

Complaints and Grievances Procedure

This policy is relevant in cases of:

- Complaints by clients of professional misconduct by members of the Bath Centre for Psychotherapy & Counselling Association.
- Complaints made by bcpc students against bcpc trainers or supervisors.

Please note:

- The term 'practitioner' covers counsellors and psychotherapists in this document.
- Time limit for complaints is 3 years from the date of the events complained about.
- All written material relevant to the case should be dated.
- In the event that a potential complainant only attains an ability to complain after the 3 year limit has lapsed, s/he may request the bcpc Board of Directors to grant permission to initiate the Complaints and Grievances Procedure.
- A complaint is a claim by a client that one of the Codes of Practice has been breached by a member of bcpc or by the organisation.
- A grievance is a claim by a member or student of bcpc that one of the Codes of Practice has been breached by another member of bcpc or by the organisation. The Codes of Practice are based on the Code of Ethical principles.

1. Preparatory Consultations

- 1.1. Anyone wishing to complain may have preliminary and confidential discussions on matters of procedure with any member of the Standards & Ethics Committee. The aim of the discussions is to give the prospective complainant information about procedures and to encourage them to attempt to resolve the issue with the practitioner concerned. They should be given a copy of the Complaints and Grievance Procedure and Statement of Ethical Principles and Code of Practice.
- 1.2. BCPC aims to be equally fair to both parties in the processing of any complaint or grievance. Whether the person making the complaint or the person complained against, the experience can be a stressful one. For this reason, BCPC encourages full use of the informal phase, which includes a mediation service.
- 1.3. There are two phases in the Procedure:

Informal - when information and advice can be gathered, the options considered and a Mediation service offered.

Formal - when the Standards & Ethics Committee consider the viability of a written complaint, and if it complies with category 2c of the Procedure, agree to appoint a Process Manager available for the guidance of all parties through Conciliation, Adjudication and if necessary, Appeal.

2. Informal Phase

- 2.1. The chairperson or any member of the Standards & Ethics Committee may be approached for Advice concerning the process of making a complaint.
- 2.2. Requirements: complaints and grievances must be specific in naming individuals, detailing the action that took place and the context within which it took place. The details should be as specific as possible in time and place, and specifying in what way the complainant feels that this breached the relevant Code of Practice, or in the case of an internal grievance, any relevant Contracts or Agreements.
- 2.3. The recorded complaint should be sent in writing to the Chairperson of the Standards and Ethics Committee, or her/his appointee. It will be presented to members of the Standards and Ethics Committee, who will affirm that there is adequate detail to constitute a complaint or grievance.
- 2.4. If there appear to be complications in formulating the nature of the complaint, the committee can offer someone to act as advisor in this process.
- 2.5. Once the full complaint/grievance has been accepted, the Chairperson, or her/his appointee, will ensure that all parties named are notified of the complaint/grievance against them, but that the process is still in its Informal Phase and therefore potentially open to mediation.
- 2.6. If the complainant has had difficulties in talking directly with the person(s) complained against, the Standards & Ethics Committee can support this process and if both parties agree, provide an informal mediation service. Mediation at this stage in no way prejudices the possibility of a formal complaint.
- 2.7. If the complaint/grievance as finally formulated is still unresolved through the Informal Phase, then the process will enter the Formal Phase and the Chairperson of the Standards and Ethics Committee, or her/his appointee, will appoint a Process Manager to co-ordinate the process for all parties.

3. Formal Phase

3.1. In order to proceed to this phase, all complaints or grievances must be formulated as specified in paragraph 2.2 Requirements.

In particular, they must also be:

- a) written, signed and dated by the complainant;
- b) the member about whom the complaint is made is named and was a member of the BCPC Student and Professional Register (or BCPCA pre. November 1999), at the time of the alleged cause for complaint.

3.2. If these conditions are met and the Committee is satisfied that all possible stages of the Informal Phase have been completed, then the Chair of the Standards & Ethics Committee, in consultation with Committee members, will appoint a Process Manager. The Process Manager is responsible for co-ordinating the Formal Phase in the interests of all parties involved. At this stage the Standards & Ethics Committee will inform those parties complained against (hereafter called the Respondent) that the Complaint/Grievance has entered the Formal Phase.

4. Conciliation

4.1. The aim of the conciliation process is to record areas of agreement and disagreement between the parties involved in the complaint and recommend one of the following ways forward to the Standards and Ethics Committee.

- a) the possibility of a resolution
- b) the need to progress to Adjudication
- c) here is no basis for the complaint to proceed.

4.2. The Chairperson of the Standards and Ethics Committee will appoint a conciliator, this maybe the Process Manager or someone else, to act impartially to investigate the Complaint. Both parties need to agree to the conciliation process and the conciliator must be acceptable to both parties.

4.3. The conciliator will arrange to meet with both the parties, either separately or together, as soon as practicable and ascertain whether or not a resolution is possible. If it is the conciliator will help the participants reach a resolution. Both parties may bring a supporter with them.

4.4. Following the meeting(s) the Conciliator will write detailing the nature of the investigation and the outcome to the Chairperson of the Standard and Ethics Committee. The Committee will consider the report and will notify both parties on whether or not the matter has been terminated, resolved or will be taken to adjudication. The conciliation process should be concluded within a 20 working days where practicable.

- 4.5. Only in exceptional circumstances will a complaint go straight to the Adjudication stage and miss the Conciliation stage. In the event that a full mediation process was entered into in the Informal Phase but without resolution, the Committee may decide that the Conciliation stage be omitted.

5. Adjudication

- 5.1. After the Standards and Ethics Committee have considered the findings of the conciliation process, they will appoint two people to comprise an adjudication panel, these will include one Graduate member of BCPC who, where possible, has no direct contact with the complainant and the other a qualified psychotherapist or counsellor who is external to BCPC and has no knowledge of either party. In addition, the panel will be chaired by a member of the Standards and Ethics Committee. The composition of this panel must be agreed by both parties but the proposed members of the panel can only be vetoed for clear professional or prejudicial reasons. The panel of 3 shall be appointed within 10 working days and the Adjudication enquiry should take place within 25 working days.
- 5.2. Adjudication exists to examine complaints in a formal manner, decide on their validity and determine sanctions as appropriate. It is a formal meeting and the panel are responsible for ensuring that the proceedings are conducted in a manner which shows due regard to the gravity of the situation and to considerations of confidentiality.
- 5.3. Written evidence or submissions must be submitted by both parties and any relevant submissions from witnesses. Submissions must be received not less than 15 working days prior to the date fixed for the Adjudication meeting. This written material will be circulated to Panel members and both parties not less than 10 working days prior to the meeting.
- 5.4. The Panel will usually hold a meeting with both parties present but they may meet separately. Both parties may be accompanied by a supporter to assist in their presentation. The Panel may invite witnesses to attend and to speak to and answer questions about their written submissions.
- The meeting will normally follow the procedure below:
- a) a summary of the complainant's case is made
 - b) a summary of the respondent's case is made
 - c) the complainant and/or representative puts questions, through the Chairperson to the respondent
 - d) the respondent puts questions through the Chairperson to the complainant
 - e) Adjudication panel members may then seek clarification from the Complainant and/or respondent.

- f) When the Chairperson is satisfied that the Panel has gained all the clarification required, the Chairperson summarises the case and the panel asks all members to withdraw.

The meeting/s must be accurately minuted or taped. The Panel will consider their findings and send their report to the Standards and Ethics Committee within 10 working days, with their findings and recommendations for any sanctions to be imposed.

6. Findings and Sanctions

6.1. The Standards and Ethics Committee is responsible for the final decision, which must be arrived at within 15 working days of the enquiry. In serious cases, it is BCPC's first responsibility to protect the public and the complainant in question. If the complaint is upheld it also has a responsibility to consider the needs of the practitioner before deciding what action to take, and in particular in an extreme case whether to suspend membership of BCPC. The Committee's decision and recommendations must be communicated to both parties within 5 working days. The Committee must clearly state each separate breach of ethics and failure to meet expected standards and the required action and/or penalty for each.

6.2. Any of the following sanctions may be imposed:

- a) Requirement to improve /change in a specific way various activities of the practitioner's professional practice under an agreed supervisor for a specific period.
- b) Continued suspension of practitioner's professional rights as outlined above for a specific period until conditions specified by the Standards and Ethics Committee have been satisfied.
- c) Removal from the Student and Professional Register of BCPC and, if the member is a psychotherapist, termination of Registration with UKCP. The UKCP will be informed of the outcome of all complaints against psychotherapists.

6.3. The UKCP/HIPS Registration Board will be informed of the outcome of all complaints.

7. Time boundaries/Confidentiality

Time boundaries and the rules of confidentiality must be clarified and strictly adhered to throughout. Where possible procedures should be followed more quickly. Where time boundaries can not for good reason be adhered to this should be clearly explained to both parties.

8. Travel Costs/Expenses

BCPC is not responsible for travel or any other expenses incurred either by the complainant or the respondent in connection with any stage of the complaint.

9. Fitness to Practice

If there is general concern about the professional practice of a fellow graduate on the BCPC Student and Professional Register, one graduate can write to the chair of the Standards and Ethics Committee with their concerns.

10. Addition to the Complaints procedure

After the complaints procedure has been completed, the parties involved would be asked to give feedback on the process.

Amended April/Sept. 1996, adopted at AGM Nov. 1996

Amended July 1998 Standards & Ethics Committee in consultation with UKCP

Amended July 1999 Standards & Ethics Committee & adopted at AGM Nov.1999

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