes place.

B.6.2 The Gestalt therapist will provide privacy for the therapy sessions that will not be overheard, recorded or observed by anyone other than the therapist without informed consent.

B.6.3 Gestalt therapists and Institutions are required to ensure that their professional work is adequately covered by appropriate indemnity insurance (when this is available in their country).

### **B.7 Exceptional Circumstances**

B.7.1 There may be circumstances where the Gestalt therapist need to take action that will protect the client and/or his/her social environment when he/she is not deemed to be self-controlled enough. In such circumstances the clients informed consent to a change in the agreement about confidentiality will be sought whenever possible unless there are also good grounds for believing the client is no longer willing or able to take responsibility for his/her actions.

B.7.2 When making a contact with a client that the Gestalt therapist considers to be subject to exceptional circumstances, he/she will ask the client for the name of another person who may be referred to in this event. In this contingency, the derogation to the contract of confidentiality will be limited to the facts and to the time strictly necessary for the client to recover the responsibility of his/her actions unless after careful supervision of the therapy process.

B.7.3 In the event of an individual and/or collective emergency (for example: individual and/or collective danger of life, social disorders, wars, natural disasters etc.) the Gestalt therapist will consider the particular framework, and preserve the client's autonomy and professional confidentiality if the circumstances allow this.

B.7.4 The Gestalt therapist will protect the client's autonomy and professional confidentiality in those cases where the psychotherapeutic process has been a part of a broader process concerning the client's well-being. This is in particular the case where psychotherapeutic work was initiated "on commission" (work in the hospital, work with organizations, work with minors, etc.), or in a team with other health care operators. The Gestalt therapist will clarify the characteristics of this contract at the initial stage of the contract with their clients and other persons/professionals involved and will contact a third party only after the consent of the client has been obtained.

### **B.8 Management of Therapist's Role in Society**

B.8.1 Law. The Gestalt therapist is informed and aware of the current national law as it applies to his/her professional work and the conduct of his/her practice or institution and is careful to observe the relevant legal prescriptions.

B.8.2 Research. The Gestalt therapist is open to co-operate with and to contribute to research work that is instrumental to further development in professional therapeutic and diagnostic work and makes his/her own research work accessible to the therapeutic community.

B.8.3 In his/her own research work, the Gestalt therapist observes the rules that respect his/her colleagues' work; and the copyrights of all professional material will be observed.

B.8.4 Responsibility to colleagues and others. The Gestalt therapist is accountable for his/her work to colleagues and employers as is appropriate, taking into account the necessity first and foremost to respect the privacy, needs and autonomy of the client as well as the contract of confidentiality agreed upon with the client.

B.8.5 The Gestalt therapist abstains from promoting publicly or privately his/her services, formation and professional qualities.

B.8.6 The Gestalt therapist observes the national professional regulations in making his/her availability by means of door plates, giving notice of opening of practice in newspapers, telephone directories or the internet.

B.8.7 The public must not be misled that a service or qualification is available which is not in fact offered as this may deprive the client of using the offer of such a service or qualification elsewhere.

B.8.8 The Gestalt therapist does not withhold information from the client about the availability of help and professional service through other colleagues and institutions.

B.8.9 The Gestalt therapist respects, also in public, the work of other colleagues and abstains from disqualifying remarks about other theoretical models, schools or colleagues in different professional roles.

B.8.10 The Gestalt therapist will not accept a task or project in which another colleague is already involved, especially when a therapeutic contract exists between the client and another therapist. In case of doubt, the Gestalt Therapist enters into dialogue with the colleague after having obtained the client's informed consent.

B.8.11 The Gestalt therapist will not accept economic or personal benefits for referring clients to another colleague or institution.

B.8.12 A Gestalt therapist who becomes aware of the behaviour of a colleague which is likely to bring the field of psychotherapy into disrepute has a duty to confront that colleague and/or their professional association

B.8.13 Detrimental activities. The Gestalt therapist will not engage in official and private activities that might be detrimental to the reputation and ethics of his/her professional demeanour and role and the reputation of the profession itself.

B.8.14 Political aspects of therapeutic work. The Gestalt therapist is aware of the social and political implications of his/her work and the social and political aspects influencing the contexts of their clients.

B.8.15 Psychotherapy training and education. The task of Psychotherapy education is to inform those in learning of the theoretical, methodological and technical developments of psychotherapy in general and Gestalt Therapy in particular in an objective and comprehensible manner. Personal views of teachers are to be declared as such. No false expectations are to be awakened especially as far as official recognition of the education concerned by the national authorities and laws regulating psychotherapy training and the permission to carry the title "psychotherapist" as well as the funding of psychotherapy costs by the health service and insurance.

B.8.16 Gestalt Training Institutes will verify the qualifications, expectations and psycho-physical suitability of candidates and furnish clear and complete information related to the curricula and internal regulations.

B.8.17 Gestalt Training Institutes will guarantee the quality of the education both with regard to the specific competence of those teaching and supervising and to the coherence of the curricula. They provide internal control for the verification of the quality of the education and furnish space and place of updating and comparison of teaching methodology.

B.8.18 The relationship between teachers and students and among institutes will be clear and transparent. Teaching Gestalt Therapists are conscious of the specific characteristics of role relationship between those teaching and those learning and do not misuse this relationship to their own advantage. They are especially aware of the dimensions of dependency, idealization, and assessment relevant in this relationship. Training Institutes will provide directives guiding the teacher-student relationship and a forum where problems can be addressed and resolved.

B.8.19 Institutes will periodically verify whether a student has attained a satisfactory level of training and provide suitable and transparent structures to so do.

B.8.20 The ethical principles of guiding and regulating the client-therapist relationship and the management of the therapist's role in society are equally relevant to the field of teaching and training and to teachers and students (competence, confidentiality, relational issues, contracting and safety).

B.8.21 The Gestalt learning therapy of a student will be protected from possible turbulence created by role confusion on the part of the teaching therapist who will abstain from taking part in the official assessment procedure foreseen to evaluate the progress and suitability of his/her student.

B.8.22 Institutes control and secure adequate personal, didactic, clinical and scientific standards in their teaching personnel. The professional exchange among teaching therapists, their necessary supervision and further training and development has to be secured.

B.8.23 If the Gestalt therapist finds himself/herself in conflict between different or several ethical positions and requirements and cannot solve this conflict himself/herself or with the help of intervention and supervision, he/she addresses himself/herself to the ethical committee installed in his/her institute or professional association in order to get the necessary counselling.

## **B.9 Relationship with Former Clients**

B.9.1 The Gestalt therapist remains fully accountable for relationships with former clients and current trainees.

## **B.10 Legal Proceedings**

1.1 Any Gestalt therapist who is a member of the EAGT and is convicted in a court of law for any criminal offence or is the subject of a successful civil action by a client will inform the EAGT board.

1.2 Any Gestalt Practitioner in Organisations who is a member of the EAGT and is convicted in a court of law for any criminal offence or is the subject of a successful civil action by a client will inform the EAGT Executive Committee.



## B.11 E-Therapy Guidelines

### General Principles

1. The ethical dimensions of professional practice as a psychotherapist are the same whether such practice is in person or at a distance, whether via the Internet or some other non-direct means.
2. This is to say that the same ethical principles as specified in the EAGT code of ethics apply on e-therapy. Implementation of these principles, and adherence to the standards requires reflection by the practitioner, with respect to means of service delivery.
3. There is a particular requirement for careful reflection on implementation of ethical behaviour when the psychotherapist is engaging in a new means of delivery of a service, especially where experience is lacking on the specific ethical questions and dilemmas of that type of service delivery.

### Specific guidance (ethical challenges) when choosing e-therapy

#### 1. Appropriateness

- There are a number of different mediums for practice at a distance. Research is currently limited on the relative appropriateness and efficiency of 'at a distance' or traditional 'face to face' methods.
- **Gestalt therapy is best conducted via face-to-face contact between therapist and client** and it remains the therapist's responsibility to safeguard the best way to practice therapy in the best interest of the client, that is sessions in vivo. Keeping always that in mind, there will be cases that a technological medium, like skype will be chosen. The appropriateness of the medium for the particular profile and characteristics of the client will need to be carefully considered.
- Gestalt therapist should be aware of the limitations of the reduced information available by such methods compared with direct face to face interaction and they should develop their practice with caution when choosing such mediums.
- It remains a primary requirement that the gestalt therapist practice within their range of competence, to recognize their limits, and to take appropriate action if the expected service goes beyond their competence.
- As with any advertising, therapists should avoid exaggerated claims on the success of their service.
- Practitioners of online therapy have a duty to ensure that their work is adequately supervised in a way that will support their work with online clients

#### 2. Security

##### 2.1. Protection of the transaction

Skype and similar technologies may retain records of conversations and calls, and therapists have little control over what happens to this information

2.1.1. Gestalt therapists should be advised on the security of transactions, including financial transactions and the sharing of psychological and personal information.

2.1.2. There should be maximum security on any internet site, telephone line or other medium, including the use of encrypted services.

2.1.3. There should be regular reviews and upgrading of levels of security. It is the practitioner's responsibility to ensure that the technology they use is safe and fit for purpose. This includes ensuring that anti-virus, firewall, encryption and spam blocking software are all in place. It also means ongoing maintenance of other technological tools necessary for safe practice with client



## **2.2. Identity of the Gestalt psychotherapist**

2.2.1. The therapist should have a means to verify their identity, including specification of a physical location

2.2.2. Members should inform the prospective client of their link with their association and to specify their membership accordingly. (EAGT should develop web links to facilitate identification of websites as belonging to members registered with the EAGT).

2.2.3. Where a service is provided by more than one person, this should be specified, including the codes, professional backgrounds and identities of staff.

## **2.3. Identity of users**

2.3.1. A clear identification of the client should normally be required.

2.3.2. Anonymity of the user may be appropriate in some circumstances, but in such cases, it is incumbent upon the psychotherapist to take extra care and recognize the increased difficulty in determining the user's vulnerability and legal status (e.g. child).

2.3.3. Gestalt therapists should be cautioned about the limits of the services that might be offered to anonymous clients.

2.3.4. Gestalt therapists should take particular care to gain informed consent.

2.3.5. Gestalt therapists working with children and other vulnerable clients should be cautioned to ensure safeguards are no less than those normally required, e.g. ensuring parental permission is clearly given and is verifiable.

## **3. Confidentiality**

3.1 **Recognition of limits:** Gestalt therapists must be aware of the limits of the service they can offer online

3.2. The Gestalt therapists should inform their online clients of any relevant legislation on data protection, records, the communication of information and limits to confidentiality, e.g. where records are subpoenaed.

**A special reference to the limits of the security of the technological medium they use has to be made.**

3.3. They should clarify with users what records they are keeping, and the user's rights regarding these.

3.4. **Maintenance of records:** Gestalt Psychotherapists should maintain appropriate records (including backups) and that these be kept securely. They also should be aware when interacting electronically that registration and storage of information can be carried out by both parties.

## **4. Other issues to consider**

4.1. Whether services are provided in 'real time' via interactive software or by e-mail.

4.2. Turnaround time e.g. by e-mail.

4.3. The country of location of the psychotherapist vs the client's when consider legislation issues.

4.4. The implications, including potential disadvantages, of offering a service outside a national boundary.

## INTRODUCTION TO THE COMPLAINTS AND APPEALS PROCEDURES

The following are the procedures to be implemented in the event that there is a complaint against a member of the EAGT who resides in a country where there is no National Awarding Organization or no National Gestalt Psychotherapy Organization with a Code of Ethics and a Complaints Procedure.  
If there is a NOGT, but the member complained against is not a member of the NOGT, s/he need to be member of EAGT.

### ORGANIZATION AND ROLES

#### **The Complaints Committee (ECC)**

This committee manages the complaints procedure and process. The committee comprises at least 3 members, from both Gestalt Practitioner in Organization (GPO) and Gestalt Therapist (GT) and are elected by the EAGT members for a period of 3 years. The committee will submit a report after the closure of a case, which preserves anonymity (of both the complainant and the member complained about) to the Ethics Committee and the Executive Committee. This would include the nature, number, outcomes and any process issues arising from the complaints procedure.

#### **The Complaints Panel**

To address each formal complaint, the Chair of the Complaints Committee will form a panel of three persons. This panel will consist of at least one member of the Complaints Committee and up to two appointed ad hoc members as appropriate. The Complaints panel will submit a written report to the Chair of the Complaints Committee (see C.1.13).

#### **IN THE EVENT OF AN APPEAL, THE FOLLOWING BODIES WOULD BE INVOLVED:**

##### ***The Appeals Coordinator***

The Appeals Coordinator is a full Member of the EAGT, who has been elected by the Meeting of Members. S/he appoints an Appeals Panel of which s/he is a member.

##### ***The Appeals Panel***

The panel will consist of three persons including the Appeals Coordinator, and an independent person as Chair. The decision from this panel is grounded on the guidelines and the Appeals Panel are not dealing with the content of the complaint (see 2.2). This panel determines whether there is a just cause for appeal and will organize and conduct the appeals procedure and report their findings to the Chair of the Complaints Committee, the Complainant and the Member complained against.

##### ***The Executive Committee***

This body will ratify any recommendations and sanctions. The Executive Committee is informed of any complaints and appeals processes in a report which preserves anonymity.

### **C.1 COMPLAINTS PROCEDURE**

**C.1.1** The following procedures are intended to provide a forum for communication, presentation of points of views, investigation, reconciliation and redress in which all parties concerned in a complaint can feel supported and heard. All complaints should be directed to the office manager of EAGT, [info@eagt.org](mailto:info@eagt.org) who will give the complainant anonymity until the ECC have accepted the complaint.

Complaints should be made as near as possible to the time of origin. Potentially there are three stages in the procedures:

1. An informal meeting between the complainant and member complained against, with an independent person(s) to facilitate a dialogue process;
2. A Complaints Panel takes on a formal complaint process in an arbitration\*) meeting;
3. A formal Appeal.

*\*) Arbitration meeting is a formal meeting, where the Complaints Panels role is to form an opinion and make decisions on how to handle the situation.*

**C.1.2** The party complained against must have been a member of the EAGT at the time of the alleged breach in the Code(s) of Ethics and/or Professional Practice. Should the individual member resign his/her membership of the EAGT during the process of a complaint or appeal, the process will continue.

**C.1.3** Complaints concerning legal, statutory or commercial contractual matters are not within the remit of the Complaints Committee. In these cases complaints should be sent to the instances in accordance with the National legislation.

**C.1.4** In the event that there is a grievance or complaint against a member of the EAGT, the complainant will submit his/her complaint in English to the office manager who will send it over to the Chair of the Complaints Committee. The Complaints Committee will determine as quickly as possible if the complaint contains sufficient grounds for a complaint. (See the Code of Ethics.)

**A)** If there are some obscurities, the Chair will refer the complaint to the complainant for further clarification regarding the format and/or the content of the complaint.

**B)** The Chair of the Complaints Committee will record the complaint and will acknowledge the receipt of the complaint to the Complainant and send a copy to the member complained against within seven working days.

**C)** In the event that the Complaints Committee determines that the complaint does not contain sufficient grounds, the Chair will notify the considerations of the Committee to the complainant and the member, and dismiss the case within 14 working days. If the complainant does not accept the decision, it is possible for the complainant to make an appeal.

**C.1.5** If the complaint is accepted the Complaints Committee will contact the complainant and inform the member within fourteen working days to discuss the options and procedures available to the complainant. This Complaints Committee member will, as the first step, encourage the complainant and the member to engage in an informal dialogue in order to come to a mutually satisfactory agreement, as a resolution, and give them the possibility to respond. (When there is a prima facie case of alleged gross professional misconduct the case will be handled as a formal complaint by a Complaints Panel directly.)

**C.1.6** In the event that the dialogue is rejected or does not result in a resolution, the complainant may submit a formal written complaint that is directed to the Chair of the Complaints Committee of the EAGT. The Complaints Committee member who has already been involved will withdraw him/her self from the following process. When the complainant chooses to make a formal written complaint, he/she will pay a fee in advance to EAGT as a deposit (see C.1.16).

**C.1.7** The member complained against and the complainant will be informed that the complaint will now be handled as a Formal Complaint. The member is expected to send a written response to the complaint, within twenty working days of receiving it, to the Chair of the Complaints Committee who will forward a copy to the complainant.

**C.1.8** The Chair of the Complaints Committee will endeavour to appoint a Complaints Panel, which is as impartial as possible. There will be twenty working days granted to this appointment process. If availability of members or other practical considerations will hinder the appointment, this may result in a delay, which needs to be communicated to the parties and an extension of twenty working days granted.

**C1.9** The Chair of the Complaints Panel notifies both parties of the particulars of the arbitration meeting. This would usually involve a face-to-face meeting of the panel with both parties present. When not feasible, the Complaints Panel will determine an alternative form of verbal communication within a reasonable time frame.

**C.1.10** The complainant and the member complained against will each have the right to nominate one advisor/supporter who would be available during the arbitration. Advisors/supporters do not have a role in speaking directly to the Panel but can be present at the meeting.

**C.1.11** The Complaints Panel will take responsibility for ensuring that the arbitration process will be audio taped. The recording and all written material will be returned to the Chair of the Complaints Committee and held until such time as the matter is concluded, when it will be erased or destroyed. All evidence and other written documents and testimony from the Complaints Panel will be stored in compliance with legal regulations (GDPR).

**C.1.12** The Complaints Panel will require all relevant documentation no later than twenty working days before the arbitration meeting so that this can be forwarded to the other party and the Panel.

**C.1.13** The Complaints Panel will send a written report of the arbitration meeting and their recommendations to the Chair of the Complaints Committee within ten working days. Copies of the report will be forwarded by the Chair of the Complaints Committee, to the complainant and the member complained against within one week of receiving it.

**C.1.14** The report will clarify the nature of the complaint, the procedures followed and the outcome of the process for both parties. The Panel's concluding options are:

- that the matter has been resolved to the reasonable satisfaction of all parties and no further action be taken;
- that the complaint is not upheld in any respect;
- that the complaint is upheld in some or all respects. If the complaint is upheld, then the report will include specific statements as to whether each of the alleged breaches of clauses of the Code of Ethics and Practice is upheld. The Complaints Panel may recommend any of the following sanctions, only if the complaint is upheld in any respect:
  - a. additional supervision;
  - b. review of the member's practice;
  - c. further training;
  - d. a formal warning and requiring an undertaking that the member ceases to work in a particular manner.
  - e. Suspension or withdrawal of membership may be recommended in cases of gross professional misconduct, such as active sexual involvement with a client.

The Complaints Panel should stipulate time scales by which sanctions should have been completed.

**C.1.15** The outcome of complaints, which are upheld, will be notified to the Executive Committee by the Chair of the Complaints Committee. Recommendation of suspension or withdrawal of membership will be reported to the Executive Committee for their ratification. The complainant and member complained against will be notified as to whether the complaint has been upheld or not within twenty working days of the Panel meeting. The member complained against will be notified about any sanctions they are required to fulfil and the time schedule required for completion. When the Executive Committee's ratification is required, parties will be notified within ten working days of the Executive Committee's next meeting.

**C.1.16** The process of complaint normally has a fee. This fee, and relevant expenses, will be paid in advance by the complainant and will be paid back by the member complained against in the event the complaint is substantiated. The actual fee is € 300 for complainants from Western European countries and € 150 for complainants from Eastern European countries.

## **C.2 APPEALS PROCEDURE**

**C.2.1** The member complained against and the complainant may appeal against the outcome from the Complaints Panel. A decision to appeal should be sent to the office manager who will refer it to the Appeals Coordinator within fifteen working days subsequent to the receipt of the Complaint Panel's report.

**C.2.2** The appellant is required to give clear and convincing reasons to support his or her opinion that one or both of the following conditions have been met that:

- the outcome of the complaint is inappropriate to the situation.
- the published procedures for managing complaints were not followed to such an extent that the outcome was prejudiced in some way.

**C.2.3** The appeal is considered by the Appeals Coordinator who appoints an Appeals Panel of which s/he is a member. The Appeals Panel's task is to determine whether there is just cause for appeal.

**C.2.4** The process of appeal has the same fee structure as the Complaints Procedure.

**C.2.5** If the appeal is accepted, by the Appeals Panel, the Appeals Coordinator will inform both parties to the appeal. The presence of both parties will only be required at the discretion of the Appeals Panel.

**C.2.6** All the papers and audio recording, which were available during the Complaint Process, will be made available to the Appeals Panel. No additional material, neither verbal nor written, by either party to the complaint, may be submitted.

**C.2.7** During the organization and conducting of the appeal, the members of the Appeals Panel may choose to use a conference link given travel constraints. It is intended that the Appeals Process, once the appeal has been accepted, will be completed within thirty working days.

**C.2.8** The decision of the Appeals Panel will be conveyed in writing within seven working days to the Chair of the Complaints Committee, the Chair of the Executive Committee and the Appeals Coordinator. The Appeals Coordinator will inform the appellant(s) of the outcome within seven working days. This decision will be final and binding for all parties concerned.

**C.2.9** All evidence and other written documents and testimony from the appeal will be stored in compliance with legal regulations.

Changes approved by vote of the EAGT Meeting of Members:

*Belgrade, September 13th, 2008*

*Krakow, September 19th, 2013*

*Taormina, September 19th, 2015*

*Budapest, October 6<sup>th</sup>, 2018*

*Budapest, September 19<sup>th</sup>, 2019*

*Online, September 11th, 2021*

