

## **Regulations Governing the SGAP Ombuds Office**

### **1. Legal Basis, Purpose and Responsibility**

- 1.1 Pursuant to a resolution of the General Assembly of June 1, 2002 in Berne, the SGAP shall maintain an Ombuds Office staffed by a woman and a man.
- 1.2 The Ombuds Office is the first point of contact for reporting complaints involving a breach of the Code of Ethics. It facilitates clarification and mediation before a complaint is filed with a sanctioning authority.
- 1.3 An appeal to the Ethics Committee is only possible once a proceeding before the Ombuds Office has failed, by filing, in such a case, permission from the Ombuds Office to file a complaint.
- 1.4 The Ombuds Office is not responsible for complaints involving uncollegial behaviour, particularly not for alleged disparaging or otherwise personally offensive comments about a colleague or unobjective criticism of his/her professional activity. Any such complaints shall be filed directly with the Ethics Committee.
- 1.5 Persons seeking advice are free to choose which of the two ombudspersons they wish to contact.

### **2. Duties**

- 2.1 The Ombuds Office shall provide information about the SGAP Code of Ethics, about the possibilities of making a complaint involving a suspected breach of ethics and about the process of potential proceedings.
- 2.2 In an informal negotiation it will attempt to bring about an amicable solution between the parties to the conflict.
- 2.3 The Office shall prepare an annual anonymized activity report for the SGAP General Assembly.

### **3. Requirements for Use of the Services**

- 3.1 Patients or colleagues complaining of misconduct on the part of a member must provide the Ombuds Office with a release of this member from his/her duty of confidentiality as a therapist. The Ombuds Office will not intervene with respect to complaints without such a release.
- 3.2 The Ombuds Office is subject to a duty of confidentiality about all aspects of the proceeding conducted by it.
- 3.3 The parties involved undertake not to commence any legal proceeding or to advise any third parties about the conflict during the period in which mediation efforts are carried out by the Ombuds Office.
- 3.4 The mediation efforts of the Ombuds Office are free of charge for all parties involved.

#### **4. Proceedings Before the Ombuds Office**

- 4.1 Once a complaint has been referred to an ombudsperson, that person shall contact in a timely and appropriate manner the persons involved in the conflict, listen to the concerns of both parties to the conflict and the facts alleged by them, suggest a settlement proposal and seek an amicable solution between the parties.
- 4.2 The ombudsperson shall document clarification of the facts, the progress of the mediation and the reactions of the parties involved to the recommendations of the ombudsperson. The proceeding is not documented. Files will be destroyed 12 months following conclusion of the Ombudsman's proceeding.
- 4.3 The ombudsperson shall provide written notice to the parties involved of the result of the mediation. If no objection is raised by either of the parties to the conflict, the written mediation result shall be deemed to have been accepted on the expiry of 30 days following the date it was delivered.
- 4.4 If an objection is raised against the mediation result, the ombudsperson shall attempt to clear the differences through contact by telephone or in writing or in a further meeting with the parties to the conflict.
- 4.5 If mediation fails, the ombudsperson issues permission to file a complaint. With this, the party making the complaint may reach the Ethics Committee within three months.
- 4.6 In the event of any bias on the part of an ombudsperson, this person shall abstain from any involvement (cf. Rules of Procedure, section 9.1).
- 4.7 In all other respects, the procedural principles and the procedures contained in the Rules of Procedure of the Ethics Committee shall apply by analogy to the extent expedient.

#### **5. Entry into Effect**

- 5.1 These Regulations shall enter into effect following adoption of the resolution of the General Assembly of May 13, 2017.