

APPENDIX H

TERMS OF REFERENCE FOR THE WPA REVIEW COMMITTEE

THE MANDATE OF THE WPA REVIEW COMMITTEE:

In accordance with the WPA Statutes, the Review Committee's specific purposes are to review complaints, to initiate investigations on the violation of the ethical guidelines for the practice of psychiatry as stipulated in the WPA ethical guidelines, i.e. the Declaration of Madrid and its additional guidelines, and to make recommendations on courses of action to the WPA Executive Committee.

In fulfilling this mandate the WPA Review Committee will work closely with the WPA Ethics Committee and seek its advice in all matters of ethical concern.

STRUCTURE AND FUNCTIONS OF THE WPA REVIEW COMMITTEE:

- 1) The WPA Review Committee shall limit itself to considering alleged violations of the WPA ethical guidelines, i.e. the Declaration of Madrid and its additional guidelines.
- 2) The WPA Review Committee, specifically and the WPA in general, shall promulgate and distribute information on the Declaration of Madrid to other relevant organizations.
- 3) The WPA Review Committee shall establish its own rules of procedures to be approved by the Executive Committee and incorporated in the Manual of Procedures of the WPA.
- 4) Any procedure approved for the operation of the WPA Review Committee, may subsequently, be extended or amended in the light of experience.
- 5) The membership of the WPA Review Committee shall be representative of cultural and linguistic diversity of WPA and its Members. Committee Members will have an expressed knowledge and interest in the ethical aspects of psychiatry. Members will be appointed for a 3 year period, which might be renewable for a second 3-year period.
- 6) The members of the WPA Review Committee shall serve in their personal capacity.
- 7) The Chairperson of the WPA Review Committee will report to the WPA Executive Committee.
- 8) There shall be a Co-Chairperson who will assist the Chairperson in the work of the WPA Review Committee.
- 9) The WPA Review Committee may delegate one or more of its members to carry out any task connected with the investigation of a complaint brought before it.

- 10) The WPA Review Committee shall meet, as the circumstances require, and meetings shall be convened by the chairperson.
- 11) Decisions of the WPA Review Committee shall be taken by a majority vote of the members voting.
- 12) The WPA Review Committee may only consider complaints submitted within 12 months after the termination of the situation or where the complainant has not received a satisfactory resolution of the problem.
- 13) The WPA Review Committee shall work in close collaboration with the WPA Member Societies, WPA Affiliated Member Societies, and WPA Zone Representatives in the review of cases.
- 14) The WPA Review Committee shall, on an ad hoc basis, have access to legal advice on specific issues, but not on general issues, from legal experts available to the WPA (i.e. from WPA Sections or a member of the International Association of Medicine and Law).
- 15) The WPA Review Committee shall develop collaboration with the ombudsman, patients' advocate or similar bodies, if any, in the complainant's region or the region under investigation. Furthermore, the WPA Review Committee shall contact these bodies, as appropriate, wherever such institutions are available.
- 16) The WPA shall allocate a reasonable amount of resources for the activities of the WPA Review Committee.

PROCEDURE FOR REVIEW:

1. Periodically, a notice should be published in *WPA News*, and a letter from the President of the WPA, should be sent to all constituent member associations and placed on the WPA Website (*WPA Online*), that complaints about member societies or individuals, should be referred to the Secretary General through the WPA Secretariat.
2. The WPA Review Committee shall consider individual and/or systemic complaints of violation of the WPA ethical guidelines, i.e. the Declaration of Madrid and its additional guidelines that are submitted either through a WPA Member Society, any WPA officer, including Review Committee members, by a complainant or by a professional body acting on behalf of the complainant.
3. The WPA Secretary General, through the Secretariat, should log in the complaint, notify the Chair of the Review Committee of the complaint, and forward the documents to the Chair, keeping a copy. At the same time, the WPA Secretary General, through the Secretariat, should

forward a letter to the complainant indicating that the complaint had been received and is being forwarded to the Review Committee.

3. The Chair of the Review Committee will assess the complaint, then if it seems necessary, will refer it to a member of the Review Committee to begin an initial investigation.
4. The following information is considered necessary for the WPA Review Committee's investigation of a complaint,
 - a. regarding the specific case:
 - case history or a summary of a case history
 - information on the legal formalities related to psychiatric admission or discharge
 - judicial or medical decisions, if any, regarding the specific case
 - the actual complaints and allegations
 - b. general information (cf. The Declaration of Madrid, Item 1) on:
 - the Mental Health Act or Mental Health Ordinance of the region
 - the mental health service delivery system
 - level of funding to mental health and priority setting
 - relevant local legal regulations, and
 - c. on a case by case basis:
 - other relevant information considered necessary to evaluate the case.
5. A complaint cannot be subject to investigation by the WPA Review Committee while there is a pending legal process or legal procedures have been instituted by the complainant concerned, a WPA Member Society or a professional body acting on behalf of the complainant.

Depending upon the court decision, the WPA Review Committee may subsequently consider the case.

The WPA Review Committee may, however, decide to bring such cases to the attention of the WPA Executive Committee and recommend that actions be taken despite the ongoing legal process.

6. In consultation with the EC, the Review Committee member assigned to the case and the Review Committee Chair, will countersign a letter to the WPA member organization involved in the complaint. Replies are to be sent to the Secretary General, logged in the Secretariat, and then forwarded to the investigating Review Committee member.
7. If, in the view of the investigating RC member, the complaint warrants further investigation, it will be placed on the agenda of the next RC meeting. A letter will be forwarded to the

Member Society or other type of member involved indicating that preliminary investigation has resulted in the complaint being taken to the full committee.

8. If the full Review Committee, in majority, agrees that further investigation is required, the investigating member will take the lead.
9. Upon receipt of a consent form and further information, the WPA Review Committee shall decide as to whether it is a case of violation of the WPA ethical guidelines.
 - a. If it is decided that it is not a case of violation of the WPA ethical guidelines, i.e. the Declaration of Madrid and its additional guidelines, the complainant will receive a letter stating this and explaining why, and, if appropriate, the WPA Member Society or professional body in question will be informed that the allegations brought forward to the WPA Review Committee are considered unsubstantiated or beyond the mandate of the WPA Review Committee. The WPA Member Society or professional body will not be asked for any comments.
 - b. If the WPA Review Committee considers that the information available is sufficient to constitute a violation of the WPA ethical guidelines, letters will be sent to:
 - the relevant WPA Members Society, if any, and WPA Zone Representative for further comments
 - the relevant professional body acting on behalf of the complainant for further comments
 - the ombudsman, or other appropriate body, if any, in the region concerned for collaboration and comments
 - the complainant, informing about the steps to be taken
 - i. If the above-mentioned bodies respond, the WPA Review Committee will study the responses, and if they are found sufficient, send its recommendations to the WPA Executive Committee for actions to be taken, and thus consider the case closed.
 - ii. If the above-mentioned bodies do not respond, or if the information received is considered insufficient, the WPA Review Committee may subsequently write to other relevant societies or organizations for information or comments.
 - iii. If it is not possible to receive sufficient information in order to decide whether a violation of the WPA ethical guidelines has taken place, a site visit may be recommended.
 - c. If a full investigation leads to the conclusion that there has been a violation, a recommendation for action will be made to the Executive Committee. Actions taken in consonance with specifications of the Statutes and By-Laws may be the following:
 - i) Education plan to correct the problem.

- ii) Reprimand with a request for corrective action and documentation that such action has been taken.
 - iii) Probation – with presentation of corrective plan for approval, then, once approved implementation of plan with WPA supervision and support.
 - iv) Suspension of membership after consultation with the Board and the Council.
 - v) Expulsion recommendation to be presented by the Executive Committee and Board to the General Assembly for a decision.
- d. The WPA Review Committee’s investigation of a case is limited within the amount of resources allocated by the WPA for the activities of the WPA Review Committee.
10. In cases where circumstances do not permit that informed consent be obtained, the WPA Review Committee may bring the case to the attention of the WPA Executive Committee for consideration of actions to be taken.

TIME LIMIT FOR RESPONSE:

WPA Member Societies, WPA Affiliated Member Societies, WPA Zone Representatives and other organizations shall be usually given a 2 months' time limit for response. All things considered, an effort should be made to allow for sufficient time to study a case; on the other hand, it is advisable to have the case finalized within a year.

CONFIDENTIALITY:

All proceedings before the WPA Review Committee are confidential. No information shall be given to external bodies, the media or the general public, and no other external action shall be taken without the approval of the WPA Executive Committee or General Assembly, as appropriate. The material and discussions of the Review Committee should be protected from release not approved by the EC.

ANNUAL REPORT:

The WPA Review Committee will prepare an annual report of its activities to the WPA Executive Committee, stating the number of cases that have been brought before the WPA Review Committee and the results of their investigations.

SITUATIONS WHERE NO MEMBER SOCIETY EXISTS:

As the WPA Review Committee works on behalf of the WPA, its appropriate area of work is with WPA Member Societies. Complaints submitted from regions where no WPA Member Society exists, will have to be dealt with in cooperation with the corresponding WPA Zone Representative. Such cases will have to be dealt with on a case-by-case basis, in the manner that the WPA Review Committee finds most appropriate.