



## Occupational Therapy Association of South Africa (OTASA) Standing Orders: Ethics Queries

### Basis for this Process

In terms of the OTASA Constitution, [Article 2.3] the Executive Committee of OTASA is empowered to authorize any person or persons to act on behalf of the Association and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

### Accessibility of this Application of this Process

This process applies to: [e.g. all queries relating to matters of professional ethics, whether lodged by an OT member, a non-OTASA member, another healthcare professional or a patient/client]. Findings can only be made against persons who are members of OTASA.

### Process and its accompanying forms and documents

This process will be made public on the OTASA website, will be available at all branches and OTASA groups, and will be forwarded to all persons indicating that they wish to lay an ethical query or complaint.

### Definitions/Glossary:

“Administrative Justice” means adherence to principles of procedural and substance fairness, and includes, amongst other principles, the independence of decision-makers, to hear both sides of a complaint, or in the case of a query, what such query entails, to interrogate facts, to seek further information and to weigh all evidence and arguments, whilst applying one’s mind to the matter, free from outside influence or extraneous considerations;

“Ethics” means the binding ethical rules of the HPCSA as published and updated in the Government Gazette from time to time, and includes instances of alleged unprofessional conduct, conduct or omissions that are not appropriate as part of OT practice, as well as misconduct. It also includes any rule set by any of the HPCSA Policies and Guidance documents as set out in the so-called HPCSA “Booklet” series, as all of these could constitute grounds on which the HPCSA could take action against a practitioner.

“Ethics Chairperson” means the person duly appointed by OTASA to serve as the chairperson of the Committee empowered to deal with ethics complaints and queries.

“Ethics Committee” means the Committee duly appointed and empowered by OTASA to hear and adjudicate on ethics complaints and to make pronouncements on ethics queries directed to it, which comprises the Ethics Chairperson, the OT Consultant, an appropriate number of ethics branch representatives and at least two persons who are deemed to be experts in the specific matter at hand.

“Ethics query” means a question of ethics that a person may have that would guide that person in taking the appropriate action or refraining from certain behaviours pertaining to ethics.

“Ethics complaint” means a complaint relating to the acts or omissions of an occupational therapist, and which relates to ethics.

“frivolous” means a complaint or query that is of little substance or weight, which is trivial and/or without a sound basis in ethics.

“*functus officio*” means that the Ethics Committee has already fulfilled its functions in making a decision on a matter.

“OTASA” means the Occupational Therapy Association of South Africa, a voluntary membership organisation representing occupational therapists, operating in terms of a Constitution.

“OT consultant” means the person designated by the OTASA Exco to oversee and/or provide support to the Ethics Committee, and serve as a member of the Ethics Committee.

“vexatious” means a complaint or query which is brought, regardless of its merits, solely to harass or subdue another. It may also include the repetitive, burdensome, and unwarranted filing of meritless complaints or queries in a matter which is otherwise a meritorious complaint or query.

## <sup>1</sup>PROCESS FOR AN ETHICS QUERY:

Please follow this step-by-step process.

### **Purpose of this process:**

To notify OTASA's Ethics Committee of a query relating to ethics, and to request that OTASA's Ethics Committee make a pronouncement and/or render an opinion on the specific query, and to govern the process of obtaining, and providing such a pronouncement or opinion.

### **Process:**

1. Complete the relevant form (Template 1: Ethics Query) with all supporting documentation listed and clearly marked.
2. Send the duly completed form and the supporting documentation to the OT Consultant at the OTASA office. (consultant@otasa.org.za)
3. The OT consultant will acknowledge receipt of the form and documents and allocate a reference number to the ethical query (EQ no/month/year).
4. The OT consultant will convene the Ethics Committee within 1 to 2 weeks, or as soon as is practicable, to consider the matter. Such meeting may take place in an electronic format, or by round-robin comments or decision-making.
5. The Ethics Committee may hold the matter in abeyance, pending the obtaining of further information, or by providing the respondent in the case of a complaint, with information relating to the complaint and to allow such respondent adequate time to reply to the complaint.
6. The Ethics Committee may rule that a specific ethical query is frivolous or vexatious or relates to a matter over which the Committee has already decided and are therefore *functus officio*.
7. There is no right of appearance in person at the Ethics Committee, but affected parties may make submissions and replies in writing.
8. The Ethics Committee will deliver its opinion, pronouncement or ruling within 2 weeks after the final convening of the Committee on a particular matter, which will include the evidence considered, ethical rules applied and the reasons for the decision.
9. Although OTASA discourages anonymous ethics queries, any person wishing to do so, is waiving his or her right to make further submissions, or to be informed of the outcome of the matter.
10. The Ethical Peer Review Committee will make known its finding on the matter to both parties within a 1 - 2 week period, depending on the nature of the query. The finding must include adequate reasons as to why the finding is deemed to be appropriate.
11. The findings of the Ethics Committee may include a recommendation to OTASA that a member be suspended, subjected to disciplinary processes, placed under mentorship or ethics guidance by another OTASA member of good standing or otherwise appropriately sanctioned. The Ethics Committee may also refer matters to the HPCSA or other appropriate bodies, such as the CMS, OHSC, Consumer Commission, the OT's employer, and so forth, as may be appropriate, to further and in terms of such a body's jurisdiction, deal with the matter.

12. All records pertaining to Ethical Complaints and Queries will be securely and confidentially stored. All members of the Ethics Committee are bound by the duty to hold all complaints and queries, and all its work, in the strictest of confidence.
  
13. The Ethics Committee may publish the outcome of matters to the general membership, or to specific OTASA structures, so as to guide on how ethical principles are to be applied. Such publication will not include any names or details that will reveal any person or entity involved in the matter.

**(NEXT PAGE: TEMPLATE ETHICS QUERY FORM)**

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	<p>Attachment 3: Title: Date:</p> <p>Attachment 4: Title: Date:</p> <p>Attachment 5: Title: Date:</p>
<p>Other affected persons or entities, who the Ethics Committee might need to approach (please also include their contact details) to assist in addressing this complaint or query</p>	<p>Name &amp; surname or entity name (whichever is applicable):</p> <p>Designation or position of person:</p> <p>Contact details:</p> <p>Reason why this person or entity may be of assistance in this matter:</p>