



## COMPLAINT & DISCIPLINARY PROCEDURE

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**PKPASA**

PROFESSIONAL KINESIOLOGY PRACTITIONERS  
ASSOCIATION of SOUTH AFRICA

 [www.pkpasa.co.za](http://www.pkpasa.co.za)

## 1. Purpose

The purpose of this code is to uphold the highest standards of Professional and Specialised Kinesiology practice, in accordance with the Constitution and the Rules and Regulations of the Professional Kinesiology Practitioner Association of South Africa (PKPASA).

## 2. Objectives

To ensure that registered members of the Professional Kinesiology Practitioners Association of South Africa (herein after referred to as PKPASA) are aware of the disciplinary rules governing their membership as well as to describe the action which may be taken by PKPASA should a member breach any rule(s) and or deviate from appropriate behaviour.

The aim is to correct unacceptable behaviour, improper practice or the transgression of PKPASA's rules by any of its members.

The procedure followed shall always attempt to adopt a progressive approach in dealing with such an alleged transgression. This will mean:

- maintaining harmony and understanding in the Professional Kinesiology Practitioner Association of South Africa
- setting the highest standards of practice for members
- full and open communication between all parties, where applicable
- adopting an inquisitive, rather than accusatory, method in all discussions and meetings.

## 3. Scope

Any member of the public, as well as any member of the Professional Kinesiology Practitioner Association of South Africa, may identify possible improper behaviour or transgression of the Constitution, the Rules and Regulations and/or the Members Code of Conduct by another member, including a student or affiliate member.



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## 4. Transgressions and sanctions

### 4.1. Transgressions will be classified as follows:

- Minor Transgression
- Serious Transgression
- Severe Transgression

### 4.2. Sanctions will be classified as follows:

- Verbal warning, within 14 days of the initial case discussion (ICD)
- Written warning, within 14 days of the ICD
- Immediate disciplinary hearing, within 21 days of the ICD
- Immediate suspension/cancellation of membership of the Professional Kinesiology Practitioner Association of South Africa. Suspension and cancellation to be announced on website.

### 4.3. Remedial procedures

- Corrective counselling, this will take place with all relevant parties within 21 days of the ICD
- Corrective arbitration, with all relevant parties within 21 days of the ICD
- Corrective training, this will begin within 21 days of the ICD.

## 5. Procedure

### 5.1. Step 1: Gathering the facts

- The complainant should be encouraged to put their complaint in writing. Complaints can be heard over the phone, but will not be addressed unless PKPASA gets a written version. PKPASA shall provide the complainant with a form to fill in.
- Receipt of the written complaint should be acknowledged within 2 working days. If additional information is required, the Chairperson must contact the complainant within that timeframe.
- The complaine then needs to be contacted, within seven (7) days of the complaint being received, so that we can get their version of the situation, which should also be in writing. PKPASA shall provide the complaine with a form to fill in. PKPASA may ask for the kinesiologist's records and balances.



## **5.2. Step 2: Initial Case Discussion within the PKPASA committee**

- The Chairperson must concurrently discuss the transgression with the other members of the committee within seven (7) days of receiving it. This will be the Initial Case Discussion (ICD). The content of this discussion should remain strictly confidential.
- Based on the facts, PKPASA will decide which level of transgression the situation corresponds to.

**NB:** The table below acts as a set of guidelines. PKPASA's priority in case of dispute will always be to fix the relationship between the complainant and the complainant, through discussion, arbitration and/or training, as appropriate. The sanctions mentioned in this table will be acted upon if the attempted resolution through the aforementioned method fails to be effective.

<b>Transgression</b>	<b>Description</b>	<b>Severity</b>	<b>Sanction</b>	
<b>Absenteeism and Time-Keeping</b>				
Poor timekeeping / late coming for appointment	Reporting late for an appointment without prior notice	Minor	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> 5 <sup>th</sup>	Verbal Warning Written Warning Final Written Warning Suspension of membership Cancellation of membership
Leaving an appointment early	Needing to leave an appointment early without prior notice to client	Minor	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> 5 <sup>th</sup>	Verbal Warning Written Warning Final Written Warning Suspension of membership Cancellation of membership
Deliberate time wasting or working slow during a session	Time not spent for client benefit / abuse of client's time	Serious	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written Warning Suspension of membership Cancellation of membership
Unprepared for client when client arrives	Practice is not set up for client by the time the client arrives for the appointment	Minor	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> 5 <sup>th</sup>	Verbal Warning Written Warning Final Written Warning Suspension of membership Cancellation of membership
Failure to inform client in good time of absence	Not informing client in good time that the practitioner will not be able to make the appointment	Serious	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written Warning Suspension of membership Cancellation of membership
<b>Attitude and Behavioural</b>				
Disrespect	Display of behaviour that constitutes a lack of respect, esteem and courteous behaviour towards a client / individual	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership



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Insolence	A wilful display of arrogance, cheekiness, rudeness, insulting, use of abusive / vulgar language, signs and / or bold and intimidating behaviour towards a client / individual	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Discrimination	Promoting or engaging in racist incitement of being racially abusive or engaging in discriminatory behaviour based on sex, creed, political beliefs, sexual orientation or the like, including jokes of this nature	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Negligence in carrying out of duties	Failure to exercise the standard / quality of service / care that could reasonably be expected from a qualified practitioner	Serious	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written Warning Suspension of membership Cancellation of membership
Under the influence of intoxicating drugs	Being under the influence of intoxicating drugs and or alcohol during appointment	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Assault / Fighting (Actual, Attempted or Threatened)	Physically harming or displaying behaviour / actions that constitute a threat of harm directed towards a client / individual. These actions could be verbal or physical	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Harassment of any form	Displaying behaviour / conduct of harassment, including sexual harassment, unsolicited sexual behaviour, innuendo, suggestion or gesture and other inappropriate behaviour of a sexual nature that is offensive and unwanted	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Breach of confidentiality	Unauthorised disclosure of client or any other information	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Harming the organization-client trust relationship	Any actions / improper conduct that can lead to the demise of the client's trust relationship with Kinesiology and PKPASA	Serious	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written Warning Suspension of membership Cancellation of membership



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Health and Safety				
Poor housekeeping	Contributing to or creating unhygienic and unsafe working conditions	Serious	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	Written Warning Suspension of membership Cancellation of membership
Unsafe practices	Intentional or negligent misconduct or unsafe practices causing or allowing any condition or situation that did or could endanger the general safety or health of the client or other persons	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Injury	Causing injury to a client / individual	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Theft and Dishonesty				
Dishonesty	Disposed to lie, cheat, defraud, or deceive resulting from or marked by a lack of honesty / making false statements or omitting information and or falsification of records / documents	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership
Theft	Unauthorised removal of a client's / individual's personal property and or attempted theft	Severe	1 <sup>st</sup> 2 <sup>nd</sup>	Suspension of membership Cancellation of membership

- The procedure that will follow the ICD will depend on the nature and severity of the alleged transgression. PKPASA will also decide whether it is necessary to meet with the parties or whether it will be possible to settle the matter via email. If it is necessary to meet with any of the parties, two PKPASA members need to be present and the person interviewed may have somebody with them as well, for support.
- No contact should be allowed between the complainee and the complainant for the duration of the procedure. If the complainant is a client and the complainee the client's kinesiologist, then all appointments made by the client with the Kinesiologist must be cancelled.
- In the case of a serious offense, the complainant should make a statement under oath, in an affidavit.



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### **5.3. Step 3: Second Case Discussion**

During the Second Case Discussion, which could be the Final Case Discussion, the Committee will decide on the corrective course of action to be followed (See section 4.2).

At the Second and possible Final Case Discussion, the Committee will determine the timeline to be followed as well as the nature of all correspondence and corrective action to be taken. The nature of which will be reasonable and fair and in accordance with the Professional Kinesiology Practitioner Association of South Africa Constitution and the Rules of Natural Justice.

A Case Book will be kept at all times. This book will keep all records of the abovementioned correspondence, discussions and meetings. The Case Book will form part of the precedents to follow for the Committee in all future decisions of transgressions.

## **6. Forms**

These include, but are not limited to:

- Complaint Form
- Notice of Complaint to Member
- Verbal Warning
- Written Warning
- Disciplinary Hearing
- Notice of Membership Cancellation
- Corrective Counselling
- Corrective Arbitration
- Corrective Coaching and Training