



GHANA PSYCHOLOGY COUNCIL

NOTE

*The Council is the ONLY Body mandated to license ALL psychologists and
Counsellors (The Profession and Practice) in Ghana*

STANDARD OPERATING PROCEDURE FOR DISCIPLINARY ACTIONS

1. Introduction

Some requirements for disciplinary action in Ghana are based on the principles of natural justice, fairness and reasonableness as provided for in Articles 19 and 23 of the 1992 constitution of Ghana.

Article 19(2) (c) and (e) of the 1992 Constitution catalogues the requirements of fair trial. These requirements include presumption of innocence until one is proven guilty, being made aware of the offence for which one is being tried, being afforded the chance to confront one's accusers, for example examining or cross examining witnesses, right to counsel, being afforded the right to call witnesses in one's defense and the right to be tried by an impartial jury. In other words, the trial should conform to the basic rules of natural justice, which includes the *audi alteram partem* rule; the right to fair hearing before condemnation and no bias or conflict of interest.

Article 23 of the 1992 Constitution provides that "administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by laws and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal".

The investigation procedure used by a Disciplinary committee must comply with the necessary constitutional provisions.

2. Disciplinary Committee

The Disciplinary Committee is subcommittee of the Ghana Psychology Council. The functions of the Disciplinary Committee are to:

- a. Receive and investigate written complaints regarding the misconduct of members.
- b. Make recommendations for imposition of appropriate sanctions where necessary.

3. Complaint Lodging Procedure

- a. Complaint(s) shall be lodged in writing by any member of the public to the Ghana Psychology Council through the Registrar to the Council.
- b. The complaints shall contain the details of the alleged breach of code of ethics and the relevant documentary evidence.
- c. The Registrar of the Council shall on receipt of the complaint present same to the Council which shall after initial discussions of the complaint refer it to the Disciplinary Committee for investigation and recommendation.

4. Pre-requisites for Investigation

- a. The person to be investigated must be a member of the Council
- b. The complainant must be known and ready to give evidence before the Disciplinary Committee.
- c. The subject matter of the complaint must be a matter related to a breach of the code of ethics of the Council.
- d. The subject matter of the complaint must not be a subject of court proceedings.

5. Stages of the Disciplinary Procedure

Verification of Complaint

- a. The Disciplinary Committee shall verify the complaint to ascertain whether the complaint is admissible by determining that:
 - i. The person (s) named in the complaint is/are a member (s) of the Council.
 - ii. The complaint contains issues of breach of the code of ethics of the Council.
 - iii. The Complainant can be identified.
- b. Where upon verification of the complaint, the Disciplinary Committee is satisfied that compliant merits investigation, a copy of the complaint and supporting documents shall be sent to the member requesting for his /her written response to the complaint.
- c. A person against whom a complaint is lodged shall be given a response in writing within two weeks upon receipt of the complaint and supporting documents.
- d. Where the person fails or neglects to give a written response to the complaints, the Disciplinary Committee may proceed to hear the complainant and any witnesses and determine the merits of the complaints and make appropriate recommendations for sanction or otherwise to the Council.

6. Hearing

The Disciplinary Committee shall give opportunity to both the complainant and the member under investigation to be heard and cross-examine each other.

7. Standard of Proof Allegations

The standard of proof of all complaints shall be on the basis of preponderance of probabilities and not proof beyond reasonable doubt.

8. Recommendations to the Council

After hearing of the parties to the complaint, the Disciplinary Committee may make recommendations to the Council for appropriate sanctions namely:

- a. Expulsion from membership (life time)
- b. Suspension from membership with conditions imposed for reinstatement.
- c. Written reprimand with conditions imposed for continuation of membership.
- d. No imposition of sanctions.

9. Appeal/Review

A person who has been sanctioned by the Council may appeal to the Council for review of his/her case on the following grounds:

- a. That due process was not followed.
- b. That new information has emerged which was not available to the Disciplinary Committee at the time a decision was taken (mitigating circumstances)

10. Final Decision

The decision of the Council regarding all disciplinary matters shall be final and not subject to any other authority.